



SPONSORS: Rep. Gilligan Sen. Adams
VanSant McDowell
DeLuca
Venables

HOUSE OF REPRESENTATIVES

143RD GENERAL ASSEMBLY

HOUSE BILL NO. 350

JANUARY 26, 2006

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2007; 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; REPROGRAMMING CERTAIN FUNDS OF THE STATE; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fourths of all members elected to each house thereof concurring therein):

1 Section 1. Fiscal Year 2007 Capital Improvements Project Schedule Addendum. The General
2 Assembly hereby authorizes the following projects in the following amounts for the purposes set forth in
3 this Section and as described in the Fiscal Year 2007 Governor's Recommended Capital Budget and
4 Project Information document. Any authorization balance (excluding Transportation Trust Fund
5 balances) remaining unexpended or unencumbered by June 30, 2009, shall be subject to reversion or
6 reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND			TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
		REPROGRAMMING	TRUST FUNDS	GENERAL FUNDS			
OFFICE OF MANAGEMENT AND BUDGET							
800 MHz	\$ 13,700,000	\$ -	\$ -	\$ -	\$ -	\$ 13,700,000	
ERP Financials	-	-	-	-	15,100,000	15,100,000	
Veteran's Home Equipment	-	-	-	-	1,400,000	1,400,000	
Law Enforcement Technology and Education Fund	-	-	-	-	1,250,000	1,250,000	
General Fund Cash to Transportation Trust Fund	-	-	-	-	20,000,000	20,000,000	
Minor Capital Improvement and Equipment	-	-	-	-	2,500,000	2,500,000	
Environmental Compliance	-	-	-	-	1,200,000	1,200,000	
Architectural Barrier Removal	-	-	-	-	150,000	150,000	
Kent County Court Complex	16,720,500	-	-	-	-	16,720,500	
<i>Judicial Projects</i>							
Minor Capital Improvement and Equipment	-	-	-	-	500,000	500,000	
Security Improvements	-	-	-	-	250,000	250,000	
<i>Department of State Projects</i>							
Minor Capital Improvement and Equipment	-	-	-	-	500,000	500,000	
<i>Department of Health and Social Services</i>							
Minor Capital Improvement and Equipment	-	-	-	-	3,000,000	3,000,000	
Delaware Psychiatric Center Critical Deferred Maintenance	-	-	-	-	5,598,200	5,598,200	
Stockley Medical Center	19,825,500	-	-	-	-	19,825,500	
<i>Department of Services for Children, Youth and Their Families</i>							
Minor Capital Improvement and Equipment	-	-	-	-	500,000	500,000	
<i>Department of Correction Projects</i>							
Minor Capital Improvement and Equipment	-	-	-	-	3,135,400	3,135,400	
Site Master Plans - SCI, BWCI, PCCC	-	-	-	-	250,000	250,000	
HR/CI Kitchen Renovation Planning	-	-	-	-	50,000	50,000	
<i>Department of Safety and Homeland Security</i>							
Minor Capital Improvement and Equipment	-	-	-	-	500,000	500,000	

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FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	REVERSION				TOTAL
	BOND AUTHOR- IZATIONS	REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	
<i>Delaware National Guard</i>					
Minor Capital Improvement and Equipment	-	-	-	500,000	500,000
Subtotal:	\$ 50,246,000	\$ -	\$ -	\$ 56,383,600	\$ 106,629,600
DELAWARE ECONOMIC DEVELOPMENT OFFICE					
Strategic Fund	\$ -	\$ -	\$ -	\$ 10,000,000	\$ 10,000,000
New Economy Initiative Year III	-	-	-	10,000,000	10,000,000
Fraunhofer Vaccine Development	-	-	-	1,000,000	1,000,000
Riverfront Development Corporation	-	-	-	5,000,000	5,000,000
Diamond State Port Corporation	3,000,000	-	-	4,000,000	7,000,000
Subtotal:	\$ 3,000,000	\$ -	\$ -	\$ 30,000,000	\$ 33,000,000
STATE					
Museum Maintenance	\$ -	\$ -	\$ -	\$ 350,000	\$ 350,000
Kirkwood Highway Public Library	1,419,000	-	-	-	1,419,000
Hockessin Public Library	1,208,000	-	-	-	1,208,000
South Coastal Library	2,000,000	-	-	-	2,000,000
New Castle County Library - Bear Branch	3,530,000	-	-	-	3,530,000
Subtotal:	\$ 8,157,000	\$ -	\$ -	\$ 350,000	\$ 8,507,000
HEALTH AND SOCIAL SERVICES					
Maintenance and Restoration	\$ -	\$ -	\$ -	\$ 2,000,000	\$ 2,000,000
Subtotal:	\$ -	\$ -	\$ -	\$ 2,000,000	\$ 2,000,000
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES					
Maintenance and Restoration	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
Subtotal:	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000

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FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND			TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
		REPROGRAMMING					
CORRECTION							
Maintenance and Restoration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ 2,500,000
Subtotal:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ 2,500,000
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL							
Conservation Cost Share	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,205,000	\$ 3,205,000
Tax/Public Ditches	-	-	-	-	-	1,400,000	1,400,000
Beach Preservation	-	-	-	-	-	3,700,000	3,700,000
Park Development/Rehabilitation	746,100	-	-	-	-	3,253,900	4,000,000
Red Clay Feasibility Study	-	-	-	-	-	415,800	415,800
Subtotal:	\$ 746,100	\$ -	\$ -	\$ -	\$ -	\$ 11,974,700	\$ 12,720,800
SAFETY AND HOMELAND SECURITY							
Automated Fingerprint Identification System - Phase II	\$ -	\$ 2,500,000	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000
State Police Helicopter Replacement	-	-	-	-	-	650,000	650,000
Subtotal:	\$ -	\$ 2,500,000	\$ -	\$ -	\$ -	\$ 650,000	\$ 3,150,000
TRANSPORTATION							
Road System	\$ -	\$ -	\$ -	\$ 66,960,800	\$ -	\$ -	\$ 66,960,800
Grants and Allocations	-	-	-	21,600,000	-	-	21,600,000
Transit System	-	-	-	2,703,000	-	-	2,703,000
Support System	-	-	-	25,240,000	-	-	25,240,000
Subtotal:	\$ -	\$ -	\$ -	\$ 116,503,800	\$ -	\$ -	\$ 116,503,800

SECTION 1 ADDENDUM
FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
FIRE PREVENTION COMMISSION					
Fire Simulator Building	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
Fire Pumps and Storage	-	-	-	100,000	100,000
Rescue Tool Replacement	-	-	-	52,500	52,500
Subtotal:	\$ -	\$ -	\$ -	\$ 202,500	\$ 202,500
UNIVERSITY OF DELAWARE					
Brown Laboratory Renovation	\$ 3,500,000	\$ -	\$ -	\$ -	\$ 3,500,000
Subtotal:	\$ 3,500,000	\$ -	\$ -	\$ -	\$ 3,500,000
DELAWARE STATE UNIVERSITY					
Minor Capital Improvement and Equipment	\$ -	\$ -	\$ -	\$ 3,500,000	\$ 3,500,000
Subtotal:	\$ -	\$ -	\$ -	\$ 3,500,000	\$ 3,500,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE					
Excellence Through Technology Campaign	\$ -	\$ -	\$ -	\$ 300,000	\$ 300,000
Stanton Campus Expansion	1,000,000	-	-	-	1,000,000
Collegewide Asset Preservation Program	-	-	-	1,400,000	1,400,000
Campus Improvements: Owens Campus	-	-	-	205,000	205,000
Campus Improvements: Terry Campus	-	-	-	230,000	230,000
Stanton/Wilmington Renovations	-	-	-	365,000	365,000
Subtotal:	\$ 1,000,000	\$ -	\$ -	\$ 2,500,000	\$ 3,500,000

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FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND			GENERAL FUNDS	TOTAL
		REPROGRAMMING	TRANS. TRUST FUNDS			
EDUCATION						
Minor Capital Improvement and Equipment	\$ -	\$ -	\$ -	7,203,800	\$ 7,203,800	
Architectural Barrier Removal	-	-	-	160,000	160,000	
Red Clay, Renovate Brandywine Springs ES (60/40)	271,100	-	-	-	271,100	
Red Clay, Renovate HB DuPont MS (60/40)	4,628,000	-	-	-	4,628,000	
Red Clay, Renovate Meadowood (60/40)	1,335,700	-	-	-	1,335,700	
Red Clay, Renovate Wilmington Campus (60/40)	12,902,300	-	-	-	12,902,300	
Red Clay, Renovate Telegraph Road (60/40)	2,060,300	-	-	-	2,060,300	
Appoquinimink, Construct 1000 Pupil MS (74/26)	11,777,300	-	-	-	11,777,300	
Appoquinimink, Renovate Athletic Fields (74/26)	2,726,400	-	-	-	2,726,400	
Appoquinimink, Renovate District Office (74/26)	769,200	-	-	-	769,200	
Indian River, Renovate Sussex Central MS (60/40)	3,579,400	-	-	-	3,579,400	
Indian River, Renovate Indian River Education Complex (60/40)	6,191,400	-	-	-	6,191,400	
Smyrna, Addition to Smyrna MS (80/20)	2,204,000	-	-	-	2,204,000	
Smyrna, Construct 600 Pupil ES (80/20)	7,323,400	-	-	-	7,323,400	
Sussex Tech, Sewer Connection and Emergency Generator (60/40)	1,132,500	-	-	-	1,132,500	
Sussex Tech, Renovations (60/40)	39,300	-	-	-	39,300	
Sussex Tech, Replace Modular Classrooms (60/40)	1,592,000	-	-	-	1,592,000	
Lake Forest, Construct New 600 Pupil South ES (80/20)	7,241,000	-	-	-	7,241,000	
Lake Forest, Renovate Lake Forest HS (80/20)	1,194,400	-	-	-	1,194,400	
Lake Forest, Renovate North ES (80/20)	44,200	-	-	-	44,200	
Lake Forest, Renovate Chipman MS (80/20)	82,700	-	-	-	82,700	
Brandywine, Renovate P. S. DuPont ES (60/40)	16,509,000	7,472,200	-	-	23,981,200	
Brandywine, Construct 600 Pupil ES to Replace Lancashire (60/40)	505,000	-	-	-	505,000	
Brandywine, Renovate Springer MS (60/40)	1,700,000	-	-	-	1,700,000	

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FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	REVERSION REAUTHORIZATION AND				TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
	BOND AUTHOR- IZATIONS	REPROGRAMMING	ATION AND	REPROGRAMMING			
Poly Technical, Renovate Poly Tech HS (80/20)	812,300	-	-	-	-	-	812,300
Colonial, Land Acquisition for 1200 Pupil ES (67/33)	3,350,000	-	-	-	-	-	3,350,000
Colonial, Renovate and Reconfigure New Castle MS (67/33)	500,000	-	-	-	-	-	500,000
Colonial, Renovate and Reconfigure McCullough ES (67/33)	500,000	-	-	-	-	-	500,000
Subtotal:	\$ 90,970,900	\$ 7,472,200	\$ -	\$ -	\$ 7,363,800	\$ -	\$ 105,806,900
TWENTY-FIRST CENTURY FUND PROJECTS							
Delaware Water Pollution Control Revolving Fund	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ -	\$ 500,000
Subtotal:	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ -	\$ 500,000
GRAND TOTAL:	\$ 157,620,000	\$ 9,972,200	\$ 116,503,800	\$ -	\$ 117,974,600	\$ -	\$ 402,070,600

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 \$157,620,000 and in the amount of
4 \$52,179,500 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	\$ 50,246,000
10 Delaware Economic Development Office	3,000,000
11 Department of State	8,157,000
12 Natural Resources and Environmental Control	746,100
13 University of Delaware	3,500,000
14 Delaware Technical and Community College	1,000,000
15 Department of Education	90,970,900

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
18 Red Clay, Renovate Brandywine Springs ES (60/40)	\$ 271,100	\$ 180,800	\$ 451,900
19 Red Clay, Renovate HB DuPont MS (60/40)	4,628,000	3,085,200	7,713,200
20 Red Clay, Renovate Meadowood (60/40)	1,335,700	890,400	2,226,100
21 Red Clay, Renovate Wilmington Campus (60/40)	12,902,300	8,601,500	21,503,800
22 Red Clay, Renovate Telegraph Road (60/40)	2,060,300	1,373,500	3,433,800
23 Appoquinimink, Construct 1,000 Pupil MS (74/26)	11,777,300	4,137,900	15,915,200
24 Appoquinimink, Renovate Athletic Fields (74/26)	2,726,400	957,900	3,684,300
25 Appoquinimink, Renovate District Office (74/26)	769,200	270,300	1,039,500
26 Indian River, Renovate Sussex Central MS (60/40)	3,579,400	2,386,200	5,965,600

1	Indian River, Renovate Indian River Education	6,191,400	4,127,700	10,319,100
2	Complex (60/40)			
3	Smyrna, Addition to Smyrna MS (80/20)	2,204,000	551,000	2,755,000
4	Smyrna, Construct 600 Pupil ES (80/20)	7,323,400	1,830,800	9,154,200
5	Sussex Technical, Sewer Connection and Emergency	1,132,500	755,000	1,887,500
6	Generator (60/40)			
7	Sussex Technical, Renovations (60/40)	39,300	26,200	65,500
8	Sussex Technical, Replace Modular Classrooms	1,592,000	1,061,400	2,653,400
9	(60/40)			
10	Lake Forest, Construct 600 Pupil South ES (80/20)	7,241,000	1,810,200	9,051,200
11	Lake Forest, Renovate Lake Forest HS (80/20)	1,194,400	298,600	1,493,000
12	Lake Forest, Renovate North ES (80/20)	44,200	11,100	55,300
13	Lake Forest, Renovate Chipman MS (80/20)	82,700	20,700	103,400
14	Brandywine, Renovate P.S. DuPont ES (60/40)	16,509,000	15,987,400	22,496,400
15	Brandywine, Construct 600 Pupil ES (60/40)	505,000	336,700	841,700
16	Brandywine, Renovate Springer MS (60/40)	1,700,000	1,133,300	2,833,300
17	Polytech, Renovate HS (80/20)	812,300	203,100	1,015,400
18	Colonial, Land for 1200 Pupil ES (67/33)	3,350,000	1,650,000	5,000,000
19	Colonial, Renovate and Reconfigure New Castle	500,000	246,300	746,300
20	MS (67/33)			
21	Colonial, Renovate and Reconfigure McCullough	500,000	246,300	746,300
22	ES (67/33)			
23	Subtotal	\$90,970,900	\$52,179,500	\$143,150,400
24			TOTAL	<u>\$157,620,000</u>

1 Section 3. Continuing Appropriations. For the fiscal year ending June 30, 2006, any sums in the

2 following accounts shall remain as continuing appropriations and shall not be subject to a reversion until
 3 June 30, 2007.

4	<u>Fiscal Year</u>			<u>Remarks</u>
5	<u>Appropriation</u>	<u>Account Codes</u>		
6	2004	10-02-05-0806		Job Corps Site
7	1999	10-02-05-0808		Kent Radios
8	2000	10-02-05-0811		EMS
9	2000	10-02-05-0813		Local Police
10	2001	10-02-05-0813		Local Law Enforcement
11	2004	10-02-05-0813		Local Law Enforcement
12	2004	10-02-05-0814		Technology Fund
13	2004	10-02-05-0815		Technology
14	2004	10-02-50-0805		Judicial MCI
15	2004	10-02-50-0813		Troop 5 Conversion
16	2004	10-02-50-0821		New Castle County DMV
17	2004	10-02-50-0822		Georgetown DMV
18	2004	10-02-50-0827		Armory Conversion
19	1999	10-02-50-0840		Sussex Vets Cemetery
20	1999	10-02-50-0845		BWCI Nursery
21	2000	10-02-50-0854		Capacity Planning
22	2000	10-02-50-0859		Fence Lighting
23	2001	10-02-50-0872		Capitol Space Study
24	2001	10-02-50-0874		NCC Courthouse
25	2004	10-02-50-0875		Old New Castle Courthouse
26	2004	10-02-50-0876		Psychiatric Hospital
27	2001	10-02-50-7113		NCC Courthouse
28	2002	10-02-50-7122		Women's Facility Expansion
29	2002	10-02-50-7217		NCC Veteran's Cemetery
30	2003	10-02-50-7311		Old New Castle Courthouse
31	2001	10-03-03-0821		High Tech Incubator
32	1992	10-03-03-0182		Dover Civic Center
33	1999	10-03-03-0805		Dover Civic Center
34	2004	10-03-03-0807		Blue Ball Recreation
35	2001	10-03-03-0822		Seaford Riverfront
36	2002	10-03-03-7212		High Technology Incubator
37	2003	10-03-03-7311		High Technology Incubator
38	2002	12-05-03-0888		GF Cap Reprogramming
39	2001	20-01-01-0806		Art Collection
40	1995	20-08-01-0182		Wilmington Library
41	1999	20-08-01-0802		Georgetown Library
42	2001	20-08-01-0802		Georgetown Library
43	2004	20-08-01-0803		Harrington Library
44	2004	20-08-01-0804		Hockessin Library
45	2004	20-08-01-0805		Woodlawn Library
46	2001	20-08-01-0809		Smyrna Library
47	2004	20-08-01-0810		Selbyville Library
48	2002	20-08-01-0811		Smyrna Library
49	2001	20-08-01-0812		Millsboro Library
50	2004	20-08-01-0815		Laurel Library

1	2001	20-08-01-0816	Wilmington Library
2	1996	20-08-01-6616	North Wilmington Library
3	2001	20-08-01-7110	Bridgeville Library
4	2002	20-08-01-7210	Newark Library
5	2002	20-08-01-7211	Wilmington Institute
6	2002	20-08-01-7216	Milton Library
7	2002	20-08-01-7217	Seaford Library
8	2002	20-08-01-7218	Frankford Library
9	2002	20-08-01-7219	Harrington Library
10	2002	20-08-01-7220	Coastal Library
11	2003	20-08-01-7310	Laurel Library
12	2003	20-08-01-7312	Seaford Library
13	2003	20-08-01-7313	Woodlawn Library
14	2003	20-08-01-7314	Woodlawn Library
15	2002	25-01-01-7212	Water and Wastewater
16	2003	25-01-01-7310	Drinking Water
17	2003	25-01-01-7311	Water Control Rev Fund
18	2004	35-01-20-0810	Fluoridation
19	2000	40-05-01-0802	Newport Boat Ramp
20	2001	40-05-02-0802	Newport Boat Ramp
21	2004	40-05-02-0803	Dams/Water Control
22	2004	40-06-02-0804	Park Rehabilitation
23	2002	40-06-02-7211	Killens Planning
24	2001	40-07-01-0801	Aquatic Weed Harvester
25	2004	40-07-02-0803	Excavation Equipment
26	2003	40-07-02-7312	Resource, Conservation & Dev
27	1993	40-07-02-6313	Resource, Conservation & Dev
28	2004	40-07-03-0802	Beach Preservation
29	2001	40-08-01-0800	Wilmington Sewer
30	2001	40-08-01-0801	Wilmington Sewer
31	2004	40-08-01-0802	Wilmington Sewer
32	2002	40-08-01-7210	Inland Bays Study
33	2002	90-03-01-7215	Sports/Wellness Center
34	2002	90-03-01-7217	Technology Building
35	2003	90-03-01-7311	Sports/Wellness Center
36	2004	90-03-01-7411	Sports/Wellness Center
37	2004	90-04-01-0803	Asset Preservation
38	2002	90-04-01-0804	Information Systems
39	2003	90-04-01-7010	Asset Preservation
40	2004	90-04-06-7410	Terry Education Building
41	2001	95-01-01-0803	Neighborhood Schools
42	2001	95-01-01-0805	School Library
43	1999	95-01-01-0850	MCI Supp
44	2000	95-01-01-0850	MCI 100%
45	2004	95-01-01-0893	MCI
46	2001	95-13-00-7111	Kent Community School
47	2002	95-13-00-7216	Kent Community School
48	2004	95-13-00-7416	Kent Community School
49	2004	95-15-00-0872	MCI
50	1997	95-23-00-6713	Seaford HS
51	1997	95-23-00-6714	Seaford MS
52	1998	95-23-00-6815	Seaford MS
53	2001	95-29-00-0820	ES Construction
54	2003	95-31-00-7310	Claymont ES

1	2003	95-31-00-7311	Harlan ES
2	2003	95-31-00-7312	Mt. Pleasant HS
3	2003	95-32-00-7310	Hockessin Land
4	2003	95-32-00-7311	Highlands ES
5	2003	95-32-00-7409	Baltz ES
6	2004	95-32-00-7414	Forest Oak
7	2004	95-32-00-7415	Mote ES
8	2004	95-32-00-7417	Linden Hill
9	2004	95-32-00-7420	Richey ES
10	2004	95-32-00-7421	AI Dupont HS
11	2004	95-32-00-7425	Warner ES
12	2004	95-32-00-7433	New 640 Pupil ES
13	2003	95-33-00-7315	Palmer IS
14	2003	95-33-00-7316	840 Pupil ES
15	2003	95-33-00-7317	Land 840 ES
16	2004	95-33-00-7410	Albert H Jones ES
17	2004	95-33-00-7411	Brookside ES
18	2004	95-33-00-7412	West Park Place ES
19	2004	95-33-00-7413	Kirk MS
20	2004	95-33-00-7414	Pulaski ES
21	2004	95-33-00-7417	Gallaher ES
22	2004	95-33-00-7423	Portables
23	2003	95-36-00-7312	Frankford ES
24	2003	95-36-00-7314	E Millsboro ES
25	2004	95-36-00-7419	Indian River HS
26	2001	95-38-00-0811	De Skills Center
27	2002	95-38-00-7210	1,000 Pupil HS

28 Section 4. Appropriation of General Funds. It is the intent of the General Assembly that
29 \$117,474,600 be appropriated to the following departments of the State and in the following amount for the
30 purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or
31 unencumbered by June 30, 2009, shall revert to the General Fund of the State of Delaware. The state hereby
32 authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds to be
33 issued in such principal amount as necessary to provide proceeds to the State in the amount of \$4,235,596
34 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20 years
35 from their date of issuance.

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of Management and Budget	\$56,383,600
Delaware Economic Development Office	30,000,000
Department of State	350,000
Department of Health and Social Services	2,000,000
Department of Services for Children, Youth and Their Families	50,000
Department of Correction	2,500,000
Department of Natural Resources and Environmental Control	11,974,700
Department of Safety and Homeland Security	650,000
Fire Prevention Commission	202,500
Delaware State University	3,500,000
Delaware Technical Community College	2,500,000
Department of Education	7,363,800

<u>Maximum Purpose</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
Minor Capital Improvement And Equipment	\$7,203,800	\$4,128,896	\$11,332,696
Architectural Barrier Removal	160,000	106,700	266,700
Subtotal	\$7,363,800	\$4,235,596	\$11,599,396
		TOTAL	<u>\$117,474,600</u>

Section 5. Appropriation of Bond Premium. Notwithstanding the provisions of 29 Del. C. §7414 (a), of the available premium from bonds or revenue notes sold after January 1, 2004, \$7,472,200 shall be used in the following amount for the purpose set forth in the Section 1 Addendum to this Act:

<u>Department, Agency or Instrumentality</u>	<u>Amount</u>
Brandywine, Renovate P.S. DuPont ES (60/40)	\$7,472,200

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

<u>Purpose</u>	<u>Amount</u>
Delaware Water Pollution Control Revolving Fund	\$500,000
TOTAL	<u>\$500,000</u>

8 Section 7. Appropriation of Special Funds. There is hereby appropriated the sum of \$2,500,000 from
9 those funds received by the Department of Technology and Information for telecommunications and other
10 professional services rendered to state agencies for the purpose set forth in the Section 1 Addendum to this
11 Act:

<u>Department, Agency or Instrumentality</u>	<u>Amount</u>
Department of Safety and Homeland Security (Automated Fingerprint Identification System – Phase II)	\$2,500,000

15 Section 8. Resource, Conservation and Development Transfers - Project Funds Transfer from Prior
16 Fiscal Years to Fiscal Year 2007. 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 2007 list of projects approved as part of the Fiscal Year 2007 Capital
20 Improvements Act.

21 Section 9. First State Preservation Revolving Fund, Inc. For Fiscal Year 2007, First State
22 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
23 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
24 and 2000.

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

5 Section 11. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in
6 whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall
7 be reinvested in the Medical Center project.

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

16 Section 13. Notification. The Director of the Office of Management and Budget and Controller
17 General shall notify affected state agencies and other instrumentalities of the State as to certain relevant
18 provisions of this Act. Additionally, the Director of the Office of Management and Budget and Controller
19 General shall notify the President Pro Tempore of the Senate and the Speaker of the House as to any
20 legislative appointments required by this Act.

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 Section 14. 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
7 to 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
24 defined in 11 Del. C. § 1911(a) or a State of Delaware Probation and Parole Officer employed by the
25 Department of Correction who is employed full-time in the State is eligible for post-secondary education
26 tuition 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 Section 15. COTS. The Section 1 Addendum to 74 Del. Laws, c. 308 appropriated \$4,973,100 for
2 the COTS Integrated Case and Financial Management System. Of said appropriation, up to \$645,000 may
3 be used for personnel costs associated with the project in order to dual encumber positions in the Judiciary
4 that are assigned to the project.

5 Section 16. Construction Management. Notwithstanding any other state law, the Office of
6 Management and Budget (“OMB”) shall be responsible for the design and construction of all the projects
7 listed under “Office of Management and Budget” in the Section 1 Addendum of this Act. For those
8 projects that are solely for the purchase of equipment, including projects that are funded in any “MCI and
9 Equipment” line, or any “MCI” line OMB shall transfer the appropriate funding necessary to purchase the
10 equipment to the agency for which the equipment is being purchased. The appropriate amount of funding
11 shall be determined and agreed to by OMB and the agency for which the equipment is being purchased by
12 September 1 of each fiscal year. For those projects for which the appropriation is passed to an entity and
13 for which the state is not a party to the construction contract, OMB shall provide technical assistance.

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

23 (b) The use of Minor Capital Improvement and Equipment funds in order to ensure completion of a
24 Major Capital Improvement project involving construction of a new facility is prohibited unless the use of
25 such funds are necessary due to a legal settlement or emergency or unforeseen conditions as determined by

1 the Director of the Office of Management and Budget, the Controller General and the Co-Chairs of the Joint
2 Legislative Committee on the Capital Improvement Program.

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

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

8 Section 17. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-
9 member Executive Committee be created to oversee construction of new or major renovation of judicial
10 facilities. The Executive Committee shall include two members of the Legislature appointed by the Co-
11 Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs of
12 the House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief
13 Justice; and three members of the Executive Department to include the Director of Facilities Management,
14 the Director of the Office of Management and Budget and their designee. The Executive Committee shall
15 work in conformation with existing construction oversight guidelines as written in Section 16 of this Act.
16 The Executive Committee is hereby empowered to:

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

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

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

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

25 This section shall apply to the following projects: Kent County Courthouse/O'Brien Building;
26 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 18. 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, 2006, and expenditure reports to the Controller General by December 1, 2006 and June 1,
9 2007.

10 Section 19. 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 20. 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 21. 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.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 22. 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 23. 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 24. Port of Wilmington. If the Governor and the Delaware Economic Development Office,
15 at the direction of the Board of Directors of the Diamond State Port Corporation, request the Delaware
16 River and Bay Authority to fund the acquisition of real property and improvements for the expansion of the
17 Port of Wilmington pursuant to the Compact (17 Del. C. § 1701) and applicable statutory requirements, and
18 if any such project is undertaken and funded by the Delaware River and Bay Authority, then such project is
19 hereby authorized and approved by this Act.

20 Section 25. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an
21 appropriation of \$7,000,000 for the Diamond State Port Corporation. The expenditure of these funds shall
22 be subject to the review and approval of the Board of Directors of the Diamond State Port Corporation
23 ("DSPC"). In addition, the DSPC may borrow, on an interest-free basis, up to \$2,000,000 from this
24 authorization to meet its short term operating expenses during Fiscal Year 2007.

25 Section 26. Riverfront Development Corporation. If the Governor and the Delaware Economic
26 Development Office, at the direction of the Board of Directors of the Riverfront Development Corporation

1 of Delaware, request the Delaware River and Bay Authority to fund the acquisition of real property and
2 improvements for economic development along or in proximity to the Brandywine and Christina Rivers as
3 recommended in the report of the Governor’s Task Force on the Future of the Brandywine and Christina
4 Rivers, A Vision for the Rivers (1994) pursuant to the Compact (17 Del. C. § 1701) and applicable statutory
5 requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority
6 after written approval by the Governor, then such project is hereby authorized and approved by this Act.

7 Section 27. Delaware River and Bay Authority Acquisition and Development. If the Governor and
8 the Delaware Department of Natural Resources and Environmental Control (“DNREC”) request that the
9 Delaware River and Bay Authority acquire and develop real property and improvements for the purpose of
10 shoreline preservation and development (including, without limitation, wetlands and open-land acquisition,
11 active recreational and park development or facilities of commerce) along or in proximity to the shoreline
12 of the Delaware Bay and inland waters, or tributaries flowing into the Delaware Bay in the vicinity of Cape
13 Henlopen State Park (excluding lands owned by the State of Delaware, east of the Lewes and Rehoboth
14 Canal) pursuant to the Compact (17 Del. C. § 1701 et. seq.) and the applicable statutory requirements, and
15 if any such project is undertaken and funded by the Delaware River and Bay Authority after written
16 approval by the Governor, then such project is hereby authorized and approved by this legislation. Any
17 conveyance of real property and improvements owned by the State of Delaware pursuant to the foregoing
18 authority shall be exempt from the provisions of 29 Del. C. § 94 and 7 Del. C. § 45, and the Governor or the
19 Secretary of DNREC is hereby authorized to execute and deliver to the Delaware River and Bay Authority
20 a deed to such real property and improvements.

21 Section 28. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development
22 Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the
23 Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-State entities shall
24 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
25 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
26 loans to the Kalmar Nyckel.

1 Section 29. DRBA - Delaware State University. For the purpose of complying with the provisions
2 of 17 Del. C. §1726, requiring the Delaware River and Bay Authority to secure the approval of the General
3 Assembly by an act passed with the concurrence of three-fourths of all the members elected to each House
4 before undertaking any major project (as defined in Article II of the Delaware-New Jersey Compact as set
5 forth in 17 Del. C. §1701), the Delaware River and Bay Authority is hereby authorized, pursuant to the
6 procedures set forth in the Compact and applicable statutory requirements, if requested by the Governor and
7 Delaware Economic Development Office and if the project is undertaken and funded by the Authority in
8 accordance with its processes and procedures relating to such a project, to lease, acquire and control for
9 economic development purposes, real property, improvements and related facilities of the property situate
10 at 2095 Seven Hickories Road, Dover, DE consisting of approximately 75 +/- acres and such project is
11 hereby authorized and approved by this Act. The Authority shall be prohibited from developing said land
12 for residential purposes.

13 Section 30. New Economy Initiative – Year III. (a) Findings and Purpose. The General Assembly
14 finds that the State must employ a range of new initiatives for retaining and expanding high-paying jobs in a
15 rapidly transforming global economy. In particular, the General Assembly finds that: (1) While Delaware
16 has lost a smaller percentage of its manufacturing jobs than neighboring states, several manufacturing
17 facilities have laid off employees or closed in Delaware due to a rapidly changing market place, global
18 competition and cost-cutting; (2) Small high-technology startups that grow quickly and are the engine of
19 wealth generation and economic growth throughout the country do not respond to traditional, tax-based
20 incentive programs; (3) Delaware should make the investments necessary to develop a thriving
21 entrepreneurial culture, including the availability of start-up seed funding and a pipeline of support for
22 transferring a high-technology concept to commercial reality; (4) The development and successful growth
23 of Delaware-oriented venture capital funds offers the State an opportunity to invest in and leverage private-
24 sector and federal dollars to grow technology-based companies; and (5) Delaware is uniquely poised, by
25 virtue of its university and private-sector research and development in biotechnology, fuel cell development

1 and other clean-energy technologies, to significantly grow these two sectors of its economy and build on a
2 base of clean, high-paying jobs.

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

7 (c) The Section 1 Addendum to this Act includes \$10,000,000 for the third year of the New
8 Economy Initiative. It is the intent of the General Assembly that this appropriation shall be subject to the
9 allocations and conditions herein.

10 <u>Purpose</u>	<u>Amount</u>
11 Delaware Competitiveness Fund	\$7,800,000
12 Technology Based Seed Fund	1,000,000
13 Clean Energy Center Partnership	200,000
14 Experimental Program to Stimulate Competitive Research (EPSCOR)	1,000,000
15 Total	\$10,000,000

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

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

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

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

- 5 a. An application procedure;
- 6 b. A minimum percentage match by the State of proposed capital investment up to a
7 maximum capped award;
- 8 c. A minimum percentage of retained employment after the investment is completed,
9 including a median annual salary goal; and
- 10 d. Clawback provisions for each applicant as deemed appropriate by the Development
11 Office.

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

- 14 a. The overall feasibility of the investment proposal;
- 15 b. The manufacturing facility's financial and global competitive position relative to
16 comparable plants;
- 17 c. The financial capability of the manufacturing facility or parent company to make the
18 proposed capital investment; and
- 19 d. The standing of the manufacturing facility and parent company with respect to labor law
20 violations and payment of corporate income, gross receipts and other State business
21 taxes.

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

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

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

5 (6) Notwithstanding the provisions of any other law, for the fiscal year ending June 30, 2007,
6 interest earnings of the Delaware Competitiveness Fund shall be used for the purposes of the Delaware
7 Competitiveness Fund.

8 (e) Technology-Based Seed Fund. The Development Office on behalf of the Development
9 Authority shall continue the Emerging Technology Seed Fund (“Seed Fund”). The Fund’s intent is to foster
10 high wage, fast-growing small businesses in technology fields such as biotechnology, advanced materials,
11 clean energy, information technology, and new chemical applications. The purpose of the Fund shall be:

12 (1) Funding technology-based small business start-ups from Delaware-based entrepreneurial engineers,
13 scientists and other technologists from regional companies and institutions of higher learning; (2)
14 Providing equity financing up to \$50,000 per transaction for start-up expenses such as laboratory
15 equipment, working capital, lab and office space, patent filings, or prototyping; (3) Ensuring a commitment
16 from the recipient to grow the company in Delaware; and (4) Matching or leveraging investments in start-
17 ups from other sources such as commercial lenders, non-profit organizations, or related federal grant loan
18 programs.

19 The Development Office shall continue to use the guidelines as established pursuant to 74 Del.
20 Laws, c. 308 §36 (f) for the application procedure, specific types of investments for which Seed Funds can
21 be used and the review and approval process for applications.

22 (f) Clean Energy Center Partnership. The Delaware Economic Development Office shall support
23 the University of Delaware’s Clean Energy Center, of which Delaware State University shall be a partner.
24 The purpose of the Clean Energy Center is to build nationally recognized science, engineering and policy
25 expertise in the research, development and deployment of clean energy technologies such as photovoltaic,
26 fuel cells, and hydrogen storage and generation. (1) These funds shall be used solely to match, at least on a

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

10 (g) Experimental Program to Stimulate Competitive Research. In the event that the National
11 Science Foundation’s Experimental Program to Stimulate Competitive Research (“EPSCOR”) awards the
12 State of Delaware a Research Infrastructure Improvement grant, such a grant requires a fifty percent non-
13 federal matching share over the three-year course of the grant. The EPSCOR grant is \$2,000,000 per
14 federal fiscal year, requiring a state match each fiscal year of \$1,000,000.

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

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

1 and new businesses, and education outreach programs that encourage secondary school students to
2 participate in science, technology, and engineering and math careers.

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

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

1 Office within 30 days of each capital investment completion deadline and shall be subject to a grant
2 agreement and remediation provisions deemed appropriate by the Development Office.

3 Section 32. New Markets Tax Credit Program. In the event that the Director of the Delaware
4 Economic Development Office or the Director of the Delaware State Housing Authority and the Secretary
5 of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit Program
6 under the U.S. Treasury Department, the Director is authorized to form a business entity or organization to
7 apply for and manage this program on behalf of the State, as required by applicable federal legislation and
8 regulations. Any such application for said program shall be subject to the approval of the Co-Chairs of the
9 Joint Legislative Committee on the Capital Improvement Program and the Delaware State Clearinghouse
10 Committee. Should such application receive final approval by the U.S. Treasury Department or other
11 federal governmental entity charged with such authority, at least one public hearing shall be held for the
12 purpose of presenting the program, the availability of financial assistance and the selection process and the
13 Director of the Delaware State Housing Authority shall notify, by certified and regular mail, any state
14 senators and representatives in whose districts any development project may be located, upon the
15 submission of a request for financing and a decision to provide financing for such development pursuant to
16 the New Market Tax Credit Program. In addition, the Housing Director shall so notify the Chief Executive
17 Office of any local government in whose jurisdiction any development will be located.

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

22 Section 34. Riverfront Development Corporation Board. The composition of the board of directors
23 of the Riverfront Development Corporation of Delaware as established by the Laws of Delaware, Volume
24 70, Chapter 210, is hereby amended to provide for eight members to be appointed by the Governor, with
25 one of those members being appointed chair.

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

8 Section 36. Kent County Levy Court Local Lodging Tax. Kent County Levy Court may issue up
9 to \$20,000,000 in general obligation bonds for the Dover Civic Center with the resulting debt service to be
10 paid from the annual operating revenues of the Center. Should the annual operating revenues of the Center
11 be insufficient at any time during the debt repayment period to cover principal and interest payments, the
12 Levy Court shall be authorized to impose, by duly enacted ordinance, a local lodging tax for any room or
13 rooms in a hotel, motel or tourist home, as defined in 30 Del. C. §6101, in an amount sufficient to repay any
14 principal and interest deficits not covered by Center revenues for the period for which such deficiency
15 exists. The Levy Court, in consultation with the State Treasurer and Secretary of Finance, shall establish
16 the rate and duration of any necessary levy. The Levy Court's authority to levy said hotel tax shall sunset
17 upon repayment of all principal and interest associated with the bond issuance.

1 **DEPARTMENT OF TECHNOLOGY AND INFORMATION**

2 Section 37. 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.

9 Section 38. Data Center Projects. In no instance shall any information technology data center
10 project be initiated by a department/agency during this fiscal year until a formalized plan has been approved
11 by the department/agency head, Director of the Office of Management and Budget and the state Chief
12 Information Officer. This includes, but is not limited to, relocating, renovating and/or constructing new
13 information technology data centers.

1 **DEPARTMENT OF STATE**

2 Section 39. 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 40. 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 41. 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 42. Museum Maintenance. The Section 1 Addendum to this Act appropriates \$350,000 to
20 the Department of State for museum maintenance. It is the intent of the General Assembly that these funds
21 be retained by the Department of State, Division of Historical and Cultural Affairs for use with the
22 operations of state museums or for immediate, unscheduled repairs to those facilities under the control of
23 the Division of Historical and Cultural Affairs.

24 Section 43. Hockessin Public Library. 74 Del. Laws, c. 69, §100 appropriated \$1,316,100 to the
25 Department of State for the Hockessin Public Library. Of that amount, \$35,000 shall be used to construct a
26 small, secure book/document storage facility and reading room within the library. The room shall house

- 1 public and private books, photography, documents and other small, valuable items of historical significance
- 2 to the Hockessin community. All items housed in this room shall be available to the public but shall not be
- 3 allowed to leave the room.

1 **DEPARTMENT OF FINANCE**

2 Section 44. 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 45. 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 2005-2006 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
10 74, Title 29 of the Delaware Code; provided that the requirements of Chapter 7422 of Title 29 of the
11 Delaware Code must be observed.

12 Section 46. ERP Financials. Notwithstanding any other provision of the Delaware Code or this
13 Act to the contrary, the bid evaluation, contract award and execution procedure related to the ERP Financial
14 System Project shall allow for a maximum of 90 days between contract award and execution. This limit
15 shall apply to any state contract with a financial systems provider to provide materials, services and public
16 works related to the project.

1 **DEPARTMENT OF CORRECTION**

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

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

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

15 Section 49. Maintenance and Restoration. The Section 1 Addendum to this Act appropriates
16 \$2,500,000 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
18 General, detailing the expenditure of such funds and the respective projects. The department shall submit a
19 preliminary plan to the Director of the Office of Management and Budget and the Controller General for
20 maintenance projects for the following fiscal year by October 31.

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

2 Section 50. Beach Preservation. The General Assembly hereby appropriates \$3,700,000 to the
3 Department of Natural Resources and Environmental Control in the Section 1 Addendum to this Act to
4 renourish and preserve the state's beaches. The department may not encumber the funds appropriated
5 herein for privately-owned ocean beaches. The department may not encumber the funds appropriated
6 herein for publicly accessible municipal ocean beaches until at least an equal amount of non-state funds
7 are available for such projects. The funds provided for beach preservation as defined in 30 Del. C. c. 61
8 can be used for local match and if so designated, shall be reimbursed by the department on an equal basis
9 to each such county or town for which a beach preservation project has been accomplished. The
10 availability of the aforementioned non-state matching funds must be approved by the Director of the
11 Office of Management and Budget and the Secretary of the Department of Natural Resources and
12 Environmental Control.

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

- 16 1. \$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 52. DNREC Land Acquisition. Except for land acquired by approval of the Open Space
2 Council or approved through a Bond and Capital Improvements Act, land shall not be purchased by the
3 Department of Natural Resources and Environmental Control without prior approval of the Co-Chairs of
4 the Joint Legislative Committee on the Capital Improvement Program provided, however, that the
5 department is not prohibited from conducting studies, surveys or other contractual arrangements that
6 would normally precede land acquisition procedures.

7 Section 53. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C.
8 §6102A(c)(2), upon written request by the Open Space Council and notification of the Secretary of
9 Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby
10 empowered to waive on a case-by-case basis the match requirements for a specific Open Space land
11 purchase if it can be demonstrated that meeting said match requirements would prevent the timely
12 purchase of said parcel.

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

18 Section 55. Indian River Marina. (a) In accordance with the provisions of 73 Del. Laws, c. 350,
19 §70, the Department of Natural Resources and Environmental Control (DNREC) under the direction of the
20 Director of the Office of Management and Budget may utilize up to \$9,900,000 in funds from Twenty-First
21 Century Fund for the Parks Endowment Account as established in § 6102A(e), Title 29, Delaware Code for
22 the purpose of revitalizing and enhancing public amenities within the Delaware Seashore State Park in and
23 around the Indian River Marina Complex and related support facilities as presented to the Joint Legislative
24 Committee on Capital Improvements on May 15, 2002. DNREC will repay both the principal borrowed
25 and interest on the principal borrowed equal to that interest lost as a result of borrowing from the Account.
26 Repayment shall not exceed twenty years.

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

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

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

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

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

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

4 Section 60. Buried Debris Remediation Program. Funding for the remediation of buried debris will
5 follow the priority list established by date of application to DNREC for assistance. If, in the opinion of the
6 Secretary of DNREC, a site represents an exigency, that site can be given a special priority and remediated
7 as quickly as practicable. Of the \$1,000,000 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 61. Retention Ponds. The Section 1 Addendum of 75 Del. Laws, c.98 appropriated
19 \$3,300,000 to the Department of Natural Resources and Environmental Control to assist New Castle
20 County in dealing with its stormwater management related problems. The County will be reimbursed for
21 said activities on an actual cost basis after the work is completed. The total reimbursement will not exceed
22 funding available for this program. Wherever possible, the New Castle Conservation district will be
23 employed to perform the necessary work.

24 Section 62. Slaughter Neck Community Center Water System. The Section 1 Addendum of 75
25 Del. Laws, c.98 appropriated funds under Twenty-First Century Fund Projects for the Water Management

1 Account. Of the amount appropriated \$15,000 shall be allocated to the Slaughter Neck Community Center
2 for a new Drinking Water System.

3 Section 63. Assawoman Canal Dredging. It is the express finding of the General Assembly that
4 the benefits of dredging and maintaining the Assawoman Canal exceed the costs of such project and the
5 Secretary of Natural Resources and Environmental Control is hereby directed to initiate all necessary
6 actions to dredge the Canal pursuant to all terms and conditions provided for in the state and federal permits
7 issued for the project and initially authorized by Secretary's Order 2004-W-0047 dated August 12, 2004.

8 Section 64. Channel Markers. The Department of Natural Resources and Environmental Control
9 (DNREC) is directed to provide dedicated, comprehensive waterway management for state waters. DNREC
10 will: maintain design depths and mark navigational channels of the state that are not maintained and marked
11 by any entity of the federal government; remove nuisance macroalgae; remove derelict structures, trees and
12 other debris that threatens safe navigation; and perform any other waterway management services that may
13 be identified to preserve, maintain and enhance recreational use of the State's tidal waters, as well as
14 improve environmental conditions as warranted or directed by the Governor or Secretary of DNREC.
15 DNREC is further directed to undertake a study of the sediment sources and patterns of sediment movement
16 that results in deposition within State Waterways to determine if there are methods to reduce the
17 dependency on dredging to remove deposited sediments.

18 Section 65. Diamond State Sports and Learning Center. The Section 1 Addendum to this Act
19 appropriates \$4,000,000 for Park Development/Rehabilitation. Of that amount, \$2,000,000 shall be used
20 for the design and construction of the Diamond State Sports and Learning Center to be located in
21 Wilmington.

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 66. Automated Fingerprint Identification System. The Section 1 Addendum to this Act
3 includes an appropriation of \$2,500,000 for Automated Fingerprint Identification System (AFIS). Said
4 funds are intended to continue the purchase of a statewide AFIS, Livescan/Palmprint Identification System
5 and Mug Shot System. The Department of Safety and Homeland Security shall implement this project in
6 concert with the state Chief Information Officer pursuant to the provisions of 29 Del. C., c.90C.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 67. 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 \$258,739,400 (State:
6 \$116,503,800; Federal: \$142,235,600) are authorized to be withdrawn from the Transportation Trust Fund
7 to carry out the projects and programs as set forth in the Section 1 Addendum of this Act.

8 (b) New Transportation Trust Fund Debt Authorizations. To fund a portion of the projects
9 authorized herein, the Delaware Transportation Authority is hereby authorized to issue bonds in an amount
10 not to exceed \$80,405,000 pursuant to the provisions of 2 Del. C. c. 13 and 14, of which not more than
11 \$74,600,000 shall be used for purposes set forth in the Section 1 Addendum of this Act with the remainder,
12 not to exceed \$5,805,000 to be used to fund issuance costs and necessary reserves for the Reserve Account.

13 Section 68. Transportation Capital Projects. (a) During Fiscal Year 2006, Governor Minner issued
14 Executive Order 69 establishing the Transportation Development and Funding Options Task Force. Said
15 committee focused on reviewing revenue options for the Transportation Trust Fund in light of (i) the
16 increasing cost of highway materials and construction; (ii) increased demand on the transportation network;
17 (iii) inelastic revenues and increasing operating costs; (iv) expanded transportation roles; and (v) minimal
18 revenue increases to the Transportation Trust Fund over the last decade. The Task Force issued its report to
19 the General Assembly and the Governor on November 30, 2005, identifying several options to enhance the
20 revenue base of the Transportation Trust Fund. These options ranged from raising various tolls and motor
21 vehicle fees to a road concession sale with private investors. It is the intent of the Administration to pursue
22 a multi-dimensional strategy for addressing the short/long term transportation infrastructure needs of the
23 state and the resources necessary to address those needs.

24 (b) The Section 1 Addendum to this Act includes appropriations for Road System, Grants and
25 Allocations, Transit System, and Support System. The state authorizations for said appropriations are at a
26 level sufficient to support a core transportation program as defined by the Transportation Development and

1 Funding Options Task Force and to ensure the State of Delaware avoids lapsing non-earmarked federal
2 funding for state Fiscal Year 2007. These authorization levels allow for approximately \$100 million in TTF
3 cash for federal earmark and 100 percent state funded projects, to be prioritized per subsection (c) of this
4 Section.

5 (c) The Section 1 Addendum to this Act also appropriates \$20,000,000 in General Fund cash as a
6 one-time infusion into the Transportation Trust Fund. Of said appropriation, \$6,000,000 shall support
7 Section 93 of this Act. It is the intent of the Administration to conduct a coordinated analysis with the Joint
8 Legislative Committee on the Capital Improvement Program of transportation projects outlined in the Fiscal
9 Year 2005 – 2010 Capital Transportation Program as well as those projects authorized in the Fiscal Year
10 2006 Bond and Capital Improvements Act. Said review shall include establishing project priorities based
11 on the transportation needs of the state, assessing state funding necessary to match federal earmarks, and
12 exploring the feasibility of a P3 and/or entering into a long term concession sale to construct and maintain
13 planned improvements to US 301. The conclusion of said review shall assist in determining the level of
14 capital spending necessary to support transportation priorities so identified as well as to determine
15 additional base Transportation Trust Fund resources necessary to fund a 6-year Capital Transportation
16 Program.

17 Section 69. Astra Zeneca Project. The Department shall continue all of the projects heretofore
18 authorized by the General Assembly for the construction and reconstruction of state highways in and
19 around the intersection of Routes U.S. 202 and State Routes 141 and 292, together with all local connecting
20 roads, as articulated in the Blue Ball Master Development Agreement. The Department shall further carry
21 out all previously authorized and funded projects for transit, bicycle and pedestrian, storm water
22 management, wetlands and stream restoration, beautification, historic preservation and other improvements
23 in concert with the Department of Natural Resources and Environmental Control, the Delaware Economic
24 Development Authority, the City of Wilmington, New Castle County, the New Castle County Conservation
25 District, and such other public and private entities as may be necessary to accomplish timely completion of
26 the Blue Ball Master Plan. The Department shall make every effort to adhere to the project schedule

1 originally laid out and agreed to by all parties, and shall further cooperate with private employers and
2 residents in the affected area to speed the processes of project completions. In so doing, the Department
3 shall insure that:

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

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

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

17 Section 70. Maintenance and Operations Facilities. The following building structures and facilities
18 constructed or to be constructed within the Department of Transportation's operating rights-of-way for the
19 Interstate Highway System and State Route 1, that are used to assist in the operational and maintenance
20 activities for such roads, shall not be subject to zoning, subdivision, or building code ordinances or
21 regulations by any political subdivision of the State: a) North District, Chapman Road Facility (equipment
22 shed, roof replacement, and HVAC); b) Canal District, Tybouts Corner Maintenance Area (equipment
23 sheds, salt storage facility, and one-story area office building); c) North District, Talley Road Maintenance
24 Area or its replacement (equipment sheds, storage facility, salt storage facility and security/privacy barrier);
25 d) Canal District, SR 1 North of North Smyrna Interchange (equipment shed, salt storage facility, and one-
26 story area office building); and e) Canal District, SR 1 at SR 299 Interchange (equipment shed and one-

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

4 Section 71. Route 7 and Valley Road Project. Previous legislation has directed the Department to
5 design and construct certain permanent drainage improvements, as well as certain other transportation,
6 recreational, cultural, educational and open space improvements in the area of the newly completed
7 intersection of Route 7 and Valley Road in New Castle County. Pursuant to those directives, the
8 Department has entered into certain contracts, and has developed a master plan for the implementation of
9 such improvements, hereafter referred to as the (“Valley Road Project”). In response to community input
10 on the proposed Valley Road Project, the Department is authorized and directed to relocate the historic
11 Tweed’s Tavern from its current location west of Limestone Road to a new location within the bounds of
12 the proposed community recreation area. The Department shall grant to the Tavern to the Hockessin
13 Historical Society, and shall enter into any agreements as may be deemed appropriate for the relocation,
14 permanent maintenance and improvement of that structure, and other historic structures deemed consistent
15 with accomplishment of the Valley Road Project. The Department shall also cooperate with private owners
16 of adjacent property to maximize the value, and minimize the cost, of public and private infrastructure
17 needed to support all facilities to be located within or adjacent to the Valley Road Project. In so doing, the
18 Department shall insure that all previously stipulated requirements for the drainage under Valley Road are
19 adhered to, and that adjacent private property owners are not threatened by surplus highway run-off.

20 Section 72. Wilmington Riverfront. Notwithstanding the provisions of any State or local law,
21 ordinance or regulation to the contrary, the Department is hereby authorized and directed, upon approval of
22 the Controller General and the Director of the Office of Management and Budget, to take such actions and
23 enter into such contracts, with public and private (whether for profit or not-for-profit) entities as it deems
24 necessary and appropriate for the planning, design, acquisition, renovation, construction, or disposal of such
25 assets as may be required to enhance transportation at or near the Riverfront. In pursuing this objective, the
26 Department shall pay special heed to the needs of all forms of transportation, by means including but not

1 limited to automobiles, and shall insure that adequate facilities are designed and located at such points so as
2 to maximize the use of transit, pedestrian, bicycle and such other modes as may be appropriate for the area.
3 The Department shall report to the Governor and the General Assembly by May 1, 2007 on its progress
4 toward reducing overall traffic congestion at the Wilmington Riverfront.

5 Section 73. Transportation Enhancements. It is the intent of the General Assembly that the
6 Department provide notice to all state agencies, political sub-divisions within the state, and other parties of
7 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall
8 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and
9 such other requirements as may be necessary to insure that any interested entity may work to become a
10 participating recipient under the program.

11 Section 74. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of
12 \$21,600,000 (State) for projects within the Grants and Allocations classification. The General Assembly
13 further defines its intent with respect to those appropriations as follows:

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

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

19 Section 75. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
20 \$500,000 (\$100,000 State; \$400,000 Federal) from the Transit System classification (73/00) appropriated in
21 this Act for the 5310 Program, administered by the Federal Transit Authority.

22 Section 76. Transportation Facilities. The Section 1 Addendum of this Act appropriates
23 \$5,000,000 (State) for the improvement and adaptation of Departmental facilities.

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

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

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

6 Section 77. EZ Pass Reserve Account. The General Assembly has established an EZ Pass Reserve
7 Account which shall be maintained within the Transportation Trust Fund as a separate account. These
8 funds may only be used by the Department in furtherance of its efforts to improve the availability and
9 quality of the EZ Pass assets and services. The funds appropriated in the Section 1 Addendum, and others
10 as may be appropriated by the General Assembly, may be used to satisfy any and all claims resulting from
11 Delaware's membership in the Regional Consortium.

12 Section 78. Port of Wilmington. Subject to the review and approval of the Board of Directors of
13 the Diamond State Port Corporation ("DSPC"):

14 (a) For purposes of restructuring the loan agreement dated November 30, 2001 between the DSPC
15 and the Transportation Trust Fund, the Secretary of the Department of Transportation is authorized and
16 directed to defer the principal and interest payments to be made by the DSPC on July 1, 2006 and January
17 1, 2007. The Secretary of Transportation shall prepare a new amortization schedule (maturing January 1,
18 2027) for the loan to include recapitalized interest from the foregone amounts deferred.

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

24 Section 79. DelDOT Work Impacts on Private Property and its Owners. When the Department
25 and/or any of its contractors determines that it would be in the best interests of the State to undertake

1 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted
2 immediately adjacent to a residential neighborhood,

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

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

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

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

22 Section 80. McMullen Farm. The General Assembly has previously authorized the Department to
23 enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm in
24 order to promote improved transportation access and circulation, to promote healthy economic growth, and
25 to preserve and enhance critical open space. The Department is authorized to continue its negotiations for
26 the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the lands

1 adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All previous
2 authorizations to the Department, and other affected state agencies, shall remain in force and effect, and the
3 Secretary of the Department shall report to the Governor and the General Assembly on progress toward the
4 completion of the transportation improvements, development of the excess lands, and creation and
5 improvement of the community parkland no later than May 1, 2007.

6 Section 81. Brandywine Park. The Department is authorized and directed to use a portion of the
7 sums authorized for improvements within the I-95 corridor through the City of Wilmington to restore and
8 improve public park areas and parking lots, and to provide any required restitution to owners of private
9 property whose residences and or businesses may have suffered physical damage as a result of the
10 aforementioned reconstruction.

11 Section 82. Seaford, Ross Industrial Park. The Department is authorized to enter into such
12 agreements with the City of Seaford or any such employer that the City is successful in attracting as are
13 necessary and convenient for the planning, design, construction, and/or financing of any such improvements
14 to the transportation system.

15 Section 83. Southern New Castle County. In order to expedite the orderly improvement of roads
16 and other infrastructure in the rapidly growing area of southern New Castle County, the Department is
17 authorized and directed to enter into such joint development agreements as it may deem necessary and
18 appropriate, subject to approval of the Co-Chairs of the Joint Legislative Committee on the Capital
19 Improvement Program and the Director of the Office of Management and Budget. In so doing, the
20 Department should make its best efforts to adhere to the tenets of the model joint development agreement
21 executed between the developers of Westtown, the City of Middletown, and the Department, to the extent
22 such provisions are applicable to future projects. If legislation introduced and passed by the Delaware State
23 Senate concerning joint development agreements has been enacted into law, the Department shall pay
24 special attention to the provisions of that statute concerning the advanced acquisition of rights-of-way,
25 public announcements and involvement in workshops concerning the project, and the need for public

1 oversight and inspection of all construction work, regardless of the source of funding and/or the contracting
2 party.

3 Section 84. Rehabilitation of Public Streets, Industrial Parks. In order to maintain a safe,
4 attractive, and efficient network of public streets serving the state’s growing inventory of industrial parks,
5 the General Assembly hereby authorizes the Department to spend sums not exceeding \$500,000 on a pilot
6 program to address this issue. The Department shall prepare an inventory of all public streets within the
7 state’s industrial parks. It shall further rank all of these streets in the same manner that it prepares the annual
8 program of roads eligible for the Paving and Rehabilitation Program authorized elsewhere in this Act. The
9 Secretary shall then distribute this list to all members of the General Assembly, together with an estimate of
10 the amounts necessary to address those public streets in this inventory most in need of repair. If a member
11 of the General Assembly elects to allocate funds from his/her Community Transportation Fund (CTF) to
12 repair any of these public streets, the Secretary may draw on this appropriation to match those individual
13 CTF dollars on the basis of \$2 dollars from this special account for every \$1 dollar allocated by the
14 member. The Secretary shall notify all members of his intent to make such matching allocations, and shall
15 require any member interested in participating to notify the Department of his/her interest in participating
16 by a date certain, not less than one month from the date of such announcement. In the event that the sum of
17 all individual Member requests exceeds the amounts authorized by this section, the Department shall
18 prioritize the industrial park streets to be improved on the basis of the ranking required by this section, and
19 shall share its decisions with all members of the General Assembly. For purposes of preparing this
20 inventory and ranking, the Department is authorized and directed to expend such sums as may be necessary
21 from the accounts established for statewide paving and rehabilitation activities.

22 Section 85. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the
23 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the
24 construction of new park amenities, access and circulation roads, and other transportation and recreation
25 improvements shall be used, to the maximum extent possible, to match federal funds previously available,
26 or to become available in the future. In keeping with the strong sense of community involvement and sense

1 of ownership, the Department shall continue to provide periodic progress updates through such media as it
2 determines to best address the community’s needs. And finally, because in order to accomplish this project
3 in an efficient and cost-effective manner, the Department and its contractors will have to occupy portions of
4 the state’s adjacent campground and marina facilities, the General Assembly authorizes and directs the
5 Secretary of the Department to enter into reimbursement agreements with the Secretary of the Department
6 of Natural Resources and Environmental Control (“DNREC”). Such agreements will insure that during the
7 period of construction of the bridge and other necessary improvements, DNREC shall be equitably
8 indemnified from the loss of critical tourist revenues, which are necessary to fund the operations of all of
9 the state’s outdoor recreational facilities.

10 Section 86. Bancroft Parkway, Wilmington. The Department shall cooperate with the City of
11 Wilmington, DNREC, and the Woodlawn Trustees (collectively referred to here as the Bancroft Partners) in
12 the design, funding and construction of a pedestrian bridge across the CSX railroad tracks adjacent to the 9th
13 Street vehicle bridge in Wilmington. The Department shall also use sums available from the Transportation
14 Enhancements program funded in the Section 1 Addendum to this Act to match available local and CTF
15 funds for sidewalk, landscape, and lighting improvements in the vicinity of Union Park Gardens.

16 Section 87. City of Wilmington Beautification. In order to maintain the urban tree canopy
17 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
18 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
19 Center for Horticulture (“Center”). It is the intent of the General Assembly that such program shall be
20 funded exclusively by allocations made from time to time by members of the General Assembly from their
21 Community Transportation Funds. The Department shall create an open-ended account with the Center on
22 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and
23 appropriately vouchered, from the CTF funds herein identified.

24 Section 88. Matson Run Drainage and Blue Ball Recreational Facility. The Section 1 Addendum
25 of 74 Del. Laws, c. 308 appropriated \$1,100,000 for the Matson Run Drainage Improvements and the Blue
26 Ball Recreational Facility. These funds shall be eligible as match for the Twenty-First Century Fund

1 Resource, Conservation and Development Project entitled “Shellpot Creek – Matson Run Flood Abatement
2 in Watershed Area”. These funds shall be used by the Department, together with such other state, federal,
3 local, and private funds as are necessary to continue improvements to the Rock Manor Golf Course and
4 other public recreational facilities in the area adjacent to the Department’s transportation and other
5 improvements along U.S. 202, Murphy Road (SR 141), Foulk Road (SR 261), Weldin Road (SR 215),
6 Powder Mill Road (SR 267) and other portions of the state’s highway network.

7 Section 89. Design-Build Contracts. Notwithstanding any other provision of state law to the
8 contrary, the Department of Transportation is hereby authorized to continue utilization of the design-build
9 contract mechanism for a total of twelve transportation construction projects (seven of which have been
10 authorized). Except as required to implement the award and administration of a design-build contract, the
11 provisions of 29 Del. C. c. 69 shall apply to such contracts. The Co-Chairs of the Joint Legislative
12 Committee on the Capital Improvement Program and the Director of the Office of Management and Budget
13 shall approve all projects subject to this section.

14 Section 90. Authorization of Improvements to I-95 and SR1. Pursuant to the provisions of 2 Del.
15 C., c. 20, the General Assembly hereby determines that it is in the best interests of the state for the
16 Department to advertise and award contracts for the:

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

1 Section 91. Enforcement of Truck Restriction Laws. The department is authorized and directed to
2 participate with the Department of Safety and Homeland Security, and with local law enforcement agencies,
3 to implement an effective program to ensure that commercial vehicles do not use local Delaware Roads
4 (posted with weight and use restrictions) to by-pass toll facilities within the State of Delaware. To this end,
5 the Secretary may enter into contracts to employ off-duty law enforcement officers to carry out weight,
6 safety and destination inspections on commercial vehicles in the vicinity of Newark, Middletown and other
7 local communities. The Department may use funds authorized for the improvements to I-95 and U.S. Route
8 301 to support this effort, and shall report to the Governor and General Assembly not later than May 15,
9 2007 on the results of these added enforcement measures.

10 Section 92. Supplies of Road Materials. Section 109 of 74 Del. Laws, c. 308 is suspended until
11 such time as the Department of Transportation shall suggest its re-institution and such suspension has been
12 overridden by an Act of the General Assembly.

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

1 purposes shall be with the review and approval of the Director of the Office of Management and Budget
2 and the Controller General. The provisions of Chapter 1, Title 17, and Chapters 93 and 95, Title 29 of the
3 Del. Code shall govern such purchases, and any other purchase by the Department authorized by this Act.

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

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

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

19 Section 94. Denny Road/Route 896 Alignment Completion. Upon completion and final inspection
20 of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two parcels (0.93
21 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of Meadow
22 Glen, shall revert back to the community which had owned said parcels prior to 1994. Notwithstanding the
23 provisions of 17 Del. C. §137, the Department shall deed these parcels to the community and remain in
24 their possession in perpetuity.

1 **FIRE PREVENTION COMMISSION**

2 Section 95. Hydraulic Rescue Tools Replacement. It is the intent of the General Assembly that the
3 funds authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School, Newark,
4 Brandywine Hundred, Claymont, Volunteer and Odessa volunteer fire companies. Upon submitting the
5 receipt of sale, each company will be reimbursed up to \$7,500 by the Fire Prevention Commission - State
6 Fire School (75-02-01).

1 **UNIVERSITY OF DELAWARE**

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

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 Section 97. College-wide Asset Preservation Program. The Section 1 Addendum of this Act
3 provides funds for Delaware Technical and Community College (90-04-00) for the College-wide Asset
4 Preservation Program. This appropriation may be used for the acquisition of computer hardware and
5 software.

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

1 **DEPARTMENT OF EDUCATION**

2 Section 99. 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 100. Neighborhood Schools. During the fiscal year ending June 30, 2002, \$2,500,000 was
11 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 101. 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 102. Minor Capital Improvements. It is the intent of the General Assembly that the sum of
 15 \$7,203,800 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	\$411,715	\$274,477	\$686,192
21	Brandywine	594,323	396,215	990,538
22	Special	4,232	-	4,232
23	Christina	1,077,589	718,393	1,795,982
24	Special	13,167	-	13,167
25	Colonial	585,351	390,234	975,585
26	Special	9,687	-	9,687
27	New Castle Vo Tech	328,424	-	328,424

1	Red Clay	\$ 879,296	\$ 586,197	\$1,465,493
2	Special	13,825	-	13,825
3	Caesar Rodney	339,597	226,398	565,995
4	Special	19,468	-	19,468
5	Capital	298,911	199,274	498,185
6	Special	5,173	-	5,173
7	Lake Forest	211,162	140,775	351,937
8	Milford	220,586	147,057	367,643
9	Polytech	108,158	-	108,158
10	Smyrna	221,771	147,847	369,618
11	Cape Henlopen	238,813	159,209	398,022
12	Special	12,979	-	12,979
13	Delmar	60,439	40,293	100,732
14	Indian River	437,447	291,631	729,078
15	Special	12,509	-	12,509
16	Laurel	120,253	80,169	200,422
17	Seaford	186,445	124,297	310,742
18	Sussex Tech	112,202	-	112,202
19	Woodbridge	109,644	73,096	182,740
20	Campus Community	33,237	-	33,237
21	Academy of Dover	21,782	-	21,782
22	DE Military Academy	28,723	-	28,723
23	East Side Charter	11,399	-	11,399
24	Kuumba Academy	13,769	-	13,769
25	Marion T. Academy	28,328	-	28,328
26	M.O.T. Charter	37,978	-	37,978
27	Newark Charter	36,510	-	36,510
28	Positive Outcomes	6,433	-	6,433

1	Providence Creek	\$ 34,197	-	\$ 34,197
2	Sussex Academy	18,171	-	18,171
3	Thomas A. Edison	47,401	-	47,401
4	Wilmington	<u>52,706</u>	<u>-</u>	<u>52,706</u>
5	Total to Schools	\$7,003,800	\$3,995,562	\$10,999,362
6	Vocational Equipment	85,000	56,667	141,667
7	State Board of Education	115,000	76,667	191,667
8	TOTAL	\$7,203,800	\$4,128,896	\$11,332,696

9 Section 103. 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 104. Sterck School Siting. The Section 1 Addendum of 75 Del. Laws, c.98 appropriated
19 \$2,700,000 to the Christina School District for the Sterck School. It is the intent of the General Assembly
20 that the new Sterck School be constructed on State of Delaware-owned land along Chestnut Hill Road (Tax
21 Parcels #0902200118 and 0902800002).

22 Section 105. Indian River HVAC. The Section 1 Addendum of 75 Del. Laws, c.98 appropriated
23 \$1,500,000 to the new Sussex Central High School in the Indian River School District to address critical
24 HVAC issues. To the extent the Indian River School District is successful in recouping some or all of the
25 above costs from another party, the Indian River School District shall reimburse the state on a dollar for
26 dollar formula.

1 Section 106. Colonial School District Standardized Design Pilot. The General Assembly hereby
2 authorizes the Colonial School District to engage in a Standardized School Construction pilot project. The
3 District, currently assessing the need for a new elementary school, may use an existing school design owned
4 by the State to construct said elementary school thereby eliminating or reducing potential design and/or
5 architectural expenditures. Any such savings will be used in the construction and outfitting of the facility.
6 Additionally, the District has the option of being exempt from the regulations and ordinances for the
7 selection of professional service providers. Notwithstanding any law, ordinance, regulation or charter
8 provision to the contrary, no State agency, county or municipality is permitted to change the existing as
9 built design of the school being duplicated. The only exception would be a life safety code change that has
10 occurred since the construction of the existing facility.

11 Section 107. School Construction Fund Transfers. Notwithstanding any law or other provision to
12 the contrary, the Department of Education, with the approval of the Director of the Office of Management
13 and Budget and the Controller General, may transfer funding between major capital construction projects
14 within the respective school districts. These transfers shall not authorize any changes in conditions or incur
15 any obligations in excess of the approved Certificate(s) of Necessity.

16 Section 108. Bond Verification. All bonds issued, or herein before or herein authorized to be
17 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

18 Section 109. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
19 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
20 controlling.

21 Section 110. Severability. If any section, part, phrase, or provision of this Act or the application
22 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its
23 operation to the section, part, phrase, provision, or application directly involved in the controversy in
24 which such judgment shall have been rendered and shall not affect or impair the validity of the remainder
25 of this Act or the application thereof.

**APPENDIX A
FISCAL YEAR 2007
CAPITAL TRANSPORTATION PROGRAM
(in 000's)**

	OTHER FUNDING	FEDERAL AUTHORIZATION	STATE AUTHORIZATION	FY 2007 AUTHORIZATION
Road System				
A. Expressways				
I-95, Maryland State Line to SR 141		9,000.0		9,000.0
I-95/SR 1 Interchange		900.0		900.0
I-95, SR 896 Interchange Improvements		1,350.0	150.0	1,500.0
I-95/SR 141 Interchange		90.0	10.0	100.0
I-95/US 202 Interchange		1,350.0	150.0	1,500.0
Riverfront/I-95 Interchange		900.0	100.0	1,000.0
Subtotal Expressways	\$0.0	\$13,590.0	\$410.0	\$14,000.0
B. Arterials				
New Castle City, Miscellaneous Improvements		80.0	20.0	100.0
Route 1 Beach Area Improvements		610.0	100.0	710.0
South Union Street		400.0		400.0
SR 1, Bay Road/K 19, Thompsonville		3,600.0		3,600.0
SR 1, Bay Road, Little Heaven		6,000.0	200.0	6,200.0
SR 1, Bay Road/Route 9, Bayside Drive		400.0	500.0	900.0
SR 1, Bay Road/ SR 12, Frederica Road		453.6	114.0	567.6
SR 8, Forrest Avenue and SR 15, Saulsbury Road, Dover		450.0	50.0	500.0
SR 26, Local Roads			150.0	150.0
SR 26, Mainline		6,000.0	1,500.0	7,500.0
Loockerman Street and Forest Street Intersection Improvements			480.0	480.0
SR 141, Kirkwood Highway to Faulkland Road			2,000.0	2,000.0
US 13 and SR 896, Boyd's Corner Road		3,000.0		3,000.0
US 13, Claymont		280.0	70.0	350.0
US 13, S. Governor's/Webb's Lane		12,000.0	3,000.0	15,000.0
US 13/SR 404 Intersection Realignment and Bridgeville Service Roads		14,560.0	1,200.0	15,760.0
US 13, Sussex Highway, Laurel Intersection Improvements		2,640.0		2,640.0
US 113 North/South Improvements		8,500.0	2,861.0	11,361.0
US 301		5,000.0	2,100.0	7,100.0
SR 2, Elkton Road		1,840.0	460.0	2,300.0
US 13, Seaford Improvements		60.0		60.0
SR 1, Dewey Beach Bike/Pedestrian Improvements		400.0	100.0	500.0
Subtotal Arterials	\$0.0	\$66,273.6	\$14,905.0	\$81,178.6
C. Collectors				
Carter Road, Smyrna		640.0	160.0	800.0
SR 15, Choptank Road			3,000.0	3,000.0
SR 54, Mainline		5,080.0	1,270.0	6,350.0
West Dover Connector		4,500.0	1,125.0	5,625.0
Subtotal Collectors	\$0.0	\$10,220.0	\$5,555.0	\$15,775.0
D. Bridges				
Bridge Preservation Program		1,000.0	3,000.0	4,000.0
Bridge Projects		12,800.0	6,463.2	19,263.2
Subtotal Bridges	\$0.0	\$13,800.0	\$9,463.2	\$23,263.2
E. Other				
Materials and Minor Contracts			4,500.0	4,500.0
Paving Program				
Pavement Rehabilitations		12,000.0	28,400.0	40,400.0
Rail Crossing Safety		720.0	80.0	800.0
Recreational Trails Program		632.0		632.0
Safety Improvements Program				
Highway Safety Improvement Program (HSIP)		2,200.0	244.0	2,444.0
Operational Safety Improvements			203.6	203.6
Signage and Pavement Markings		800.0	2,200.0	3,000.0
Transportation Enhancements		4,000.0	1,000.0	5,000.0
Subtotal Other	\$0.0	\$20,352.0	\$36,627.6	\$56,979.6
TOTAL ROAD SYSTEM	\$0.0	\$124,235.6	\$66,960.8	\$191,196.4
II. Grants and Allocations				
Community Transportation Fund			16,600.0	16,600.0
Municipal Street Aid			5,000.0	5,000.0
TOTAL GRANTS AND ALLOCATIONS	\$0.0	\$0.0	\$21,600.0	\$21,600.0

APPENDIX A
 FISCAL YEAR 2007
 CAPITAL TRANSPORTATION PROGRAM
 (in 000's)

	OTHER FUNDING	FEDERAL AUTHORIZATION	STATE AUTHORIZATION	FY 2007 AUTHORIZATION
III. Transit System				
A. Vehicles				
Vehicles		8,000.0	1,500.0	9,500.0
Transit Vehicles			703.0	703.0
Transit Vehicle Expansion, Sussex County			500.0	500.0
Subtotal Vehicles	\$0.0	\$8,000.0	\$2,703.0	\$10,703.0
TOTAL TRANSIT SYSTEM	\$0.0	\$8,000.0	\$2,703.0	\$10,703.0
IV. SUPPORT SYSTEM				
A. Planning		4,400.0	2,300.0	6,700.0
B. Transportation Facilities			5,000.0	5,000.0
C. Transit Facilities			1,440.0	1,440.0
D. Technology			4,500.0	4,500.0
E. Equipment			7,000.0	7,000.0
F. Transportation Management Improvements		5,600.0	600.0	6,200.0
G. E-Zpass			4,400.0	4,400.0
TOTAL SUPPORT SYSTEM	\$0.0	\$10,000.0	\$25,240.0	\$35,240.0
GRAND TOTAL	\$0.0	\$142,235.6	\$116,503.8	\$258,739.4