



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

DELAWARE STATE SENATE

143RD GENERAL ASSEMBLY

SENATE BILL NO. 10

JANUARY 27, 2005

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2006; 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; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; AND 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 2006 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 2006 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, 2008, shall be subject to reversion or
6 reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2006 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	LIVABLE DELAWARE INFRASTRUCTURE FUND	TOTAL
OFFICE OF MANAGEMENT AND BUDGET							
800 MHz	10-02-05	\$ -	\$ -	\$ -	\$ 19,000,000	\$ -	\$ 19,000,000
Local Law Enforcement Technology and Education Fund	10-02-05	-	-	-	1,200,000	-	1,200,000
Delaware Geological Survey Vehicle	10-02-05	-	-	-	170,000	-	170,000
Advanced Planning Fund	10-02-05	-	-	-	-	500,000	500,000
Technology Fund	10-02-05	-	-	-	7,000,000	-	7,000,000
Minor Capital Improvement and Equipment	10-02-50	-	-	-	2,820,000	-	2,820,000
Environmental Compliance (UST/Asbestos/Other)	10-02-50	-	-	-	1,200,000	-	1,200,000
Architectural Barrier Removal/ADA	10-02-50	-	-	-	150,000	-	150,000
Kent County Court Complex	10-02-50	8,000,000	-	-	-	-	8,000,000
Townsend Building Improvements	10-02-50	-	-	-	500,000	-	500,000
Belvedere State Service Center	10-02-50	-	-	-	500,000	-	500,000
<i>Judicial Projects</i>							
Minor Capital Improvement and Equipment	10-02-50	-	-	-	1,000,000	-	1,000,000
<i>Department of State</i>							
Minor Capital Improvement and Equipment	10-02-50	-	-	-	750,000	-	750,000
Old State House/First State Heritage Park (Dover)	10-02-50	-	1,500,000	-	-	-	1,500,000
Veterans Cemetery Renovations	10-02-50	-	300,000	-	-	-	300,000
<i>Department of Health and Social Services</i>							
Minor Capital Improvement and Equipment	10-02-50	-	-	-	3,123,000	-	3,123,000
Holloway Campus Master Plan	10-02-50	-	-	-	3,250,000	-	3,250,000
Stockley Medical Center	10-02-50	12,866,900	574,700	-	-	-	13,441,600
<i>Department of Services for Children, Youth and Their Families</i>							
Minor Capital Improvement and Equipment	10-02-50	-	-	-	725,000	-	725,000
<i>Department of Correction Projects</i>							
Minor Capital Improvement and Equipment	10-02-50	-	-	-	4,000,000	-	4,000,000
<i>Department of Safety and Homeland Security</i>							
Minor Capital Improvement and Equipment	10-02-50	-	-	-	500,000	-	500,000

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<i>Delaware National Guard</i>							
Minor Capital Improvement and Equipment	10-02-50	-	-	-	500,000	-	500,000
Subtotal:		\$ 20,866,900	\$ 2,374,700	\$ -	\$ 46,388,000	\$ 500,000	\$ 70,129,600
DELAWARE ECONOMIC DEVELOPMENT OFFICE							
Strategic Fund	10-03-03	\$ -	\$ -	\$ -	\$ 10,000,000	\$ -	\$ 10,000,000
New Economy Initiative Year II	10-03-03	-	-	-	12,000,000	-	12,000,000
Diamond State Port Corporation	10-03-03	7,000,000	-	-	3,000,000	-	10,000,000
Riverfront Development Corporation	10-03-03	-	1,894,700	-	3,105,300	-	5,000,000
Subtotal:		\$ 7,000,000	\$ 1,894,700	\$ -	\$ 28,105,300	\$ -	\$ 37,000,000
STATE							
Museum Maintenance	20-06-04	\$ -	\$ -	\$ -	\$ 300,000	\$ -	\$ 300,000
Seaford Public Library	20-08-01	-	1,000,000	-	-	-	1,000,000
Hockessin Public Library	20-08-01	-	996,400	-	-	-	996,400
Dover Public Library	20-08-01	-	-	-	500,000	-	500,000
South Coastal Library	20-08-01	-	252,500	-	-	-	252,500
Kent County Library	20-08-01	-	-	-	25,000	-	25,000
New Castle County Libraries - Southern Branch	20-08-01	-	-	-	25,000	-	25,000
New Castle County Libraries - Bear Branch	20-08-01	-	-	-	25,000	-	25,000
Delmar Public Library	20-08-01	-	-	-	25,000	-	25,000
Milford District Free Library	20-08-01	-	-	-	25,000	-	25,000
Subtotal:		\$ -	\$ 2,248,900	\$ -	\$ 925,000	\$ -	\$ 3,173,900
HEALTH AND SOCIAL SERVICES							
Maintenance and Restoration	35-01-20	\$ -	\$ -	\$ -	\$ 2,000,000	\$ -	\$ 2,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ 2,000,000	\$ -	\$ 2,000,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	LIVABLE DELAWARE INFRASTRUCTURE FUND	TOTAL
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
Subtotal:		\$ -	\$ -	\$ -	\$ 3,143,400	\$ -	\$ 3,143,400
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL							
Conservation Cost Share	40-07-04	\$ -	\$ -	\$ -	\$ 3,205,000	\$ -	\$ 3,205,000
Tax/Public Ditches	40-07-02	-	-	-	1,400,000	-	1,400,000
Beach Preservation	40-07-03	-	-	-	3,121,200	6,878,800	10,000,000
Lewes Facility Improvements	40-07-03	-	550,000	-	-	-	550,000
Delaware Seashore Facilities Enhancements	40-06-02	-	1,750,000	-	-	-	1,750,000
Critical Roofing Repairs	40-06-02	-	1,000,000	-	-	-	1,000,000
Minor Capital Improvement and Equipment	40-01-01	-	-	-	1,250,000	-	1,250,000
Subtotal:		\$ -	\$ 3,300,000	\$ -	\$ 8,976,200	\$ 6,878,800	\$ 19,155,000

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SAFETY AND HOMELAND SECURITY							
AFIS (Automated Fingerprint Identification System)	45-01-01	\$ -	\$ -	\$ -	\$ 2,500,000	\$ -	\$ 2,500,000
State Police Helicopter Replacement	45-01-01	-	-	-	650,000	-	650,000
Subtotal:		\$ -	\$ -	\$ -	\$ 3,150,000	\$ -	\$ 3,150,000
TRANSPORTATION							
Road System	55-05-00	\$ -	\$ -	\$ 232,376,400	\$ -	\$ -	\$ 232,376,400
Grants and Allocations	55-05-00	-	-	26,100,000	-	-	26,100,000
Transit System	55-05-00	-	-	18,699,500	-	-	18,699,500
Support System	55-05-00	-	-	56,098,200	-	-	56,098,200
Subtotal:		\$ -	\$ -	\$ 333,274,100	\$ -	\$ -	\$ 333,274,100
AGRICULTURE							
Conservation Reserve Enhancement Program	65-01-01	\$ -	\$ -	\$ -	\$ 600,000	\$ -	\$ 600,000
Subtotal:		\$ -	\$ -	\$ -	\$ 600,000	\$ -	\$ 600,000
FIRE PREVENTION COMMISSION							
Hydraulic Rescue Tools	75-02-01	\$ -	\$ -	\$ -	\$ 135,000	\$ -	\$ 135,000
Subtotal:		\$ -	\$ -	\$ -	\$ 135,000	\$ -	\$ 135,000

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UNIVERSITY OF DELAWARE							
Wolf Hall Renovation	90-01-01	\$ -	\$ -	\$ -	\$ 2,000,000	\$ -	\$ 2,000,000
Brown Lab	90-01-01	-	-	-	1,500,000	-	1,500,000
Carvel Research and Education Center	90-01-01	2,000,000	-	-	-	-	2,000,000
Subtotal:		\$ 2,000,000	\$ -	\$ -	\$ 3,500,000	\$ -	\$ 5,500,000
DELAWARE STATE UNIVERSITY							
Minor Capital Improvement and Equipment	90-03-01	\$ -	\$ -	\$ -	\$ 3,000,000	\$ -	\$ 3,000,000
Wellness Center	90-03-01	1,615,200	-	-	-	-	1,615,200
High Technology Incubator	90-03-01	1,000,000	-	-	-	-	1,000,000
Subtotal:		\$ 2,615,200	\$ -	\$ -	\$ 3,000,000	\$ -	\$ 5,615,200
DELAWARE TECHNICAL AND COMMUNITY COLLEGE							
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	3,800,000	-	-	-	-	3,800,000
Subtotal:		\$ 3,800,000	\$ -	\$ -	\$ 1,700,000	\$ -	\$ 5,500,000

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EDUCATION							
Minor Capital Improvement and Equipment	95-01-01	\$ -	\$ -	\$ -	\$ 7,173,800	\$ -	\$ 7,173,800
Architectural Accessibility	95-01-01	-	-	-	160,000	-	160,000
Colonial, Full-Day Kindergarten (67/33)	95-34-00	8,683,200	-	-	-	-	8,683,200
Cape Henlopen, Full-Day Kindergarten (60/40)	95-17-00	2,040,000	-	-	-	-	2,040,000
Milford, Full-Day Kindergarten (79/21)	95-18-00	3,318,000	-	-	-	-	3,318,000
Indian River, Full-Day Kindergarten (60/40)	95-36-00	1,800,000	-	-	-	-	1,800,000
Indian River, Renovate Indian River Education Complex (60/40)	95-36-00	1,070,000	-	-	-	-	1,070,000
Indian River, Renovate Sussex Central Middle School (60/40)	95-36-00	1,030,300	-	-	-	-	1,030,300
Red Clay, Full-Day Kindergarten (60/40)	95-32-00	960,000	-	-	-	-	960,000
Red Clay, Renovate William Lewis Middle School (60/40)	95-32-00	2,171,800	-	-	-	-	2,171,800
Red Clay, Renovate Richardson Park Elementary School (60/40)	95-32-00	4,667,900	-	-	-	-	4,667,900
Red Clay, Renovate Stanton Middle School (60/40)	95-32-00	3,185,600	-	-	-	-	3,185,600
Red Clay, Renovate Heritage Elementary School (60/40)	95-32-00	2,574,400	-	-	-	-	2,574,400
Red Clay, Renovate Marbrook Elementary School (60/40)	95-32-00	2,184,300	-	-	-	-	2,184,300
Red Clay, Renovate Evan G. Shortlidge Academy (60/40)	95-32-00	2,048,200	-	-	-	-	2,048,200
Red Clay, Renovate Alexis I. duPont Middle School (60/40)	95-32-00	2,108,900	-	-	-	-	2,108,900
Red Clay, Renovate Skyline Middle School (60/40)	95-32-00	4,308,600	-	-	-	-	4,308,600
Red Clay, Renovate Brandywine Springs Elementary School (60/40)	95-32-00	16,100	-	-	-	-	16,100
Red Clay, Renovate H.B. duPont Middle School (60/40)	95-32-00	274,600	-	-	-	-	274,600
Red Clay, Renovate Meadowood Program (60/40)	95-32-00	79,300	-	-	-	-	79,300
Red Clay, Renovate Wilmington Campus (60/40)	95-32-00	765,600	-	-	-	-	765,600
Red Clay, Renovate Telegraph Road Facility (60/40)	95-32-00	122,200	-	-	-	-	122,200
Christina, Full-Day Kindergarten (60/40)	95-33-00	2,760,000	-	-	-	-	2,760,000
Christina, Construct New 840-Pupil Elementary School (60/40)	95-33-00	4,829,900	-	-	-	-	4,829,900
Christina, Construct New 800-Pupil Middle School (60/40)	95-33-00	6,911,500	-	-	-	-	6,911,500
Christina, Renovate John R. Downes Elementary School (60/40)	95-33-00	3,975,100	-	-	-	-	3,975,100
Christina, Renovate Elisabeth Maclary Elementary School (60/40)	95-33-00	4,265,600	-	-	-	-	4,265,600

SECTION 1 ADDENDUM
FISCAL YEAR 2006 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION	TRANS.	GENERAL	LIVABLE	TOTAL
			REAUTHORIZA- TION AND REPROGRAMMING			DELAWARE INFRASTRUCTURE FUND	
Christina, Renovate Etta J. Wilson Elementary School (60/40)	95-33-00	3,982,900	-	-	-	-	3,982,900
Christina, Renovate Christiana High School (60/40)	95-33-00	5,554,900	-	-	-	-	5,554,900
Appoquinimink, Full-Day Kindergarten (71/29)	95-29-00	8,520,000	-	-	-	-	8,520,000
Appoquinimink, Construct New 1,000-Pupil Middle School (74/26)	95-29-00	2,500,000	-	-	-	-	2,500,000
Appoquinimink, Addition to Redding Middle School (74/26)	95-29-00	625,400	-	-	-	-	625,400
Appoquinimink, Renovate Athletic Fields (74/26)	95-29-00	300,000	-	-	-	-	300,000
Appoquinimink, Construct New Early Childhood Center (74/26)	95-29-00	502,600	-	-	-	-	502,600
Appoquinimink, Renovate District Office (74/26)	95-29-00	900,000	-	-	-	-	900,000
Polytech, Construct 18 Classrooms (80/20)	95-39-00	2,725,400	-	-	-	-	2,725,400
Indian River, Renovate Lord Baltimore Elementary School (60/40)	95-36-00	866,400	-	-	-	-	866,400
Indian River, Renovate Indian River High School (60/40)	95-36-00	3,517,300	-	-	-	-	3,517,300
Indian River, Renovate Sussex Central Middle School (60/40)	95-36-00	311,200	-	-	-	-	311,200
Indian River, Renovate Indian River Education Complex (60/40)	95-36-00	516,500	-	-	-	-	516,500
Indian River, Renovate Frankford Elementary School (60/40)	95-36-00	501,800	-	-	-	-	501,800
Indian River, Renovate East Millsboro Elementary School (60/40)	95-36-00	823,700	-	-	-	-	823,700
Indian River, Renovate Phillip Showell Elementary School (60/40)	95-36-00	836,400	-	-	-	-	836,400
Sussex Tech, Sewer Connection and Generator (60/40)	95-40-00	600,000	-	-	-	-	600,000
Sussex Tech, Roof and Floor Replacement (60/40)	95-40-00	622,300	-	-	-	-	622,300
Lake Forest, Full-Day Kindergarten (80/20)	95-15-00	800,000	-	-	-	-	800,000
Capital, Full-Day Kindergarten (71/29)	95-13-00	710,000	-	-	-	-	710,000
Caesar Rodney, Full-Day Kindergarten (80/20)	95-10-00	1,280,000	-	-	-	-	1,280,000
Caesar Rodney, Technology at Charlton (100% State)	95-10-00	1,100,000	-	-	-	-	1,100,000
Subtotal:		\$ 104,247,900	\$ -	\$ -	\$ 7,333,800	\$ -	\$ 111,581,700

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FISCAL YEAR 2006 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	LIVABLE DELAWARE INFRASTRUCTURE FUND	TOTAL
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	-	-	-	-	8,000,000	8,000,000
Farmland Preservation	25-01-01	-	-	-	-	8,900,000	8,900,000
Green Infrastructure	25-01-01	-	-	-	-	4,900,000	4,900,000
Drinking Water State Revolving Fund	25-01-01	-	-	-	-	3,321,200	3,321,200
Water Management Account	25-01-01	-	-	-	-	5,000,000	5,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ 31,121,200	\$ 31,121,200
GRAND TOTAL:		\$ 140,530,000	\$ 9,818,300	\$ 333,274,100	\$ 109,000,000	\$ 38,500,000	\$ 631,122,400

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 \$140,530,000 and in the amount of
4 \$70,015,000 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 of
7 this Act and summarized as follows:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>		
Office of Management and Budget	\$	20,866,900	
Delaware Economic Development Office		7,000,000	
University of Delaware		2,000,000	
Delaware State University		2,615,200	
Delaware Technical and Community College		3,800,000	
Department of Education		104,247,900	

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
Colonial, Full-Day Kindergarten (67/33)	\$ 8,683,200	\$4,276,800	\$ 12,960,000
Cape Henlopen, Full-Day Kindergarten (60/40)	2,040,000	1,360,000	3,400,000
Milford, Full-Day Kindergarten (79/21)	3,318,000	882,000	4,200,000
Lake Forest Full-Day Kindergarten (80/20)	800,000	200,000	1,000,000
Capital, Full-Day Kindergarten (71/29)	710,000	290,000	1,000,000
Indian River, Renovate Indian River Education Complex (60/40)	1,070,000	713,400	1,783,400
Indian River, Renovate Sussex Central MS (60/40)	1,030,300	686,900	1,717,200
Indian River, Full-Day Kindergarten (60/40)	1,800,000	1,200,000	3,000,000

1	Red Clay, Full-Day Kindergarten (60/40)	960,000	640,000	1,600,000
2	Red Clay, Renovate Lewis MS (60/40)	2,171,800	1,447,800	3,619,600
3	Red Clay, Renovate Richardson Park ES (60/40)	4,667,900	3,112,000	7,779,900
4	Red Clay, Renovate Stanton MS (60/40)	3,185,600	2,123,800	5,309,400
5	Red Clay, Renovate Heritage ES (60/40)	2,574,400	1,716,300	4,290,700
6	Red Clay, Renovate Marbrook ES (60/40)	2,184,300	1,456,200	3,640,500
7	Red Clay, Renovate Shortlidge ES (60/40)	2,048,200	1,365,500	3,413,700
8	Red Clay, Renovate AI duPont MS (60/40)	2,108,900	1,405,900	3,514,800
9	Red Clay, Renovate Skyline MS (60/40)	4,308,600	2,872,400	7,181,000
10	Red Clay, Renovate Brandywine Springs ES (60/40)	16,100	10,700	26,800
11	Red Clay, Renovate HB duPont MS (60/40)	274,600	183,100	457,700
12	Red Clay, Renovate Meadowood (60/40)	79,300	52,900	132,200
13	Red Clay, Renovate Wilmington Campus (60/40)	765,600	510,400	1,276,000
14	Red Clay, Renovate Telegraph Road (60/40)	122,200	81,500	203,700
15	Christina, Full-Day Kindergarten (60/40)	2,760,000	1,840,000	4,600,000
16	Christina, Construct New 840-pupil ES – A (60/40)	4,829,900	3,219,900	8,049,800
17	Christina, Construct New 800-pupil MS (60/40)	6,911,500	4,607,600	11,519,100
18	Christina, Renovate Downes ES (60/40)	3,975,100	2,650,000	6,625,100
19	Christina, Renovate Maclary ES (60/40)	4,265,600	2,843,700	7,109,300
20	Christina, Renovate Wilson ES (60/40)	3,982,900	2,655,300	6,638,200
21	Christina, Renovate Christiana HS (60/40)	5,554,900	3,703,300	9,258,200

1	Appoquinimink, Full-Day Kindergarten (71/29)	8,520,000	3,480,000	12,000,000
2	Appoquinimink, Construct New 1,600-pupil HS – Local (only)	-	9,999,800	9,999,800
3	Appoquinimink, Construct New 1,000-pupil MS (74/26)	2,500,000	878,400	3,378,400
4	Appoquinimink, Addition to Redding MS (74/26)	625,400	219,700	845,100
5	Appoquinimink, Renovate Athletic Fields (74/26)	300,000	105,400	405,400
6	Appoquinimink, Construct New ECC (74/26)	502,600	176,500	679,100
7	Appoquinimink, Renovate District Office (74/26)	900,000	316,200	1,216,200
8	Polytech, Construct 18 classrooms (80/20)	2,725,400	681,300	3,406,700
9	Indian River, Renovate Lord Baltimore (60/40)	866,400	577,600	1,444,000
10	Indian River, Renovate Indian River HS (60/40)	3,517,300	2,344,800	5,862,100
11	Indian River, Renovate Sussex Central MS (60/40)	311,200	207,500	518,700
12	Indian River, Renovate Indian River			
13	Education Complex (60/40)	516,500	344,300	860,800
14	Indian River, Renovate Frankford ES (60/40)	501,800	334,500	836,300
15	Indian River, Renovate East Millsboro ES (60/40)	823,700	549,100	1,372,800
16	Indian River, Renovate Phillip Showell ES (60/40)	836,400	557,600	1,394,000
17	Sussex Tech, Sewer Connection and Emergency Gen. (60/40)	600,000	400,000	1,000,000
18	Sussex Tech, Roof and Kitchen Floor Replacement (60/40)	622,300	414,900	1,037,200
19	Caesar Rodney, Full-Day Kindergarten (80/20)	1,280,000	320,000	1,600,000
20	Caesar Rodney, Technology Renovations at Charlton (100)	1,100,000	-	1,100,000
21	Subtotal	\$104,247,900	\$70,015,000	\$174,262,900
22			TOTAL	<u>\$ 140,530,000</u>

1 Section 3. Transfers to the State Treasurer’s Bond Reversion Account.

<u>Project</u>	<u>Project Appropriation Code</u>	<u>Amount</u>
Aquatic Center	1991-40-06-04-6212	\$ 75,450
Park Development	1992-40-06-04-6212	1,842,850
Brandywine Aquatic	1994-40-06-02-6413	2,000,000
Aquatic Center	1996-40-06-02-6613	1,500,000
	TOTAL	<u>\$5,418,300</u>

9 Section 4. Transfers from the State Treasurer’s Bond Reversion Account. Notwithstanding the

10 provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of
 11 \$5,418,300 from the State Treasurer’s Bond Reversion Account (94-12-05-03-8101) to the following
 12 department in the following amount for the purpose set forth in the Section 1 Addendum to this Act:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of Management and Budget (Old State House/First State Heritage Park/Dover)	\$1,500,000
Office of Management and Budget (Veterans Cemetery Renovations)	300,000
Office of Management and Budget (Stockley Medical Center)	574,700
Delaware Economic Development Office (Riverfront Development Corporation)	1,894,700
Department of State (Hockessin Public Library)	996,400
Department of State (South Coastal Library)	152,500
	TOTAL <u>\$5,418,300</u>

22 Section 5. General Fund Reprogramming. (a) Notwithstanding the provisions of any state law to

23 the contrary, the State Treasurer hereby deauthorizes the remaining appropriation balances, not in excess
 24 of the balances below from the following General Fund projects and reauthorizes the funds to the
 25 departments listed in subsection (b) of this Section, according to the purposes in the Section 1 Addendum
 26 to this Act.

<u>Department, Agency or Instrumentality</u>	<u>Vol. & Ch.</u>	<u>Appropriation Code</u>	<u>Amount</u>
Natural Resources and Environmental Control (Brandywine)	69/386	40-06-02-0184	\$2,000,000
Natural Resources and Environmental Control (Delaware Aquatic Center)	71/378	40-06-02-0811	2,400,000
Total			<u>\$4,400,000</u>

<u>(b) Department, Agency, or Instrumentality</u>	<u>Amount</u>
Department of State (Seaford Public Library)	\$1,000,000
Department of State (South Coastal Library)	100,000
Department of Natural Resources and Environmental Control (Lewes Facility Improvements)	550,000
Department of Natural Resources and Environmental Control (Delaware Seashore Facilities Enhancement)	1,750,000
Department of Natural Resources and Environmental Control (Critical Roofing Repairs)	1,000,000
Total	<u>\$4,400,000</u>

Section 6. Continuing Appropriations. For the fiscal year ending June 30, 2005, any sums in the following accounts shall remain as continuing appropriations and shall not be subject to a reversion until June 30, 2006.

<u>Fiscal Year</u>	<u>Appropriation</u>	<u>Account Codes</u>	<u>Remarks</u>
2001		10-02-05-0801	Tech Prof
2001		10-02-05-0805	800 MHZ
1999		10-02-05-0808	Kent Radios
2000		10-02-05-0811	EMS
2000		10-02-05-0813	Local Police
2001		10-02-05-0813	Local Law
1996		10-02-50-0192	Woodshavenkruse
2001		10-02-50-0801	Absalom Jones
1998		10-02-50-0809	Dayett Mills
2000		10-02-50-0851	Stockley
2000		10-02-50-0854	Capacity Pl
2001		10-02-50-7113	NCC Courthouse
2001		10-02-50-7125	KC Courthouse
2002		10-02-50-7215	Plaza Deck
2002		10-02-50-7217	NCC Vet Cemetery
2001		10-03-03-0821	Hitechbus
1992		10-03-03-0182	Dover Civic

1	1999	10-03-03-0805	Dover Civic Center
2	1990	10-03-03-9643	Civic Center
3	2003	11-02-04-0801	Technology
4	2003	20-01-01-0810	Veterans Home
5	1995	20-08-01-0182	Wilmington Library
6	1999	20-08-01-0802	Georgetown Library
7	2001	20-08-01-0802	Geo Library
8	2002	20-08-01-0811	Smyrna Library
9	2001	20-08-01-0812	Mills Library
10	2001	20-08-01-0815	Laurel Library
11	2001	20-08-01-0816	Wilm Library
12	1996	20-08-01-6616	N. Wilmington Library
13	2001	20-08-01-7110	Bridgeville Library
14	2002	20-08-01-7210	Newark Library
15	2002	20-08-01-7211	Wilm Institute
16	2002	20-08-01-7216	Milton Library
17	2002	20-08-01-7217	Seaford Library
18	2002	20-08-01-7218	Frankford Library
19	2002	20-08-01-7219	Harrington Library
20	2002	20-08-01-7220	Coastal Library
21	2003	20-08-01-7310	Laurel Library
22	2003	20-08-01-7312	Seaford Library
23	2003	20-08-01-7313	Woodlawn Library
24	2003	20-08-01-7314	Woodlawn
25	2000	35-01-20-0810	Flouride
26	2001	35-01-20-0810	Flouridation
27	2000	40-05-01-0802	Newport
28	2001	40-05-02-0803	Boat Ramp
29	1995	40-06-02-0184	Brandywine Aquatic
30	1999	40-06-02-0811	DE Aquatic Center
31	2001	40-06-02-0813	Henlopen Parks
32	1994	40-06-02-6413	Brandywine Aquatic Cntr
33	1996	40-06-02-6613	Aquatic Cntr
34	2002	40-06-02-7211	Killens Planning
35	1991	40-06-04-6212	Aquatic Center
36	1992	40-06-04-6212	Park Development
37	2003	40-07-01-7310	Dams
38	2001	40-07-02-0804	Hazard Study
39	2003	40-07-02-7312	Resource, Conservation & Dev
40	1993	40-07-02-6313	Resource, Conservation & Dev
41	2001	40-08-01-0800	Wilmington Sewer
42	2001	40-08-01-0801	Wilmington Sewer
43	2002	40-08-01-7210	Inland Bays
44	2002	90-03-01-7215	Sports/Wellness
45	2002	90-03-01-7217	Tech Building
46	2003	90-03-01-7311	Wellness
47	2003	90-04-01-7010	Asset Preservation
48	1997	90-04-04-6712	Expand Wilmington
49	1998	90-04-04-6812	Wilm Expansion
50	1999	90-04-04-6912	Wilm Expansion
51	2002	90-04-04-7210	Stanton/Wilmington
52	2003	90-04-04-0810	Ren Equipment
53	2002	90-04-06-7210	Terry Ed/Center
54	2003	90-04-06-7310	Education Technology

1	2001	95-01-01-0803	Neighborhood School
2	2001	95-01-01-0805	School Library
3	1999	95-01-01-0850	MCI Supp
4	2000	95-01-01-0850	MCI 100%
5	2001	95-13-00-0802	Demolish Off
6	2000	95-13-00-0813	Maintenance Building
7	2000	95-13-00-0816	South Rev
8	2001	95-13-00-0822	Kent Com
9	2002	95-13-00-7210	Demolish
10	2002	95-13-00-7211	BT/West
11	2002	95-13-00-7214	Central Middle
12	2002	95-13-00-7216	KCCS
13	2002	95-13-00-7218	BT West
14	2003	95-13-00-7310	BT West
15	2000	95-13-00-0813	South AES
16	2001	95-13-00-0817	Chipman Middle School
17	2001	95-15-00-0818	Lake Forest High School
18	2001	95-15-00-7111	LFHS Renovation
19	2001	95-17-00-0813	Elec 7 School
20	2001	95-17-00-7116	Ren Elec
21	1997	95-23-00-6713	High School
22	1997	95-23-00-6714	Middle School
23	1998	95-23-00-6815	Middle School
24	2003	95-24-00-7310	District Office
25	2003	95-24-00-7311	JB Moore
26	2003	95-24-00-7312	Smyrna HS
27	2003	95-31-00-7312	Mt. Pleasant
28	2003	95-31-00-7313	Concord HS
29	2003	95-31-00-7315	Lombardy
30	2003	95-32-00-7310	Hockessin
31	1998	95-33-00-0801	Douglass
32	1991	95-33-00-6113	New Elem
33	1996	95-33-00-6614	Cobbs Gauger
34	1996	95-33-00-6616	Land Acquisition
35	1997	95-33-00-6712	Shue-Medill
36	1997	95-33-00-6793	Arch Barr
37	1998	95-33-00-6815	Douglass
38	2003	95-33-00-7316	840 Pupil ES
39	2003	95-33-00-7317	Land 840
40	2003	95-33-00-7318	Land MS
41	2003	95-33-00-7311	4 Grade Add
42	2003	95-33-00-7312	Frankford ES
43	2003	95-36-00-7314	E Millsboro ES
44	2001	95-38-00-0811	Marsh Cafeteria
45	2001	95-38-00-7110	1,000 Pupil HS

46 Section 7. Appropriation of General Funds. It is the intent of the General Assembly that
47 \$109,000,000 be appropriated to the following departments of the State and in the following amount for the
48 purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or
49 unencumbered by June 30, 2008, shall revert to the General Fund of the State of Delaware. The state

1 hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds
 2 to be issued in such principal amount as necessary to provide proceeds to the state in the amount of
 3 \$4,194,800 local share of school bonds. Bonds authorized to be used by this Section shall mature not later
 4 than 20 years from their date of issuance.

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of Management and Budget	\$46,388,000
Delaware Economic Development Office	28,105,300
Department of State	925,000
Department of Health and Social Services	2,000,000
Services for Children, Youth and their Families	43,300
Department of Correction	3,143,400
Department of Natural Resources and Environmental Control	8,976,200
Department of Safety and Homeland Security	3,150,000
Department of Agriculture	600,000
Fire Prevention Commission	135,000
University of Delaware	3,500,000
Delaware State University	3,000,000
Delaware Technical and Community College	1,700,000
Department of Education	7,333,800

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
MCI & Equipment	\$7,173,800	\$4,088,121	\$11,261,921
Architectural Barrier Removal	160,000	106,700	266,700
Subtotal	\$7,333,800	\$4,194,821	\$11,528,621
		TOTAL	<u>\$109,000,000</u>

1 Section 8. Livable Delaware Infrastructure Fund to Twenty-First Century Fund. It is the intent of
 2 the General Assembly that \$38,500,000 be appropriated from the Livable Delaware Infrastructure Fund as
 3 created by Senate Bill 11 of the 143rd General Assembly to the Office of the Secretary, Department of
 4 Finance (25-01-01) to be deposited into the Twenty-First Century Funds as established by 29 Del. C.
 5 §6102A. These funds shall be appropriated for the following purposes set forth in the Section 1 Addendum
 6 to this Act:

<u>Purpose</u>	<u>Amount</u>
Delaware Water Pollution Control Revolving Fund	\$ 1,000,000
Wastewater Management Account	8,000,000
Farmland Preservation	8,900,000
Green Infrastructure	4,900,000
Drinking Water State Revolving Fund	3,321,200
Water Management Account	5,000,000
Advance Planning Fund	500,000
Beach Preservation	<u>6,878,800</u>
TOTAL	<u>\$38,500,000</u>

17 Section 9. Resource, Conservation and Development Transfers - Project Funds Transfer from Prior
 18 Fiscal Years to Fiscal Year 2006. Within the same county, any Twenty-First Century funds or match
 19 remaining from completed projects as authorized as part of the Twenty-First Century Resource,
 20 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD
 21 projects in the Fiscal Year 2006 list of projects approved as part of the Fiscal Year 2006 Capital
 22 Improvements Act.

23 Section 10. First State Preservation Revolving Fund, Inc. For Fiscal Year 2006, First State
 24 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
 25 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
 26 and 2000.

27 Section 11. Community Redevelopment Fund Transfer. The Section 1 Addendum to the Fiscal
 28 Year 2004 Bond and Capital Improvements Act appropriated \$3,670,000 to the Community Redevelopment

1 Fund, of which \$50,000 was allocated to the Mid-County Senior Center. Said \$50,000 and any future
2 Community Redevelopment Fund allocations for the Senior Center is hereby reallocated for renovations to
3 the Lora Little School building.

4 Section 12. Downtown Milford Inc. Any Community Redevelopment Fund appropriations to
5 Downtown Milford Inc. – Structural and Façade Improvements may be used for private businesses and
6 residences, as well as, institutional residences provided said properties are within the Downtown Milford
7 project area.

8 Section 13. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in
9 whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall
10 be reinvested in the Medical Center project.

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

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

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 Section 16. Law Enforcement Technology and Education Fund. The Section 1 Addendum to this Act
3 appropriates \$1,200,000 for Law Enforcement Technology and Education Fund. Of these funds,
4 \$1,100,000 is for Technology reimbursement as provided in subsection (a) and the remaining \$100,000 is
5 for educational reimbursement as provided for in subsection (b).

6 (a) Technology. This fund is to be administered by the Office of Management and Budget, subject to
7 the review of the Technology Investment Council, to eligible agencies and applicants as follows:

8 1. Beginning with the quarter ending September 30, each eligible entity shall submit quarterly an
9 application with receipts from the previous quarter for reimbursement for maintenance of
10 LiveScan fingerprint technology and automated mugshot technology as well as receipts for
11 mobile data terminal line costs. In no instance shall the yearly reimbursements for such costs
12 exceed the amount appropriated.

13 2. After LiveScan and mugshot costs together with mobile data terminal fees are satisfied for the
14 fiscal year, departments may submit applications for their respective remaining balance with
15 receipts for reimbursement for maintenance costs and upgrading of communications equipment,
16 digital cameras, digital fingerprinting systems, automatic electric defibrillators and supplies and
17 computer systems used by state, county and local law enforcement agencies.

18 3. Eligible agencies shall be defined as those agencies required to be trained under the provisions of
19 the Delaware Police Training Act.

20 (b) Education Reimbursement. A certified police officer or other law enforcement officer as defined
21 in 11 Del. C. § 1911(a) or a State of Delaware Probation and Parole Officer employed by the Department
22 of Correction who is employed full-time in the State is eligible for post-secondary education tuition
23 reimbursement under the following conditions:

24 1. The officer must make application for tuition reimbursement in accord with rules and regulations
25 promulgated by the Director of the Criminal Justice Council or the Director's designee.

- 1 2. Education benefits authorized by this Section may be used only at a college or university within
2 the State.
- 3 3. An officer may not attend a class or course of instruction during scheduled work hours unless the
4 officer uses his or her earned leave or earned compensation time.
- 5 4. An officer may be reimbursed under this program for only one (1) class or course of instruction
6 per grading period. The classes will be reimbursed at 100 percent of the tuition paid for
7 undergraduate study and 50 percent of the tuition paid for graduate study following the
8 completion of the course with a grade of 'C' or better at a college or university within the State for
9 classes related to Corrections, Public Safety, Criminal Justice, Computer Science, Psychology,
10 Sociology, Education and related fields. Related fields shall include any courses necessary to
11 complete a degree program in Criminal Justice, Corrections, Public Safety, Computer Science,
12 Psychology, Sociology and Education.
- 13 5. A class or course of instruction taken under this Section must:
- 14 i. improve an officer's competence and capacity in employment;
- 15 ii. have direct value to the State; and
- 16 iii. provide knowledge or skills that are not available through in-service or other professional
17 training.
- 18 6. In order to receive tuition reimbursement for a post-secondary class or course of instruction
19 authorized by this Section, an officer must:
- 20 i. earn a grade no lower than a 2.0 on a 4.0 scale, or its equivalent, for each class or course
21 of instruction for which the tuition reimbursement is granted. In any class or course of
22 instruction for which a specific grade is not issued, the officer must show documentation
23 to verify satisfactory completion; and
- 24 ii. submit to the Director of the Criminal Justice Council or the Director's designee within
25 30 days after completing a class or course of instruction proof of:
- 26 (1) the course title and grade received;

- 1 (2) the amount of tuition paid for the course; and
- 2 (3) the name of the post-secondary institution where the course was taken.
- 3 7. The Director of the Criminal Justice Council or the designee shall adopt rules and regulations as
- 4 deemed necessary and proper for the efficient administration of this Section. The rules and
- 5 regulations must contain appeal procedures.
- 6 8. An officer who receives tuition reimbursement pursuant to this Section but is terminated from
- 7 law enforcement employment for cause or who otherwise fails to comply with any requirement of
- 8 this Section shall immediately become ineligible to receive education benefits pursuant to this
- 9 Section and shall repay all tuition reimbursement previously extended to the employee, including
- 10 interest on a pro rata basis from the time of termination or noncompliance. The Director of the
- 11 Criminal Justice Council or the Director's designee shall determine the amount of repayment due
- 12 by the employee pursuant to this Subsection. If law enforcement employment is terminated for
- 13 other than just cause, the officer will not be required to repay previously reimbursed tuition.
- 14 9. Nothing in this Section is intended to inhibit or deny officer promotion or transfer to other law
- 15 enforcement agencies within this State.
- 16 10. The Director of the Criminal Justice Council shall include in the agency's annual report:
- 17 i. the number of officers who participated at each post-secondary educational institution
- 18 during the year;
- 19 ii. the total amount of tuition expenditures made pursuant to this Section during the year not
- 20 to exceed \$100,000;
- 21 iii. the total amount required to be repaid to the State by defaulting officers during the year;
- 22 and
- 23 iv. the total amount actually repaid by defaulting officers during the year.

24 Section 17. Construction Management. Notwithstanding any other state law, the Office of

25 Management and Budget (“OMB”) shall be responsible for the design and construction of all the projects

26 listed under “Office of Management and Budget” in the Section 1 Addendum of this Act. For those

1 projects that are solely for the purchase of equipment, including projects that are funded in any “MCI and
2 Equipment” line, or any “MCI” line OMB shall transfer the appropriate funding necessary to purchase the
3 equipment to the agency for which the equipment is being purchased. The appropriate amount of funding
4 shall be determined and agreed to by OMB and the agency for which the equipment is being purchased by
5 September 1 of each fiscal year. For those projects for which the appropriation is passed to an entity and
6 for which the state is not a party to the construction contract, OMB shall provide technical assistance.

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

16 (b) The use of Minor Capital Improvement and Equipment funds in order to ensure completion of a
17 Major Capital Improvement project involving construction of a new facility is prohibited unless the use of
18 such funds are necessary due to a legal settlement or emergency or unforeseen conditions as determined by
19 the Director of the Office of Management and Budget, the Controller General and the Co-Chairs of the Joint
20 Legislative Committee on the Capital Improvement Program.

21 (c) A quarterly status report shall be submitted to the Controller General on all incomplete projects.

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

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

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

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

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

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

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

22 Section 19. Minor Capital Improvement and Equipment Supplement – Office of Management and
23 Budget. Notwithstanding the provisions of any other State law to the contrary, not more than \$250,000 may
24 be expended to enter into contractual agreements for project representatives and associated administrative
25 support to ensure adequate oversight of State construction projects. The Director of the Office of
26 Management and Budget is directed to provide an itemized budget for this amount to the Controller General

1 by August 1, 2005, and expenditure reports to the Controller General by December 1, 2005 and June 1,
2 2006.

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

9 Section 21. Troop 2 Property. It is the intent of the General Assembly that no portion of the lands
10 located at 168 South DuPont Highway and formerly the site of Troop 2 of the State Police shall be declared
11 as surplus property without the prior approval of the Co-Chairs of the Joint Legislative Committee on the
12 Capital Improvement Program, the Controller General and the Director of the Office of Management and
13 Budget.

14 Section 22. Belvedere State Service Center Project. Notwithstanding any state laws to the
15 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Office of
16 Management and Budget for the maintenance and operation of the center.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 23. Composites Research. The Delaware Economic Development Office is authorized to
3 provide a match of up to \$100,000 to the University of Delaware Center for Composite Materials for
4 federal research grants received that support the development and application of composite manufacturing
5 technology for the benefit of Delaware companies. Such match shall be disbursed from the Strategic Fund
6 upon documentation of the receipt of federal funds allocated to the Center during the fiscal year for these
7 purposes and upon documentation of the relevance of these research projects to Delaware industries' needs
8 and their participation within said projects.

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

14 Section 25. Port of Wilmington. If the Governor and the Delaware Economic Development
15 Office, at the direction of the Board of Directors of the Diamond State Port Corporation, request the
16 Delaware River and Bay Authority fund the acquisition of real property and improvements for the
17 expansion of Port of Wilmington pursuant to the Compact (17 Del. C. § 1701) and applicable statutory
18 requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority,
19 then such project is hereby authorized and approved by this Act.

20 Section 26. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an
21 appropriation of \$10,000,000 for the Diamond State Port Corporation. These funds shall be used as
22 follows:

- 23 a. Up to \$2,800,000 shall be used to improve the area of the Port used by automotive
24 manufacturers.

1 b. The balance of the funds shall be used to improve the infrastructure of the Port in order to
2 attract and/or maintain revenue producing customers and to complete any associated
3 environmental studies or projects.

4 Section 27. Riverfront Development Corporation. If the Governor and the Delaware Economic
5 Development Office, at the direction of the Board of Directors of the Riverfront Development Corporation
6 of Delaware, request the Delaware River and Bay Authority to fund the acquisition of real property and
7 improvements for economic development along or in proximity to the Brandywine and Christina Rivers as
8 recommended in the report of the Governor’s Task Force on the Future of the Brandywine and Christina
9 Rivers, A Vision for the Rivers (1994) pursuant to the Compact (17 Del. C. § 1701) and applicable statutory
10 requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority
11 after written approval by the Governor, then such project is hereby authorized and approved by this Act.

12 Section 28. Delaware River and Bay Authority Acquisition and Development. If the Governor and
13 the Delaware Department of Natural Resources and Environmental Control (“DNREC”) request that the
14 Delaware River and Bay Authority acquire and develop real property and improvements for the purpose of
15 shoreline preservation and development (including, without limitation, wetlands and open-land acquisition,
16 active recreational and park development or facilities of commerce) along or in proximity to the shoreline
17 of the Delaware Bay and inland waters, or tributaries flowing into the Delaware Bay in the vicinity of Cape
18 Henlopen State Park (excluding lands owned by the State of Delaware, east of the Lewes and Rehoboth
19 Canal) pursuant to the Compact (17 Del. C. § 1701 et. seq.) and the applicable statutory requirements, and
20 if any such project is undertaken and funded by the Delaware River and Bay Authority after written
21 approval by the Governor, then such project is hereby authorized and approved by this legislation. Any
22 conveyance of real property and improvements owned by the State of Delaware pursuant to the foregoing
23 authority shall be exempt from the provisions of 29 Del. C. § 94 and 7 Del. C. § 45, and the Governor or the
24 Secretary of DNREC is hereby authorized to execute and deliver to the Delaware River and Bay Authority
25 a deed to such real property and improvements.

1 Section 29. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development
2 Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the
3 Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-State entities shall
4 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
5 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
6 loans to the Kalmar Nyckel.

7 Section 30. DRBA - Delaware State University. For the purpose of complying with the provisions
8 of 17 Del. C. §1726, requiring the Delaware River and Bay Authority to secure the approval of the General
9 Assembly by an act passed with the concurrence of three-fourths of all the members elected to each House
10 before undertaking any major project (as defined in Article II of the Delaware-New Jersey Compact as set
11 forth in 17 Del. C. §1701), the Delaware River and Bay Authority is hereby authorized, pursuant to the
12 procedures set forth in the Compact and applicable statutory requirements, if requested by the Governor and
13 Delaware Economic Development Office and if the project is undertaken and funded by the Authority in
14 accordance with its processes and procedures relating to such a project, to lease, acquire and control for
15 economic development purposes, real property, improvements and related facilities of the property situate
16 at 2095 Seven Hickories Road, Dover, DE consisting of approximately 75 +/- acres and such project is
17 hereby authorized and approved by this Act. The Authority shall be prohibited from developing said land
18 for residential purposes.

19 Section 31. New Economy Initiative – Year 2. (a) Findings and Purpose. The General Assembly
20 finds that the State must employ a range of new initiatives for retaining and expanding high-paying jobs in a
21 rapidly transforming global economy. In particular, the General Assembly finds that: (1) While Delaware
22 has lost a smaller percentage of its manufacturing jobs than neighboring states, several manufacturing
23 facilities have laid off employees or closed in Delaware due to a rapidly changing market place, global
24 competition and cost-cutting. (2) Small high-technology startups that grow quickly and are the engine of
25 wealth generation and economic growth throughout the country do not respond to traditional, tax-based
26 incentive programs; (3) Delaware should make the investments necessary to develop a thriving

1 entrepreneurial culture, including the availability of start-up seed funding and a pipeline of support for
 2 transferring a high-technology concept to commercial reality; (4) The development and successful growth
 3 of Delaware-oriented venture capital funds offers the State an opportunity to invest in and leverage private-
 4 sector and federal dollars to grow technology-based companies; and (5) Delaware is uniquely poised, by
 5 virtue of its university and private-sector research and development in biotechnology, fuel cell development
 6 and other clean-energy technologies, to significantly grow these two sectors of its economy and build on a
 7 base of clean, high-paying jobs.

8 (b) Definitions. For purposes of this Section, the following definitions shall apply: (1)
 9 “Development Office” means the Delaware Economic Development Office (10-03-00). (2) “Authority”
 10 means the Delaware Economic Development Authority (10-03-03); and (3) “Director” means the Director
 11 of the Delaware Economic Development Office.

12 (c) The Section 1 Addendum to this Act includes \$12,000,000 for the second year of the New
 13 Economy Initiative. It is the intent of the General Assembly that this appropriation shall be subject to the
 14 allocations and conditions herein.

<u>Purpose</u>	<u>Amount</u>
16 Delaware Competitiveness Fund	\$10,300,000
17 Clean Energy Center Partnership	200,000
18 Experimental Program to Stimulate Competitive Research (EPSCOR)	1,500,000
19 Total	\$12,000,000

20 (d) Delaware Competitiveness Fund. The Delaware Competitiveness Fund (“Fund”) shall be
 21 allocated to the Authority and used to induce Delaware manufacturers to make capital investments to
 22 preserve and expand productivity, competitiveness and jobs at existing Delaware plant sites that face
 23 decline due to national and global competition. The Fund may be used for the following purposes:

- 24 (1) Provide a matching-grant program to induce manufacturers to modernize their facilities and preserve
- 25 high-wage jobs; (2) Assist existing manufacturers in the transformation to updated processes that will keep
- 26 the facility in operation; (3) Establish new product lines or diversify product lines; (4) Induce buyers for

1 idled facilities that have an available workforce and the capability to manufacture products; (5) Provide
2 low-interest loans, including loans that may be matched by commercial lending institutions through a
3 collaborative program; (6) Encourage the location of research and development operations related to
4 existing manufacturing; and (7) Provide training specific to new processes and operations.

5 The following guidelines shall apply to the determination and disbursement of awards from this
6 Fund:

7 (1) Notwithstanding 29 Del. C. Chapter 101, the Development Office shall forthwith establish
8 criteria for awards from the Fund that include:

9 a. An application procedure;

10 b. A minimum percentage match by the State of proposed capital investment up to a maximum
11 capped award;

12 c. A minimum percentage of retained employment after the investment is completed, including
13 a median annual salary goal; and

14 d. Clawback provisions for each applicant as deemed appropriate by the Development Office;

15 (2) The Development Office shall perform due diligence on each application to the
16 Competitiveness Fund to determine:

17 a. The overall feasibility of the investment proposal;

18 b. The manufacturing facility's financial and global competitive position relative to comparable
19 plants;

20 c. The financial capability of the manufacturing facility or parent company to make the
21 proposed capital investment; and

22 d. The standing of the manufacturing facility and parent company with respect to labor law
23 violations and payment of corporate income, gross receipts and other State business taxes;

24 (3) The Development Office shall recommend the award of funds for a specific manufacturing
25 facility to the Council of Development Finance and notify the Co-Chairs of the Joint Legislative Committee
26 on the Capital Improvements Program upon award; and

1 (4) No manufacturing facilities designated to be chronic violators by the Department of Natural
2 Resources and Environmental Control pursuant to 7 Del. C., c. 7904, may receive disbursements from this
3 Fund.

4 (5) All funds generated by the Competitiveness Fund shall be redeposited to the Fund.

5 (e) Clean Energy Center Partnership. The Delaware Economic Development Office shall support
6 the University of Delaware's Clean Energy Center, of which Delaware State University shall be a partner.
7 The purpose of the Clean Energy Center is to build nationally recognized science, engineering and policy
8 expertise in the research, development and deployment of clean energy technologies such as photovoltaic,
9 fuel cells, and hydrogen storage and generation. (1) These funds shall be used solely to match, at least on a
10 dollar-for-dollar basis, grants or contracts from private industry to conduct cooperative research with the
11 University of Delaware and Delaware State University; (2) This appropriation shall be used to match new
12 monies and cannot be allocated to any projects already funded or in progress as of June 30, 2004; (3)
13 Preference for the disbursement of funds shall be given to research projects that directly support the
14 commercial or industrial application of clean energy technologies and cannot be used for physical space or
15 related infrastructure; (4) The Delaware Economic Development Office shall establish an advisory board
16 ("Board") to recommend projects for the allocation of funds. The Board shall include representatives of the
17 private sector, state government, the University of Delaware and Delaware State University with the
18 Chairperson of the Board being a private sector representative.

19 (f) Experimental Program to Stimulate Competitive Research. In the event that the National
20 Science Foundation's Experimental Program to Stimulate Competitive Research ("EPSCOR") awards the
21 State of Delaware a Research Infrastructure Improvement grant, such a grant requires a fifty percent non-
22 federal matching share over the three-year course of the grant. The EPSCOR grant is expected to be
23 \$3,000,000 per federal fiscal year, requiring a state match each fiscal year of \$1,500,000.

24 The Development Office on behalf of the Authority shall provide the required fifty percent match
25 for the first year of the EPSCOR grant. Oversight for the Delaware EPSCOR grant shall be provided by a
26 State committee that includes but is not limited to representatives from the Delaware Economic

1 Development Office, each of the participating academic institutions, and a majority of private-sector
2 members. The Chair shall be a representative from the private sector.

3 These funds shall be used by a statewide partnership that builds on Delaware's biotechnology
4 research efforts and includes but is not limited to: the University of Delaware, Delaware State University,
5 Delaware Technical and Community College and Wesley College. Each institution that chooses to
6 participate shall develop a research and education program aligned with the State's Life
7 Science/biotechnology efforts. The program shall include integrated statewide initiatives in ethics and
8 public policy, support for advanced research equipment, economic development focused on both existing
9 and new businesses, and education outreach programs that encourage secondary school students to
10 participate in science, technology, and engineering and math careers.

11 (g) Reporting Requirements. The Development Office shall provide a quarterly report to the Co-
12 Chairs of the Joint Legislative Committee on the Capital Improvements Program, the Controller General
13 and the Director of the Office of Management and Budget. The report shall include, but not be limited to:
14 1) a description of each New Economy initiative and its guidelines, procedures and performance measures;
15 2) a description of disbursements from each of the New Economy initiatives; 3) the number of jobs created
16 or retained in Delaware by the Delaware Competitiveness Fund; 4) impact of initiatives on Delaware's
17 gross state product; 5) description of Delaware companies that received venture capital and seed funds; and
18 6) progress towards performance goals and attainment of measures outlined in the Emerging Technology
19 Centers operating plan.

20 Section 32. New Markets Tax Credit Program. In the event that the Director of the Delaware
21 Economic Development Office and the Secretary of Finance determine that it is advisable to apply for
22 participation in the New Markets Tax Credit Program under the U.S. Treasury Department, the Director is
23 authorized to form a business entity or organization to apply for and manage this program on behalf of the
24 State, as required by applicable federal legislation and regulations. Any such application for said program
25 shall be subject to the approval of the Co-Chairs of the Joint Legislative Committee on the Capital
26 Improvement Program and the Delaware State Clearinghouse Committee.

1 Section 33. Blue Ball East Master Plan Implementation. The implementation of the transportation,
2 stormwater management, and parks and recreation elements of the Blue Ball East Master Plan shall not be
3 subject to the zoning, subdivision, land use, or building code ordinances or regulations of any political
4 subdivision of the State.

5 Section 34. Riverfront Development Corporation Board. The composition of the board of directors
6 of the Riverfront Development Corporation of Delaware as established by the Laws of Delaware, Volume
7 70, Chapter 210, is hereby amended to provide for eight members to be appointed by the Governor, with
8 one of those members being appointed chair.

9 Section 35. Riverfront Development Corporation Expenditures. Funds appropriated to the
10 Delaware Economic Development Office for the Riverfront Development Corporation of Delaware (RDC)
11 shall be expended only with the approval of the board of directors of the RDC. Funds may only be
12 expended for activities related to the redevelopment of the Brandywine and Christina riverfront areas,
13 including: planning and design studies; the acquisition, construction and improvement of real property;
14 environmental remediation; costs of operations and administration; conversion of the Bank One Center to a
15 conference center; debt service; and other expenses in furtherance of the mission of the RDC.

16 Section 36. Delaware Theatre Company. Notwithstanding any other provision of law to the
17 contrary, the Delaware Economic Development Office is hereby authorized to sell to the Delaware Theatre
18 Company, a Delaware corporation, all of the real property and other interests located in the City of
19 Wilmington that the Delaware Development Office acquired from Avenue of the Arts Associates, a
20 Delaware partnership, pursuant to an agreement of sale dated September 19, 1984. The total consideration
21 or purchase price shall be \$1. The deed to the aforesaid real property shall contain a provision whereby said
22 property will revert to the State in the event that the property ceases to be used by the Delaware Theatre
23 Company.

1 **DEPARTMENT OF STATE**

2 Section 37. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del.
3 Laws, c. 210 and in the Section 1 Addendum of 69 Del. Laws, c. 386 shall be used to plan and construct a
4 library within the first Senate District.

5 Section 38. Delaware River Main Channel Dredging. It is the intent of the General Assembly that
6 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 Natural
12 Resources and Environmental Control dealing with the potential use of dredge spoils for
13 Delaware beach preservation and habitat protection.
- 14 3) The Corps of Engineers shall meet all necessary DNREC permitting requirements.

15 Section 39. Riverfront Development Corporation Promotions. The Riverfront Development
16 Corporation is prohibited from including political profiles and statements of a political or partisan nature in
17 any advertisements or literature used to promote a cultural or recreational event being sponsored by the
18 Corporation.

19 Section 40. 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 deposited
22 into the General Fund.

23 Section 41. Museum Maintenance. The Section 1 Addendum to this Act appropriates \$300,000 to
24 the Department of State for museum maintenance. It is the intent of the General Assembly that these funds
25 be retained by the Department of State, Division of Historical and Cultural Affairs for use with the

1 operations of state museums or for immediate, unscheduled repairs to those facilities under the control of
2 the Division of Historical and Cultural Affairs.

3 Section 42. New Castle County Veterans Cemetery. The General Assembly hereby directs the
4 Delaware Commission on Veterans Affairs to return/replace all memorials and plaques purchased/donated
5 by veteran's family members to their original location within the cemetery or to a site agreeable to the
6 veteran's family members. The General Assembly further directs that, after July 1, 2003, no plaque or
7 memorial will be removed or relocated for any purpose without the approval of the Co-Chairs of the Joint
8 Legislative Committee on the Capital Improvement Program. Existing memorial works are historical,
9 cultural and aesthetic resources.

10 Section 43. Delaware State Monument at Gettysburg. The State Division of Historical and
11 Cultural Affairs will ensure that any movement of the Delaware State Monument at Gettysburg be
12 conducted in a manner consistent with the original purposes surrounding the monument's installation and
13 that any such relocation be conducted so that the monument is reestablished in a position of prominence and
14 that landscaping and site work is performed as close to the original design as possible.

15 Section 44. Hockessin Public Library. 74 Del. Laws c. 69, §100 appropriated \$1,316,100 to the
16 Department of State for the Hockessin Public Library. Of that amount, \$35,000 shall be used to construct a
17 small, secure book/document storage facility and reading room within the library. The room shall house
18 public and private books, photography, documents and other small, valuable items of historical significance
19 to the Hockessin community. All items housed in this room shall be available to the public but shall not be
20 allowed to leave the room.

1 **DEPARTMENT OF FINANCE**

2 Section 45. Bond Proceeds Reimbursement. Unless not permitted by the Internal Revenue Code
3 of 1986, as amended, whenever the General Assembly authorizes the issuance of the state’s General
4 Obligation bonds or the Delaware Transportation Authority’s (the “Authority”) revenue bonds to finance
5 the costs of specific capital projects, it is the intent of the General Assembly that the interest on such bonds
6 shall not be included in gross income for federal income tax purposes under Section 103 of the Internal
7 Revenue Code of 1986, as amended, and the United States Treasury Regulations (the “Regulations”)
8 thereunder as they may be promulgated from time to time. Pursuant to the state's budget and financial
9 policies, other than unexpected situations where surplus revenues render bond financing unnecessary or
10 undesirable, no funds other than the proceeds of such bonds, are or are reasonably expected to be,
11 reserved, allocated on a long-term basis, or otherwise set aside by the state to pay the costs of such specific
12 capital projects. Pursuant to the Authority’s budget and financial policies, it is expected that
13 approximately 50 percent of the costs of its capital projects shall be funded on a long-term basis from the
14 proceeds of such bonds. However, after the authorization of such bonds but prior to their issuance,
15 non-bond funds from the state’s General Fund or the Authority’s Transportation Trust fund or other funds
16 may be advanced on a temporary basis to pay a portion of the costs of such specific capital projects. In
17 that event, it is expected that these non-bond funds will be reimbursed from the proceeds of such bonds
18 when they are issued. This reimbursement may cause a portion of such bonds to become “reimbursement”
19 bonds within the meaning of Section 1.150-2 of the Regulations. Under those Regulations, to preserve the
20 exclusion of the interest on such bonds from gross income for federal income tax purposes, it may be
21 necessary to make a declaration of official intent. The Secretary of Finance is hereby designated as the
22 appropriate representative of the State and the Secretary of Transportation is hereby designated as the
23 appropriate representative of the Authority, and each is authorized to declare official intent on behalf of
24 the state or the Authority, as the case may be, within the meaning of Section 1.150-2 of the Regulations,
25 whenever and to the extent that such declaration is required to preserve such tax treatment.

1 Section 46. Qualified Zone Academy Bonds. A portion of the General Obligation bonds
2 authorized under this Act for a school construction project may be issued in the form of “Qualified Zone
3 Academy Bonds” within the meaning of the federal Taxpayer Relief Act of 1997 (QZAB’s). Such portion
4 shall be equal to the maximum amount of QZAB’s which may be issued under such act. Authorization
5 shall be given to eligible public schools authorized under this Act with the highest percentage of free and
6 reduced lunch counts for the 2004-2005 school year that elect to participate in the QZAB program as
7 determined by the Department of Education. The Secretary of Finance is hereby authorized to determine
8 the terms and conditions of the QZAB’s and the manner by which they shall be awarded to the purchasers
9 thereof, including private negotiated sale, notwithstanding anything to the contrary contained in Chapter 74,
10 Title 29 of the Delaware Code; provided that the requirements of Chapter 7422 of Title 29 of the Delaware
11 Code must be observed.

1 **DEPARTMENT OF CORRECTION**

2 Section 47. Prison Construction. (a) The Director of the Office of Management and Budget, as
3 provided through construction management services, shall consult with the Commissioner of Correction to
4 ensure expedient programming, planning and construction of authorized correctional facilities. None of
5 the funds authorized herein or in prior fiscal years are intended to supplant federal funds.

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

11 Section 48. Community Restoration. The Department of Correction may, to the extent resources
12 and appropriately classified offenders are available, direct these offenders to assist with community
13 restoration projects. These projects may include beautification, clean up and restoration efforts requested
14 by civic, governmental and fraternal organizations approved by the Commissioner.

15 Section 49. Maintenance and Restoration. The Section 1 Addendum to this Act appropriates
16 \$3,143,400 to the Department of Correction for maintenance and restoration projects. The department must
17 submit a bi-annual report to the Director of the Office of Management and Budget and the Controller General,
18 detailing the expenditure of such funds and the respective projects. The department shall submit a preliminary
19 plan for maintenance projects for the following fiscal year by October 31, to the Director of the Office of
20 Management and Budget and the Controller General.

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

2 Section 50. Beach Preservation. The General Assembly hereby appropriates \$10,000,000 to the
3 Department of Natural Resources and Environmental Control in the Section 1 Addendum to 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 basis
9 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 Director of the
11 Office of Management and Budget and the Secretary of the Department of Natural Resources and
12 Environmental Control.

13 Section 51. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act
14 appropriates \$3,205,000 to the Department of Natural Resources and Environmental Control for the
15 Conservation Cost-Sharing Program. This appropriation shall be allocated as follows:

- 16 1. \$900,000 for the Soil and Water Conservation Program. The department shall spend one-third
17 of such funds for use in each county.
- 18 2. \$2,305,000 shall be spent on nutrient management efforts statewide. The Division of Soil and
19 Water may target all or a portion of the funds appropriated for conservation cost share to
20 critical areas, such as the Inland Bays Watershed, the Nanticoke Watershed and others as
21 designated by the Secretary of the Department of Natural Resources and Environmental
22 Control. Of the \$2,305,000 allocated for nutrient management efforts statewide, up to
23 \$150,000 may be spent to repair or replace failed manure sheds or other manure handling
24 systems. Funds appropriated to replace failed manure sheds or manure handling systems are
25 not subject to the cost share match.

1 Section 52. DNREC Land Acquisition. Except for land acquired by approval of the Open Space
2 Council or approved through a Bond and Capital Improvements Act, land shall not be purchased by the
3 Department of Natural Resources and Environmental Control without prior approval of the Co-Chairs of
4 the Joint Legislative Committee on the Capital Improvement Program provided, however, that the
5 department is not prohibited from conducting studies, surveys or other contractual arrangements that
6 would normally precede land acquisition procedures.

7 Section 53. 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 Finance,
9 the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby empowered to waive
10 on a case-by-case basis the match requirements for a specific Open Space land purchase if it can be
11 demonstrated that meeting said match requirements would prevent the timely purchase of said parcel.

12 Section 54. Army Corps of Engineers Project Cooperation Agreements. By using funds approved
13 by Bond and Capital Improvements Acts, the Secretary of the Department of Natural Resources and
14 Environmental Control is authorized to sign Project Cooperation Agreements with the Department of the
15 Army and other appropriate sponsors for planning, construction, operation and maintenance for projects
16 entered into by said Agreements.

17 Section 55. Indian River Marina. (a) In accordance with the provisions of 73 Del. Laws, c. 350, §
18 70, the Department of Natural Resources and Environmental Control (DNREC) under the direction of the
19 Director of the Office of Management and Budget may utilize up to \$8,800,000 in funds from Twenty-First
20 Century Fund for the Parks Endowment Account as established in § 6102A(e), Title 29, Delaware Code for
21 the purpose of revitalizing and enhancing public amenities within the Delaware Seashore State Park in and
22 around the Indian River Marina Complex and related support facilities as presented to the Joint Legislative
23 Committee on Capital Improvements on May 15, 2002. DNREC will repay both the principal borrowed
24 and interest on the principal borrowed equal to that interest lost as a result of borrowing from the Account.
25 Repayment shall not exceed twenty years.

1 (b) DNREC, through the use of workshops, meetings or newsletters shall actively solicit the
2 opinions of users of the marina complex and the general public in development of construction documents
3 related to the Indian River Marina Complex. DNREC shall complete and submit to the Joint Legislative
4 Committee on the Capital Improvement Program a quarterly report on the progress made on the project,
5 expected events in the upcoming quarter, funds encumbered and spent and the number of activities
6 conducted to keep the public informed.

7 Section 56. Newark Reservoir. Of the funds allocated from the 21st Century Water/Wastewater
8 Management Account in 72 Del. Laws, c. 258 and c. 489, \$3,400,000 has been set aside for the Newark
9 Reservoir Project. If the City of Newark annexes the property referred to as New Castle County Tax Parcel
10 #08-059.20-002, the City must repay to the State those monies appropriated in the Fiscal Year 2000 and
11 2001 Bond and Capital Improvement Acts for said project.

12 Section 57. Combined Sewer Overflow (CSO) Accountability Working Group. The General
13 Assembly hereby directs that the CSO Accountability Working Group which was created by the CSO Task
14 Force and consists of representatives from the General Assembly, City of Wilmington, New Castle County,
15 US EPA Region III, DNREC, Community Leaders and Public Members be incorporated under the purview
16 of the Wastewater Facility Advisory Council (WFAC), whose duties as outlined in 29 Del. C. § 8011 (f),
17 include statewide development of comprehensive wastewater facilities plans. The WFAC will convene the
18 working group during its regularly scheduled meetings, or upon demand, and will incorporate the
19 recommendations of the working group into its statewide comprehensive planning and financing efforts.

20 Section 58. Tax Ditches. The Section 1 Addendum to this Act appropriates \$1,400,000 to the
21 Department of Natural Resources and Environmental Control for Tax/Public Ditches. Of this amount,
22 \$100,000 shall be allocated to each county with subsequent expenditure of said funds contingent upon a 1:1
23 match of county funds for tax ditch or public ditch purposes.

24 Section 59. Seventh Street Marina. It is the intent of the General Assembly to classify the Seventh
25 Street Marina, located on East Seventh Street, being Tax Parcel No. 26.044.00.0013 containing 7.86 acres
26 of land (of which 5.27 acres, more or less, is above the high water line) as existing marina for purposes of

1 the State of Delaware Marina Regulations, adopted on March 29, 1990 and amended on February 22, 1993.
2 Such classification does not exempt any person seeking to make physical improvements to the marina from
3 permit application fees pursuant to 7 Del. C. c. 66 and 72.

4 Section 60. Buried Debris Remediation Program. Funding for the remediation of buried debris will
5 follow the priority list established by date of application to DNREC for assistance. If, in the opinion of the
6 Secretary of DNREC, a site represents an exigency, that site can be given a special priority and remediated
7 as quickly as practicable. Of the \$1,500,000 appropriated for Debris Pits from the Resource, Conservation
8 and Development Fund in 74 Del. Laws, c.308, §14, \$250,000 will be provided to the New Castle
9 Conservation District for cost-share assistance to landowners with buried debris on their properties. To be
10 eligible for cost-share, the site must be listed on the DNREC priority list and meet the DNREC established
11 criteria for buried debris removal. For projects that cost up to \$40,000, the landowner must provide twenty-
12 five percent of the cost of remediation including disposal costs. For projects that cost more than \$40,000,
13 the landowner must provide \$10,000 plus 10% of the cost in excess of \$40,000, including disposal costs.
14 The provisions of this Program shall commence with those projects entitled "FY 2005 New Projects" as
15 contained in the approved Fiscal Year 2005 Resource, Conservation and Development Projects list.

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 61. Helicopter Sale. During the Fiscal year ending June 30, 2006, any funds remaining
3 from the sale of a Bell helicopter by the State Police Aviation unit (45-06-06) shall be retained by the
4 Department and used to support the avionics and equipment needs for the State Police Aviation unit.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 62. General Provisions. Notwithstanding the provisions of any state law to the contrary,
3 the Department of Transportation ("Department") is hereby authorized and directed to use all its designated
4 powers and resources to carry out the following legislative mandates:

- 5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$445,503,100 (State
6 \$333,274,100; Federal \$110,079,000; Other \$2,150,000) are authorized to be withdrawn from
7 the Transportation Trust Fund to carry out the projects and programs as set forth in the Section
8 1 Addendum of this Act.

9 Section 63. Astra Zeneca Project. The Department shall expeditiously continue all of the projects
10 heretofore authorized by the General Assembly for the construction and reconstruction of state highways in
11 and around the intersection of Routes U.S. 202 and State Routes 141 and 292, together with all local
12 connecting roads, as articulated in the Blue Ball Master Development Agreement. The Department shall
13 further carry out all previously authorized and funded projects for transit, bicycle and pedestrian, storm
14 water management, wetlands and stream restoration, beautification, historic preservation and other
15 improvements in concert with the Department of Natural Resources, the Delaware Economic Development
16 Authority, The City of Wilmington, New Castle County, the New Castle County Conservation District, and
17 such other public and private entities as may be necessary to accomplish timely completion of the Blue Ball
18 Master Plan. The Department shall make every effort to adhere to the project schedule originally laid out
19 and agreed to by all parties, and shall further cooperate with private employers and residents in the affected
20 area to speed the processes of project completions. In so doing, the Department shall insure that:

- 21 (a) The roadway concept plan developed by the joint public process and approved by the
22 Governor and the County Executive will be designed and constructed, as proposed. All roadway
23 alignments and connections shown in the concept plan will be maintained in the final project
24 design. Only modifications to ensure safety or to minimize or avoid impacts to environmentally
25 sensitive areas will be permitted in the final design. However, no change will be made to the
26 concept that will result in a degradation of the Level of Service as committed by New Castle

1 County and as defined in the Department’s response to the Astra Zeneca Traffic Impact Study;
2 and

3 (b) To accommodate the growth projected by Astra Zeneca, the Department will complete
4 all roadway construction improvements by the end of Fiscal Year 2007. The Department will
5 prepare construction contracts and advance them to construction in the most efficient manner
6 possible. Contracts should be prepared and staged to minimize disruption to the existing traffic
7 flow.

8 (c) Periodic workshops will be held to present status reports on project design and to
9 inform the public of progress and anticipated schedules.

10 Section 64. Maintenance and Operations Facilities. The following building structures and facilities
11 constructed or to be constructed within the Department of Transportation’s operating rights-of-way for the
12 Interstate Highway System and State Route 1, that are used to assist in the operational and maintenance
13 activities for such roads, shall not be subject to zoning, subdivision, or building code ordinances or
14 regulations by any political subdivision of the State: a) North District, Chapman Road Facility (equipment
15 shed, roof replacement, and HVAC); b) Canal District, Tybouts Corner Maintenance Area (equipment
16 sheds, salt storage facility, and one-story area office building); c) North District, Talley Road Maintenance
17 Area or its replacement (equipment sheds, storage facility, salt storage facility and security/privacy barrier);
18 d) Canal District, SR 1 North of North Smyrna Interchange (equipment shed, salt storage facility, and one-
19 story area office building); and e) Canal District, SR 1 at SR 299 Interchange (equipment shed and one-
20 story area office building). The Department shall not construct any such facility or make improvements in
21 any such existing facility without first conducting a public workshop to describe such plans and gather
22 public input into the effect of such plans.

23 Section 65. Transit Bus Shelter Advertising. The General Assembly acknowledges the work of the
24 Delaware Transit Corporation (“DTC”) in developing and implementing a transit shelter improvement
25 program. Part of the program involves the use of contractual advertising on the downstream panel of such
26 shelters, to offset the capital and maintenance costs of such shelters, as contemplated in 17 Del. C. c. 11, the

1 General Assembly finds that such advertising is appropriate when located in most areas, but is inappropriate
2 in certain areas. Accordingly, contractual advertising under the DTC program shall be permitted, except in
3 the following locations: (a) within a residential subdivision, except at its entrance; (b) within 50 feet of a
4 residence; (c) within 100 feet of any property designated as an historic resource under federal, state, or local
5 law; or (d) within 150 feet of areas experiencing continually high incident rates of drug offenses or crimes
6 against persons, measured on a calendar-year basis, as designated by the State Bureau of Identification or
7 the applicable local police agency.

8 Section 66. Route 7 and Valley Road Project. Previous legislation has directed the Department to
9 design and construct certain permanent drainage improvements, as well as certain other transportation,
10 recreational, cultural, educational and open space improvements in the area of the newly completed
11 intersection of Route 7 and Valley Road in New Castle County. Pursuant to those directives, the
12 Department has entered into certain contracts, and has developed a master plan for the implementation of
13 such improvements, hereafter referred to as the (“Valley Road Project”). In response to community input
14 on the proposed Valley Road Project, the Department is authorized and directed to relocate the historic
15 Tweed’s Tavern from its current location west of Limestone Road to a new location within the bounds of
16 the proposed community recreation area. The Department shall grant title to the Tavern to the Hockessin
17 Historical Society, and shall enter into any agreements as may be deemed appropriate for the relocation,
18 permanent maintenance and improvement of that structure, and other historic structures deemed consistent
19 with accomplishment of the Valley Road Project. The Department shall also cooperate with private owners
20 of adjacent property to maximize the value, and minimize the cost, of public and private infrastructure
21 needed to support all facilities to be located within or adjacent to the Valley Road Project. In so doing, the
22 Department shall insure that all previously stipulated requirements for the drainage under Valley Road are
23 adhered to, and that adjacent private property owners are not threatened by surplus highway run-off.

24 Section 67. Surface Treatment Pavement Conversion Program. The Department is authorized to
25 continue operating its Surface Treatment Pavement Conversion Program, under the following provisions:

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

4 (b) The program shall be limited to the conversion of surface treated roads in the State's road
5 inventory as of July 1, 1999 to new surfaces using hot mix pavement.

6 (c) The Department shall develop a priority list for hot mix paving under this program. The
7 Department shall consider the following factors: average annual daily traffic; school bus routes; safety
8 considerations; ease of construction, taking into consideration sub-base quality, minimal utility or right-
9 of-way impacts, and minimal drainage problems; and using the current geographic distribution ratios of
10 such roads for planning and scheduling projects under this program, if economically feasible. The
11 Department shall use this priority list in determining the sequence of projects undertaken within this
12 program.

13 Section 68. Wilmington Riverfront. The State acknowledges that the lands on and near the
14 Christina Riverfront (the "Riverfront") constitute an area of critical importance to the vitality of the State,
15 New Castle County and the City of Wilmington. The State also acknowledges that this is a shared vision
16 and responsibility of the State, its subdivisions and instrumentalities, and that it is clearly in the public
17 interest to maximize both the private and public employment, as well as the public recreational, cultural,
18 and economic development opportunities available at the Riverfront. The State, with and through the
19 Department and other departments of government, must work creatively and cooperatively with other
20 public entities and private interests, including private employers located at or near the Riverfront, to
21 increase and expedite employment, economic development, transportation, cultural and recreational
22 opportunities.

23 In furtherance of these recognized public interests and public purposes, and notwithstanding the
24 provisions of any State or local law, ordinance or regulation to the contrary, the Department is hereby
25 authorized and directed to take such actions and enter into such contracts, with public and private (whether
26 for profit or not-for-profit) entities as it deems necessary and appropriate for the planning, design,

1 acquisition, renovation, construction, or disposal of such assets as may be required to enhance the
2 transportation, employment, economic development, educational, recreational, and cultural use and
3 development of properties on or near the Riverfront. In pursuing these objectives, the Department shall pay
4 special heed to the needs of all forms of transportation, by means including but not limited to automobiles,
5 and shall insure that adequate facilities are designed and located at such points so as to maximize the use of
6 transit, pedestrian, bicycle and such other modes as may be appropriate for the area. The Department shall
7 report to the Governor and the General Assembly by May 1, 2006 on its progress toward reducing overall
8 traffic congestion and improving access to and use of the Wilmington Amtrak Station; increasing
9 availability of public parking for visitors, commuters, and employers in and around the Riverfront
10 (including, without limitation, the expedited construction, repair, and overall continued operation,
11 management and maintenance of any such facilities); and locating, relocating, constructing, renting or
12 disposing of Department facilities in and around the Riverfront in connection with any of the foregoing. In
13 this regard, the State specifically recognizes all such actions, expenditures, agreements, projects, uses, and
14 activities to be public purposes and public uses, in furtherance of the public interest.

15 Section 69. Bicycle, Pedestrian and Other Improvements. The Department may work in
16 conjunction with any political subdivision of the state and with any private organization to plan and
17 construct such bicycle and pedestrian traffic as may be appropriate. In carrying out this program, the
18 Department may take into consideration in scheduling its projects, those in which the affected local
19 community is willing to contribute a matching share (whether in cash, rights of way, or other in-kind
20 services) in order to accomplish the project.

21 Section 70. Transportation Enhancements. It is the intent of the General Assembly that the
22 Department provide notice to all state agencies, political sub-divisions within the state, and other parties of
23 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall
24 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and
25 such other requirements as may be necessary to insure that any interested entity may work to become a
26 participating recipient under the program.

1 Section 71. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of
2 \$26,100,000 (State) for projects within the Grants and Allocations classification. The General Assembly
3 further defines its intent with respect to those appropriations as follows:

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

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

9 Section 72. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
10 \$1,266,000 (\$999,600 State; \$266,400 Federal) from the Transit System classification (73/00) appropriated
11 in this Act for the 5310 Program, administered by the Federal Transit Authority.

12 Section 73. Transportation Facilities. The Section 1 Addendum of this Act appropriates
13 \$11,325,000 (State) for the improvement and adaptation of Departmental facilities.

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

17 (b) The Department shall insure that improvements to US Route 113 in the vicinity of the new Kent
18 County office complex, and expansion and improvements of the Dover locations for the Division of Motor
19 Vehicles, and all of its points of access and parking, are carried out in the most efficient and timely manner;

20 (c) In order to expedite improvements to the Rock Manor golf course on Route 202 (such
21 improvements being required by highway and storm water retention pond construction for the Blue Ball
22 project), the Department shall immediately begin to design and construct replacement facilities for the
23 Talley Road Maintenance Yard in the North District, on land currently owned by the Department proximate
24 to the existing Talley Yard, and to transfer the property as soon as possible.

25 Section 74. EZ Pass Reserve Account. The General Assembly finds that it is in the State's best
26 interest to improve the overall level of availability of *E-ZPass* technology to the traveling public in

1 Delaware, and to improve the level of customer service provided to *E-ZPass* users. In this regard, the
2 General Assembly hereby establishes an *E-ZPass* Reserve Account, which shall be maintained within the
3 Transportation Trust Fund as a separate account. These funds may only be used by the Department in
4 furtherance of its efforts to improve the availability and quality of the *E-ZPass* assets and services. In
5 March 2003, the Regional Consortium, of which Delaware was a founding member in 1995, was dissolved.
6 The funds appropriated in the Section 1 Addendum, and others as may be appropriated by the General
7 Assembly, may be used to satisfy any and all claims resulting from Delaware’s membership in the Regional
8 Consortium.

9 Section 75. Port of Wilmington. Subject to the review and approval of the Board of Directors of
10 the Diamond State Port Corporation (“DSPC”):

11 (a) For purposes of restructuring the loan agreement dated November 30, 2001 between the DSPC
12 and the Transportation Trust Fund, the Secretary of the Department of Transportation is authorized and
13 directed to defer the principal and interest payments to be made by the DSPC on July 1, 2005 and January
14 1, 2006. The Secretary of Transportation shall prepare a new amortization schedule (maturing November
15 30, 2021) for the loan to include recapitalized interest from the foregone amounts deferred.

16 (b) The DSPC may make application to the Delaware River and Bay Authority (“DRBA”) for such
17 assistance in the acquisition and improvement of facilities at the Port as the Board of the DSPC deems
18 appropriate, in accordance with the Compact authorized under 17 Del.C. §1701. For purposes of those
19 negotiations, any such project selected by the DSPC shall be construed to have been approved by the
20 General Assembly and Governor as required by law.

21 (c) Pursuant to 29 Del. C. § 8735(a) and Article TENTH of the Certificate of Incorporation of the
22 Diamond State Port Corporation (“DSPC”), the approval of the General Assembly is required to amend the
23 Certificate of Incorporation of the DSPC in order for the certificate to conform with changes made to
24 Subchapter II of Chapter 87 of Title 29, the statutory provisions governing the DSPC. The approval
25 required by § 8735(a) of Title 29 and Article TENTH of the DSPC Certificate of Incorporation is hereby
26 granted to make all amendments to the DSPC Certificate of Incorporation required to conform the

1 Certificate of Incorporation to changes which have been made with the approval of the General Assembly
2 to the statutory provisions of Subchapter II of Chapter 87 of Title 29 which govern the DSPC.

3 Section 76. DeIDOT Work Impacts on Private Property and its Owners. When the Department
4 and/or any of its contractors determines that it would be in the best interests of the State to undertake
5 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted
6 immediately adjacent to a residential neighborhood,

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

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

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

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

4 Section 77. Subdivision Signage. The Department has adopted as its standard for newly
5 constructed sub-divisions a decorative sign that includes the name of the subdivision and a logo of the
6 State's famous patriot, Caesar Rodney. These new signs shall be installed at each newly approved sub-
7 division and shall be paid for by the developer(s) of such sub-division. Existing sub-divisions may request
8 the Department to install these new signs (in place of the green and white signs currently used by the
9 Department). Such requested replacement signs shall be paid for by the sub-division or from Community
10 Transportation Funds allocated by a legislator requesting such signs. The Department shall replace existing
11 standard signs damaged by vandalism, accident, or the ravages of time with standard signs under its regular
12 maintenance program, unless the decorative alternative has been requested under the provisions of this
13 section.

14 Section.78. Eden Hill Farm. Pursuant to previous capital authorizations and Epilogue direction,
15 the Department has been working cooperatively for three years with the owners of lands in the City of
16 Dover known as the Eden Hill Farm. It is the intent of the General Assembly that the Department should
17 vigorously continue to pursue the objectives of transportation improvements, economic development
18 projects, and the conservation and restoration of important historic and environmental assets located within
19 the boundaries of the property, and to honor all of its previous contractual commitments. Funds authorized
20 in the Section 1 Addendum of 74 Del. Laws, c. 308 shall be used to acquire, preserve and restore, to the
21 extent practicable, the historic Eden Hill farmstead, for disposition and further use by such individuals or
22 groups as may be approved by the City of Dover and the Department. Further sums authorized in the
23 Section 1 Addendum of 74 Del. Laws, c. 308 for the West Dover Connector shall be used to acquire
24 additional potential rights-of-way, and the Department shall dispose of any land not subsequently required
25 for the construction of the project in accordance with a plan deemed acceptable to the City of Dover.

1 Section 79. McMullen Farm. The General Assembly has previously authorized the Department to
2 enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm in
3 order to promote improved transportation access and circulation, to promote healthy economic growth, and
4 to preserve and enhance critical open space. The Department is authorized to continue its negotiations for
5 the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the lands
6 adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All previous
7 authorizations to the Department, and other affected state agencies, shall remain in force and effect, and the
8 Secretary of the Department shall report to the Governor and the General Assembly on progress toward the
9 completion of the transportation improvements, development of the excess lands, and creation and
10 improvement of the community parkland no later than May 1, 2006.

11 Section 80. Brandywine Park. The Department is authorized and directed to use a portion of the
12 sums authorized for improvements within the I-95 corridor through the City of Wilmington to restore and
13 improve public park areas and parking lots, and to provide any required restitution to owners of private
14 property whose residences and or businesses may have suffered physical damage as a result of the
15 aforementioned reconstruction.

16 Section 81. Seaford, Ross Industrial Park. The Department is authorized to enter into such
17 agreements with the City of Seaford or any such employer that the City is successful in attracting as are
18 necessary and convenient for the planning, design, construction, and/or financing of any such improvements
19 to the transportation system.

20 Section 82. Southern New Castle County. In order to expedite the orderly improvement of roads
21 and other infrastructure in the rapidly growing area of southern New Castle County, the Department is
22 authorized and directed to enter into such joint development agreements as it may deem necessary and
23 appropriate. In so doing, the Department should make its best efforts to adhere to the tenets of the model
24 joint development agreement executed earlier this year between the developers of Westtown, the City of
25 Middletown, and the Department, to the extent such provisions are applicable to future projects. If
26 legislation introduced and passed at this time by the Delaware State Senate concerning joint development

1 agreements has been enacted into law, the Department shall pay special attention to the provisions of that
2 statute concerning the advanced acquisition of rights-of-way, public announcements and involvement in
3 workshops concerning the project, and the need for public oversight and inspection of all construction
4 work, regardless of the source of funding and/or the contracting party.

5 Section 83. New Castle, State Route 9. Mindful of the scenic and historic value of one of
6 Delaware's most notable roads (State Route 9), and recognizing the growth in residential and commercial
7 activity along that road south of the historic town of New Castle, the General Assembly is concerned that
8 severe, periodic flooding of this road continues to cause a threat to the health and safety of the residents and
9 travelers along this road. Accordingly, the Department shall use such sums as may be necessary from the
10 authorizations contained within the Section 1 Addendum of this Act to immediately commence the project
11 development and design for a safe, attractive, and efficient causeway which will preserve the pastoral
12 quality of this portion of the Delaware road network, while affording new transportation improvements to
13 the citizens of the State.

14 Section 84. Cheswold Area Park and Ride. The General Assembly finds that it will be in the
15 state's long term interest to acquire approximately 35 acres of vacant land east of U.S. Route 13 and
16 adjacent to State Route 42 for the purposes of constructing a Park and Ride facility. When not used for
17 these purposes, the Department may enter into such agreements with the owners and promoters of Dover
18 Downs and NASCAR events as may be necessary and desirable to make this property available for
19 overflow parking during periodically scheduled events. The Department, in order to comply with federal
20 air quality mandates, shall also examine the feasibility of installing new "no idle" cab heating and
21 ventilating units for over the road trucks using Delaware's highways, and shall report its findings to the
22 Governor and General Assembly in time for potential consideration in the Fiscal Year 2007 Capital Budget
23 cycle. In pursuit of this acquisition, the Department shall seek such private funding as may be necessary and
24 appropriate to reflect the potential private benefits to be derived by this joint use facility. Any public funds
25 required to accomplish this project may be withdrawn from the amounts authorized in this, or prior capital
26 authorization Acts, for Advanced Acquisition of rights-of-way.

1 Section 85. Safe Recreation. The General Assembly is concerned about the proliferation of
2 sporting and recreational activity taking place in and adjacent to the state's public rights-of-way. Such
3 mixed-use activity threatens the safety of the recreants as well as members of the motoring public.
4 Accordingly, in order to promote safe neighborhood recreation, the Department shall make every effort to
5 remove from public rights-of-way devices such as basketball hoops, hockey goals, shuffleboards and the
6 like. The Department is authorized and directed to establish such regulations as may be necessary and
7 appropriate to enforce this activity, including a fine of \$25.00 per incident for any repeat offenders.

8 Section 86. Rehabilitation of Public Streets, Industrial Parks. In order to maintain a safe,
9 attractive, and efficient network of public streets serving the state's growing inventory of industrial parks,
10 the General Assembly hereby authorizes the Department to spend sums not exceeding \$500,000 on a pilot
11 program to address this issue. The Department shall prepare an inventory of all public streets within the
12 state's industrial parks. It shall further rank all of these streets in the same manner that it prepares the annual
13 program of roads eligible for the Paving and Rehabilitation Program authorized elsewhere in this Act. The
14 Secretary shall then distribute this list to all members of the General Assembly, together with an estimate of
15 the amounts necessary to address those public streets in this inventory most in need of repair. If a member
16 of the General Assembly elects to allocate funds from his/her Community Transportation Fund to repair any
17 of these public streets, the Secretary may draw on this appropriation to match those individual CTF dollars
18 on the basis of \$2 dollars from this special account for every \$1 dollar allocated by the Member. The
19 Secretary shall notify all Members of his intent to make such matching allocations, and shall require any
20 Member interested in participating to notify the Department of his/her interest in participating by a date
21 certain, not less than one month from the date of such announcement. In the event that the sum of all
22 individual Member requests exceeds the amounts authorized by this section, the Department shall prioritize
23 the industrial park streets to be improved on the basis of the ranking required by this section, and shall share
24 its decisions with all Members of the General Assembly. For purposes of preparing this inventory and
25 ranking, the Department is authorized and directed to expend such sums as may be necessary from the
26 accounts established for statewide paving and rehabilitation activities.

1 Section 87. Sussex County, Regional Improvements. The General Assembly is troubled by the
2 increasing congestion of traffic in and around the beach recreational areas of Sussex County. In addition,
3 land to the west of these areas is quickly becoming so developed that visitors to Delaware often spend hours
4 delayed in reaching their destinations. Accordingly, and in concert with various resolutions introduced in
5 one or the other chamber of the General Assembly, the Department shall undertake a study of the options
6 and potential costs to acquire rights-of-way and construct improvements to address these problems. In
7 undertaking its study, the Department shall seek the advice of Sussex community leaders and shall further
8 consult with jurisdictions throughout the United States which have employed novel and effective solutions
9 to similar problems. The Department shall share its findings on these so-called Route 1 and East-West
10 travails with the Governor and Members of the General Assembly by January 15, 2006.

11 Section 88. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the
12 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the
13 construction of new park amenities, access and circulation roads, and other transportation and recreation
14 improvements shall be used, to the maximum extent possible, to match federal funds previously available,
15 or to become available in the future. In keeping with the strong sense of community involvement and sense
16 of ownership, the Department shall continue to provide periodic progress updates through such media as it
17 determines best address the community's needs. In keeping with the urgent time schedule, the Department
18 shall make every effort to design and bid and execute this project for construction in the most expeditious
19 manner. And finally, because in order to accomplish this project in an efficient and cost-effective manner,
20 the Department and its contractors will have to occupy portions of the state's adjacent campground and
21 marina facilities, the General Assembly authorizes and directs the Secretary of the Department to enter into
22 reimbursement agreements with the Secretary of the Department of Natural Resources and Environmental
23 Control ("DNREC"). Such agreements will insure that during the period of construction of the bridge and
24 other necessary improvements, DNREC shall be equitably indemnified from the loss of critical tourist
25 revenues which are necessary to fund the operations of all of the state's outdoor recreational facilities.

1 Section 89. Bancroft Parkway, Wilmington. Bancroft Parkway is an historic and scenic portion of
2 the City of Wilmington which is undergoing substantial public and private improvements. Accordingly, the
3 General Assembly finds that:

4 a) Notwithstanding the Department’s efforts to require the CSX Railroad to make necessary and
5 essential improvements to the 9th Street bridge over the CSX tracks adjacent to Union Street, Grant
6 Avenue, and Bancroft Parkway, the General Assembly is sympathetic to the community desire to see the
7 former Division of Motor Vehicles facility on Bancroft Parkway rehabilitated as a library. In concert with
8 this plan, the City of Wilmington, DNREC, and the Woodlawn Trustees (collectively referred to here as the
9 Bancroft Partners) have now agreed to fund the design and construction of a pedestrian bridge adjacent to
10 the 9th street CSX bridge. The completion of such a pedestrian bridge would be an important step in the
11 fulfillment of the original master plan for Bancroft Parkway as articulated by the famous urban designer,
12 Frederick Law Olmstead. Accordingly, the Department is authorized and directed to work cooperatively
13 with the Bancroft Partners to offer such technical assistance as they may require, and to amend one or more
14 contracts for public improvements to be accomplished in the general vicinity so as to make the completion
15 of the Bancroft Partners’ project more efficient and cost effective. Nothing in this Act shall be used to
16 imply that the Bancroft partners are not liable for the full costs of all design, construction and inspection of
17 the aforementioned pedestrian bridge. However, the Department may undertake such reimbursement
18 agreements as it deems necessary to carry out both the financial and functional intent of this section.
19 Notwithstanding all of the forgoing, the General Assembly cautions and directs the Secretary of the
20 Department not to waiver in his efforts to secure a prompt and equitable settlement from the CSX Railroad
21 in conjunction with the replacement of the adjoining 9th street bridge.

22 b) The Department shall use sums available from the Transportation Enhancements program funded in
23 the Section 1 Addendum to this Act to match available local and CTF funds for sidewalk, landscape, and
24 lighting improvements in the vicinity of Union Park Gardens.

25 Section 90. City of Wilmington Beautification. In order to maintain the urban tree canopy
26 available in the City of Wilmington, the General Assembly authorizes and directs the Department to

1 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
2 Center for Horticulture (“Center”). It is the intent of the General Assembly that such program shall be
3 funded exclusively by allocations made from time to time by members of the General Assembly from their
4 Community Transportation Funds. The Department shall create an open-ended account with the Center on
5 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and
6 appropriately vouchered, from the CTF funds herein identified.

7 Section 91. System Capacity Preservation. The General Assembly hereby determines that it is in
8 the public interest to limit future residential, commercial, or industrial growth along certain portions of the
9 state’s highway network. Such potential growth would produce unsafe driving conditions as increased
10 traffic seeks access to, and movements along, a number of local roads and collectors in critical locations
11 throughout the state. The General Assembly further determines that it would be infeasible or imprudent for
12 the Department to attempt to design and construct modifications to the state’s highway network adjacent to
13 these locations because such improvements would irrevocably destroy the important scenic and historic
14 nature of the view sheds and other environmental attributes associated with these locations. Accordingly,
15 the Secretary of the Department of Transportation (“Secretary”) is authorized and directed to use state funds
16 from those appropriated to the Transportation Enhancements program authorized and funded in the Section
17 1 Addendum of 74 Del. Laws, c. 308, together with such other funds from any public or private source as
18 may be available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary
19 to protect the following properties, pursuant to the stipulations stated herein. Expenditure of these funds for
20 these purposes shall be with the review and approval of the Director of the Office of Management and
21 Budget and the Controller General. The provisions of Chapter 1, Title 17, and Chapters 93 and 95, Title 29
22 of the Del. Code shall govern such purchases, and any other purchase by the Department authorized by this
23 Act.

24 a) Delaware National (nee Hercules) Golf Course – Approximately 101 +/- acres adjacent to Hercules
25 Road (SR 282) in New Castle County. The Department shall work with members of the
26 surrounding community, plus state and local officials, to develop a master plan for the permanent

1 protection of the site as community recreation and open space, and upon satisfactory completion of
2 such plans, may transfer the parcel to the appropriate owner(s) for a fee to be determined.

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

9 c) Mellinger and/or Willow Run Properties – A parcel of land located adjacent to Fairgrounds Park in
10 the Town of Elsmere and a second parcel located on Montgomery Road in Willow Run. The
11 Department shall work with members of the surrounding community, plus state and local officials,
12 to develop a master plan for the permanent protection of the site as community recreation and open
13 space, and upon satisfactory completion of such plans, may transfer the parcel to the appropriate
14 parties for a fee to be determined.

15 d) Glatfelter Pulp Wood Company – One parcel adjacent to numerous local roads and collectors
16 throughout Sussex County. The Department shall work with the Delaware Department of
17 Agriculture, DNREC, the U.S. Department of Agriculture, and such other public and private groups
18 as may be appropriate to secure permanent protection of these parcels for the state’s managed
19 forestlands. Upon completion of all transactions, the Department shall transfer all of these parcels
20 to the Delaware Department of Agriculture (“DOA”) for the sum of \$1.00 and the DOA shall
21 thereafter undertake the necessary and appropriate forest management practices on these lands to
22 insure their maximum benefit to the residents of the state of Delaware.

23 Section 92. Matson Run Drainage and Blue Ball Recreational Facility. The Section 1 Addendum
24 of 74 Del. Laws, c. 308 appropriated \$1,100,000 for the Matson Run Drainage Improvements and the Blue
25 Ball Recreational Facility. These funds shall be eligible as match for the Twenty-First Century Fund
26 Resource, Conservation and Development Project entitled “Shellpost Creek – Matson Run Flood

1 Abatement in Watershed Area". These funds shall be used by the Department, together with such other
2 state, federal, local, and private funds as are necessary to continue improvements to the Rock Manor Golf
3 Course and other public recreational facilities in the area adjacent to the Department's transportation and
4 other improvements along U.S. 202, Murphy Road (SR 141), Foulk Road (SR 261), Weldin Road (SR 215),
5 Powder Mill Road (SR 267) and other portions of the state's highway network.

6 Section 93. Improvements to Public Parking Facilities. Consistent with its various transportation
7 improvements along North Walnut Street in the City of Wilmington and around Legislative Hall and the
8 historic downtown portion of Dover, the Department shall use the sum of \$1,300,000 identified in the
9 Support Systems portion of the Section 1 Addendum to 74 Del. Laws, c. 308 to design and construct, as
10 necessary and feasible, various parking improvements adjacent to the William T. McLaughlin Public Safety
11 Building and the capitol complex. In carrying out these improvements, the Department shall consult and
12 cooperate with the appropriate state, local and private officials with jurisdiction over the administration of
13 these locations.

1 **DEPARTMENT OF AGRICULTURE**

2 Section 94. 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 Director of the Office of Management and Budget
7 and Controller General.
- 8 2. Up to \$350,000 may be used to pay the costs of mapping, legal services and other related costs
9 required to create agricultural district agreements and the costs of appraisals of all eligible
10 properties, and shall be exempt from matching requirements subject to the approval of the
11 Director of the Office of Management and Budget and Controller General.
- 12 3. The Foundation shall designate \$1,000,000 in each county to be applied as a 1:1 match of
13 county funds designated for the purchase of preservation easements. Any portion of those
14 funds not matched by a county could be matched by another entity. In order to qualify such
15 county funds must be transferred to the Delaware Agricultural Lands Preservation Trust Fund.
16 The combination of such funds shall be used to purchase easements from those properties
17 which have applied to the Foundation within said county, or in an area of the county designated
18 in writing by the county, according to the procedures of the Foundation. Where joint funds are
19 used, the county and the Foundation must mutually agree as to the easements purchased. Any
20 county funds not fully utilized in such purchases shall be returned to the county and such funds
21 of the State as are not fully utilized in such purchases shall revert to the Foundation's pool of
22 funds available for preservation easements statewide.

1 **FIRE PREVENTION COMMISSION**

2 Section 95. Hydraulic Rescue Tools Replacement: It is the intent of the General Assembly that the
3 funds authorized in the Section 1 Addendum of this Act be used to reimburse the Newark, Christiana, Five
4 Points, Belvedere, Farmington, Leipsic, Little Creek, Magnolia, Marydel, Frankford, Greenwood,
5 Gumboro, Laurel, Memorial and Roxana volunteer fire companies. Upon submitting the receipt of sale,
6 this company will be reimbursed up to \$7,500 by the Fire Prevention Commission - State Fire School (75-
7 02-01).

1 **UNIVERSITY OF DELAWARE**

2 Section 96. University of Delaware. It is the intent of the General Assembly that funds in the
3 amount of \$2,000,000 previously appropriated to the Delaware Economic Development Office for the
4 Delaware Biotechnology Institute and currently held in accounts DBI-DEDO 0001 Life Sciences Fund and
5 DBI-DEDO 0102 Life Sciences Fund at the University of Delaware be used for the renovation project at
6 Wolfe Hall. The University of Delaware has agreed to and will repay these funds to the Delaware
7 Biotechnology Institute from University funds with \$1,000,000 to be received on or before June 30, 2006
8 and the second repayment of \$1,000,000 on or before June 30, 2007.

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 Section 97. 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 Program.
4 This appropriation may be used for the acquisition of computer hardware and software.

5 Section 98. Stanton Campus Expansion. Delaware Technical and Community College shall apply
6 for all permits and approvals required pursuant to any applicable provision of Titles 9 and 22 of the
7 Delaware Code, or any other ordinance, rule or regulation enacted pursuant thereto in connection with the
8 design and construction of the Stanton Campus Expansion (90-04-04); provided, nevertheless, that any such
9 permit or approval shall be granted within 45 days from the day upon which the college makes application
10 therefore. If any required permit or approval is not granted within 45 days as set forth above, the college
11 may commence construction and shall be immune from any legal action or liability for failing to obtain
12 such permit or approval.

DELAWARE STATE UNIVERSITY

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Section 99. Critical Computer Upgrades. The Section 1 Addendum to 74 Del. Laws, c. 308 appropriates \$1,000,000 to Delaware State University for Critical Computer Upgrades. To expedite these upgrades, the University may seek to waive the provisions of 29 Del. C., Chapter 69. Such waiver shall be contingent upon the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the Technology Investment Council.

1 **DEPARTMENT OF EDUCATION**

2 Section 100. 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 of
5 such buildings to include the sale of property, closing of a building, lease of property to another agency, and
6 additions and renovations. The Department of Education shall establish a standard reporting mechanism
7 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 101. 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 and
13 implementation of their neighborhood schools plans pursuant to 14 Del. C. § 223 and 72 Del. Laws, c. 287.
14 The reimbursement criteria for documented, allowable costs shall be determined by the Director of the
15 Office of Management and Budget and Controller General, in consultation with the Department of
16 Education. In no such instance shall reimbursements be made for costs incurred by a local school district
17 prior to April 20, 2000.

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

1 Notwithstanding the provisions of 72 Del. Laws, c. 287 to the contrary, the funds herein
 2 appropriated and allocated to the local school districts constitute the transition costs contemplated by 72
 3 Del. Laws, c. 287 and all plans must be implemented within 18 months of receiving said transition costs
 4 pursuant to 14 Del. C. § 223(d) and (f). If a school district is unable to document local costs pursuant to
 5 this section, the district must implement its Neighborhood School Plan within 18 months of State Board of
 6 Education approval of such Plan.

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

9 Section 102. Land Donation for School Construction. Any land donated to a school district with
 10 an approved major capital improvement program shall be required to return to the state one-half of the state
 11 share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to keep
 12 the remaining one-half state share amount, as well as the full local share amount in accordance with the
 13 certificate of necessity.

14 Section 103. Minor Capital Improvements. It is the intent of the General Assembly that the sum of
 15 \$7,173,800 allocated in Section 1 of this Act be used for minor capital improvements to school buildings in
 16 the following amounts. Districts must use the funds in the amounts below on projects listed on the facility
 17 assessment website hosted by the Department of Education.

18		Maximum	Maximum	
19	<u>School District</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
20	Appoquinimink	\$379,974	\$253,316	\$633,290
21	Brandywine	597,426	398,284	995,710
22	Special	8,966	-	8,966
23	Christina	1,075,758	717,172	1,792,930
24	Special	40,017	-	40,017
25	Colonial	586,270	390,847	977,117
26	Special	9,627	-	9,627
27	New Castle Vo Tech	326,933	-	326,933

1	Red Clay	863,861	575,907	1,439,768
2	Special	13,119	-	13,119
3	Caesar Rodney	330,764	220,509	551,273
4	Special	19,254	-	19,254
5	Capital	328,613	219,075	547,688
6	Special	5,852	-	5,852
7	Lake Forest	202,219	134,813	337,032
8	Milford	213,035	142,023	355,058
9	Polytech	108,443	-	108,443
10	Smyrna	206,409	137,606	344,015
11	Cape Henlopen	238,064	158,709	396,773
12	Special	10,099	-	10,099
13	Delmar	60,084	40,056	100,140
14	Indian River	433,318	288,879	722,197
15	Special	13,779	-	13,779
16	Laurel	115,521	77,014	192,535
17	Seaford	191,176	127,451	318,627
18	Sussex Vo-Tech	114,672	-	114,672
19	Woodbridge	109,689	73,126	182,815
20	Campus Community	33,524	-	33,524
21	Academy of Dover	24,067	-	24,067
22	De Military Academy	23,444	-	23,444
23	East Side Charter	7,928	-	7,928
24	Kuumba Academy	13,704	-	13,704
25	Marion T. Academy	35,789	-	35,789
26	M.O.T. Charter	38,224	-	38,224
27	Newark Charter	36,695	-	36,695
28	Positive Outcomes	6,795	-	6,795

1	Providence Creek	35,166	-	35,166
2	Sussex Academy	18,008	-	18,008
3	Thomas A. Edison	44,510	-	44,510
4	Wilmington	<u>53,004</u>	<u>-</u>	<u>53,004</u>
5	Total to Schools	\$6,973,800	\$3,954,787	\$10,928,587
6	Vocational Equipment	85,000	56,667	141,667
7	State Board of Education	115,000	76,667	191,667
8	TOTAL	\$7,173,800	\$4,088,121	\$11,261,921

9 Section 104. Full-Day Kindergarten. In order to maximize certain construction cost efficiencies,
10 local school districts currently undertaking major renovations or capital construction projects shall have the
11 ability to apply for a modified Certificate of Need to increase their local amount for the capital projects
12 required as a result of implementing full-day Kindergarten. The Department of Education shall review the
13 requests for a modified Certificate of Need and may approve such requests with the concurrence of the
14 Director of the Office of Management and Budget and the Controller General. Local school districts may
15 utilize Minor Capital Improvement funds as the required local funds and in anticipation of future state
16 match in order to implement the provisions of this section.

17 Section 105. Full-Day Kindergarten Implementation. It is the intent of the General Assembly that
18 the sum of \$30,871,200 appropriated in the Section 1 Addendum to this Act be allocated as follows for the
19 purpose of providing the facilities necessary for full-day Kindergarten:

20	School	State	Local	Total
21	<u>District</u>	<u>Share</u>	<u>Share</u>	<u>Cost</u>
22	Colonial	\$8,683,200	\$4,276,800	\$12,960,000
23	Cape Henlopen	2,040,000	1,360,000	3,400,000
24	Milford	3,318,000	882,000	4,200,000
25	Indian River	1,800,000	1,200,000	3,000,000
26	Red Clay	960,000	640,000	1,600,000

1	Christina	2,760,000	1,840,000	4,600,000
2	Appoquinimink	8,520,000	3,480,000	12,000,000
3	Capital	710,000	290,000	1,000,000
4	Caesar Rodney	1,280,000	320,000	1,600,000
5	Lake Forest	<u>800,000</u>	<u>200,000</u>	<u>1,000,000</u>
6	TOTAL	\$30,871,200	\$14,488,800	\$45,360,000

7 Notwithstanding any provisions of the Delaware Code to the contrary, the local school boards for
8 the districts listed above may levy such tax as is necessary to support the local district contribution listed
9 above without the necessity of a referendum in the local school district.

10 Section 106. Red Clay Consolidated School District Transfer. (a) Notwithstanding any other
11 provision to the contrary, the Department of Education, with the approval of the Director of the Office of
12 Management and Budget, the Controller General, and the Co-Chairs of the Joint Legislative Committee on
13 the Capital Improvement Program, is authorized to approve a transfer of more than 10 percent of major
14 capital construction funds between major capital construction projects authorized in the Red Clay
15 Consolidated School District Certificate of Necessity #0332C-Z.

16 (b) In order to insure the timely completion of the Dickinson High School renovations, including
17 relocation of the school's football stadium for the start of the 2006 season, the Red Clay School District is
18 authorized to supplement the construction expenses for this school with local funds and recoup these funds
19 from current and future allocations of the Minor Capital Improvement/Annual Maintenance Fund.

20 Section 107. Christina Land Acquisition. Funds remaining in the following appropriations:
21 Douglass (98-95-33-00-0801), New Elementary (91-95-33-00-6113), Cobbs/Gauger (96-95-33-00-6614),
22 Land Acquisition (96-95-33-00-6616), Shue/Medill (97-95-33-00-6712), Arch Barrier (97-95-33-00-6793),
23 Douglass (98-95-33-00-6815) shall be used to acquire the land necessary for a new elementary and new
24 middle school in the Route 40 corridor.

25 Section 108. Colonial School District Transfer. Notwithstanding any other provision to the
26 contrary, the Department of Education, with the approval of the Director of the Office of Management and

1 Budget, the Controller General and the Co-Chairs of the Joint Legislative Committee on the Capital
2 Improvement Program, is authorized to approve a transfer of more than 10% of major capital construction
3 funds between major capital construction projects authorized in the Colonial School District Certificate of
4 Necessity #0134, dated October 27, 1999. The Colonial School District shall not be authorized to change
5 any conditions or incur any obligation in excess of Certificate of Necessity #0134 dated October 27, 1999.

6 Section 109. Dickinson High School. Funding for the Red Clay School District including bond
7 authorizations for renovations at John Dickinson High School and the transfer of major capital construction
8 funds pursuant to Section 106 of this Act shall be contingent upon the following:

- 9 1. the lighted football field at Dickinson may be used only for Dickinson home games and
10 Dickinson band practice through Fiscal Year 2007;
- 11 2. following the 2006 football season, the Dickinson football field and lights are to be
12 relocated to the back of the school and no floodlights may be used at the field's current site;
- 13 3. the District is required to maintain the fencing between the Dickinson High School
14 property and the community of Montclare, keep the gate between the properties locked at
15 all times (except by mutual agreement between the District and the Montclare Civic
16 Association), and provide, maintain, and replace, if necessary, eight six-foot Leland
17 Cypress trees along the fence line bordering the homes on Salem Drive;
- 18 4. the District is required to comply with all New Castle County ordinances governing lights
19 and noise in residential areas.

20 Section 110. Bond Verification. All bonds issued, or herein before or herein authorized to be
21 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

22 Section 111. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
23 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
24 controlling.

25 Section 112. Severability. If any section, part, phrase, or provision of this Act or the application
26 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its

1 operation to the section, part, phrase, provision, or application directly involved in the controversy in
2 which such judgment shall have been rendered and shall not affect or impair the validity of the remainder
3 of this Act or the application thereof.

4 Section 113. Effective Date. This Act shall take effect in accordance with the provisions of state
5 law.

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SYNOPSIS

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This Bill is the Fiscal Year 2006 Capital Improvements Act.

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Author: Office of the Budget

**APPENDIX A
FISCAL YEAR 2006
CAPITAL TRANSPORTATION PROGRAM
(in 000's)**

	OTHER FUNDING	FEDERAL AUTHORIZATION	STATE AUTHORIZATION	FY 2006 AUTHORIZATION
Road System				
A. Expressways				
Bread and Cheese Island			5,000.0	5,000.0
Glenville Wetland Mitigation			5,000.0	5,000.0
I-95, Maryland State Line to SR 141		2,700.0	300.0	3,000.0
I-95/US 202 Interchange			-	-
I-295 Improvements			3,000.0	3,000.0
SR 1, South of Dover to South of C&D Canal		100.0	100.0	200.0
Subtotal Expressways	\$0.0	\$2,800.0	\$13,400.0	\$16,200.0
B. Arterials				
Blue Ball Properties, SR 141 and US 202 Area Improvements			2,000.0	2,000.0
Churchman's Crossing Corridor Improvements		660.0	340.0	1,000.0
Corridor Capacity Preservation and Advanced Acquisition of Rights of Way			7,800.0	7,800.0
New Castle City Improvements			770.0	770.0
Route 1, Beach Area Improvements		1,288.0	6,499.7	7,787.7
SR 1, Bay Road/K 19, Thompsonville Road, Intersection Improvements			4,700.0	4,700.0
SR 1, Bay Road, Little Heaven Intersection Improvements			6,000.0	6,000.0
SR 1, Bay Road/SR 9, Bayside Drive, Intersection Improvements		800.0	200.0	1,000.0
SR 2, Elkton Road, Maryland State Line to SR 273, Delaware Avenue, Newark			1,000.0	1,000.0
SR 2, South Union Street from Railroad Bridge to Sycamore Street, Wilmington			700.0	700.0
SR 7, Limestone Road, North of SR 72, Paper Mill Road to Pennsylvania Line, Dualization			250.0	250.0
SR 8, Forrest Avenue and K 44, Pearson's Corner Road, Dover			100.0	100.0
SR 8, Forrest Avenue and SR 15, Saulsbury Road, Dover		273.4	68.4	341.8
SR 15, Moornton Rd and K 152, Lynnbury Woods Road, Intersection and Rail Crossing			500.0	500.0
SR 26, US 113 to Assawoman Bay		955.9	1,375.5	2,331.4
SR 141, Basin Road, SR 273, Frenchtown Rd to SR 48, Lancaster Pike	1,000.0	14,200.0	3,550.0	18,750.0
US 13 and S 462, Trussum Pond Road, Signal Removal and Service Road, East of Laurel			290.0	290.0
US 13A, South Governor's Avenue, Webb's Lane to Water Street		1,780.0	445.0	2,225.0
US 40, Maryland State Line to US 13, Corridor Improvements		8,849.6	2,862.4	11,712.0
US 113A, South State Street, Little Heaven to SR 10, Lebanon Road			500.0	500.0
US 113, Milford Curbing, Gutter and Landscaping			100.0	100.0
US 301, Maryland State Line to SR 896			3,000.0	3,000.0
Subtotal Arterials	\$1,000.0	\$28,806.9	\$43,051.0	\$72,857.9
C. Collectors				
K 134, Duck Creek Parkway, Sidewalk and Shoulder Improvements, Smryna.			100.0	100.0
K 137, Carter Rd, K 90, Sunnyside Road, to SR 300 Wheatley's Pond Road		3,976.3	994.1	4,970.4
N 407, McCoy Road, N 409, Kirkwood St Georges Road to SR 72, Wrangle Hill Road			2,200.0	2,200.0
S 401, Clayton Avenue, Frankford			250.0	250.0
SR 7, Bear-Christiana Road to US 40 Area Improvements			8,000.0	8,000.0
SR 24, John J. Williams Highway, SR 30, Gravel Hill Road to SR 1, Coastal Highway		180.0	2,820.0	3,000.0
SR 54, Lighthouse Road, US 113, DuPont Boulevard to S 58C, Keenwick			2,000.0	2,000.0
Sussex County West/East Improvements			1,000.0	1,000.0
US 9, Lewes and Georgetown Highway and S 319, Airport Road Realignment, Georgetown			1,320.5	1,320.5
US 13, Sussex Highway, & SR 404 Intersection Realignment and Bridgeville Service Roads		10,000.0	4,710.0	14,710.0
West Dover Connector			2,000.0	2,000.0
Wilmington Traffic Calming, Pedestrian, and Transit Improvements	1,150.0		10,600.0	11,750.0
Subtotal Collectors	\$1,150.0	\$14,156.3	\$35,994.6	\$51,300.9
D. Locals				
Harrington Truck Route		5,400.0	1,350.0	6,750.0
LoockermanStreet and Forest Street Intersection Improvements, Dover			242.3	242.3
N 274, Brackenville Rd, SR 141, Lancaster Pike to N 258, Barley Mill Rd		3,347.8	837.0	4,184.8
N 282, Mill Creek Road and N 283, Stoney Batter Road Intersection			100.0	100.0
N 318, Milltown Road Drainage Improvements			155.0	155.0
Rehoboth Avenue Improvements			6,750.0	6,750.0
Southern New Castle County Improvements			7,000.0	7,000.0
Wilmington Riverfront			5,600.0	5,600.0
Wilmington Signal Improvements		520.0	130.0	650.0
Subtotal Locals	\$0.0	\$9,267.8	\$22,164.3	\$31,432.1

**APPENDIX A
FISCAL YEAR 2006
CAPITAL TRANSPORTATION PROGRAM
(in 000's)**

	OTHER FUNDING	FEDERAL AUTHORIZATION	STATE AUTHORIZATION	FY 2006 AUTHORIZATION
E. Bridges				
1-118 on N 258, Barley Mill Road over Red Clay Creek at Ashland		344.8	86.2	431.0
1-660 and 1-664 on US 13, Southwest of New Castle		336.0	84.0	420.0
1-687, South Walnut Street and 1-688, South Market Street over Christina River			4,200.0	4,200.0
1-820N and 1-820S on I-495 over Norfolk Southern, 1-821N and 1-821S, and 1-822N and 1-822S on I-495 over AMTRAK/Norfolk Southern, Edgemoor		5,684.0	1,421.0	7,105.0
3-122 on S 567A, Handy Road over Houston Branch		389.0	97.3	486.3
3-328 on S 454, Oak Branch Road over Figgs Ditch, East of Delmar		259.0	64.7	323.7
3-362 on S 465 at Chipman's Pond		344.0	86.0	430.0
Bridge Preservation Program		4,785.7	1,996.4	6,782.1
Bridge Projects		3,937.6	12,984.4	16,922.0
Indian River Inlet Bridge and Area Improvements			15,000.0	15,000.0
Tyler McConnel Bridge, SR 141, Montchannin Rd to Alopocas Rd		1,200.0	11,535.0	12,735.0
Woodland Ferry, Bulkhead and Ramp Replacement			300.0	300.0
Subtotal Bridges	\$0.0	\$17,280.1	\$47,855.0	\$65,135.1
F. Other				
Bicycle, Pedestrian and Other Improvements		1,229.5	3,688.5	4,918.0
Environmental Improvements			1,550.0	1,550.0
Intersection Improvements		800.0	2,500.0	3,300.0
Materials and Minor Contracts			9,300.0	9,300.0
Paving Program				
Emergency Paving from Major Storm Damage			1,000.0	1,000.0
New Technology and Inspection			849.0	849.0
Other Paving and Patching			4,000.0	4,000.0
Pavement Rehabilitations		8,517.6	3,306.4	11,824.0
Pavement Resurfacing			31,176.0	31,176.0
Surface Treatment			1,500.0	1,500.0
Surface Treatment Conversion			2,000.0	2,000.0
SR 1, Tybouts Corner to SR 273			1,000.0	1,000.0
Rail Crossing Safety		562.5	162.5	725.0
Safety Improvements Program				
Highway Safety Improvement Program (HSIP)		1,296.9	144.1	1,441.0
Operational Safety Improvements			250.0	250.0
Signage and Pavement Markings			2,300.0	2,300.0
Traffic Calming Program			1,250.0	1,250.0
Transportation Enhancements		3,200.0	2,800.0	6,000.0
Truck Weight Enforcement		400.0	1,135.0	1,535.0
Subtotal Other	\$0.0	\$16,006.5	\$69,911.5	\$85,918.0
TOTAL ROAD SYSTEM	\$2,150.0	\$88,317.6	\$232,376.4	\$322,844.0
II. Grants and Allocations				
Community Transportation Fund			20,100.0	20100
Municipal Street Aid			6,000.0	6000
TOTAL GRANTS AND ALLOCATIONS	\$0.0	\$0.0	\$26,100.0	\$26,100.0

**APPENDIX A
FISCAL YEAR 2006
CAPITAL TRANSPORTATION PROGRAM
(in 000's)**

	OTHER FUNDING	FEDERAL AUTHORIZATION	STATE AUTHORIZATION	FY 2006 AUTHORIZATION
III. Transit System				
A. Vehicles				
Transit Vehicle Expansion, New Castle County		634.8	5,408.0	6,042.8
Transit Vehicle Expansion, Sussex County			335.8	335.8
Transit Vehicle Replacement and Refurbishment, Kent County		88.8	1,671.0	1,759.8
Transit Vehicle Replacement and Refurbishment, New Castle County		4,141.2	1,691.5	5,832.7
Transit Vehicle Replacement and Refurbishment, Statewide County			282.0	282.0
Transit Vehicle Replacement and Refurbishment, Sussex County		88.8	1,500.4	1,589.2
Subtotal Vehicles	\$0.0	\$4,953.6	\$10,888.7	\$15,842.3
B. Transit Amenities				
Bus Equipment			3,896.0	3,896.0
Passenger Facilities-Bus Stop Improvements			200.0	200.0
Transit Access-Park and Ride Lots			400.0	400.0
Subtotal Transit Amenities	\$0.0	\$0.0	\$4,496.0	\$4,496.0
C. Rail				
Passenger Rail, Middletown to Newark			2,000.0	2,000.0
Rail Improvements, Newark to Wilmington		1,000.0	1,000.0	2,000.0
Statewide Rail Preservation			314.8	314.8
Subtotal Rail	\$0.0	\$1,000.0	\$3,314.8	\$4,314.8
TOTAL TRANSIT SYSTEM	\$0.0	\$5,953.6	\$18,699.5	\$24,653.1
IV. SUPPORT SYSTEM				
A. Planning		4,355.5	6,191.0	10,546.5
B. Transportation Facilities			11,325.0	11,325.0
C. Transit Facilities		6,973.1	13,536.0	20,509.1
D. Technology			8,503.7	8,503.7
E. Equipment			6,673.0	6,673.0
F. Transportation Management Improvements		4,479.2	1,219.8	5,699.0
G. Engineering and Contingencies			750.0	750.0
H. E-ZPass			5,425.0	5,425.0
I. Aeronautics			2,474.7	2,474.7
TOTAL SUPPORT SYSTEM	\$0.0	\$15,807.8	\$56,098.2	\$71,906.0
GRAND TOTAL	\$2,150.0	\$110,079.0	\$333,274.1	\$445,503.1