



SPONSOR: Sen. Venables & Rep. Roy
Blevins Carey
Cook Lofink
DeLuca Oberle
Connor Ennis
Simpson Keeley
Cathcart
Lavelle
Miro
Stone
Mulrooney

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 190

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; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS; AND AMENDING THE LAWS OF DELAWARE.

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 Assembly hereby
2 authorizes the following projects in the following amounts for the purposes set forth in this Section and as described in the Fiscal
3 Year 2006 Governor's Recommended Capital Budget and Project Information document. Any authorization balance (excluding
4 Transportation Trust Fund balances) remaining unexpended or unencumbered by June 30, 2008, shall be subject to reversion or
5 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	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	-	-	-	1,250,000	1,250,000
Delaware Geological Survey Vehicle	10-02-05	-	-	-	170,000	170,000
Advanced Planning Fund	10-02-05	-	-	-	500,000	500,000
Green Infrastructure	10-02-05	-	-	-	4,900,000	4,900,000
Technology Fund	10-02-05	-	-	-	7,000,000	7,000,000
General Fund Cash to Transportation Trust Fund	10-02-05	-	-	-	72,869,600	72,869,600
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	621,800	-	-	1,678,200	2,300,000
Belvedere State Service Center	10-02-50	-	-	-	500,000	500,000
Capitol Parking/Security	10-02-50	4,000,000	-	-	-	4,000,000
Legislative Hall Improvements	10-02-50	-	-	-	570,000	570,000
<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
Cooch-Dayett Mill	10-02-50	-	-	-	100,000	100,000
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	13,441,600	-	-	-	13,441,600
Medical Examiner Forensic Building	10-02-50	-	-	-	750,000	750,000
<i>Department of Services for Children, Youth and Their Families</i>						
Minor Capital Improvement and Equipment	10-02-50	-	-	-	725,000	725,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
<i>Department of Correction Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	-	-	-	4,000,000	4,000,000
Howard R. Young Correctional Institution	10-02-50	4,400,000	-	-	-	4,400,000
BWCI Chapel Construction	10-02-50	1,600,000	-	-	-	1,600,000
<i>Department of Safety and Homeland Security</i>						
Minor Capital Improvement and Equipment	10-02-50	-	-	-	500,000	500,000
State Police Firing Range Renovations	10-02-50	-	-	-	2,100,000	2,100,000
<i>Delaware National Guard</i>						
Minor Capital Improvement and Equipment	10-02-50	-	-	-	500,000	500,000
Subtotal:		\$ 32,063,400	\$ -	\$ -	\$ 131,205,800	\$ 163,269,200
DELAWARE ECONOMIC DEVELOPMENT OFFICE						
Strategic Fund	10-03-03	\$ -	\$ -	\$ -	13,000,000	\$ 13,000,000
New Economy Initiative Year II	10-03-03	-	-	-	12,000,000	12,000,000
Diamond State Port Corporation	10-03-03	-	-	-	10,000,000	10,000,000
Riverfront Development Corporation	10-03-03	-	-	-	5,500,000	5,500,000
City of Wilmington Public Works Yard Relocation	10-03-03	-	-	-	5,500,000	5,500,000
Eastern Shore Environmental	10-03-03	-	-	-	337,400	337,400
Seaford Industrial Park	10-03-03	-	-	-	500,000	500,000
Runway Extension Project	10-03-03	1,000,000	-	-	-	1,000,000
High Technology Incubator	10-03-03	1,000,000	-	-	-	1,000,000
Civic Center Corporation	10-03-03	2,000,000	-	-	-	2,000,000
Subtotal:		\$ 4,000,000	\$ -	\$ -	\$ 46,837,400	\$ 50,837,400
STATE						
Museum Maintenance	20-06-04	\$ -	\$ -	\$ -	300,000	\$ 300,000
Milton Museum	20-06-04	-	-	-	200,000	200,000
Academy Building	20-06-04	-	-	-	200,000	200,000
Seaford Public Library	20-08-01	-	-	-	1,000,000	1,000,000
Hockessin Public Library	20-08-01	996,400	-	-	-	996,400

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND		TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
			REPROGRAMMING				
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:		\$ 996,400	\$ -	\$ -	\$ -	2,577,500	\$ 3,573,900
HEALTH AND SOCIAL SERVICES							
Maintenance and Restoration	35-01-20	\$ -	\$ -	\$ -	\$ -	2,000,000	\$ 2,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	2,000,000	\$ 2,000,000
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES							
Maintenance and Restoration	37-01-15	\$ -	\$ -	\$ -	\$ -	43,300	\$ 43,300
Subtotal:		\$ -	\$ -	\$ -	\$ -	43,300	\$ 43,300
CORRECTION							
Maintenance and Restoration	38-01-40	\$ -	\$ -	\$ -	\$ -	3,143,400	\$ 3,143,400
Subtotal:		\$ -	\$ -	\$ -	\$ -	3,143,400	\$ 3,143,400
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL							
Minor Capital Improvement and Equipment	40-01-01	\$ -	\$ -	\$ -	\$ -	1,250,000	\$ 1,250,000
Relocation Costs	40-01-01	-	-	-	-	121,000	121,000
Lewes Boat Ramp Improvements	40-05-02	-	-	-	-	750,000	750,000
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

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND		TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
			REPROGRAMMING				
State Park Facilities	40-06-02	-	9,818,300		-	8,181,700	18,000,000
Cleaver House	40-06-02	-	-		-	525,000	525,000
Surface Water Task Force	40-07-01	-	-		-	500,000	500,000
Tax/Public Ditches	40-07-02	-	-		-	1,400,000	1,400,000
Little Mill Creek	40-07-02	-	-		-	150,000	150,000
Retention Ponds	40-07-02	-	-		-	3,300,000	3,300,000
Channel Marking	40-07-03	-	-		-	250,000	250,000
Garrison Lake Dredging	40-07-03	-	-		-	100,000	100,000
Beach Preservation	40-07-03	-	-		-	10,000,000	10,000,000
Lewes Facility Improvements	40-07-03	-	-		-	550,000	550,000
Conservation Cost Share	40-07-04	-	-		-	3,205,000	3,205,000
Red Clay Feasibility Study	40-08-07	-	-		-	415,700	415,700
Center for Inland Bays	40-08-07	-	-		-	750,000	750,000
Subtotal:		\$ 1,750,000	\$ 9,818,300		\$ -	\$ 32,448,400	\$ 44,016,700
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
Integrated Ballistics Identification System	45-01-01	-	-		-	400,000	400,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	3,550,000	3,550,000
TRANSPORTATION							
Road System	55-05-00	\$ -	\$ -	\$ 345,000,000	\$ -	\$ -	345,000,000
Grants and Allocations	55-05-00	-	-	21,600,000	-	-	21,600,000
Transit System	55-05-00	-	-	400,000	-	-	400,000
Support System	55-05-00	-	-	26,100,000	-	-	26,100,000
Subtotal:		\$ -	\$ -	\$ 393,100,000	\$ -	\$ -	393,100,000
AGRICULTURE							
Conservation Reserve Enhancement Program	65-01-01	\$ -	\$ -	\$ -	\$ -	600,000	600,000
Thoroughbred Breeders Program	65-01-01	-	-		-	500,000	500,000

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	Subtotal:	\$ -	\$ -	\$ -	\$ 1,100,000	\$ 1,100,000
FIRE PREVENTION COMMISSION						
Hydraulic Rescue Tools	75-02-01	\$ -	\$ -	\$ -	\$ 135,000	\$ 135,000
	Subtotal:	\$ -	\$ -	\$ -	\$ 135,000	\$ 135,000
UNIVERSITY OF DELAWARE						
Wolf Hall Renovation	90-01-01	\$ -	\$ -	\$ -	\$ 2,000,000	\$ 2,000,000
Brown Lab	90-01-01	-	-	-	3,000,000	3,000,000
Carvel Research and Education Center	90-01-01	2,000,000	-	-	-	2,000,000
	Subtotal:	\$ 2,000,000	\$ -	\$ -	\$ 5,000,000	\$ 7,000,000
DELAWARE STATE UNIVERSITY						
Minor Capital Improvement and Equipment	90-03-01	\$ -	\$ -	\$ -	\$ 4,000,000	\$ 4,000,000
Wellness Center	90-03-01	2,915,200	-	-	-	2,915,200
Stadium Lights	90-03-01	-	-	-	200,000	200,000
	Subtotal:	\$ 2,915,200	\$ -	\$ -	\$ 4,200,000	\$ 7,115,200
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	5,300,000	-	-	-	5,300,000
	Subtotal:	\$ 5,300,000	\$ -	\$ -	\$ 1,700,000	\$ 7,000,000

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			REAUTHORIZA- TION AND REPROGRAMMING				
EDUCATION							
Minor Capital Improvement and Equipment	95-01-01	\$ -	\$ -	\$ -	\$ -	7,173,800	\$ 7,173,800
Architectural Accessibility	95-01-01	-	-	-	-	160,000	160,000
Full Day Kindergarten Contingency	95-01-01	-	-	-	-	13,000,000	13,000,000
Tech Prep Delaware (100% State)	95-01-01	-	20,000	-	-	180,000	200,000
Caesar Rodney, Technology Renovations at Charlton (100% State)	95-10-00	-	-	-	-	1,100,000	1,100,000
Lake Forest, 600-Pupil South Elementary School (80/20)	95-15-00	482,400	-	-	-	-	482,400
Lake Forest, Renovate Lake Forest High School (80/20)	95-15-00	119,200	-	-	-	-	119,200
Lake Forest, Addition to Central High School (80/20)	95-15-00	623,800	-	-	-	-	623,800
Seaford, Renovate Central Elementary School (78/22)	95-23-00	743,300	-	-	-	-	743,300
Seaford, Renovate Frederick Douglas Elementary School (78/22)	95-23-00	422,800	-	-	-	-	422,800
Seaford, Renovate/Addition to West Seaford ES (78/22)	95-23-00	1,104,800	-	-	-	-	1,104,800
Seaford, Renovate/Addition to Blades ES (78/22)	95-23-00	1,082,100	-	-	-	-	1,082,100
Seaford, Renovate/Addition to Seaford MS (78/22)	95-23-00	1,827,900	-	-	-	-	1,827,900
Seaford, Renovate Seaford High School (78/22)	95-23-00	1,612,800	-	-	-	-	1,612,800
Smyrna, Addition to Smyrna Middle School (80/20)	95-24-00	6,000,000	-	-	-	-	6,000,000
Smyrna, Addition to Clayton Elementary School (80/20)	95-24-00	1,535,200	-	-	-	-	1,535,200
Smyrna, Addition to North Smyrna Elementary School (80/20)	95-24-00	2,828,800	-	-	-	-	2,828,800
Smyrna, Addition to Smyrna Elementary School (80/20)	95-24-00	1,835,200	-	-	-	-	1,835,200
Smyrna, Construct 600-pupil Elementary School (80/20)	95-24-00	400,000	-	-	-	-	400,000
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
Brandywine, Renovate P.S. DuPont ES (60/40)	95-31-00	2,700,000	-	-	-	-	2,700,000
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

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
			REAUTHORIZA- TION AND REPROGRAMMING			
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, 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
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
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
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
Indian River, New Sussex Central HS, HVAC Repairs (100%)	95-36-00	-	-	-	1,500,000	1,500,000
New Castle County Vocational-Technical (100% State)	95-38-00	3,000,000	-	-	-	3,000,000
Delaware Skills Center	95-38-00	-	-	-	250,000	250,000
Polytech, Construct 18 Classrooms (80/20)	95-39-00	2,725,400	-	-	-	2,725,400
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

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Margaret Sterck School Replacement (100% State)	95-51-00	2,700,000	-	-	-	2,700,000
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Subtotal:		\$ 101,295,000	\$ 20,000	\$ -	\$ 23,363,800	\$ 124,678,800
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
Resource, Conservation and Development	25-01-01	-	-	-	7,000,000	7,000,000
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:		\$ -	\$ -	\$ -	\$ 24,321,200	\$ 24,321,200
GRAND TOTAL:		\$ 150,320,000	\$ 9,838,300	\$ 393,100,000	\$ 281,625,800	\$ 834,884,100

1 Section 2. Authorization of Twenty-Year Bonds. The state hereby authorizes the issuance of
2 bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal
3 amount as necessary to provide proceeds to the state in the amount of \$150,320,000 and in the amount of
4 \$65,061,100 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>
9 Office of Management and Budget	\$ 32,063,400
10 Delaware Economic Development Office	4,000,000
11 Department of State	996,400
12 Natural Resources and Environmental Control	1,750,000
13 University of Delaware	2,000,000
14 Delaware State University	2,915,200
15 Delaware Technical and Community College	5,300,000
16 Department of Education	\$101,295,000

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
19 Lake Forest, 600 Pupil South ES (80/20)	\$ 482,400	\$ 120,600	\$ 603,000
20 Lake Forest, Renovate Lake Forest HS (80/20)	119,200	29,800	149,000
21 Lake Forest, Addition to Central ES (80/20)	623,800	156,000	779,800
22 Seaford, Renovate Central ES (78/22)	743,300	209,700	953,000
23 Seaford, Renovate Fredrick Douglass ES (78/22)	422,800	119,300	542,100
24 Seaford, Renovate and Add to West Seaford ES (78/22)	1,104,800	311,600	1,416,400
25 Seaford, Renovate and Add to Blades ES (78/22)	1,082,100	305,200	1,387,300
26 Seaford, Renovate and Add to Seaford MS (78/22)	1,827,900	515,600	2,343,500

1	Seaford, Renovate Seaford HS (78/22)	\$1,612,800	\$ 454,900	\$2,067,700
2	Smyrna, Addition to Smyrna MS (80/20)	6,000,000	1,500,000	7,500,000
3	Smyrna, Addition to Clayton ES (80/20)	1,535,200	383,800	1,919,000
4	Smyrna, Addition to North Smyrna ES (80/20)	2,828,800	707,200	3,536,000
5	Smyrna, Addition to Smyrna ES (80/20)	1,835,200	458,800	2,294,000
6	Smyrna, Construct 600 pupil ES (80/20)	400,000	100,000	500,000
7	Appoquinimink, Construct New 1,600-pupil HS – (Local only)	-	9,999,800	9,999,800
8	Appoquinimink, Construct New 1,000-pupil MS (74/26)	2,500,000	878,400	3,378,400
9	Appoquinimink, Addition to Redding MS (74/26)	625,400	219,700	845,100
10	Appoquinimink, Renovate Athletic Fields (74/26)	300,000	105,400	405,400
11	Appoquinimink, Construct New ECC (74/26)	502,600	176,500	679,100
12	Appoquinimink, Renovate District Office (74/26)	900,000	316,200	1,216,200
13	Brandywine, Renovate P.S. Dupont ES (60/40)	2,700,000	1,800,000	4,500,000
14	Red Clay, Renovate Lewis MS (60/40)	2,171,800	1,447,800	3,619,600
15	Red Clay, Renovate Richardson Park ES (60/40)	4,667,900	3,112,000	7,779,900
16	Red Clay, Renovate Stanton MS (60/40)	3,185,600	2,123,800	5,309,400
17	Red Clay, Renovate Heritage ES (60/40)	2,574,400	1,716,300	4,290,700
18	Red Clay, Renovate Marbrook ES (60/40)	2,184,300	1,456,200	3,640,500
19	Red Clay, Renovate Shortlidge ES (60/40)	2,048,200	1,365,500	3,413,700
20	Red Clay, Renovate AI duPont MS (60/40)	2,108,900	1,405,900	3,514,800
21	Red Clay, Renovate Skyline MS (60/40)	4,308,600	2,872,400	7,181,000

1	Red Clay, Renovate Brandywine Springs ES (60/40)	\$ 16,100	\$ 10,700	\$ 26,800
2	Red Clay, Renovate HB duPont MS (60/40)	274,600	183,100	457,700
3	Red Clay, Renovate Meadowood (60/40)	79,300	52,900	132,200
4	Red Clay, Renovate Wilmington Campus (60/40)	765,600	510,400	1,276,000
5	Red Clay, Renovate Telegraph Road (60/40)	122,200	81,500	203,700
6	Christina, Construct New 840-pupil ES – A (60/40)	4,829,900	3,219,900	8,049,800
7	Christina, Construct New 800-pupil MS (60/40)	6,911,500	4,607,600	11,519,100
8	Christina, Construct New 800 pupil MS (Local only)	-	2,362,400	2,362,400
9	Christina, Renovate Downes ES (60/40)	3,975,100	2,650,000	6,625,100
10	Christina, Renovate Maclary ES (60/40)	4,265,600	2,843,700	7,109,300
11	Christina, Renovate Wilson ES (60/40)	3,982,900	2,655,300	6,638,200
12	Christina, Renovate Christiana HS (60/40)	5,554,900	3,703,300	9,258,200
13	Indian River, Renovate Indian River			
14	Education Complex (60/40)	1,070,000	713,400	1,783,400
15	Indian River, Renovate Sussex Central MS (60/40)	1,030,300	686,900	1,717,200
16	Indian River, Renovate Lord Baltimore (60/40)	866,400	577,600	1,444,000
17	Indian River, Renovate Indian River HS (60/40)	3,517,300	2,344,800	5,862,100
18	Indian River, Renovate Sussex Central MS (60/40)	311,200	207,500	518,700
19	Indian River, Renovate Indian River			
20	Education Complex (60/40)	516,500	344,300	860,800
21	Indian River, Renovate Frankford ES (60/40)	501,800	334,500	836,300
22	Indian River, Renovate East Millsboro ES (60/40)	823,700	549,100	1,372,800

1	Indian River, Renovate Phillip Showell ES (60/40)	\$ 836,400	\$ 557,600	\$ 1,394,000
2	New Castle County Vo-Tech, Site Delay (100% State)	3,000,000	-	3,000,000
3	Polytech, Construct 18 classrooms (80/20)	2,725,400	681,300	3,406,700
4	Sussex Tech, Sewer Connection and Emergency Gen. (60/40)	600,000	400,000	1,000,000
5	Sussex Tech, Roof and Kitchen Floor Replacement (60/40)	622,300	414,900	1,037,200
6	Sterck School Replacement (100% State)	2,700,000	-	2,700,000
7	Subtotal	\$101,295,000	\$65,061,100	\$166,356,100
8			TOTAL	<u>\$150,320,000</u>

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

10	Project	Project	Amount
11	<u>Project</u>	<u>Appropriation Code</u>	<u>Amount</u>
12	Architectural Barrier	1998-30-05-10-6801	\$ 61.47
13	Prison Expansion	1999-30-05-10-6915	0.11
14	Infrastructure William Penn	2002-30-05-10-7210	932.22
15	Brandywine Aquatic	1994-40-06-02-6413	2,000,000.00
16	CS Park Bandstand	1994-40-06-02-6417	16.45
17	Aquatic Center	1996-40-06-02-6613	1,500,000.00
18	Aquatic Center	1991-40-06-04-6212	75,493.14
19	Park Development	1992-40-06-04-6212	1,842,864.41
20	MCI	1992-76-01-01-6213	726.20
21		TOTAL	<u>\$5,420,094.00</u>

22 Section 4. Transfers from the State Treasurer’s Bond Reversion Account. Notwithstanding the
23 provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of
24 \$5,418,300 from the State Treasurer’s Bond Reversion Account (94-12-05-03-8101) to the following
25 department in the following amount for the purpose set forth in the Section 1 Addendum to this Act:

1	<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
2	Department of Natural Resources and Environmental Control	
3	(State Park Facilities)	\$5,418,300

4 **TOTAL** **\$5,418,300**

5 Section 5. Transfers to the State Treasurer's School Bond Reversion Account.

6		Project	
7	<u>Project</u>	<u>Appropriation Code</u>	<u>Amount</u>
8	Maintenance Building	2000-95-13-00-7013	\$.45
9	720 Pupil Elementary School	2000-95-15-00-7010	20.00
10	North Elementary School	2000-95-15-00-7015	205.83
11	North Elementary School	2001-95-15-00-7113	24.08
12	Land Acquisition	1998-95-18-00-6812	44.00
13	Milford High School Renovation	2000-95-18-00-7013	24.90
14	Ross	2000-95-18-00-7014	.03
15	New Elementary School	1999-95-29-00-6912	177.07
16	Middletown Middle School	1999-95-29-00-6913	24.20
17	Redding Middle School	1999-95-29-00-6914	.08
18	Cedar Lane Elementary School	1999-95-29-00-6917	83.72
19	New Elementary School	2000-95-29-00-7010	58.08
20	Asbestos	1991-95-31-00-6130	2,110.00
21	Brandywine Elementary School	1996-95-31-00-6614	2,000.00
22	Brandywood	1996-95-31-00-6617	1,710.80
23	Glasgow Elementary School	1997-95-33-00-6713	50.23
24	Christiana High School	1997-95-33-00-6714	16,948.78
25	Stubbs	1998-95-33-00-6812	.07
26	Pyle	1998-95-33-00-6814	.01
27		TOTAL	<u>\$23,482.33</u>

1 Section 6. Transfers from the State Treasurer’s School Bond Reversion Account. Notwithstanding
 2 the provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum
 3 of Twenty Thousand Dollars (\$20,000) from the State Treasurer’s School Bond Reversion Account (94-
 4 12-05-03-8102) to the following department in the following amount for the purpose set forth in the
 5 Section 1 Addendum to this Act:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
7 Department of Education 8 (Tech Prep Delaware)	\$20,000
TOTAL	<u>\$20,000</u>

10 Section 7. General Fund Reprogramming. (a) Notwithstanding the provisions of any state law to
 11 the contrary, the State Treasurer hereby deauthorizes the remaining appropriation balances, not in excess
 12 of the balances below from the following General Fund projects and reauthorizes the funds to the
 13 departments listed in subsection (b) of this Section, according to the purposes in the Section 1 Addendum
 14 to this Act.

<u>Department, Agency or Instrumentality</u>	<u>Appropriation Code</u>	<u>Amount</u>
16 Natural Resources and Environmental Control 17 (Brandywine)	40-06-02-0184	\$2,000,000
18 Natural Resources and Environmental Control 19 (Delaware Aquatic Center)	40-06-02-0811	2,400,000
20 Total		<u>\$4,400,000</u>

(b) <u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
22 Department of Natural Resources and Environmental Control 23 (State Park Facilities)	\$4,400,000
24 Total	<u>\$4,400,000</u>

25 Section 8. Continuing Appropriations. For the fiscal year ending June 30, 2005, any sums in the
 26 following accounts shall remain as continuing appropriations and shall not be subject to a reversion until
 27 June 30, 2006.

<u>1</u>	<u>Fiscal Year</u>			
<u>2</u>	<u>Appropriation</u>	<u>Account Codes</u>	<u>Remarks</u>	
3	2001	10-02-05-0801	Technology Fund	
4	1999	10-02-05-0808	Kent Radios	
5	2000	10-02-05-0811	EMS	
6	2000	10-02-05-0813	Local Police	
7	2001	10-02-05-0813	Local Law Enforcement	
8	1996	10-02-50-0192	Woodshavenkruse	
9	2003	10-02-50-0163	State MCI	
10	2001	10-02-50-0801	Absalom Jones	
11	2002	10-02-50-0809	State MCI	
12	1999	10-02-50-0840	Sussex Vets Cemetary	
13	1999	10-02-50-0845	BWCI Nursery	
14	2000	10-02-50-0851	Stockley Center	
15	2000	10-02-50-0854	Capacity Planning	
16	2000	10-02-50-0859	Fence Lighting	
17	2001	10-02-50-0872	Capitol Space Study	
18	2001	10-02-50-0873	Archives Building Ren.	
19	2001	10-02-50-0874	NCC Courthouse	
20	1996	10-02-50-6627	PrisonExpn/Const	
21	1998	10-02-50-6809	DEMA	
22	2001	10-02-50-7113	NCC Courthouse	
23	2001	10-02-50-7122	Women's Facility Expansion	
24	2001	10-02-50-7125	KC Courthouse	
25	2002	10-02-50-7211	NCC Courthouse Equipment	
26	2002	10-02-50-7217	NCC Vet Cemetery	
27	2003	10-02-50-7311	Old NCC Courthouse	
28	2001	10-03-03-0821	High Tech Incubator	
29	1992	10-03-03-0182	Dover Civic Center	
30	1999	10-03-03-0805	Dover Civic Center	
31	2001	10-03-03-0822	Seaford Rvr Front	
32	2003	10-03-03-7311	High Tech Incubator	
33	2003	11-02-04-0801	Technology	
34	2004	11-03-02-0801	Technology	
35	2002	12-05-03-0888	GF Cap Repr.	
36	2001	20-01-01-0806	Art Collection	
37	2003	20-01-01-0810	Veterans Home	
38	1995	20-08-01-0182	Wilmington Library	
39	1999	20-08-01-0802	Georgetown Library	
40	2001	20-08-01-0802	Georgetown Library	
41	2001	20-08-01-0809	Smyrna Library	
42	2002	20-08-01-0811	Smyrna Library	
43	2001	20-08-01-0812	Millsboro Library	
44	2001	20-08-01-0816	Wilm Library	
45	1996	20-08-01-6616	N. Wilmington Library	
46	2001	20-08-01-7110	Bridgeville Library	
47	2002	20-08-01-7210	Newark Library	
48	2002	20-08-01-7211	Wilm Institute	
49	2002	20-08-01-7216	Milton Library	
50	2002	20-08-01-7217	Seaford Library	
51	2002	20-08-01-7218	Frankford Library	
52	2002	20-08-01-7219	Harrington Library	

1	2002	20-08-01-7220	Coastal Library
2	2003	20-08-01-7310	Laurel Library
3	2003	20-08-01-7312	Seaford Library
4	2003	20-08-01-7313	Woodlawn Library
5	2003	20-08-01-7314	Woodlawn
6	2000	35-01-20-0810	Flouride
7	2001	35-01-20-0810	Flouridation
8	2000	40-05-01-0802	Newport Boat Ramp
9	2001	40-05-02-0802	Newport Boat Ramp
10	2001	40-06-02-0811	DE Wilm/Parks
11	2001	40-06-02-0813	Henlopen Parks
12	2002	40-06-02-7211	Killens Planning
13	2001	40-07-01-0801	Aquatic Weed Harvester
14	2001	40-07-02-0804	Hazard Study
15	2003	40-07-02-7312	Resource, Conservation & Dev
16	1993	40-07-02-6313	Resource, Conservation & Dev
17	2001	40-08-01-0800	Wilmington Sewer
18	2001	40-08-01-0801	Wilmington Sewer
19	2002	40-08-02-7210	Inland Bays Study
20	2000	75-02-01-0800	Rescue Tools
21	2002	90-03-01-7215	Sports/Wellness Center
22	2002	90-03-01-7217	Technology Building
23	2003	90-03-01-7311	Sports/Wellness Center
24	2002	90-04-01-0804	Information Systems
25	2003	90-04-01-7010	Asset Preservation
26	2003	90-04-04-0810	Renovate Equipment
27	1997	90-04-04-6712	Expand Wilmington
28	1998	90-04-04-6812	Wilmington Expansion
29	1999	90-04-04-6912	Wilmington Expansion
30	2002	90-04-04-7210	Stanton/Wilmington Campus
31	2003	90-04-06-7310	Education Technology
32	2001	95-01-01-0803	Neighborhood Schools
33	2001	95-01-01-0805	School Library
34	1999	95-01-01-0850	MCI Supp
35	2000	95-01-01-0850	MCI 100%
36	2003	95-10-00-7310	Renovate Caesar Rodney HS
37	2003	95-11-00-7310	Renovate Charlton
38	2001	95-13-00-7111	Kent Comm. School
39	2001	95-13-00-0822	Kent Comm. School
40	2002	95-13-00-7216	Kent Co. Comm.School
41	2002	95-13-00-7217	Wm Henry MS
42	2003	95-13-00-7310	BT Washington
43	2001	95-15-00-0817	Chipman MS
44	2001	95-15-00-0818	Lake Forest HS
45	2001	95-15-00-7110	WT Chipman
46	2001	95-15-00-7111	Lake Forest HS
47	2001	95-17-00-0813	Electrical Ren. 7 Schools
48	2001	95-17-00-7116	Ren Elec
49	1997	95-23-00-6713	Seaford HS
50	1997	95-23-00-6714	Seaford MS
51	1998	95-23-00-6815	Seaford MS
52	2003	95-24-00-7310	Smyrna District Offices
53	2003	95-24-00-7311	JB Moore School
54	2003	95-24-00-7312	Smyrna HS

1	2001	95-29-00-0820	ES Construction
2	2001	95-29-00-7112	720 Pupil ES
3	2003	95-29-00-7301	Arch. Barrier
4	2003	95-29-00-7310	720 Pupil ES
5	2003	95-29-00-7311	Supplemental Funding
6	2002	95-31-00-7210	Harlan ES
7	2002	95-31-00-7211	Mt. Pleasant HS
8	2002	95-31-00-7212	Concord HS
9	2002	95-31-00-7213	Mt. Pleasant HS
10	2003	95-31-00-7310	Claymont ES
11	2003	95-31-00-7311	Harlan ES
12	2003	95-31-00-7312	Mt. Pleasant HS
13	2003	95-31-00-7313	Concord HS
14	2003	95-32-00-7310	Hockessin ES
15	2005	95-33-00-8498	MCI/Local
16	2003	95-33-00-8472	MCI/Local
17	2003	95-33-00-0172	MCI
18	2003	95-33-00-0173	MCI/Voc. Educ.
19	2003	95-33-00-7310	Albert Jones ES
20	2003	95-33-00-7311	Brookside ES
21	2003	95-33-00-7312	West Park ES
22	2003	95-33-00-7313	Kirk MS
23	2003	95-33-00-7314	Pulaski IS
24	2003	95-33-00-7315	Palmer IS
25	2003	95-33-00-7316	840 Pupil ES
26	2003	95-33-00-7317	Land 840 ES
27	2003	95-33-00-7319	Portable Classrooms
28	2003	95-34-00-7312	New Castle MS
29	2003	95-34-00-7315	William Penn HS
30	2003	95-35-00-7301	New Ag Bldg
31	2003	95-36-00-7312	Frankford ES
32	2003	95-36-00-7314	E Millsboro ES
33	2003	95-38-00-0172	MCI
34	2001	95-38-00-0811	Marshallton Cafeteria
35	2001	95-38-00-7110	1,000 Pupil HS

36 Section 9. Appropriation of General Funds. It is the intent of the General Assembly that
37 \$257,304,600 be appropriated to the following departments of the State and in the following amount for the
38 purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or
39 unencumbered by June 30, 2008, shall revert to the General Fund of the State of Delaware. The state
40 hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds
41 to be issued in such principal amount as necessary to provide proceeds to the state in the amount of
42 \$12,861,487 local share of school bonds. Bonds authorized to be used by this Section shall mature not later
43 than 20 years from their date of issuance.

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of Management and Budget	\$131,205,800
Delaware Economic Development Office	46,837,400
Department of State	2,577,500
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	32,448,400
Department of Safety and Homeland Security	3,550,000
Department of Agriculture	1,100,000
Fire Prevention Commission	135,000
University of Delaware	5,000,000
Delaware State University	4,200,000
Delaware Technical and Community College	1,700,000
Department of Education	23,363,800

<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
Tech Prep Delaware	180,000	-	180,000
Delaware Skills Center	250,000	-	250,000
Caesar Rodney, Technology Renovations at Charlton (100% State)	1,100,000	-	1,100,000
Indian River, New Sussex Central HS HVAC Repairs (100% State)	1,500,000	-	1,500,000
Full Day Kindergarten Contingency	13,000,000	8,666,666	21,666,666
Subtotal	\$23,363,800	\$12,861,487	\$36,225,287

1 **TOTAL \$257,304,600**

2 Section 10. General Funds to Twenty-First Century Fund. It is the intent of the General Assembly
3 that \$24,321,200 be appropriated from General Funds to the Office of the Secretary, Department of Finance
4 (25-01-01) to be deposited into the Twenty-First Century Funds as established by 29 Del. C. §6102A. These
5 funds shall be appropriated for the following purposes set forth in the Section 1 Addendum to this Act:

6 <u>Purpose</u>	<u>Amount</u>
7 Delaware Water Pollution Control Revolving Fund	\$1,000,000
8 Wastewater Management Account	8,000,000
9 Resource, Conservation and Development	7,000,000
10 Drinking Water State Revolving Fund	3,321,200
11 Water Management Account	<u>5,000,000</u>

12 **TOTAL \$24,321,200**

13 Section 11. Livable Delaware Infrastructure Projects. The Section 1 Addendum to this Act
14 appropriates \$39,721,200 for Livable Delaware Infrastructure Projects. It is the intent of the Governor and
15 General Assembly that these funds shall be dedicated to environmental and infrastructure projects as
16 outlined by the Livable Delaware program. These funds shall be appropriated for the following purposes:

17 <u>Purpose</u>	<u>Amount</u>
18 Delaware Water Pollution Control Revolving Fund	\$ 1,000,000
19 Wastewater Management Account	8,000,000
20 Green Infrastructure	4,900,000
21 Drinking Water State Revolving Fund	3,321,200
22 Water Management Account	5,000,000
23 Advanced Planning Fund	500,000
24 Resource, Conservation and Development	7,000,000
25 Beach Preservation	<u>10,000,000</u>
26 TOTAL	\$39,721,200

1 Section 12. Community Redevelopment Fund Match. Notwithstanding the provisions of 29 Del.

2 C. §6102A(i)(3), the following Community Redevelopment Fund awards shall not require a local match:

3	<u>Project</u>	<u>Year of Grant Award</u>
4	Modern Maturity	F.Y. 2005
5	Medical Clinic	
6	Laurel Historical Society	F.Y. 2005
7	Studley House Restoration	
8	Delaware Sports Museum and Hall of Fame	F.Y. 2005
9	Museum Construction	
10	Claymont Historical Society	F.Y. 2005
11	Robinson House Renovations	
12		
13	Because We Care	F.Y. 2004 and 2005
14	Project KARE	

15 Section 13. Resource, Conservation and Development Transfers - Project Funds Transfer from
16 Prior Fiscal Years to Fiscal Year 2006. Within the same county, any Twenty-First Century funds or match
17 remaining from completed projects as authorized as part of the Twenty-First Century Resource,
18 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD
19 projects in the Fiscal Year 2006 list of projects approved as part of the Fiscal Year 2006 Capital
20 Improvements Act.

21 Section 14. Resource, Conservation and Development. The Section 1 Addendum to this Act
22 appropriates \$7,000,000 to Resource, Conservation and Development. This appropriation shall be used to
23 complete the list of prioritized projects as approved by the Joint Legislative Committee on the Capital
24 Improvement Program in prior fiscal years. Additionally, the Joint Legislative Committee on the Capital
25 Improvement Program hereby approves the Fiscal Year 2006 prioritized list. Such list may be funded from
26 prior-year transfers per Section 13 of this Act or other funds available as designated by respective
27 Legislators from the Community Transportation Fund or other funds available to supplement Resource,
28 Conservation and Development appropriations. Of the \$7,000,000 appropriation in the Section 1 Addendum
29 to this Act, \$1,000,000 shall be allocated for debris pit remediation in New Castle County to be

1 administered by the New Castle County Conservation District. Further, of the \$7,000,000 appropriation,
2 \$500,000 shall be allocated for emergency repairs to the banks of the Mill Creek with the 25% match
3 requirement to be satisfied by New Castle County and/or Community Transportation Funds.

4 Section 15. First State Preservation Revolving Fund, Inc. For Fiscal Year 2006, First State
5 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
6 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
7 and 2000.

8 Section 16. Downtown Milford Inc. Any Community Redevelopment Fund appropriations to
9 Downtown Milford Inc. – Structural and Façade Improvements may be used for private businesses and
10 residences, as well as, institutional residences provided said properties are within the Downtown Milford
11 project area.

12 Section 17. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in
13 whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall
14 be reinvested in the Medical Center project.

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

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

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 Section 20. Law Enforcement Technology and Education Fund. The Section 1 Addendum to this
3 Act appropriates \$1,250,000 for Law Enforcement Technology and Education Fund. Of these funds,
4 \$1,150,000 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. Of the funds
18 remaining, each agency shall be eligible for a reimbursement of actual costs of not less than one
19 thousand dollars (\$1,000) per department plus a share of account balances based on the number
20 of sworn police officers and up to available funding.

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

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

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

- 1 ii. submit to the Director of the Criminal Justice Council or the Director's designee within
2 30 days after completing a class or course of instruction proof of:
- 3 (1) the course title and grade received;
- 4 (2) the amount of tuition paid for the course; and
- 5 (3) the name of the post-secondary institution where the course was taken.
- 6 7. The Director of the Criminal Justice Council or the designee shall adopt rules and regulations as
7 deemed necessary and proper for the efficient administration of this Section. The rules and
8 regulations must contain appeal procedures.
- 9 8. An officer who receives tuition reimbursement pursuant to this Section but is terminated from
10 law enforcement employment for cause or who otherwise fails to comply with any requirement of
11 this Section shall immediately become ineligible to receive education benefits pursuant to this
12 Section and shall repay all tuition reimbursement previously extended to the employee, including
13 interest on a pro rata basis from the time of termination or noncompliance. The Director of the
14 Criminal Justice Council or the Director's designee shall determine the amount of repayment due
15 by the employee pursuant to this Subsection. If law enforcement employment is terminated for
16 other than just cause, the officer will not be required to repay previously reimbursed tuition.
- 17 9. Nothing in this Section is intended to inhibit or deny officer promotion or transfer to other law
18 enforcement agencies within this State.
- 19 10. The Director of the Criminal Justice Council shall include in the agency's annual report:
- 20 i. the number of officers who participated at each post-secondary educational institution
21 during the year;
- 22 ii. the total amount of tuition expenditures made pursuant to this Section during the year not
23 to exceed \$100,000;
- 24 iii. the total amount required to be repaid to the State by defaulting officers during the year;
- 25 and
- 26 iv. the total amount actually repaid by defaulting officers during the year.

1 (c) The Department of Technology and Information shall study collective purchasing for eligible
2 agencies. The Department of Technology and Information shall report its findings to the Controller
3 General, Director of the Office of Management and Budget and Technology Investment Council.

4 Section 21. Construction Management. Notwithstanding any other state law, the Office of
5 Management and Budget (“OMB”) shall be responsible for the design and construction of all the projects
6 listed under “Office of Management and Budget” in the Section 1 Addendum of this Act. For those
7 projects that are solely for the purchase of equipment, including projects that are funded in any “MCI and
8 Equipment” line, or any “MCI” line OMB shall transfer the appropriate funding necessary to purchase the
9 equipment to the agency for which the equipment is being purchased. The appropriate amount of funding
10 shall be determined and agreed to by OMB and the agency for which the equipment is being purchased by
11 September 1 of each fiscal year. For those projects for which the appropriation is passed to an entity and
12 for which the state is not a party to the construction contract, OMB shall provide technical assistance.

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

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

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

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

6 Section 22. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-
7 member Executive Committee be created to oversee construction of new or major renovation of judicial
8 facilities. The Executive Committee shall include two members of the Legislature appointed by the Co-
9 Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs of the
10 House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief Justice; and
11 two members of the Executive Department to include the Director of Facilities Management, the Director of
12 the Office of Management and Budget and their designee. The Executive Committee shall work in
13 conformation with existing construction oversight guidelines as written in Section 21 of this Act. The
14 Executive Committee is hereby empowered to:

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

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

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

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

23 This section shall apply to the following projects: Kent County Courthouse/O'Brien Building;
24 Sussex County Family Court; Kent County Family Court and any Judicial construction or renovation

1 project requested by either the Judicial Branch or recommended by the Office of Management and Budget
2 for the Judicial Branch where the total project cost estimate exceeds \$10,000,000.

3 Section 23. Minor Capital Improvement and Equipment Supplement – Office of Management and
4 Budget. Notwithstanding the provisions of any other State law to the contrary, not more than \$250,000 may
5 be expended to enter into contractual agreements for project representatives and associated administrative
6 support to ensure adequate oversight of State construction projects. The Director of the Office of
7 Management and Budget is directed to provide an itemized budget for this amount to the Controller General
8 by August 1, 2005, and expenditure reports to the Controller General by December 1, 2005 and June 1,
9 2006.

10 Section 24. New Castle County Courthouse. Notwithstanding any law or local government
11 ordinance, resolution, or any deed restrictions to the contrary, the Director of the Office of Management and
12 Budget shall designate the name of any state-owned or state-operated courthouse or other judicial building
13 or facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an
14 Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of
15 any statues or memorials in or on the grounds of such courthouse or judicial building of facility.

16 Section 25. Belvedere State Service Center Project. Notwithstanding any state laws to the
17 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Office of
18 Management and Budget for the maintenance and operation of the center.

19 Section 26. Sussex County Judiciary. The Office of Management and Budget shall execute an
20 agreement with Sussex County to transfer ownership of a parcel of land located in Georgetown Sussex
21 County Tax Parcels # 1-35 14.20 213 and 1-35 14.20 214 commonly known as the “First State Chevrolet”
22 parking lot from the state to the county. As a prerequisite to execution, the agreement shall include the
23 following terms and conditions:

- 24 i. Sussex County shall release the state from payments that would have been made by the
25 Administrative Office of the Courts in the amount of \$636,932.00 between FY 2006 and FY 2012
26 for renovations that were completed in the Sussex County Courthouse prior to the purchase of the

1 courthouse by the state. Sussex County shall consider all payments received from the state through
2 FY 2005 for this work as payment in full.

3 ii. Sussex County shall agree to move the Register of Wills from Sussex County Court of Chancery to
4 the Sussex County Law Library on a temporary basis not to exceed a term of 5 years. All costs
5 associated with the move of the Register of Wills from Court of Chancery and into the Law
6 Library shall be borne by Sussex County.

7 iii. The lease currently in effect between Sussex County and the Office of Management and Budget
8 shall be amended to reflect the move of the Register of Wills to the Sussex County Law Library.
9 Rent shall be based on the net square footage occupied by the Register of Wills in the Law Library
10 at a cost of \$6.00 per square foot. The term of the lease shall be adjusted to show an ending date of
11 June 30, 2010. Renewal of the lease after June 30, 2010 shall be at the sole discretion of the state.

12 iv. Sussex County and the Office of Management and Budget shall work together to develop a
13 mutually acceptable schedule for the transfer of the property to the county and the move of the
14 Register of Wills to the Sussex County Law Library.

15 v. Final transfer schedule shall be approved by the Director of the Office of Management and Budget
16 and the Controller General.

17 Section 27. Firing Range Renovation. The Section 1 Addendum to this Act appropriates
18 \$2,100,000 for the State Police Firing Range Renovation. It is the intent of the General Assembly that these
19 funds be used for renovating the Firing Range facility to include refurbishing the bullet trap, installing a
20 ballistic ceiling, installing a gun cleaning machine, renovating the on-site storage areas, constructing on-site
21 simunitions training facilities as well as developing standard operating guidelines for the completed
22 simunition facilities to include periodic testing of range personnel to monitor lead levels in their systems.
23 In addition, the Office of Management and Budget and the Department of Safety and Homeland Security
24 shall oversee the development and awarding of a contract for the maintenance of the Firing Range. The
25 Office of Management and Budget and the Department of Safety and Homeland Security shall provide a

1 quarterly progress report to the Co-Chairs of the Joint legislative Committee on the Capital Improvement
2 Program until the renovations to the Firing Range are completed and said facility is in operation.

3 Section 28. Troop 2 Transfer. Notwithstanding the provisions of 29 Del. C. Chapter 94, the State
4 of Delaware shall transfer and convey a portion of the State-owned property situated at 168 South DuPont
5 Highway, in New Castle County, and identified as Tax Parcel No. 10.030.00.027. (former Troop 2
6 property) to the Colonial School District for the consideration of One Dollar (\$1.00). The boundary lines of
7 the parcel to be transferred and conveyed shall be mutually agreed upon by the State Police and the
8 Colonial School District. The conveyance shall be “as is” in that the Colonial School District shall accept
9 the building and land in their present condition.

10 Section 29. New Castle County Courthouse Art. Notwithstanding any provision of the law to the
11 contrary, the Administrative Office of the Courts is authorized and directed to execute any contract for the
12 requisition of art for the New Castle County Courthouse as proposed by the Art Committee for the New
13 Castle County Courthouse, and subject to the approval of the Administrative Office of the Courts. All
14 authority for designing, erecting, and maintaining any art structure, and any and all responsibilities or
15 liabilities relating to any such art structure, shall be the sole responsibility of the Administrative Office of
16 the Courts.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 30. 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 31. 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 32. 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 33. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an
21 appropriation of \$10,000,000.00 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 (c) Subject to the review and approval of the Board of Directors of the Diamond State Port
5 Corporation (“DSPC”):

6 (1) The appropriation under Section 1 Addendum shall be used as directed under (a) and
7 (b) above , except that the DSPC may borrow, on an interest-free basis, up to \$2,000,000 from this
8 authorization to meet its short term operating expenses during Fiscal Year 2006.

9 Section 34. Port of Wilmington – Forklift Cabs. The Section 1 Addendum to this Act appropriates
10 \$10,000,000 to the Port of Wilmington. Of that amount \$50,000 shall be used to purchase up to 10 forklift
11 cabs.

12 Section 35. Riverfront Development Corporation. If the Governor and the Delaware Economic
13 Development Office, at the direction of the Board of Directors of the Riverfront Development Corporation
14 of Delaware, request the Delaware River and Bay Authority to fund the acquisition of real property and
15 improvements for economic development along or in proximity to the Brandywine and Christina Rivers as
16 recommended in the report of the Governor’s Task Force on the Future of the Brandywine and Christina
17 Rivers, A Vision for the Rivers (1994) 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 after written approval by the Governor, then such project is hereby authorized and approved by this Act.

20 Section 36. Delaware River and Bay Authority Acquisition and Development. If the Governor and
21 the Delaware Department of Natural Resources and Environmental Control (“DNREC”) request that the
22 Delaware River and Bay Authority acquire and develop real property and improvements for the purpose of
23 shoreline preservation and development (including, without limitation, wetlands and open-land acquisition,
24 active recreational and park development or facilities of commerce) along or in proximity to the shoreline
25 of the Delaware Bay and inland waters, or tributaries flowing into the Delaware Bay in the vicinity of Cape
26 Henlopen State Park (excluding lands owned by the State of Delaware, east of the Lewes and Rehoboth

1 Canal) pursuant to the Compact (17 Del. C. § 1701 et. seq.) and the applicable statutory requirements, and
2 if any such project is undertaken and funded by the Delaware River and Bay Authority after written
3 approval by the Governor, then such project is hereby authorized and approved by this legislation. Any
4 conveyance of real property and improvements owned by the State of Delaware pursuant to the foregoing
5 authority shall be exempt from the provisions of 29 Del. C. § 94 and 7 Del. C. § 45, and the Governor or the
6 Secretary of DNREC is hereby authorized to execute and deliver to the Delaware River and Bay Authority
7 a deed to such real property and improvements.

8 Section 37. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development
9 Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the
10 Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-State entities shall
11 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
12 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
13 loans to the Kalmar Nyckel.

14 Section 38. DRBA - Delaware State University. For the purpose of complying with the provisions
15 of 17 Del. C. §1726, requiring the Delaware River and Bay Authority to secure the approval of the General
16 Assembly by an act passed with the concurrence of three-fourths of all the members elected to each House
17 before undertaking any major project (as defined in Article II of the Delaware-New Jersey Compact as set
18 forth in 17 Del. C. §1701), the Delaware River and Bay Authority is hereby authorized, pursuant to the
19 procedures set forth in the Compact and applicable statutory requirements, if requested by the Governor and
20 Delaware Economic Development Office and if the project is undertaken and funded by the Authority in
21 accordance with its processes and procedures relating to such a project, to lease, acquire and control for
22 economic development purposes, real property, improvements and related facilities of the property situate
23 at 2095 Seven Hickories Road, Dover, DE consisting of approximately 75 +/- acres and such project is
24 hereby authorized and approved by this Act. The Authority shall be prohibited from developing said land
25 for residential purposes.

1 Section 39. New Economy Initiative – Year 2. (a) Findings and Purpose. The General Assembly

2 finds that the State must employ a range of new initiatives for retaining and expanding high-paying jobs in a
3 rapidly transforming global economy. In particular, the General Assembly finds that: (1) While Delaware
4 has lost a smaller percentage of its manufacturing jobs than neighboring states, several manufacturing
5 facilities have laid off employees or closed in Delaware due to a rapidly changing market place, global
6 competition and cost-cutting. (2) Small high-technology startups that grow quickly and are the engine of
7 wealth generation and economic growth throughout the country do not respond to traditional, tax-based
8 incentive programs; (3) Delaware should make the investments necessary to develop a thriving
9 entrepreneurial culture, including the availability of start-up seed funding and a pipeline of support for
10 transferring a high-technology concept to commercial reality; (4) The development and successful growth
11 of Delaware-oriented venture capital funds offers the State an opportunity to invest in and leverage private-
12 sector and federal dollars to grow technology-based companies; and (5) Delaware is uniquely poised, by
13 virtue of its university and private-sector research and development in biotechnology, fuel cell development
14 and other clean-energy technologies, to significantly grow these two sectors of its economy and build on a
15 base of clean, high-paying jobs.

16 (b) Definitions. For purposes of this Section, the following definitions shall apply: (1)

17 “Development Office” means the Delaware Economic Development Office (10-03-00). (2) “Authority”
18 means the Delaware Economic Development Authority (10-03-03); and (3) “Director” means the Director
19 of the Delaware Economic Development Office.

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

<u>Purpose</u>	<u>Amount</u>
Delaware Competitiveness Fund	\$5,300,000
DuPont Innovation Center Partnership	5,000,000
Clean Energy Center Partnership	200,000

1	Experimental Program to Stimulate Competitive Research (EPSCOR)	1,500,000
2	Total	\$12,000,000

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

- 7 (1) Provide a matching-grant program to induce manufacturers to modernize their facilities and preserve
8 high-wage jobs; (2) Assist existing manufacturers in the transformation to updated processes that will keep
9 the facility in operation; (3) Establish new product lines or diversify product lines; (4) Induce buyers for
10 idled facilities that have an available workforce and the capability to manufacture products; (5) Provide
11 low-interest loans, including loans that may be matched by commercial lending institutions through a
12 collaborative program; (6) Encourage the location of research and development operations related to
13 existing manufacturing; and (7) Provide training specific to new processes and operations.

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

- 16 (1) Notwithstanding 29 Del. C. Chapter 101, the Development Office shall forthwith establish
17 criteria for awards from the Fund that include:
- 18 a. An application procedure;
 - 19 b. A minimum percentage match by the State of proposed capital investment up to a
20 maximum capped award;
 - 21 c. A minimum percentage of retained employment after the investment is completed,
22 including a median annual salary goal; and
 - 23 d. Clawback provisions for each applicant as deemed appropriate by the Development
24 Office;

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

- 3 a. The overall feasibility of the investment proposal;
- 4 b. The manufacturing facility's financial and global competitive position relative to
5 comparable plants;
- 6 c. The financial capability of the manufacturing facility or parent company to make the
7 proposed capital investment; and
- 8 d. The standing of the manufacturing facility and parent company with respect to labor law
9 violations and payment of corporate income, gross receipts and other State business
10 taxes;

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

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

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

18 (6) Notwithstanding the provisions of any other law, for the fiscal year ending June 30, 2006
19 interest earnings of the Delaware Competitiveness Fund shall be used for the purposes of the Delaware
20 Competitiveness Fund.

21 (e) Clean Energy Center Partnership. The Delaware Economic Development Office shall support
22 the University of Delaware's Clean Energy Center, of which Delaware State University shall be a partner.
23 The purpose of the Clean Energy Center is to build nationally recognized science, engineering and policy
24 expertise in the research, development and deployment of clean energy technologies such as photovoltaic,
25 fuel cells, and hydrogen storage and generation. (1) These funds shall be used solely to match, at least on a
26 dollar-for-dollar basis, grants or contracts from private industry to conduct cooperative research with the

1 University of Delaware and Delaware State University; (2) This appropriation shall be used to match new
2 monies and cannot be allocated to any projects already funded or in progress as of June 30, 2004; (3)
3 Preference for the disbursement of funds shall be given to research projects that directly support the
4 commercial or industrial application of clean energy technologies and cannot be used for physical space or
5 related infrastructure; (4) The Delaware Economic Development Office shall establish an advisory board
6 (“Board”) to recommend projects for the allocation of funds. The Board shall include representatives of the
7 private sector, state government, the University of Delaware and Delaware State University with the
8 Chairperson of the Board being a private sector representative.

9 (f) Experimental Program to Stimulate Competitive Research. In the event that the National
10 Science Foundation’s Experimental Program to Stimulate Competitive Research (“EPSCOR”) awards the
11 State of Delaware a Research Infrastructure Improvement grant, such a grant requires a fifty percent non-
12 federal matching share over the three-year course of the grant. The EPSCOR grant is expected to be
13 \$3,000,000 per federal fiscal year, requiring a state match each fiscal year of \$1,500,000.

14 The Development Office on behalf of the Authority shall provide the required fifty percent match
15 for the first year of the EPSCOR grant. Oversight for the Delaware EPSCOR grant shall be provided by a
16 State committee that includes but is not limited to representatives from the Delaware Economic
17 Development Office, each of the participating academic institutions, and a majority of private-sector
18 members. The Chair shall be the Lieutenant Governor.

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

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

10 Section 40. DuPont Innovation Center Partnership Program. The State of Delaware and DuPont
11 shall establish a partnership program to begin the transformation of DuPont's Experimental Station Labs
12 into the DuPont Innovation Center. The purpose of this transformation is to support DuPont's commitment
13 to Experimental Station Labs as its primary global research & development facility and to provide an
14 impetus for future growth of aligned and supporting industries across the state and region. This partnership
15 will require DuPont to make capital investments of \$80 million at Experimental Station Labs through 2009.
16 DuPont will also be required to provide, over the next 5 years free of charge, 250 patents and "proprietary
17 technology packages" to the Delaware Emerging Technology Center as part of the State's New Economy
18 Initiative. DuPont will also collaborate with the State of Delaware to develop a Delaware Biotechnology
19 Program for High School Students at Experimental Station Labs, consisting of at least 6 interactions per
20 year beginning in calendar year 2006 through calendar year 2009. DuPont will be required to complete
21 total capital investments of \$20 million at Experimental Station Labs by June 30, 2007, an additional \$20
22 million at Experimental Station Labs by December 31, 2008 and an additional \$40 million at Experimental
23 Station Labs by December 31, 2009 for a total of \$80 million in capital investments. This partnership
24 program will require DuPont to report its capital expenditures to the Delaware Economic Development
25 Office within 30 days of each capital investment completion deadline and shall be subject to a grant
26 agreement and remediation provisions deemed appropriate by the Development Office.

1 Section 41. New Markets Tax Credit Program. In the event that the Director of the Delaware
2 Economic Development Office or the Director of the Delaware State Housing Authority and the Secretary
3 of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit Program
4 under the U.S. Treasury Department, the Director is authorized to form a business entity or organization to
5 apply for and manage this program on behalf of the State, as required by applicable federal legislation and
6 regulations. Any such application for said program shall be subject to the approval of the Co-Chairs of the
7 Joint Legislative Committee on the Capital Improvement Program and the Delaware State Clearinghouse
8 Committee.

9 Section 42. Blue Ball East Master Plan Implementation. The implementation of the transportation,
10 stormwater management, and parks and recreation elements of the Blue Ball East Master Plan shall not be
11 subject to the zoning, subdivision, land use, or building code ordinances or regulations of any political
12 subdivision of the State.

13 Section 43. Riverfront Development Corporation Board. The composition of the board of directors
14 of the Riverfront Development Corporation of Delaware as established by the Laws of Delaware, Volume
15 70, Chapter 210, is hereby amended to provide for eight members to be appointed by the Governor, with
16 one of those members being appointed chair.

17 Section 44. Riverfront Development Corporation Expenditures. Funds appropriated to the
18 Delaware Economic Development Office for the Riverfront Development Corporation of Delaware (RDC)
19 shall be expended only with the approval of the board of directors of the RDC. Funds may only be
20 expended for activities related to the redevelopment of the Brandywine and Christina riverfront areas,
21 including: planning and design studies; the acquisition, construction and improvement of real property;
22 environmental remediation; costs of operations and administration; conversion of the Bank One Center to a
23 conference center; debt service; and other expenses in furtherance of the mission of the RDC.

24 Section 45. Eastern Shore Environmental. The Section 1 Addendum to this Act appropriates
25 \$337,400 for the relocation of Eastern Shore Environmental (ESE). Said funds shall be transferred to ESE
26 contingent upon Kent County Levy Court appropriating \$250,000 for ESE.

1 Section 46. Delaware Theatre Company. Notwithstanding any other provision of law to the
2 contrary, the Delaware Economic Development Office is hereby authorized to sell to the Delaware Theatre
3 Company, a Delaware corporation, all of the real property and other interests located in the City of
4 Wilmington that the Delaware Development Office acquired from Avenue of the Arts Associates, a
5 Delaware partnership, pursuant to an agreement of sale dated September 19, 1984. The total consideration
6 or purchase price shall be \$1.

7 Section 47. Amend 29 Del. C. c. 50 by deleting Subchapter II in its entirety consisting of §5030,
8 §5031 and §5032 and, further, forgiving any and all loans issued pursuant to Chapter 50, Subchapter II.

9 Section 48. Civic Center Corporation. The Section 1 Addendum to this Act appropriates
10 \$2,000,000 to the Delaware Economic Development Office. Said appropriation shall be allocated to the
11 Civic Center Corporation for the construction of a multi-purpose civic center/arena on corporation owned
12 land which may include a minor league hockey team, concerts, conventions, trade shows and other
13 community events. Said appropriation does not commit the state to any long term funding mechanism and
14 is to further the corporation's initial goal of a Civic Center in Kent County. The Corporation in consultation
15 with Delaware State University, Kent County Levy Court, the City of Dover and any interested community
16 groups shall provide to the Joint Legislative Committee on the Capital Improvement Program a proposed
17 financing mechanism for the construction and operation of the center by December 1, 2005. Such analysis
18 shall consider the provision of providing Delaware State Athletic programs the use of space in the Civic
19 Center. Said funds shall not be expended without the prior approval of the Co-Chairs of the Joint
20 Legislative Committee on the Capital Improvement Program, the Director of the Office of Management and
21 Budget, and the Controller General.

1 Section 49. Kent County Levy Court Local Lodging Tax. Kent County Levy Court may issue up
2 to \$20,000,000 in general obligation bonds for the Dover Civic Center with the resulting debt service to be
3 paid from the annual operating revenues of the Center. Should the annual operating revenues of the Center
4 be insufficient at any time during the debt repayment period to cover principal and interest payments, the
5 Levy Court shall be authorized to impose, by duly enacted ordinance, a local lodging tax for any room or
6 rooms in a hotel, motel or tourist home, as defined in 30 Del. C. §6101, in an amount sufficient to repay any
7 principal and interest deficits not covered by Center revenues for the period for which such deficiency
8 exists. The Levy Court, in consultation with the State Treasurer and Secretary of Finance, shall establish
9 the rate and duration of any necessary levy. The Levy Court's authority to levy said hotel tax shall sunset
10 upon repayment of all principal and interest associated with the bond issuance.

1 **DEPARTMENT OF INFORMATION AND TECHNOLOGY**

2 Section 50. 800MHz. Any provision of law to the contrary notwithstanding, the Department of
3 Technology and Information (DTI) is expressly authorized to commit the State of Delaware to indemnify
4 and hold harmless tower owners and/or lessors in lease agreements entered into by DTI to utilize
5 communications towers owned and/or controlled by Conectiv, the University of Delaware, Cingular,
6 American Tower, and/or Clear Channel (or affiliates of such entities) for the purpose of undertaking
7 improvements to the 800 MHz emergency communications system for any damages arising from the State's
8 use of such communications towers.

1 **DEPARTMENT OF STATE**

2 Section 51. 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 52. 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 Island
9 according to plans and specifications that have been developed by the Department of Natural
10 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 53. 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 54. 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 55. 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 56. New Castle County Veterans Cemetery. Amend 29 Del. C. §8725 by adding a new
4 subsection (c) to read as follows:

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

11 Section 57. Delaware State Monument at Gettysburg. The State Division of Historical and
12 Cultural Affairs will ensure that any movement of the Delaware State Monument at Gettysburg be
13 conducted in a manner consistent with the original purposes surrounding the monument's installation and
14 that any such relocation be conducted so that the monument is reestablished in a position of prominence and
15 that landscaping and site work is performed as close to the original design as possible.

16 Section 58. Hockessin Public Library. 74 Del. Laws c. 69, §100 appropriated \$1,316,100 to the
17 Department of State for the Hockessin Public Library. Of that amount, \$35,000 shall be used to construct a
18 small, secure book/document storage facility and reading room within the library. The room shall house
19 public and private books, photography, documents and other small, valuable items of historical significance
20 to the Hockessin community. All items housed in this room shall be available to the public but shall not be
21 allowed to leave the room.

22 Section 59. Old State House/First State Heritage Park. The Section 1 Addendum to this Act
23 appropriates \$1,500,000 to the Department of State for the Old State House/First State Heritage Park. Of
24 this amount, up to \$250,000 may be transferred to the Department of Natural Resources and Environmental
25 Control for the purchase and/or restoration of proximate sites to the Old State House that enhance
26 interpretation of the First State Heritage Park.

1 **DEPARTMENT OF FINANCE**

2 Section 60. 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 61. 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 FOR CHILDREN, YOUTH AND THEIR FAMILIES**

2 Section 62. FACTS II. The Section 1 Addendum to this Act appropriates funds to the Office of
3 Management and Budget and includes funding for the FACTS II project in the Department of Services for
4 Children, Youth and Their Families. This project should be consistent with the original FACTS project
5 with regard to maintaining compatibility with other agencies. The system shall cooperate with systems in
6 other agencies to include but not be limited to the Department of Health and Social Services, Department of
7 Correction, the Judiciary and the Delaware Justice Information System.

1 **DEPARTMENT OF CORRECTION**

2 Section 63. 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 64. 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 65. 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 66. 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 67. 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. \$1,500,000 for the Soil and Water Conservation Program. The department shall spend one-
17 third of such funds for use in each county.
- 18 2. \$1,705,000 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 \$1,705,000 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 68. 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 69. 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 70. 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 71. 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 \$9,900,000 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 72. 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 73. 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 74. 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 75. 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 76. 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 \$1,000,000 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. The
16 \$1,000,000 allocated for debris pit remediation in Delaware shall be administered by DNREC, Division of
17 Soil and Water Conservation. New Castle County shall provide \$250,000 match.

18 Section 77. Retention Ponds. The Section 1 Addendum to this Act appropriates \$3,300,000 to the
19 Department of Natural Resources and Environmental Control to assist New Castle County in dealing with
20 its stormwater management related problems. The County will be reimbursed for said activities on an
21 actual cost basis after the work is completed. The total reimbursement will not exceed \$3,300,000 during
22 the course of Fiscal Year 2006. Wherever possible, the New Castle Conservation district will be employed
23 to perform the necessary work.

24 Section 78. Ommelanden Range. It is the intent of the General Assembly that the Division of Fish
25 and Wildlife shall investigate the efficacy of structural sound attenuation devices at the Ommelanden
26 shooting range.

1 Section 79. Ommelanden/National Guard Working Group. It is the intent of the General Assembly
2 that a working group consisting of representatives of the National Guard, the State Police, local law
3 enforcement agencies, the Department of Natural Resources and Environmental Control and local
4 community groups along the Route 9 corridor assess the night time operating hours of the National Guard
5 and Ommelanden firing ranges. The group shall provide recommendations to the Co-Chairs of the Joint
6 Legislative Committee on the Capital Improvement Program no later than September 1, 2005.

7 Section 80. Slaughter Neck Community Center Water System. The Section 1 Addendum to this
8 Act appropriates funds under Twenty-First Century Fund Projects for the Water Management Account. Of
9 the amount appropriated \$15,000 shall be allocated to the Slaughter Neck Community Center for a new
10 Drinking Water System.

11 Section 81. Assawoman Canal Dredging. It is the express finding of the General Assembly that
12 the benefits of dredging and maintaining the Assawoman Canal exceed the costs of such project and the
13 Secretary of Natural Resources and Environmental Control is hereby directed to initiate all necessary
14 actions to dredge the Canal pursuant to all terms and conditions provided for in the state and federal permits
15 issued for the project and initially authorized by Secretary's Order 2004-W-0047 dated August 12, 2004.

16 Section 82. Newport Boat Ramps. The Section 1 Addendum to this Act appropriates \$1,250,000 to
17 the Department of Natural Resource and Environmental Control for MCI and Equipment. Of this amount,
18 \$20,000 may be used for the Newport Boat Ramp for cameras and/or security.

19 Section 83. State Park Fees and Surf Fishing Registration. (a) Notwithstanding any other provision
20 of law to the contrary, the General Assembly hereby authorizes and approves the following schedule of fees
21 for entrance to state parks and the use of surf fishing vehicles on state park lands not to exceed the amounts
22 listed below. This fee schedule is to be imposed by the Department of Natural Resources and Environmental
23 Control effective July 1, 2005 and replaces and supercedes any previous categories and fees in their entirety.

1	Daily Entrance - Delaware Registered Vehicle	\$3.00
2	Daily Entrance- Out of State Registered Vehicle	\$6.00
3		
4	Daily Entrance Ocean – Delaware Registered Vehicle	\$4.00
5	Daily Entrance Ocean – Out of State Registered Vehicle	\$8.00
6		
7	Daily Bus Fee – Mini (16-30 passengers)	
8	Delaware Registered Vehicle	\$12.00
9	Out of State Registered Vehicle	\$24.00
10		
11	Daily Bus Fee - Large (over 30 passengers)	
12	Delaware Registered Vehicle	\$24.00
13	Out of State Registered Vehicle	\$48.00
14		
15	Annual Permit - Delaware Registered Vehicle	\$27.00
16	Annual Permit - Out of state Registered Vehicle	\$54.00
17		
18	Annual Permit – Delaware Senior Discount	\$12.00
19	Annual Permit – Out of State Senior Discount	\$24.00
20		
21	Annual Permit – Delaware Lifetime Senior	\$50.00
22		
23	Surf Fishing – Delaware Registered Vehicle	\$65.00
24	Surf Fishing – Non-Resident Registered Vehicle	\$130.00
25	Surf Fishing Senior – Delaware Registered Vehicle	\$55.00
26	Surf Fishing Senior – Non-Resident Registered Vehicle	\$110.00
27		

28 (b) During the traditional school year and the sanctioned athletic season, Delaware school groups
29 that include grades kindergarten through 12th shall be exempt from the daily bus entrance fee for state parks
30 provided that notification is provided to the park no later than five working days prior to the visit. Said
31 exemption shall also apply to the daily entrance fee for vehicles accompanying the school group during the
32 traditional school year and/or the sanctioned athletic season.

33 Section 84. Channel Markers. The Department of Natural Resources and Environmental Control
34 (DNREC) is directed to provide dedicated, comprehensive waterway management for state waters. DNREC
35 will: maintain design depths and mark navigational channels of the state that are not maintained and marked
36 by any entity of the federal government; remove nuisance macroalgae; remove derelict structures, trees and
37 other debris that threatens safe navigation; and perform any other waterway management services that may
38 be identified to preserve, maintain and enhance recreational use of the State’s tidal waters, as well as
39 improve environmental conditions as warranted or directed by the Governor or Secretary of DNREC.

1 DNREC is further directed to undertake a study of the sediment sources and patterns of sediment movement
2 that results in deposition within State Waterways to determine if there are methods to reduce the
3 dependency on dredging to remove deposited sediments.

4 Section 85. State Park Facilities. The Section 1 Addendum to this Act appropriates \$18,000,000
5 to the Department of Natural Resources and Environmental Control for State Park Facilities. It is the intent
6 of the General Assembly that said funds shall be utilized to improve and expand state parks and
7 recreational facilities statewide. Notwithstanding any other provision to the contrary, the Department of
8 Natural Resources and Environmental Control is authorized to enter into contracts for the operation and
9 maintenance of the facilities outlined below.

10	\$7,000,000	Statewide park, recreational and historical facilities as
11		approved by the House Co-Chair of the Joint Committee
12		on Bond and Capital Improvements and the Director of the
13		Office of Management and Budget
14	\$6,000,000	White Clay Creek State Park
15	\$2,500,000	Killens Pond Nature Center
16	\$2,500,000	Trap Pond

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 86. 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.

5 Section 87. Integrated Ballistics Identification System. The Section 1 Addendum to this Act
6 appropriates \$400,000 for the Integrated Ballistics Identification System. Of that amount, up to \$35,000
7 may be used for the shoot tank.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 88. 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 \$485,100,000 (State:
6 \$393,100,000; Federal: \$91,000,000; Other \$1,000,000) 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 (b) New Transportation Trust Fund Debt Authorizations. To fund a portion of the projects
10 authorized herein, the Delaware Transportation Authority is hereby authorized to issue bonds in
11 an amount not to exceed \$130,000,000 pursuant to the provisions of 2 Del. C. c. 13 and 14, of
12 which not more than \$126,200,000 shall be used for purposes set forth in the Section 1
13 Addendum of this Act with the remainder, not to exceed \$3,800,000 to be used to fund issuance
14 costs and necessary reserves for the Reserve Account.

15 Section 89. Astra Zeneca Project. The Department shall expeditiously continue all of the projects
16 heretofore authorized by the General Assembly for the construction and reconstruction of state highways in
17 and around the intersection of Routes U.S. 202 and State Routes 141 and 292, together with all local
18 connecting roads, as articulated in the Blue Ball Master Development Agreement. The Department shall
19 further carry out all previously authorized and funded projects for transit, bicycle and pedestrian, storm
20 water management, wetlands and stream restoration, beautification, historic preservation and other
21 improvements in concert with the Department of Natural Resources, the Delaware Economic Development
22 Authority, The City of Wilmington, New Castle County, the New Castle County Conservation District, and
23 such other public and private entities as may be necessary to accomplish timely completion of the Blue Ball
24 Master Plan. The Department shall make every effort to adhere to the project schedule originally laid out
25 and agreed to by all parties, and shall further cooperate with private employers and residents in the affected
26 area to speed the processes of project completions. In so doing, the Department shall insure that:

1 (a) The roadway concept plan developed by the joint public process and approved by the
2 Governor and the County Executive will be designed and constructed, as proposed. All roadway
3 alignments and connections shown in the concept plan will be maintained in the final project
4 design. Only modifications to ensure safety or to minimize or avoid impacts to environmentally
5 sensitive areas will be permitted in the final design. However, no change will be made to the
6 concept that will result in a degradation of the Level of Service as committed by New Castle
7 County and as defined in the Department's response to the Astra Zeneca Traffic Impact Study;
8 and

9 (b) To accommodate the growth projected by Astra Zeneca, the Department will complete
10 all roadway construction improvements by the end of fiscal year 2008. The Department will
11 prepare construction contracts and advance them to construction in the most efficient manner
12 possible. Contracts should be prepared and staged to minimize disruption to the existing traffic
13 flow.

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

16 Section 90. Maintenance and Operations Facilities. The following building structures and facilities
17 constructed or to be constructed within the Department of Transportation's operating rights-of-way for the
18 Interstate Highway System and State Route 1, that are used to assist in the operational and maintenance
19 activities for such roads, shall not be subject to zoning, subdivision, or building code ordinances or
20 regulations by any political subdivision of the State: a) North District, Chapman Road Facility (equipment
21 shed, roof replacement, and HVAC); b) Canal District, Tybouts Corner Maintenance Area (equipment
22 sheds, salt storage facility, and one-story area office building); c) North District, Talley Road Maintenance
23 Area or its replacement (equipment sheds, storage facility, salt storage facility and security/privacy barrier);
24 d) Canal District, SR 1 North of North Smyrna Interchange (equipment shed, salt storage facility, and one-
25 story area office building); and e) Canal District, SR 1 at SR 299 Interchange (equipment shed and one-
26 story area office building). The Department shall not construct any such facility or make improvements in

1 any such existing facility without first conducting a public workshop to describe such plans and gather
2 public input into the effect of such plans.

3 Section 91. Transit Bus Shelter Advertising. Amend 2 Del. C. §1309 (28) of the Delaware Code by
4 adding a new subsection e. thereof, to read as follow:

5 “e. Provide for the use of contractual advertising on the downstream panels of Delaware Transit
6 Corporation’s transit shelters to offset the cost of providing these facilities, except that no such
7 advertising shall be permitted in the following locations: (1) within a residential subdivision, except
8 at its entrance; (2) within 50 feet of a residence; (3) within 100 feet of any property designated as a
9 historic resource under federal, state, or local law; or (4) within 150 feet of areas experiencing
10 continually high incident rates of drug offenses or crimes against persons, measured on a calendar-
11 year basis, as designated by the State Bureau of Identification or the applicable local police
12 agency.”

13 Section 92. Route 7 and Valley Road Project. Previous legislation has directed the Department to
14 design and construct certain permanent drainage improvements, as well as certain other transportation,
15 recreational, cultural, educational and open space improvements in the area of the newly completed
16 intersection of Route 7 and Valley Road in New Castle County. Pursuant to those directives, the
17 Department has entered into certain contracts, and has developed a master plan for the implementation of
18 such improvements, hereafter referred to as the (“Valley Road Project”). In response to community input
19 on the proposed Valley Road Project, the Department is authorized and directed to relocate the historic
20 Tweed’s Tavern from its current location west of Limestone Road to a new location within the bounds of
21 the proposed community recreation area. The Department shall grant to the Tavern to the Hockessin
22 Historical Society, and shall enter into any agreements as may be deemed appropriate for the relocation,
23 permanent maintenance and improvement of that structure, and other historic structures deemed consistent
24 with accomplishment of the Valley Road Project. The Department shall also cooperate with private owners
25 of adjacent property to maximize the value, and minimize the cost, of public and private infrastructure
26 needed to support all facilities to be located within or adjacent to the Valley Road Project. In so doing, the

1 Department shall insure that all previously stipulated requirements for the drainage under Valley Road are
2 adhered to, and that adjacent private property owners are not threatened by surplus highway run-off.

3 Section 93. Surface Treatment Pavement Conversion Program. The Department is authorized to
4 continue operating its Surface Treatment Pavement Conversion Program, under the following provisions:

5 (a) Of the amounts appropriated for Road System (77/00) as set forth in the Section 1
6 Addendum to this Act, the Department is authorized to expend up to \$1,500,000 (State) for this
7 program.

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

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

17 Section 94. Wilmington Riverfront. The State acknowledges that the lands on and near the
18 Christina Riverfront (the "Riverfront") constitute an area of critical importance to the vitality of the State,
19 New Castle County and the City of Wilmington. The State also acknowledges that this is a shared vision
20 and responsibility of the State, its subdivisions and instrumentalities, and that it is clearly in the public
21 interest to maximize both the private and public employment, as well as the public recreational, cultural,
22 and economic development opportunities available at the Riverfront. The State, with and through the
23 Department and other departments of government, must work creatively and cooperatively with other
24 public entities and private interests, including private employers located at or near the Riverfront, to
25 increase and expedite employment, economic development, transportation, cultural and recreational
26 opportunities.

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

19 Section 95. Bicycle, Pedestrian and Other Improvements. Amend 17 Del. C. §132 of the Delaware
20 Code by creating a new subsection (h) thereof, to read as follows:

21 “(h) The Department may work in conjunction with any political subdivision of the state and with
22 any private organization to plan and construct such bicycle and pedestrian transportation facilities
23 as may be appropriate. In carrying out this portion of its overall program, the Department may take
24 into consideration in scheduling its projects those in which the affected local community is willing
25 to contribute a matching share (whether in cash, rights of way, or other in-kind services) in order to
26 accomplish the project.”

1 Section 96. Transportation Enhancements. It is the intent of the General Assembly that the
2 Department provide notice to all state agencies, political sub-divisions within the state, and other parties of
3 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall
4 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and
5 such other requirements as may be necessary to insure that any interested entity may work to become a
6 participating recipient under the program.

7 Section 97. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of
8 \$21,600,000 (State) for projects within the Grants and Allocations classification. The General Assembly
9 further defines its intent with respect to those appropriations as follows:

10 (a) The sum of \$16,600,000 (State) shall be used for the Community Transportation Fund, in
11 accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital
12 Improvements Program, as amended from time to time.

13 (b) The sum of \$5,000,000 (State) shall be used for the Municipal Street Aid program, pursuant to
14 the provisions of 30 Del. C. § 51.

15 Section 98. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
16 \$500,000 (\$100,000 State; \$400,000 Federal) from the Transit System classification (73/00) appropriated in
17 this Act for the 5310 Program, administered by the Federal Transit Authority.

18 Section 99. Transportation Facilities. The Section 1 Addendum of this Act appropriates
19 \$4,000,000 (State) for the improvement and adaptation of Departmental facilities.

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

23 (b) The department shall cooperate with the City of Wilmington to transfer a portion of the
24 Department's property at the Talley Road Maintenance yard to the City for the purposes of making
25 drainage, access, and pedestrian improvements to the Rock Manor Golf Course.

1 (c) The department shall insure compliance with NPDES through the installation/upgrade of wash
2 facilities at all district locations.

3 Section 100. EZ Pass Reserve Account. The General Assembly has established an EZ Pass
4 Reserve Account which shall be maintained within the Transportation Trust Fund as a separate account.
5 These funds may only be used by the Department in furtherance of its efforts to improve the availability and
6 quality of the EZ Pass assets and services. The funds appropriated in the Section 1 Addendum, and others as
7 may be appropriated by the General Assembly, may be used to satisfy any and all claims resulting from
8 Delaware's membership in the Regional Consortium.

9 Section 101. 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 January 1,
15 2026) 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 Section 102. DelDOT Work Impacts on Private Property and its Owners. When the Department
22 and/or any of its contractors determines that it would be in the best interests of the State to undertake
23 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted
24 immediately adjacent to a residential neighborhood,

25 (a) the Department shall first ensure that residents of the neighborhood are notified in a timely
26 fashion of the Department's desire to undertake such work. It must explain the benefits and costs to

1 the State and the neighborhood of working under regular hours and the proposed extended hour
2 schedule. Such notification shall include a description of the proposed work to be conducted, the
3 proposed use of any equipment that may cause noise, vibration or odor disruptions to the
4 neighborhood, and an estimate of the time required to complete the project. The Department may
5 proceed with its extended hours of work if it does not receive a significant number of objections from
6 the notified residents. Pursuant to the provisions of the Delaware Code, it shall offer temporary
7 relocation to any residents who request such relocation.

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

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

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

21 Section 103. Subdivision Signage. Amend 17 Del. C. §508 (c) by creating a new subsection (5)
22 thereof, to read as follows:

23 “(5) The Department’s standards for newly constructed residential subdivision streets include a decorative
24 sign that includes the name of the subdivision and a logo of the State’s famous patriot, Caesar Rodney.

25 These new signs shall be installed at each newly approved subdivision and shall be paid for by the
26 developer(s) of such subdivision. Existing subdivisions may also request the Department to install these

1 new signs in place of other signs previously used by the Department. Such requested replacement signs
2 shall be paid for by the subdivision or from Community Transportation Funds allocated by a legislator
3 requesting such signs. The Department shall replace existing standard signs damaged by vandalism,
4 accident, or the ravages of time with standard signs under its regular maintenance program, unless the
5 decorative alternative has been requested under the provisions of this subsection.”

6 Section 104. McMullen Farm. The General Assembly has previously authorized the Department to
7 enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm in
8 order to promote improved transportation access and circulation, to promote healthy economic growth, and
9 to preserve and enhance critical open space. The Department is authorized to continue its negotiations for
10 the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the lands
11 adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All previous
12 authorizations to the Department, and other affected state agencies, shall remain in force and effect, and the
13 Secretary of the Department shall report to the Governor and the General Assembly on progress toward the
14 completion of the transportation improvements, development of the excess lands, and creation and
15 improvement of the community parkland no later than May 1, 2006.

16 Section 105. Brandywine Park. The Department is authorized and directed to use a portion of the
17 sums authorized for improvements within the I-95 corridor through the City of Wilmington to restore and
18 improve public park areas and parking lots, and to provide any required restitution to owners of private
19 property whose residences and or businesses may have suffered physical damage as a result of the
20 aforementioned reconstruction.

21 Section 106. Seaford, Ross Industrial Park. The Department is authorized to enter into such
22 agreements with the City of Seaford or any such employer that the City is successful in attracting as are
23 necessary and convenient for the planning, design, construction, and/or financing of any such improvements
24 to the transportation system.

25 Section 107. Southern New Castle County. In order to expedite the orderly improvement of roads
26 and other infrastructure in the rapidly growing area of southern New Castle County, the Department is

1 authorized and directed to enter into such joint development agreements as it may deem necessary and
2 appropriate. In so doing, the Department should make its best efforts to adhere to the tenets of the model
3 joint development agreement executed earlier this year between the developers of Westown, the City of
4 Middletown, and the Department, to the extent such provisions are applicable to future projects. If
5 legislation introduced and passed at this time by the Delaware State Senate concerning joint development
6 agreements has been enacted into law, the Department shall pay special attention to the provisions of that
7 statute concerning the advanced acquisition of rights-of-way, public announcements and involvement in
8 workshops concerning the project, and the need for public oversight and inspection of all construction
9 work, regardless of the source of funding and/or the contracting party.

10 Section 108. Woodland Ferry. In order to improve the reliability and safety of the Woodland Ferry
11 service, the Department shall make necessary improvements to the bulkheads and ramps on the banks of the
12 Nanticoke that serve the ferry, and shall contract for the design and construction of a new six-vehicle
13 vessel.

14 Section 109. New Castle, State Route 9. Mindful of the scenic and historic value of one of
15 Delaware’s most notable roads (State Route 9), and recognizing the growth in residential and commercial
16 activity along that road south of the historic town of New Castle, the General Assembly is concerned that
17 severe, periodic flooding of this road continues to cause a threat to the health and safety of the residents and
18 travelers along this road. Accordingly, the Department shall use such sums as may be necessary from the
19 authorizations contained within the Section 1 Addendum of this Act to immediately commence the project
20 development and design for a safe, attractive, and efficient causeway which will preserve the pastoral
21 quality of this portion of the Delaware road network, while affording new transportation improvements to
22 the citizens of the State.

23 Section 110. Safe Recreation. Amend 17 Del. C. §149 by creating a new subsection (c) thereof, to
24 read as follow:

25 “(c) (1) Legislative findings. The General Assembly finds that the proliferation of sporting and
26 recreational activity taking place in and adjacent to the state’s public rights-of-way is growing along with

1 the state’s population, and further finds that such mixed-use activity threatens the safety of the recreants as
2 well as members of the motoring public.

3 (2) In keeping with the General Assembly’s legislative findings herein, and in order to promote
4 safe neighborhood recreation, the Department shall make every effort to remove from public rights-of-way
5 devices such as basketball hoops, hockey goals, shuffleboards and the like. The Department is further
6 authorized and directed to establish such regulations as may be necessary and appropriate to enforce this
7 activity. Notwithstanding any other provision of state law to the contrary, any repeat offender found in
8 violation of the regulations adopted pursuant to this subsection shall pay a fine of \$25.00 per incident.”

9 Section 111. Rehabilitation of Public Streets, Industrial Parks. In order to maintain a safe,
10 attractive, and efficient network of public streets serving the state’s growing inventory of industrial parks,
11 the General Assembly hereby authorizes the Department to spend sums not exceeding \$500,000 on a pilot
12 program to address this issue. The Department shall prepare an inventory of all public streets within the
13 state’s industrial parks. It shall further rank all of these streets in the same manner that it prepares the annual
14 program of roads eligible for the Paving and Rehabilitation Program authorized elsewhere in this Act. The
15 Secretary shall then distribute this list to all members of the General Assembly, together with an estimate of
16 the amounts necessary to address those public streets in this inventory most in need of repair. If a member
17 of the General Assembly elects to allocate funds from his/her Community Transportation Fund (CTF) to
18 repair any of these public streets, the Secretary may draw on this appropriation to match those individual
19 CTF dollars on the basis of \$2 dollars from this special account for every \$1 dollar allocated by the
20 member. The Secretary shall notify all members of his intent to make such matching allocations, and shall
21 require any member interested in participating to notify the Department of his/her interest in participating
22 by a date certain, not less than one month from the date of such announcement. In the event that the sum of
23 all individual Member requests exceeds the amounts authorized by this section, the Department shall
24 prioritize the industrial park streets to be improved on the basis of the ranking required by this section, and
25 shall share its decisions with all members of the General Assembly. For purposes of preparing this

1 inventory and ranking, the Department is authorized and directed to expend such sums as may be necessary
2 from the accounts established for statewide paving and rehabilitation activities.

3 Section 112. Sussex County, Regional Improvements. The General Assembly is troubled by the
4 increasing congestion of traffic in and around the beach recreational areas of Sussex County. In addition,
5 land to the west of these areas is quickly becoming so developed that visitors to Delaware often spend hours
6 delayed in reaching their destinations. Accordingly, and in concert with various resolutions introduced in
7 one or the other chamber of the General Assembly, the Department shall undertake a study of the options
8 and potential costs to acquire rights-of-way and construct improvements to address these problems. In
9 undertaking its study, the Department shall seek the advice of Sussex community leaders and shall further
10 consult with jurisdictions throughout the United States, which have employed novel and effective solutions
11 to similar problems. The Department shall share its findings on these so-called Route 1 and East-West
12 travails with the Governor and Members of the General Assembly by January 15, 2006.

13 Section 113. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the
14 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the
15 construction of new park amenities, access and circulation roads, and other transportation and recreation
16 improvements shall be used, to the maximum extent possible, to match federal funds previously available,
17 or to become available in the future. In keeping with the strong sense of community involvement and sense
18 of ownership, the Department shall continue to provide periodic progress updates through such media as it
19 determines best address the community's needs. In keeping with the urgent time schedule, the Department
20 shall make every effort to design, bid and execute this project for construction in the most expeditious
21 manner. And finally, because in order to accomplish this project in an efficient and cost-effective manner,
22 the Department and its contractors will have to occupy portions of the state's adjacent campground and
23 marina facilities, the General Assembly authorizes and directs the Secretary of the Department to enter into
24 reimbursement agreements with the Secretary of the Department of Natural Resources and Environmental
25 Control ("DNREC"). Such agreements will insure that during the period of construction of the bridge and

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

3 Section 114. Bancroft Parkway, Wilmington. The Department shall cooperate with the City of
4 Wilmington, DNREC, and the Woodlawn Trustees (collectively referred to here as the Bancroft Partners) in
5 the design, funding and construction of a pedestrian bridge across the CSX railroad tracks adjacent to the 9th
6 Street vehicle bridge in Wilmington. The Department shall also use sums available from the Transportation
7 Enhancements program funded in the Section 1 Addendum to this Act to match available local and CTF
8 funds for sidewalk, landscape, and lighting improvements in the vicinity of Union Park Gardens.

9 Section 115. City of Wilmington Beautification. In order to maintain the urban tree canopy
10 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
11 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
12 Center for Horticulture (“Center”). It is the intent of the General Assembly that such program shall be
13 funded exclusively by allocations made from time to time by members of the General Assembly from their
14 Community Transportation Funds. The Department shall create an open-ended account with the Center on
15 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and
16 appropriately vouchered, from the CTF funds herein identified.

17 Section 116. Matson Run Drainage and Blue Ball Recreational Facility. The Section 1 Addendum
18 of 74 Del. Laws, c. 308 appropriated \$1,100,000 for the Matson Run Drainage Improvements and the Blue
19 Ball Recreational Facility. These funds shall be eligible as match for the Twenty-First Century Fund
20 Resource, Conservation and Development Project entitled “Shellpot Creek – Matson Run Flood Abatement
21 in Watershed Area”. These funds shall be used by the Department, together with such other state, federal,
22 local, and private funds as are necessary to continue improvements to the Rock Manor Golf Course and
23 other public recreational facilities in the area adjacent to the Department’s transportation and other
24 improvements along U.S. 202, Murphy Road (SR 141), Foulk Road (SR 261), Weldin Road (SR 215),
25 Powder Mill Road (SR 267) and other portions of the state’s highway network.

1 Section 117. Border Crossing Agreements. Amend 17 Del. C. Subchapter IV., Chapter 1 by

2 creating a new §153 to read as follows:

3 “§153. Border Crossing Agreements.

4 (a) The General Assembly finds as follows:

5 (1) There are over 150 locations at which public roads cross Delaware’s border with either
6 Maryland or Pennsylvania.

7 (2) Several of these roads include portions that cross into Maryland or Pennsylvania from
8 Delaware with no intersections with such roads from within the other state.

9 (3) Some public roads move back and forth across the state border, while others continue
10 from one state to the other.

11 (4) These border crossings raise several difficult issues concerning potential liability,
12 appropriate continuity of pavement maintenance policies and practices, snow removal
13 responsibilities, and oversight of subdivision development and entrance permit
14 regulations applicable to each jurisdiction.

15 (5) Therefore, it is appropriate to direct the Department of Transportation to enter into such
16 border crossing agreements as it deems fitting and proper, to obtain cooperation with
17 the responsible jurisdictions in other states to deal with the issues caused by the
18 interplay of the state’s borders with the public road transportation network.

19 (b) The Department of Transportation is authorized and directed to enter into border crossing
20 agreements with counties, townships, other states, and such other government agencies as are
21 responsible for those public roads that cross between, intersect with, or are adjacent to the
22 Delaware border with Maryland or Pennsylvania, and which are connected to the road system
23 for which the Department is responsible under this Chapter. Such agreements may include
24 provisions for pavement reconstruction and maintenance, sharing of snow removal and other
25 responsibilities, joint subdivision review and entrance permit approval processes, adoption of
26 uniform traffic control policies, road segment responsibility designations, reimbursement

1 provisions for expenditures made on these roads, and for other purposes as the Department may
2 deem fitting and proper. Chapter 69 of Title 29 shall not apply to such agreements or to the
3 purchase of materials, equipment, supplies, or the performance of any work on the road
4 segments included within these agreements, except that the provisions of Section 6960 thereof
5 shall apply to any work contracted for performance within Delaware.

6 (c) The provisions of this section shall be limited to those public roads located within one-half mile
7 of the Delaware border, measured perpendicularly from the border.”

8 Section 118. Design-Build Contracts. Notwithstanding any other provision of state law to the
9 contrary, the Department of Transportation is hereby authorized to continue utilization of the design-build
10 contract mechanism for a total of twelve transportation construction projects (seven of which have been
11 authorized). Except as required to implement the award and administration of a design-build contract, the
12 provisions of 29 Del. C.c. 69 shall apply to such contracts. The Co-Chairs of the Joint Legislative
13 Committee on Capital Improvement Program shall approve all projects subject to this section.

14 Section 119. Toll Authorizations. Amend 2 Del. C. §1403(6) by inserting the phrase “, U.S. Route
15 301 from the Maryland line to the tolled portions of State Route 1,” between the phrase “Delaware
16 Turnpike” and the phrase “and U.S. 13 Relief Route”, and further by adding the following after the phrase
17 “U.S. 13 Relief Route”: “(also known as State Route 1)”.

18 Section 120. Settlement Agreement, Christiana Retail Center Phase II. The General Assembly
19 unconditionally approves the May 16, 2005 Settlement Agreement between The State of Delaware, the
20 Secretary of the Department of Transportation, and ALRO Associates, L.P. Notwithstanding any other
21 prohibition, limitation, or requirement of State law, including without limitation the provisions of Titles 2,
22 7, 17, 25, and 29 of the Delaware Code, the General Assembly appropriates \$17,000,000 plus closing and
23 costs to the Delaware Department of Transportation (“Department”), and authorizes and directs the
24 Department to acquire according to the terms of the Settlement Agreement, approximately 110 acres of
25 land, more or less, in White Clay Creek Hundred, being described as Tax Parcel number 09-024.00-014,
26 and known as the Christiana Retail Center Phase II, owned by ALRO Associates L.P. (“the Property”),

1 from the amounts appropriated to the Department in the Section 1 Addendum to this Act. The General
2 Assembly determines that the acquisition of the Property promotes the public health, safety, and welfare, is
3 in the best interests of the citizens of the State of Delaware, is necessary to alleviate unacceptable traffic
4 congestion, and will help to address roadway safety issues in the Christiana Mall area until improvements
5 can be made to the surrounding road system. The General Assembly further determines that the roadway
6 easement acquired with the Property is necessary to provide beneficial additional access to the Property,
7 will permit the State to access the Property for construction and other purposes, will assist in alleviating
8 congestion in the area surrounding the Christiana Mall, and should be constructed with State funds as soon
9 as possible. The Department shall also coordinate with the Department of Natural Resources and
10 Environmental Control and agree upon all necessary remediation measures for the Clayville Dump on the
11 Property, and the Department, in cooperation with DNREC, shall remediate the Clayville Dump as soon as
12 possible.

13 Section 121. Roadside Signage. Amend 17 Del. C. Chapter 5 by adding a new §524, to read as
14 follows:

15 “§524. Removal of non-official signs from utility poles within state rights-of-way.

16 (a) Legislative findings. The General Assembly finds that persons and firms post non-official signs on
17 utility poles without prior authorization from the pole owner. Placing such signs on these poles is
18 unsafe, both for the person attaching the sign and those in the vicinity of such activity when it
19 occurs, including passersby. Therefore, it is appropriate to authorize the Department of
20 Transportation to treat such signs as subject to immediate removal and other enforcement action
21 under Sections 525-527 of this Title, without regard to the clear zone distance limitations of those
22 sections.

23 (b) The Department of Transportation may treat any non-official signs placed on utility poles at any
24 location within the state’s rights-of-way as artificial obstructions within the clear zone, subject to
25 immediate removal and other enforcement action under Sections 525-527 of this Title, upon
26 confirmation that the utility company had not previously authorized the placement of such signs.”

1 Section 122. Amend 17 Del. C. §525(a) by deleting the phrase “in the unincorporated areas of the
2 state” from the first sentence therein.

3 Section 123. Amend 17 Del. C. §525 by adding new subsections (c) and (d), to read as follows:

4 “(c) The owner of any obstruction removed pursuant to this section shall be liable for a civil fine of
5 \$25 for each item so removed, payable to the Department. Justices of the Peace shall have original
6 jurisdiction for any court proceedings relating to this fine. No owner of any such obstruction shall be
7 entitled to the return of any removed obstruction without proof of payment of all outstanding fines.

8 (d) Recovery by the owner of any artificial obstruction removed by the Department under this
9 section shall be subject to the payment of a \$15 recovery fee per obstruction. If the owner does not pay the
10 fee and recover the obstruction within thirty days of its removal, the Department shall dispose of the
11 obstruction in the exercise of its reasonable discretion. The Department may also take such legal steps as it
12 deems necessary and proper to collect these recovery fees, including but not limited to a debt action in the
13 courts of this State.”

14 Section 124. Amend 17 Del. C. §1111, Chapter 11 by creating new subsections (c)(i) and (ii), to
15 read as follows:

16 “(c)(i) Any outdoor advertising sign, display or device which is erected or maintained in violation
17 of section 1108 (b) (1) of this shall be subject to immediate removal and the other enforcement
18 provisions of Section 525 of this , without regard to the clear zone distance limitations of that
19 section.

20 (c)(ii) Subsection (c)(i) of this section shall not apply during the 30-day period immediately
21 preceding and the 30-day period after an election administered pursuant to 15 of the Delaware
22 Code, in those election districts affected by such election(s).”

1 Section 125. Authorization of Improvements to I-95 and SR1. Pursuant to the provisions of 2 Del.

2 C. Chapter 20, the General Assembly hereby determines that it is in the best interests of the state for the
3 Department to advertise and award contracts for the:

- 4 • Replacement and Improvement of the Mainline Toll Barrier on I-95 proximate to the Maryland
5 Line;
- 6 • Replacement of the bridges on Welsh Tract and Otts Chapel Roads over the I-95 mainline;
- 7 • Improvement of the interchanges between I-95 and SR-1 adjacent to the Christiana Mall;
- 8 • Addition of a 5th lane in each direction along the I-95 mainline from the interchange with Delaware
9 Route 141 southward past the interchange with SR-1;
- 10 • Such other incidental improvements as may be necessary to safely and efficiently handle traffic
11 during the construction of the aforesaid improvements, including but not limited to the
12 improvement of transit, Park and Ride, and other alternative facilities.

13 Section 126. Enforcement of Truck Restriction Laws. The department is authorized and directed to
14 participate with the Department of Safety and Homeland Security, and with local law enforcement agencies,
15 to implement an effective program to ensure that commercial vehicles do not use local Delaware Roads
16 (posted with weight and use restrictions) to by-pass toll facilities within the State of Delaware. To this end,
17 the Secretary may enter into contracts to employ off-duty law enforcement officers to carry out weight,
18 safety and destination inspections on commercial vehicles in the vicinity of Newark, Middletown and other
19 local communities. The Department may use funds authorized for the improvements to I-95 and U.S. Route
20 301 to support this effort, and shall report to the Governor and General Assembly not later than May 15,
21 2006 on the results of these added enforcement measures.

22 Section 127. Supplies of Road Materials. Section 109 of 74 Del. Laws Chapter 308 is suspended
23 until such time as the Department of Transportation shall suggest its re-institution and such suspension has
24 been overridden by an Act of the General Assembly.

1 Section 128. Route 1 Townsend. Notwithstanding any other provision to the contrary, the
2 Secretary of Transportation shall reinstate the original Route 1 designs to include additional conservation
3 easements on and around Townsend. The property secured should conform to the State Planning Office
4 State Strategies Map to enable the design and construction of a ramp critical for emergency personnel and
5 to mitigate the disruption to local communities. The Department of Transportation shall provide a progress
6 report to the Co-Chairs of the Joint Committee on Bond and Capital Improvements no later than March 1,
7 2006. The Secretary of Transportation shall work in concert with the Director of the Office of Management
8 and Budget and provide cost estimates as part of the Fiscal Year 2007 budget process.

9 Section 129. System Capacity Preservation. The General Assembly hereby determines that it is in
10 the public interest to limit future residential, commercial, or industrial growth along certain portions of the
11 state's highway network. Such potential growth would produce unsafe driving conditions as increased
12 traffic seeks access to, and movements along, a number of local roads and collectors in critical locations
13 through the state. The General Assembly further determines that it would be infeasible or imprudent for the
14 Department to attempt to design and construct modifications to the state's highway network adjacent to
15 these locations because such improvements to the state's highway network adjacent to these locations
16 because such improvements would irrevocably destroy the important scenic and historic nature of the view
17 sheds and other environmental attributes associated with these locations. Accordingly, the Secretary of the
18 Department of Transportation ("Secretary") is authorized and directed to use state funds appropriated to the
19 Transportation Enhancements program authorized and funded in the Section 1 Addendum of 74 Del. Laws,
20 c. 308, together with such other funds from any public or private source as may be available and
21 appropriate, to purchase land, or such rights in land, as the Secretary deems necessary to protect the
22 following properties, pursuant to the stipulations state herein. Expenditures of these funds for these
23 purposes shall be with the review and approval of the Director of the Office of Management and Budget
24 and the Controller General. The provisions of Chapter 1, Title 17, and Chapters 93 and 95, Title 29 of the
25 Del. Code shall govern such purchases, and any other purchase by the Department authorized by this Act.

1 (a) Delaware National (nee Hercules) Golf Course – Approximately 101 +/- acres adjacent to
2 Hercules Road (SR 282) in New Castle County. The Department shall work with members of
3 the surrounding community, plus state and local officials, to develop a master plan for the
4 permanent protection of the site as community recreation and open space, and upon satisfactory
5 completion of such plans, may transfer the parcel to the appropriate owner(s) for a fee to be
6 determined.

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

13 (c) White Clay Creek State Park – Approximately 145 +/- acres located adjacent to Thompson
14 Station Road and Paper Mill Road in New Castle County. The Department shall transfer
15 available sums from previously appropriated amounts to the Department of Natural Resources
16 and Environmental Control (DNREC) in order to allow DNREC to acquire a fee and/or
17 conservation easement interest in the land for inclusion in the White Clay Creek State Park.
18 Such funding as is necessary from the Transportation Trust Fund shall be considered a loan to
19 the General Fund, and shall be replenished as required.

20 Section 130. Denny Road/Route 896 Alignment Completion. Upon completion and final
21 inspection of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two
22 parcels (0.93 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of
23 Meadow Glen, shall revert back to the community which had owned said parcels prior to 1994.
24 Notwithstanding the provisions of 17 Del. C. §137, the Department shall deed these parcels to the
25 community and remain in their possession in perpetuity.

1 **DEPARTMENT OF AGRICULTURE**

2 Section 131. Delaware Certified Thoroughbred Program. Amend 29 Del. C. § 4815(b)(3)a.

3 Delaware Code by inserting the following language before the final sentence of subparagraph (3)a.:

4 “Effective July 1, 2006, the State shall also pay \$500,000 of the proceeds received under
5 this Section from a licensee under this Chapter which conducts live thoroughbred horse racing to
6 fund the State’s contribution to the Delaware Certified Thoroughbred Program (DCTP). Said
7 amount shall be allocated as of January 1st of each calendar year to the existing licensee which
8 conducts live thoroughbred horse racing, but moneys shall not be expended for the program until
9 such time as a plan has been approved pursuant to subparagraph (b)(3)b.1. of this Section.”.

10 Section 132. Amend 29 Del. C. § 4815(b)(3)b.1. by adding at the end of the subparagraph the
11 following language:

12 “\$500,000 of those proceeds, which would otherwise fund purses, on an annual basis, shall
13 fund a Delaware Certified Thoroughbred Program (DCTP) to enhance the quantity of thoroughbred
14 foals and/or yearlings stabled within Delaware for a period meeting the Delaware minimum
15 residency requirement. The DCTP shall be administered by a Board comprised of the following:

- 16 (1) Four (4) members of the Delaware Thoroughbred Horseman’s Association;
17 (2) One (1) member designated by the video lottery agent licensed to conduct live
18 thoroughbred horse racing meets under Chapter 101, Title 3;
19 (3) One (1) member appointed by the Speaker of the House of the General Assembly;
20 (4) One (1) member appointed by the President Pro Tempore of the Senate of the General
21 Assembly;
22 (5) The Secretary of Agriculture or the Secretary’s designee; and
23 (6) The Secretary of Finance or the Secretary’s designee.

24 Members shall be chosen by the organizations they represent, and shall serve four (4) year terms, except the
25 four (4) initial Board members selected by the Delaware Thoroughbred Horseman’s Association shall serve
26 an initial term of two (2) years, and four (4) years thereafter. The Board created hereunder must develop

1 and present a plan for the administration of the DCTP no later than December 31, 2005. This plan and all
2 subsequent plans amending the DCTP shall be subject to the written approval of the Secretary of
3 Agriculture or the Secretary’s designee, the Secretary of Finance or the Secretary’s designee, and the
4 Chairperson of the Thoroughbred Racing Commission or the Chairperson’s designee. The Board shall
5 transmit minutes and actions from all meetings to the Chairperson of the Delaware Thoroughbred Racing
6 Commission within ten (10) days of the meeting. The Board shall submit an annual report detailing the
7 allocation of such funds of the DCTP to the Commission and make available to the State Auditor such
8 information as may be required to perform an annual audit of funds allocated from the DCTP. The Board
9 may also, at its discretion, use funds from the DCTP for advertising, promotion, education and
10 administrative purposes directly related to the program, however, the total amount for these purposes cannot
11 exceed 5% of the total allocation. Funds dedicated to the DCTP shall not be subject to a one-year payout
12 requirement, but payouts may be dispersed throughout the year.”

13 Section 133. Farmland Preservation Operating Expenses. (a) Amend 29 Del. C. §6102A by
14 adding a subsection (d) 3 to read as follows:

15 “(d) Of the funds transferred for the Farmland Preservation Program, the following
16 shall be used for the expenses of the Agricultural Lands Preservation Foundation:

- 17 1. Up to \$150,000 may be used for the operating expenses of the Agricultural
18 Lands Preservation Foundation subject to the approval of the Controller
19 General and the Director of the Office of Management and Budget.
- 20 2. Up to \$350,000 may be used to pay the costs of mapping, legal services
21 and other related costs required to create agricultural district agreements
22 and the costs of appraisals of all eligible properties, and shall be exempt
23 from matching requirements subject to the approval of the Controller
24 General and the Director of the Office of Management and Budget.
- 25 3. The Foundation shall designate \$3,000,000 in each county to be applied as
26 a 1:1 match of county funds designated for the purchase of preservation

1 easements. In order to qualify such county funds must be transferred to the
2 Delaware Agricultural Lands Preservation Trust Fund. The combination of
3 such funds shall be used to purchase easements from those properties
4 which have applied to the Foundation within said county, or in an area of
5 the county designated in writing by the county, according to the procedures
6 of the Foundation. Where joint funds are used, the county and the
7 Foundation must mutually agree as to the easements purchased. Any
8 county funds not fully utilized in such purchases shall be returned to the
9 county and such funds of the State as are not fully utilized in such
10 purchases shall revert to the Foundation's pool of funds available for
11 preservation easements statewide.

12 (b) Subsection (a) shall be effective upon the enactment of legislation establishing a dedicated
13 revenue source for Farmland Preservation.

14 Section 134. Agricultural Lands Preservation Foundation. Amend 3 Del. C. Chapter 9, §903 by
15 deleting subsection (a) in its entirety and substituting in lieu thereof the following new subsection (a) to
16 read as follows:

17 "There is hereby established and created a statewide agricultural lands preservation foundation, a
18 body politic and corporate constituting a public instrumentality of the State established and created
19 for the performance of an essential public and governmental function, to be known as the Delaware
20 Agricultural Lands Preservation Foundation. The Foundation shall be comprised of 11 trustees, all
21 of whom shall be resident of and qualified to vote in the State. The President Pro Tem shall appoint
22 one member from the Senate and the Speaker of the House shall appoint one member from the
23 House of Representatives each of whom shall serve an indefinite term. The Governor shall appoint
24 the remaining 9 Trustees and shall designate 1 Trustee as Chairperson, which Trustee shall serve at
25 the pleasure of the Governor and be confirmed with the advice and consent of the Senate. The

1 composition of the 9 members appointed by the Governor to the Board of Trustees of the
2 Foundation shall be as follows:”

3 Further AMEND 3 Del. C. Chapter 9, §903(d) by deleting the number “5” as it appears in said
4 subsection and inserting in lieu thereof the number “6”.”

1 **FIRE PREVENTION COMMISSION**

2 Section 135. Hydraulic Rescue Tools Replacement: It is the intent of the General Assembly that
3 the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Newark, Christiana,
4 Five 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
7 (75-02-01).

1 **UNIVERSITY OF DELAWARE**

2 Section 136. 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 137. 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 138. 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.

13 Section 139. Wilmington Campus. The funds remaining in the Delaware Technical and
14 Community College Fiscal Year 1997 appropriation (90 – 04 – 04 - 6712), Fiscal Year 1998 appropriation
15 (90 – 04 – 04 - 6812) and Fiscal Year 1999 appropriation (90 – 04 – 04 - 6912) may also be used to pay for
16 facility upgrades, maintenance and renovations at the Wilmington Campus.

1 **DEPARTMENT OF EDUCATION**

2 Section 140. 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 141. 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 142. 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 143. 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 144. Dickinson High School. Funding for the Red Clay School District including bond
10 authorizations for renovations of the John Dickinson High School and the transfer of major capital
11 construction funds shall be contingent upon the following:

- 12 1. The lighted football field at Dickinson High School may be used at night only for Dickinson home
13 games and Dickinson band practice; and
- 14 2. The District is required to maintain the fencing between Dickinson High School and the community
15 of Montclare, keep the gate between the properties locked at all times (except by mutual agreement
16 between the District and the Montclare Civic Association), and provide, maintain and replace, if
17 necessary, the Leland Cypress trees along the fence line bordering the homes on Salem Drive.

18 Section 145. Sterck School Siting. The Section 1 Addendum to this Act appropriates \$2,700,000
19 to the Christina School District for the Sterck School. It is the intent of the General Assembly that the new
20 Sterck School be constructed on State of Delaware-owned land along Chestnut Hill Road (Tax Parcels
21 #0902200118 and 0902800002).

22 Section 146. Indian River HVAC. The Section 1 Addendum of this Act appropriates \$1,500,000 to
23 the new Sussex Central High School in the Indian River School District to address critical HVAC issues. To
24 the extent the Indian River School District is successful in recouping some or all of the above costs from
25 another party, the Indian River School District shall reimburse the state on a dollar for dollar formula.

1 Section 147. Full Day Kindergarten. (a) The Section 1 Addendum to this Act appropriates
2 \$13,000,000 to the Department of Education as a contingency for Full Day Kindergarten. In order to access
3 state funds, school districts must successfully pass a referendum for school construction for full day
4 kindergarten. The local school districts are required to pay for their respective local shares. The following
5 funds may be used for the local match: Minor Capital Improvement Funds, Division III-Equalization Funds
6 and/or local funds raised in excess of the minimum required as stated on a valid Certificate of Necessity. In
7 order to access state funds, school districts must notify the Department of Education, Office of the
8 Controller General and the Office of Management and Budget which option of securing their local share
9 they have chose.

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

18 Section 148. Christina Land Acquisition. Funds remaining in the following appropriations:
19 Douglass (98-95-33-00-0801), New Elementary (91-95-33-00-6113), Cobbs/Gauger (96-95-33-00-6614),
20 Land Acquisition (96-95-33-00-6616), Shue/Medill (97-95-33-00-6712), Arch Barrier (97-95-33-00-6793),
21 Douglass (98-95-33-00-6815) shall be used to acquire the land necessary for a new elementary and new
22 middle school in the Route 40 corridor.

23 Section 149. Colonial School District Standardized Design Pilot. The General Assembly hereby
24 authorizes the Colonial School District to engage in a Standardized School Construction pilot project. The
25 District, currently assessing the need for a new elementary school, may use an existing school design owned
26 by the State to construct said elementary school thereby eliminating or reducing potential design and/or

1 architectural expenditures. Any such savings will be used in the construction and outfitting of the facility.
2 Additionally, the District has the option of being exempt from the regulations and ordinances for the
3 selection of professional service providers. Notwithstanding any law, ordinance, regulation or charter
4 provision to the contrary, no State agency, county or municipality is permitted to change the existing as
5 built design of the school being duplicated. The only exception would be a life safety code change that has
6 occurred since the construction of the existing facility.

7 Section 150. School Construction Fund Transfers. Notwithstanding any law or other provision to
8 the contrary, the Department of Education, with the approval of the Director of the Office of Management
9 and Budget, the Controller General and the Co-Chairs of the Joint Legislative Committee on the Capital
10 Improvement Program, may transfer funding between major capital construction projects in order to meet
11 changes in construction timetables. These transfers shall not authorize any changes in conditions or incur
12 any obligations in excess of the approved Certificate(s) of Necessity.

13 Section 151. New Castle County Tax District. Red Clay, Colonial, Brandywine and Christina
14 School Districts shall work in concert to submit a proposal to dissolve the New Castle County Tax District
15 established pursuant to 14 Del. C. §1025 and §1028. The four districts shall present a detailed proposal that
16 includes the financial and operational implications in the format of a cost-benefit analysis to the Department
17 of Education, the Director of the Office of Management and Budget and the Controller General no later
18 than November 1, 2005.

19 Section 152. Bond Verification. All bonds issued, or herein before or herein authorized to be
20 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

21 Section 153. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
22 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
23 controlling.

24 Section 154. Severability. If any section, part, phrase, or provision of this Act or the application
25 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its
26 operation to the section, part, phrase, provision, or application directly involved in the controversy in

1 which such judgment shall have been rendered and shall not affect or impair the validity of the remainder
2 of this Act or the application thereof.

3 Section 155. Effective Date. This Act shall take effect in accordance with the provisions of state
4 law.

5 **SYNOPSIS**

6 This Bill is the Fiscal Year 2006 Capital Improvements Act.

7

8

Author: Joint Legislative Committee on the Capital Improvement Program