



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

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO.535

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; DEAUTHORIZING AND REAUTHORIZING CERTAIN FUNDS OF THE TRANSPORTATION TRUST FUND; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS; AND AMENDING THE LAWS OF DELAWARE.

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

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

SECTION 1 ADDENDUM
FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION		TRANS. TRUST FUNDS REAUTH.	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
			REAUTHORIZA- TION AND REPROGRAMMING					
OFFICE OF MANAGEMENT AND BUDGET								
800 MHz	10-02-05	\$ -	\$ -	\$ -	\$ -	\$ -	16,700,000	\$ 16,700,000
ERP Financials	10-02-05	-	-	-	-	-	16,000,000	16,000,000
Delaware Health Information Network (DHIN)	10-02-05	-	-	-	-	-	2,000,000	2,000,000
Law Enforcement Technology and Education Fund	10-02-05	-	-	-	-	-	1,350,000	1,350,000
General Fund Cash to Transportation Trust Fund	10-02-05	-	-	-	-	-	60,000,000	60,000,000
Vehicles and Equipment	10-02-05	-	-	-	-	-	125,000	125,000
Advanced Planning Fund	10-02-06	-	-	-	-	-	250,000	250,000
Minor Capital Improvement and Equipment	10-02-50	-	-	-	-	-	2,600,000	2,600,000
Environmental Compliance	10-02-50	-	-	-	-	-	1,200,000	1,200,000
Architectural Barrier Removal	10-02-50	-	-	-	-	-	150,000	150,000
Kent County Court Complex	10-02-50	7,520,500	-	-	-	-	-	7,520,500
Belvedere State Service Center	10-02-50	-	-	-	-	-	1,000,000	1,000,000
Georgetown DMV Parking Lot	10-02-50	-	-	-	-	-	80,000	80,000
Legislative Hall Sound System	10-02-50	-	-	-	-	-	50,000	50,000
<i>Judicial Projects</i>								
Minor Capital Improvement and Equipment	10-02-50	-	-	-	-	-	500,000	500,000
Security Improvements	10-02-50	-	-	-	-	-	250,000	250,000
<i>Department of State Projects</i>								
Minor Capital Improvement and Equipment	10-02-50	-	-	-	-	-	500,000	500,000
<i>Department of Health and Social Services</i>								
Minor Capital Improvement and Equipment	10-02-50	-	-	-	-	-	3,000,000	3,000,000
Delaware Psychiatric Center Critical Deferred Maintenance	10-02-50	-	-	-	-	-	5,598,200	5,598,200
Stockley Medical Center	10-02-50	19,825,500	-	-	-	-	-	19,825,500
<i>Department of Services for Children, Youth and Their Families</i>								
Minor Capital Improvement and Equipment	10-02-50	-	-	-	-	-	500,000	500,000
<i>Department of Correction Projects</i>								
Minor Capital Improvement and Equipment	10-02-50	-	-	-	-	-	3,135,400	3,135,400
Site Master Plans - SCI, BWCI, PCCC	10-02-50	-	-	-	-	-	250,000	250,000
HRYCI Kitchen Renovation Planning	10-02-50	-	-	-	-	-	50,000	50,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS REAUTH.	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
BWCI Multi-Purpose Room	10-02-50	-	-	-	-	900,000	900,000

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			REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS REAUTH.	TRANS. TRUST FUNDS			
<i>Department of Safety and Homeland Security</i>								
Minor Capital Improvement and Equipment	10-02-50	\$ -	\$ -	\$ -	\$ -	\$ -	500,000	\$ 500,000
<i>Delaware National Guard</i>								
Minor Capital Improvement and Equipment	10-02-50	-	-	-	-	-	500,000	500,000
Subtotal:		\$ 27,346,000	\$ -	\$ -	\$ -	\$ -	117,188,600	\$ 144,534,600
DELAWARE ECONOMIC DEVELOPMENT OFFICE								
Strategic Fund	10-03-03	\$ -	\$ -	\$ -	\$ -	\$ -	23,000,000	\$ 23,000,000
New Economy Initiative Year III	10-03-03	-	-	-	-	-	11,000,000	11,000,000
Fraunhofer Vaccine Development	10-03-03	-	-	-	-	-	1,000,000	1,000,000
Riverfront Development Corporation	10-03-03	-	-	-	-	-	6,000,000	6,000,000
Diamond State Port Corporation	10-03-03	-	-	-	-	-	13,400,000	13,400,000
Delaware Civic Center	10-03-03	2,000,000	-	-	-	-	-	2,000,000
Delaware Stadium Corporation	10-03-03	-	-	-	-	-	100,000	100,000
Laurel Riverfront	10-03-03	-	-	-	-	-	500,000	500,000
City of Wilmington Public Works Relocation	10-03-03	-	-	-	-	-	5,500,000	5,500,000
Milton Redevelopment Corporation	10-03-03	-	-	-	-	-	250,000	250,000
Subtotal:		\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	60,750,000	\$ 62,750,000
DELAWARE STATE HOUSING AUTHORITY								
Housing Development Fund - Loan Foreclosure	10-08-01	-	-	-	-	-	227,800	\$ 227,800
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	227,800	\$ 227,800
TECHNOLOGY AND INFORMATION								
New Statewide Data Center Project	11-03-02	\$ -	\$ -	\$ -	\$ -	\$ -	500,000	\$ 500,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	500,000	\$ 500,000
STATE								
Revolutionary War Monument	20-03-01	\$ -	\$ -	\$ -	\$ -	\$ -	50,000	\$ 50,000
Captain Smith Monument	20-03-01	-	-	-	-	-	25,000	25,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS REAUTH.	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
Delaware City Historic Preservation Project	20-06-03	-	-	-	-	100,000	100,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION		TRANS.		GENERAL FUNDS	TOTAL
			REAUTHORIZA- TION AND REPROGRAMMING	TRUST FUNDS REAUTH.	TRUST FUNDS	TRANS. TRUST FUNDS		
Museum Maintenance	20-06-04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 350,000	\$ 350,000
New Castle Academy	20-06-04	-	-	-	-	-	160,000	160,000
Dover Public Library	20-08-01	800,000	-	-	-	-	-	800,000
Kirkwood Highway Public Library	20-08-01	1,419,000	-	-	-	-	-	1,419,000
Hockessin Public Library	20-08-01	1,208,000	-	-	-	-	-	1,208,000
South Coastal Library	20-08-01	2,000,000	-	-	-	-	-	2,000,000
New Castle County Library - Southern Branch	20-08-01	1,870,000	-	-	-	-	-	1,870,000
New Castle County Library - Bear Branch	20-08-01	1,000,000	-	-	-	-	-	1,000,000
New Castle Public Library	20-08-01	500,000	-	-	-	-	-	500,000
Veteran's Home Equipment	20-09-01	-	-	-	-	-	1,400,000	1,400,000
Subtotal:		\$ 8,797,000	\$ -	\$ -	\$ -	\$ -	\$ 2,085,000	\$ 10,882,000
HEALTH AND SOCIAL SERVICES								
Maintenance and Restoration	35-01-30	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000	\$ 2,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000	\$ 2,000,000
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES								
Maintenance and Restoration	37-01-15	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
CORRECTION								
Maintenance and Restoration	38-01-40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ 2,500,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ 2,500,000
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL								
Avian Flu Early Detection	40-01-01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 350,000	\$ 350,000
Park Development/Rehabilitation	40-06-02	1,448,400	400,000	-	-	-	14,301,600	16,150,000
Newport Boat Ramp	40-06-02	-	-	-	-	-	20,000	20,000
C&D Canal Federal/State Initiative	40-06-02	-	-	-	-	-	1,000,000	1,000,000
Tax/Public Ditches	40-07-02	-	-	-	-	-	1,400,000	1,400,000
Buried Debris Pit Remediation	40-07-02	-	-	-	-	-	1,000,000	1,000,000

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			REAUTHORIZA- TION AND REPROGRAMMING	TRUST FUNDS REAUTH.	TRUST FUNDS	TRANS. TRUST FUNDS		
Retention Ponds	40-07-02	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,300,000	\$ 3,300,000
Beach Preservation	40-07-03	-	-	-	-	-	3,700,000	3,700,000
Lewes Facility Improvements	40-07-03	-	-	-	-	-	1,200,000	1,200,000
Conservation Cost Share	40-07-04						3,205,000	3,205,000
Red Clay Feasibility Study	40-08-07	-	-	-	-	-	415,800	415,800
Subtotal:		\$ 1,448,400	\$ 400,000	\$ -	\$ -	\$ -	\$ 29,892,400	\$ 31,740,800
SAFETY AND HOMELAND SECURITY								
Twin Engine Helicopter Lease Purchase	45-01-01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,400,000	\$ 1,400,000
Automated Fingerprint Identification System - Phase II	45-01-01	-	2,500,000	-	-	-	-	2,500,000
State Police Helicopter Replacement	45-01-01	-	-	-	-	-	650,000	650,000
Wilmington Police Department Equipment	45-01-01	-	-	-	-	-	150,000	150,000
Subtotal:		\$ -	\$ 2,500,000	\$ -	\$ -	\$ -	\$ 2,200,000	\$ 4,700,000
TRANSPORTATION								
Road System	55-05-00	\$ -	\$ -	\$ 111,100,200	\$ -	\$ -	\$ -	\$ 111,100,200
Grants and Allocations	55-05-00	-	-	4,652,856	18,547,144	-	-	23,200,000
Transit System	55-05-00	-	-	-	5,033,000	-	-	5,033,000
Support System	55-05-00	-	-	-	36,975,000	-	-	36,975,000
Subtotal:		\$ -	\$ -	\$ 115,753,056	\$ 60,555,144	\$ -	\$ -	\$ 176,308,200
FIRE PREVENTION COMMISSION								
Fire Simulator Building	75-02-01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
Fire Pumps and Storage	75-02-01	-	-	-	-	-	100,000	100,000
Rescue Tool Replacement	75-02-01	-	-	-	-	-	52,500	52,500
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 202,500	\$ 202,500
UNIVERSITY OF DELAWARE								
Brown Laboratory Renovation	90-01-01	\$ 4,500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,500,000
Subtotal:		\$ 4,500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,500,000

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			REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS REAUTH.	TRANS. TRUST FUNDS			
DELAWARE STATE UNIVERSITY								
Minor Capital Improvement and Equipment	90-03-01	\$ -	\$ -	\$ -	\$ -	\$ -	4,500,000	\$ 4,500,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	4,500,000	\$ 4,500,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE								
Excellence Through Technology Campaign	90-04-01	\$ -	\$ -	\$ -	\$ -	\$ -	300,000	\$ 300,000
Collegewide Asset Preservation Program	90-04-01	-	-	-	-	-	1,400,000	1,400,000
Stanton/Wilmington Renovations	90-04-01	-	-	-	-	-	365,000	365,000
Campus Improvements: Owens Campus	90-04-02	-	-	-	-	-	205,000	205,000
Stanton Campus Expansion	90-04-05	2,000,000	-	-	-	-	-	2,000,000
Campus Improvements: Terry Campus	90-04-06	-	-	-	-	-	230,000	230,000
Subtotal:		\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	2,500,000	\$ 4,500,000
EDUCATION								
Minor Capital Improvement and Equipment	95-01-01	\$ -	\$ -	\$ -	\$ -	\$ -	7,203,800	\$ 7,203,800
Architectural Barrier Removal	95-01-01	-	-	-	-	-	160,000	160,000
Tech Prep Delaware (100% State)	95-01-01	-	-	-	-	-	100,000	100,000
Lake Forest, Construct New 600 Pupil South ES (80/20)	95-15-00	7,241,000	-	-	-	-	-	7,241,000
Lake Forest, Renovate Lake Forest HS (80/20)	95-15-00	1,194,400	-	-	-	-	-	1,194,400
Lake Forest, Renovate North ES (80/20)	95-15-00	44,200	-	-	-	-	-	44,200
Lake Forest, Renovate Chipman MS (80/20)	95-15-00	82,700	-	-	-	-	-	82,700
Cape Henlopen, Construct 1,600 Pupil HS (60/40)	95-17-00	4,248,600	-	-	-	-	-	4,248,600
Cape Henlopen, Renovate and Add to H.O. Brittingham ES (60/40)	95-17-00	141,000	-	-	-	-	-	141,000
Cape Henlopen, Renovate and Add to Shields ES (60/40)	95-17-00	142,000	-	-	-	-	-	142,000
Cape Henlopen, Renovate and Add to Milton ES (60/40)	95-17-00	144,000	-	-	-	-	-	144,000
Cape Henlopen, Renovate and Add to Rehoboth ES (60/40)	95-17-00	150,400	-	-	-	-	-	150,400
Cape Henlopen, Renovate Lewes 9th Grade Academy (60/40)	95-17-00	43,400	-	-	-	-	-	43,400
Sussex Consortium (100% State)	95-17-00	600,000	-	-	-	-	-	600,000
Smyrna, Addition to Smyrna MS (80/20)	95-24-00	2,204,000	-	-	-	-	-	2,204,000
Smyrna, Construct 600 Pupil ES (80/20)	95-24-00	7,323,400	-	-	-	-	-	7,323,400
Smyrna, Market Pressure Matching Fund	95-24-00	-	-	-	-	-	135,300	135,300

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FISCAL YEAR 2007 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	REVERSION	TRANS.	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
			REAUTHORIZA-TION AND REPROGRAMMING	TRUST FUNDS REAUTH.			
Smyrna, Sunnyside ES (80/20)	95-24-00	\$ -	\$ 1,286,700	\$ -	\$ -	\$ -	\$ 1,286,700
Appoquinimink, Construct 1000 Pupil MS (74/26)	95-29-00	11,777,300	-	-	-	-	11,777,300
Appoquinimink, Renovate Athletic Fields (74/26)	95-29-00	2,726,400	-	-	-	-	2,726,400
Appoquinimink, Renovate District Office (74/26)	95-29-00	769,200	-	-	-	-	769,200
Appoquinimink, Market Pressure Matching Fund	95-29-00	-	-	-	-	2,549,400	2,549,400
Brandywine, Renovate P.S. DuPont ES (60/40)	95-31-00	20,605,800	1,501,100	-	-	-	22,106,900
Brandywine, Construct 600 Pupil ES to Replace Lancashire (60/40)	95-31-00	505,000	-	-	-	-	505,000
Brandywine, Renovate Springer MS (60/40)	95-31-00	1,700,000	-	-	-	-	1,700,000
Brandywine, Renovate District Offices (60/40)	95-31-00	1,874,300	-	-	-	-	1,874,300
Brandywine, Market Pressure Matching Fund	95-31-00	-	-	-	-	1,706,600	1,706,600
Red Clay, Renovate Brandywine Springs ES (60/40)	95-32-00	271,100	-	-	-	-	271,100
Red Clay, Renovate HB DuPont MS (60/40)	95-32-00	4,628,000	-	-	-	-	4,628,000
Red Clay, Renovate Meadowood (60/40)	95-32-00	1,335,700	-	-	-	-	1,335,700
Red Clay, Renovate Wilmington Campus (60/40)	95-32-00	5,763,000	7,139,300	-	-	-	12,902,300
Red Clay, Renovate Telegraph Road (60/40)	95-32-00	2,060,300	-	-	-	-	2,060,300
Colonial, Construct 1200 Pupil ES (67/33)	95-34-00	13,495,600	-	-	-	-	13,495,600
Colonial, Wrangle Hill ES Realignment (67/33)	95-34-00	-	800,000	-	-	-	800,000
Colonial, Renovate and Reconfigure New Castle MS (67/33)	95-34-00	500,000	-	-	-	-	500,000
Colonial, Renovate and Reconfigure McCullough ES (67/33)	95-34-00	500,000	-	-	-	-	500,000
Indian River, Renovate Sussex Central MS (60/40)	95-36-00	3,579,400	-	-	-	-	3,579,400
Indian River, Renovate Indian River Education Complex (60/40)	95-36-00	6,191,400	-	-	-	-	6,191,400
Indian River, Roof Replacement North Georgetown ES (60/40)	95-36-00	692,000	-	-	-	-	692,000
Indian River, Roof Replacement Selbyville MS (60/40)	95-36-00	1,087,400	-	-	-	-	1,087,400
Indian River, Roof Replacement Long Neck ES (60/40)	95-36-00	692,000	-	-	-	-	692,000
Delmar, Cafeteria Expansion/Classroom Renovation (80/20)	95-37-00	1,854,500	385,500	-	-	-	2,240,000
Delaware Skills Center (100% State)	95-38-00	-	-	-	-	100,000	100,000
Poly Technical, Renovate Poly Tech HS (80/20)	95-39-00	812,300	-	-	-	-	812,300
Sussex Tech, Sewer Connection and Emergency Generator (60/40)	95-40-00	1,132,500	-	-	-	-	1,132,500
Sussex Tech, Renovations (60/40)	95-40-00	39,300	-	-	-	-	39,300

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			REAUTHORIZA- TION AND REPROGRAMMING	TRUST FUNDS REAUTH.	TRUST FUNDS	TRANS. TRUST FUNDS		
Sussex Tech, Replace Modular Classrooms (60/40)	95-40-00	\$ 1,592,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,592,000
Christina, Sterck School for the Deaf (100% State)	95-51-00	8,000,000	-	-	-	-	-	8,000,000
Subtotal:		\$ 117,743,600	\$ 11,112,600	\$ -	\$ -	\$ -	\$ 11,955,100	\$ 140,811,300
TWENTY-FIRST CENTURY FUND PROJECTS								
Delaware Water Pollution Control Revolving Fund	25-01-01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 793,700	\$ 793,700
Resource, Conservation and Development	25-01-01	-	-	-	-	-	6,000,000	6,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,793,700	\$ 6,793,700
GRAND TOTAL:		\$ 163,835,000	\$ 14,012,600	\$ 115,753,056	\$ 60,555,144	\$ 243,345,100	\$ 597,500,900	

1 Section 1. 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 \$163,835,000 and in the amount of
4 \$106,529,000 local share of school bonds. Bonds authorized to be used by this Section shall mature not
5 later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of
6 school bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of
7 this Act and summarized as follows:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of Management and Budget	\$ 27,346,000
Delaware Economic Development Office	2,000,000
Department of State	8,797,000
Natural Resources and Environmental Control	1,448,400
University of Delaware	4,500,000
Delaware Technical and Community College	2,000,000
Department of Education	117,743,600

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>TotalCost</u>
Red Clay, Renovate Brandywine Springs ES (60/40)	\$ 271,100	\$ 180,800	\$ 451,900
Red Clay, Renovate HB DuPont MS (60/40)	4,628,000	3,085,200	7,713,200
Red Clay, Renovate Meadowood (60/40)	1,335,700	890,400	2,226,100
Red Clay, Renovate Wilmington Campus (60/40)	5,763,000	8,601,500	14,364,500
Red Clay, Renovate Telegraph Road (60/40)	2,060,300	1,373,500	3,433,800
Appoquinimink, Construct 1,000 Pupil MS (74/26)	11,777,300	4,137,900	15,915,200
Appoquinimink, Renovate Athletic Fields (74/26)	2,726,400	957,900	3,684,300
Appoquinimink, Renovate District Office (74/26)	769,200	270,300	1,039,500
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	Smyrna, Sunnyside ES (80/20)		321,700	321,700
6	Sussex Technical, Sewer Connection and Emergency	1,132,500	755,000	1,887,500
7	Generator (60/40)			
8	Sussex Technical, Renovations (60/40)	39,300	26,200	65,500
9	Sussex Technical, Replace Modular Classrooms	1,592,000	1,061,400	2,653,400
10	(60/40)			
11	Lake Forest, Construct 600 Pupil South ES (80/20)	7,241,000	1,810,200	9,051,200
12	Lake Forest, Renovate Lake Forest HS (80/20)	1,194,400	298,600	1,493,000
13	Lake Forest, Renovate North ES (80/20)	44,200	11,100	55,300
14	Lake Forest, Renovate Chipman MS (80/20)	82,700	20,700	103,400
15	Brandywine, Renovate P.S. DuPont ES (60/40)	20,605,800	14,737,900	35,343,700
16	Brandywine, District Offices (60/40)	1,874,300	1,249,500	3,123,800
17	Brandywine, Construct 600 Pupil ES (60/40)	505,000	336,700	841,700
18	Brandywine, Renovate Springer MS (60/40)	1,700,000	1,133,300	2,833,300
19	Christina, Sterck School (100% State)	8,000,000		8,000,000
20	Polytech, Renovate HS (80/20)	812,300	203,100	1,015,400
21	New Castle County Vo-Tech, 1,000 Pupil HS (Local Only)		1,333,300	1,333,300
22	Colonial, Wrangle Hill ES (67/33)	13,495,600	6,647,100	20,142,700
23	Colonial, Wrangle Hill FDK (Local Only)		4,276,800	4,276,800
24	Colonial, Wrangle Hill ES Realignment (67/33)		394,000	394,000
25	Colonial, Land for Wrangle Hill ES (Local Only)		1,650,000	1,650,000
26	Colonial, Renovate and Reconfigure New Castle	500,000	2,941,600	3,441,600
27	MS (67/33 – Full local share)			
28	Colonial, Renovate and Reconfigure McCullough	500,000	4,257,300	4,757,300
29	ES (67/33 – Full local share)			
30	Cape Henlopen, Construct 1,000 Pupil HS	4,248,600	28,324,200	32,572,800
31	(60/40 – Full local share)			
32	Cape Henlopen, Renovate and Add to	141,000	939,100	1,080,100
33	H.O. Brittingham ES (60/40 – Full local share)			
34	Cape Henlopen, Renovate and Add to	142,000	946,600	1,088,600
35	Shields ES (60/40 – Full local share)			
36	Cape Henlopen, Renovate and Add to	144,000	958,000	1,102,000
37	Milton ES (60/40- Full local share)			

1	Cape Henlopen, Renovate Rehoboth ES	\$ 150,400	\$ 1,005,200	\$ 1,155,600
2	(60/40 – Full local share)			
3	Cape Henlopen, Renovate Lewes	43,400	289,400	332,800
4	9 th Grade Academy (60/40 – Full local share)			
5	Cape Henlopen, Sussex Consortium (100% State)	600,000		600,000
6	Indian River, Roof Replacement North	692,000	461,400	1,153,400
7	Georgetown ES (60/40)			
8	Indian River, Roof Replacement	1,087,400	725,000	1,812,400
9	Selbyville MS (60/40)			
10	Indian River, Roof Replacement	692,000	461,400	1,153,400
11	Long Neck ES (60/40)			
12	Delmar, Cafeteria Expansion/Classroom Expansion (80/20)	1,854,500	560,000	2,414,500
13	Subtotal	\$117,743,600	\$106,529,000	\$224,272,600
14			TOTAL	<u>\$163,835,000</u>

15 Section 2. Transfers to the State Treasurer’s Bond Reversion Account.

16	Project	Project	Amount
17	<u>Project</u>	<u>Appropriation Code</u>	<u>Amount</u>
18	DEMA	1998-10-02-50-6809	\$ 2,955.47
19	Courthouse Equipment	2002-10-02-50-7211	920.85
20	Architectural Barrier Removal	2002-10-02-50-7213	327.75
21	Diesel Generator	2002-10-02-50-7216	5,269.15
22	Dayett	2002-10-02-50-7223	732.00
23	Stevenson Secure Care Facility	2002-10-02-50-7225	8,080.03
24	Troop 2 Replacement	2002-10-02-50-7310	17,123.76
25	Banyan	2003-11-02-04-7310	6,344.00
26		TOTAL	<u>\$41,753.01</u>

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

28	Project	Project	Amount
29	<u>Project</u>	<u>Appropriation Code</u>	<u>Amount</u>
30	Market Pressure	2006-95-02-02-7636	\$439,180
31	District Office	2003-95-29-00-7313	0.70
32	Claymont ES	2003-95-31-00-7310	297.21

1	Renovate Concord HS	2003-95-31-00-7313	\$ 0.16
2	McKean HS	2000-95-32-00-7010	431.90
3	Conrad HS	2000-95-32-00-7012	168.43
4	Dickinson HS	2000-95-32-00-7013	350.00
5	Forest Oak ES	2000-95-32-00-7014	91.28
6	Linden Hill ES	2000-95-32-00-7017	8.18
7	Telegraph Road Facility	2000-95-32-00-7024	909.29
8	Wilmington HS	2000-95-32-00-7026	3,336.99
9		TOTAL	<u>\$444,774.14</u>

10 Section 4. Transfers from the State Treasurer’s School Bond Reversion Account.

11 Notwithstanding the provisions of any other state law, the State Treasurer shall transfer, as funds become
12 available, the sum of \$439,100 from the State Treasurer’s School Bond Reversion Account (94-12-05-03-
13 8102) to the following department in the following amount for the purpose set forth in the Section 1
14 Addendum to this Act:

15	<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
16	Department of Education	
17	(Red Clay, Renovate Wilmington Campus – 60/40)	\$439,100
18		TOTAL
		<u>\$439,100</u>

19 Section 5. General Fund Reprogramming. Notwithstanding the provisions of any other state law,
20 the State Treasurer hereby deauthorizes the remaining appropriation balances, not in excess of the balances
21 below from the following General Fund projects and reauthorizes the funds to the departments listed in
22 subsection (b) of this Section, according to the purposes in the Section 1 Addendum to this Act.

23	<u>Department, Agency, or Instrumentality</u>	<u>Appropriation Code</u>	<u>Amount</u>
24	Office of Management and Budget		
25	Job Corps Site	2004-10-02-05-0806	\$150,000.00
26	Kent Radios	1999-10-02-05-0808	6,885.00
27	EMS	2000-10-02-05-0811	4,405.96
28	Local Police	2000-10-02-05-0813	3,088.30

1	Local Law	2001-10-02-05-0813	\$ 4,821.20
2	BWCI Nursery	1999-10-02-50-0845	7,703.47
3	BWCI Capacity Plan	2000-10-02-50-0854	23,046.39
4	Fire School Fence Lighting	2000-10-02-50-0859	1,246.53
5	Cap Area Space Study	2001-10-02-50-0872	3,412.96
6	Department of State		
7	Millsboro Library	2001-20-08-01-0812	20,686.27
8	Natural Resources and Environmental Control		
9	Aquatic Weed Harvester	2001-40-07-01-0801	12,784.56
10	Department of Education		
11	Neighborhood Schools	2001-95-01-01-0803	27,500.00
12	School Libraries	2001-95-01-01-0805	29,572.00
13	MCI Supplemental	1999-95-01-01-0850	47,405.00
14	MCI 100%	2000-95-01-01-0850	88,446.00
15	Red Clay Market Pressure, Linden Hill	2005-95-32-00-0874	211,416.00
16	Red Clay Market Pressure, Richey ES	2005-95-32-00-0875	234,066.00
17	Red Clay Market Pressure, Warner ES	2005-95-32-00-0876	241,163.92
18	Red Clay Market Pressure, Baltz ES	2005-95-32-00-0877	265,602.54
19	Red Clay Market Pressure, Forest Oak ES	2005-95-32-00-0878	216,109.44
20	Red Clay Market Pressure, Mote ES	2005-95-32-00-0879	240,589.00
21	Red Clay Market Pressure, Lewis ES	2005-95-32-00-0880	186,376.00
22	Red Clay Market Pressure, Richardson Park	2005-95-32-00-0881	357,752.42
23	Red Clay Market Pressure, DuPont ES	2005-95-32-00-0882	499,826.00
24	Red Clay Market Pressure, Dickinson HS	2005-95-32-00-0883	899,295.00
25	Red Clay Market Pressure, McKean HS	2005-95-32-00-0884	810,188.00
26	Red Clay Market Pressure, Heritage ES	2005-95-32-00-0885	208,553.00
27	Red Clay Market Pressure, Marbrook ES	2005-95-32-00-0886	176,953.00
28	Red Clay Market Pressure, Skyline MS	2005-95-32-00-0887	349,042.00
29	Red Clay Market Pressure, HB DuPont	2005-95-32-00-0888	397,159.00
30	Red Clay Market Pressure, Meadowood	2005-95-32-00-0889	114,625.00
31	Red Clay Market Pressure, Wilmington	2005-95-32-00-0890	1,107,239.00
32	Red Clay Market Pressure, Telegraph Road	2005-95-32-00-0891	175,777.00
33	Red Clay Market Pressure, 650 Pupil ES	2005-95-32-00-0892	8,526.31
34		TOTAL	<u>\$7,131,262.27</u>

35	(b) <u>Department, Agency, or Instrumentality</u>		<u>Amount</u>
36	Department of Natural Resources and Environmental Control		
37	(Park Rehabilitation/Development)		\$ 400,000
38	Department of Education		
39	(Red Clay, Renovate Wilmington Campus – 60/40)		6,700,200
40	Department of Education		
41	(Brandywine, Renovate P.S. DuPont ES – 60/40)		27,500
42		TOTAL	<u>\$7,127,700</u>

1 Section 6. 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>Account Codes</u>	<u>Remarks</u>
5	<u>Appropriation</u>		
6	2004	10-02-05-0813	Local Law Enforcement
7	2004	10-02-05-0814	Technology Fund
8	2004	10-02-05-0815	Technology
9	2004	10-02-05-0816	Technology
10	2004	10-02-50-0801	MCI
11	2004	10-02-50-0813	Troop 5 Conversion
12	2004	10-02-50-0821	New Castle County DMV
13	2004	10-02-50-0822	Georgetown DMV
14	2004	10-02-50-0827	Armory Conversion
15	2004	10-02-50-0829	DHSS MCI
16	2004	10-02-50-0835	USB/Asbestos
17	2001	10-02-50-0874	NCC Courthouse
18	2004	10-02-50-0874	NCC Courthouse
19	2004	10-02-50-0875	Old New Castle Courthouse
20	2004	10-02-50-0876	Psychiatric Hospital
21	2001	10-02-50-7113	NCC Courthouse
22	2001	10-02-50-7122	Women's Facility Expansion
23	2001	10-02-50-7125	Kent/O'Brien Bldg
24	2002	10-02-50-7217	NCC Veteran's Cemetery
25	2003	10-02-50-7311	Old New Castle Courthouse
26	2003	10-02-50-7312	MCI Correction
27	1992	10-03-03-0182	Dover Civic Center
28	1999	10-03-03-0805	Dover Civic Center
29	2001	10-03-03-0821	High Tech Incubator
30	2002	10-03-03-7212	High Technology Incubator
31	2003	10-03-03-7311	High Technology Incubator
32	2002	12-05-03-0888	GF Cap Reprogramming
33	1994	12-05-03-8101	Agency Reversions
34	1994	12-05-03-8102	School Reversions
35	1995	20-08-01-0182	Wilmington Library
36	1999	20-08-01-0802	Georgetown Library
37	2001	20-08-01-0802	Georgetown Library
38	2004	20-08-01-0803	Harrington Library
39	2004	20-08-01-0804	Hockessin Library
40	2004	20-08-01-0805	Woodlawn Library
41	2004	20-08-01-0810	Selbyville Library
42	2004	20-08-01-0815	Laurel Library
43	2001	20-08-01-0816	Wilmington Library
44	1996	20-08-01-6616	North Wilmington Library
45	2001	20-08-01-7110	Bridgeville Library
46	2002	20-08-01-7211	Wilmington Institute
47	2002	20-08-01-7216	Milton Library
48	2002	20-08-01-7217	Seaford Library
49	2002	20-08-01-7218	Frankford Library
50	2002	20-08-01-7219	Harrington Library

1	2002	20-08-01-7220	Coastal Library
2	2003	20-08-01-7312	Seaford Library
3	2003	20-08-01-7313	Woodlawn Library
4	2003	20-08-01-7314	Woodlawn Library
5	2002	25-01-01-7212	Wastewater
6	2003	25-01-01-7310	Drinking Water
7	2003	25-01-01-7311	Water Control Rev Fund
8	2004	35-01-20-0802	Maintenance and Restoration
9	2004	35-05-20-0802	Drinking Water
10	2004	37-01-25-0822	Cleve White Bldg Renovations
11	2000	40-05-01-0802	Newport
12	2001	40-05-02-0802	Boat Ramp
13	2004	40-05-02-0803	Dams/Water Control
14	2004	40-06-02-0804	Park Rehabilitation
15	2002	40-06-02-7211	Killens Planning
16	2004	40-07-02-0803	Excavation Equipment
17	2004	40-07-02-0802	Tax/Public Ditches
18	2001	40-07-02-0804	Hazard Study
19	1993	40-07-02-6313	Resource, Conservation & Dev
20	2003	40-07-02-7312	Resource, Conservation & Dev
21	2001	40-08-01-0800	Wilmington Sewer
22	2001	40-08-01-0801	Wilmington Sewer
23	2004	40-08-01-0802	Wilmington Sewer
24	2002	40-08-02-7210	Inland Bays
25	2000	75-02-01-0800	Rescue Tool
26	2004	90-03-01-0802	Airway Science
27	2004	90-03-01-0807	Tech Prep
28	2002	90-03-01-7215	Sports/Wellness Center
29	2002	90-03-01-7217	Technology Building
30	2003	90-03-01-7311	Sports/Wellness Center
31	2004	90-03-01-7411	Sports/Wellness Center
32	2002	90-04-01-0804	Information Systems
33	2004	95-01-01-0893	MCI
34	2004	95-10-00-0873	MCI/VE
35	2004	95-11-00-7410	Charlton School
36	2004	95-15-00-0872	MCI
37	2004	95-17-00-0818	A/C Sussex Consortium
38	1997	95-23-00-6713	Seaford HS
39	1997	95-23-00-6714	Seaford MS
40	1998	95-23-00-6815	Seaford MS
41	2003	95-24-00-7310	District Offices
42	2003	95-24-00-7311	JB Moore MS
43	2003	95-24-00-7312	Smyrna HS
44	2004	95-29-00-0873	MCI/VE
45	2004	95-31-00-0802	Concord HS
46	2004	95-31-00-0803	Forwood ES
47	2004	95-31-00-0807	Tech Prep
48	2004	95-31-00-0872	MCI
49	2002	95-31-00-7210	Harlan ES
50	2002	95-31-00-7213	Mount Pleasant
51	2003	95-31-00-7312	Mt. Pleasant HS
52	2004	95-31-00-7410	Concord HS
53	2004	95-31-00-7411	Forwood Renovation
54	2004	95-31-00-7415	Lombardy ES

1	2003	95-32-00-7310	Hockessin Land
2	2003	95-32-00-7311	Highlands ES
3	2004	95-32-00-7409	Baltz ES
4	2004	95-32-00-7414	Forest Oak
5	2004	95-32-00-7415	Mote ES
6	2004	95-32-00-7417	Linden Hill
7	2004	95-32-00-7420	Richey ES
8	2004	95-32-00-7425	Warner ES
9	2004	95-32-00-7433	New 640 Pupil ES
10	2004	95-33-00-0803	Renovate Pool
11	2004	95-33-00-0873	MCI/VE
12	2003	95-33-00-7311	Brookside 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	95-33-00-7415	Palmer ES
22	2004	95-33-00-7417	Gallaher ES
23	2004	95-33-00-7419	Newark HS
24	2004	95-33-00-7423	Portables
25	2003	95-33-00-7312	New Castle MS
26	2003	95-34-00-7315	William Penn HS
27	2004	95-34-00-7416	Colwyck ES
28	2004	95-34-00-7417	Eisenberg ES
29	2004	95-36-00-0872	MCI
30	2003	95-36-00-7312	Frankford ES
31	2003	95-36-00-7314	E Millsboro ES
32	2004	95-36-00-7417	Indian River Educ Complex
33	2004	95-36-00-7419	Indian River HS
34	2002	95-38-00-7210	1,000 Pupil HS

35 Section 7. Appropriation of General Funds. It is the intent of the General Assembly that
36 \$236,551,400 be appropriated to the following departments of the State and in the following amount for the
37 purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or
38 unencumbered by June 30, 2009, shall revert to the General Fund of the State of Delaware. The state hereby
39 authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds to be
40 issued in such principal amount as necessary to provide proceeds to the State in the amount of \$4,235,596
41 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20 years
42 from their date of issuance.

1	<u>Department, Agency, or Instrumentality</u>			<u>Amount</u>
2	Office of Management and Budget			\$117,188,600
3	Delaware Economic Development Office			60,750,000
4	Delaware State Housing Authority			227,800
5	Department of Technology and Information			500,000
6	Department of State			2,085,000
7	Department of Health and Social Services			2,000,000
8	Department of Services for Children, Youth and Their Families			50,000
9	Department of Correction			2,500,000
10	Department of Natural Resources and Environmental Control			29,892,400
11	Department of Safety and Homeland Security			2,200,000
12	Fire Prevention Commission			202,500
13	Delaware State University			4,500,000
14	Delaware Technical Community College			2,500,000
15	Department of Education			11,955,100
16				
17	<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
18	Minor Capital Improvement	\$ 7,203,800	\$4,128,896	\$ 11,332,696
19	And Equipment			
20	Architectural Barrier Removal	160,000	106,700	266,700
21	Tech Prep Delaware (100% State)	100,000		100,000
22	Smyrna, Market Pressure Matching Fund	135,300		135,300
23	Appoquinimink,Market Pressure Matching Fund	2,549,400		2,549,400
24	Brandywine, Market Pressure Matching Fund	1,706,600		1,706,600
25	Delaware Skills Center (100% State)	100,000		100,000
26	Subtotal	\$11,955,100	\$4,235,596	\$16,190,696
27			TOTAL	<u>\$236,551,400</u>

1 Section 8. Appropriation of Bond Premium. Notwithstanding the provisions of 29 Del. C. §7414 (a),
 2 of the available premium from bonds or revenue notes sold after January 1, 2004, \$2,472,200 shall be used in
 3 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>
4 Smyrna, Sunnyside ES (80/20)	\$1,286,700
5 Colonial, Wrangle Hill ES Realignment (67/33)	800,000
6 Delmar, Cafeteria Expansion/Classroom Renovation (80/20)	385,500
7	
8	TOTAL
	<u>\$2,472,200</u>

9 Section 9. Reprogramming. The sum of \$1,473,600 is hereby deauthorized from the
 10 appropriation Neighborhood Schools (2006-95-01-01-8021) authorized in 73 Del. Laws, c. 95. These
 11 funds are hereby reauthorized for the following purposes as listed in the Section 1 Addendum to this Act:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
12 Department of Education	
13 (Brandywine, Renovate P.S. DuPont ES (60/40))	\$1,473,600

15 Section 10. General Funds to Twenty-First Century Fund. It is the intent of the General Assembly
 16 that \$6,793,700 be appropriated from General Funds to the Office of the Secretary, Department of Finance
 17 (25-01-01) to be deposited into the Twenty-First Century Fund as established by 29 Del. C. §6102A. These
 18 funds shall be appropriated for the following purposes set forth in the Section 1 Addendum to this Act:

<u>Purpose</u>	<u>Amount</u>
19 Delaware Water Pollution Control Revolving Fund	\$ 793,700
20 Resource, Conservation and Development	6,000,000
21	
22	TOTAL
	<u>\$6,793,700</u>

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

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

8 Section 12. Resource, Conservation and Development Transfers - Project Funds Transfer from
 9 Prior Fiscal Years to Fiscal Year 2007. Within the same county, any Twenty-First Century funds or match
 10 remaining from completed projects as authorized as part of the Twenty-First Century Resource,
 11 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD
 12 projects in the Fiscal Year 2007 list of projects approved as part of the Fiscal Year 2007 Capital
 13 Improvements Act.

14 Section 13. Community Redevelopment Fund Match. Notwithstanding the provisions of 29 Del.
 15 C. §6102A(i)(3), the following Community Redevelopment Fund awards shall not require a local match:

<u>Project</u>	<u>Year of Grant Award</u>
17 Sussex County Council	F.Y. 1999, 2000, 2001
18 Gumboro Community Association	
19 Laurel Historical Society	F.Y. 2004
20 Studley House Renovation	
21 Town of Kenton	
22 Building Renovation	F.Y. 2002
23 Old Kenton School Rehabilitation	F.Y. 2004
24 Town of Millsboro	
25 Police Department	F.Y. 2005

26 Section 14. First State Preservation Revolving Fund, Inc. For Fiscal Year 2007, First State
 27 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
 28 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
 29 and 2000.

1 Section 15. 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 16. 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 17. 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 18. 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 19. Law Enforcement Technology and Education Fund. The Section 1 Addendum to this
3 Act appropriates \$1,350,000 for Law Enforcement Technology and Education Fund. Of these funds,
4 \$1,250,000 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 20. Construction Management. Notwithstanding any other state law, the Office of
2 Management and Budget (“OMB”) shall be responsible for the design and construction of all the projects
3 listed under “Office of Management and Budget” in the Section 1 Addendum of this Act. For those
4 projects that are solely for the purchase of equipment, including projects that are funded in any “MCI and
5 Equipment” line, or any “MCI” line OMB shall transfer the appropriate funding necessary to purchase the
6 equipment to the agency for which the equipment is being purchased. The appropriate amount of funding
7 shall be determined and agreed to by OMB and the agency for which the equipment is being purchased by
8 September 1 of each fiscal year. For those projects for which the appropriation is passed to an entity and
9 for which the state is not a party to the construction contract, OMB shall provide technical assistance.

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

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

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

25 (d) No project’s budget should be increased beyond what is appropriated in any Bond and Capital
26 Improvement Act, either with special funds or private funds, unless the use of those funds is approved by

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

3 Section 21. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-
4 member Executive Committee be created to oversee construction of new or major renovation of judicial
5 facilities. The Executive Committee shall include two members of the Legislature appointed by the Co-
6 Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs of
7 the House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief
8 Justice; and three members of the Executive Department to include the Director of Facilities Management,
9 the Director of the Office of Management and Budget and their designee. The Executive Committee shall
10 work in conformation with existing construction oversight guidelines as written in Section 16 of this Act.

11 The Executive Committee is hereby empowered to:

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

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

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

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

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

24 Section 22. Minor Capital Improvement and Equipment Supplement – Office of Management and
25 Budget. Notwithstanding the provisions of any other State law to the contrary, not more than \$250,000 may
26 be expended to enter into contractual agreements for project representatives and associated administrative

1 support to ensure adequate oversight of State construction projects. The Director of the Office of
2 Management and Budget is directed to provide an itemized budget for this amount to the Controller General
3 by August 1, 2006, and expenditure reports to the Controller General by December 1, 2006 and June 1,
4 2007.

5 Section 23. New Castle County Courthouse. Notwithstanding any law or local government
6 ordinance, resolution, or any deed restrictions to the contrary, the Director of the Office of Management and
7 Budget shall designate the name of any state-owned or state-operated courthouse or other judicial building
8 or facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an
9 Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of
10 any statues or memorials in or on the grounds of such courthouse or judicial building of facility.

11 Section 24. Belvedere State Service Center Project. Notwithstanding any state laws to the
12 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Office of
13 Management and Budget for the maintenance and operation of the center.

14 Section 25. Sussex County Judiciary. The Office of Management and Budget shall execute an
15 agreement with Sussex County to transfer ownership of a parcel of land located in Georgetown, Sussex
16 County, Tax Parcels # 1-35 14.20 213 and 1-35 14.20 214, commonly known as the "First State Chevrolet"
17 parking lot, from the state to the county. As a prerequisite to execution, the agreement shall include the
18 following terms and conditions:

- 19 i. Sussex County shall release the state from payments that would have been made by the
20 Administrative Office of the Courts in the amount of \$636,932.00 between FY 2006 and FY 2012
21 for renovations that were completed in the Sussex County Courthouse prior to the purchase of the
22 courthouse by the state. Sussex County shall consider all payments received from the state through
23 FY 2005 for this work as payment in full.
- 24 ii. Sussex County shall agree to move the Register of Wills from Sussex County Court of Chancery to
25 the Sussex County Law Library on a temporary basis not to exceed a term of 5 years. All costs

1 associated with the move of the Register of Wills from Court of Chancery and into the Law
2 Library shall be borne by Sussex County.

3 iii. The lease currently in effect between Sussex County and the Office of Management and Budget
4 shall be amended to reflect the move of the Register of Wills to the Sussex County Law Library.

5 Rent shall be based on the net square footage occupied by the Register of Wills in the Law Library
6 at a cost of \$6.00 per square foot. The term of the lease shall be adjusted to show an ending date of
7 June 30, 2010. Renewal of the lease after June 30, 2010 shall be at the sole discretion of the state.

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

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

13 Section 26. Demand Side Management. The provisions of 75 Del. Laws, c. 242 notwithstanding,
14 the Public Service Commission shall have the authority to implement demand-side management programs
15 designed to reduce peak electricity usage.

16 Section 27. COTS. The Section 1 Addendum to 75 Del. Laws, c. 98 appropriated funding to the
17 Technology Fund in the Office of Management and Budget for the COTS Integrated Case and Financial
18 Management System. Of said appropriation transferred to the Judiciary for COTS, up to \$645,000 may be
19 used for personnel costs and contractual services expenses associated with providing additional personnel
20 coverage for positions assigned to the COTS project in order to continue court operations. Eligible expenses
21 for providing such personnel coverage include, but are not limited to, temporary promotion, dual
22 incumbency, casual/seasonal assistance, contracting temporary personnel services and overtime service
23 subject to the processes outlined under applicable State laws, rules, policy and/or procedures.

24 Section 28. 800 MHz. Notwithstanding 29 Del. C. c. 69 or any other statutory provision to the
25 contrary, the Office of Management and Budget may use design/build project delivery methodology for the
26 purpose of constructing 800 MHz transmission towers. To enable the use of design/build methodology to

1 construct 800 MHz transmission towers, all provisions of 29 Del. Code §6962 are waived with the
2 exception of those sections of §6962 related to prevailing wage rates. Funds appropriated for the
3 construction of the 800 MHz towers may be used to reimburse the Office of Management and Budget for all
4 expenditures associated with the management of the design/build RFP process, including the hiring of a
5 consultant, and management of the tower construction project(s).

6 Section 29. Delaware Health Information Network. The Section 1 Addendum to this Act
7 appropriates \$2,000,000 for the Delaware Health Information Network. As a joint initiative between
8 private, federal and state funds, the \$2,000,000 shall be utilized to support the development of an
9 interoperable network to exchange clinical information among all healthcare providers across the state to
10 improve patient outcomes and patient-provider relationships. The system shall be designed to allow patient
11 clinical information to be shared across all healthcare facilities and organizations and across public and
12 private sectors.

13 For the purposes of implementation between now and January 2007, the Health Care Commission
14 working in conjunction with the Delaware Health Information Network (DHIN) shall receive an
15 appropriation of \$2,000,000 to support this critical initiative. Funds shall be accessed only upon a
16 negotiated contract and a selected vendor and upon the submission of a project plan subject to the approval
17 by the DHIN, the Chair of the Healthcare Commission, the Director of Management and Budget, Controller
18 General and Co-Chairs of the Joint Committee on Capital Improvements. The project plan shall include but
19 not be limited to the following:

- 20 (a) Milestones and a project plan that are consistent with the Delaware Healthcare Commission and
21 the U.S. Agency for Healthcare Research and Quality;
- 22 (b) A budget that outlines the expenditure for the \$2,000,000 state appropriation including a
23 breakdown of categories (personnel costs/contractual services/supplies etc);
- 24 (c) A total project budget over multiple years that includes funding allocations detailing federal,
25 private and state requested amounts;

- 1 (d) A firm written commitment that demonstrates a matching contribution of a minimum of
2 \$2,000,000 from non-state sources (not including the federal funds);
3 (e) A plan for staffing this initiative through contractual dollars.
4 (f) A proposal for new governance structure to meet the needs of the DHIN in the future.

5 Until such time as the new statutory authority is granted to establish the utility as a free standing
6 system, the Delaware Healthcare Commission shall be authorized to establish special fund accounts for the
7 purposes of receiving private matching funds, donations, gifts and other such funds for use in implementing
8 DHIN subject to the approval of the State Clearinghouse Committee. These accounts shall be interest
9 bearing. The Delaware Healthcare Commission may accept such restrictions as the grantor(s) may impose;
10 however, that no such restrictions contravene the laws of the State. These accounts shall be subject to audit
11 by the State Auditor.

12 Section 30. DHIN Contract Review. Notwithstanding any other provision of the Delaware Code to
13 the contrary, the bid evaluation, contract award and execution procedure related to the Delaware Health
14 Information Network professional services contracts for Clinical Information Exchange Utility
15 Development and Implementation and Quality Assurance Monitoring shall be permitted up to 90 days in
16 excess of the time period between contract award and execution as may now be required under the
17 procurement provisions.

18 Section 31. State Facilities. The Director of the Office of Management and Budget shall be
19 authorized and encouraged to continue negotiations with a private institution regarding the potential
20 acquisition of properties throughout the state. The Director of the Office of Management and Budget shall
21 report back to the Governor and the Co-Chairs of the Joint Legislative Committee on the Capital
22 Improvement Program no later than January 31, 2007.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 32. 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 33. 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 34. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an
15 appropriation of \$13,400,000 for the Diamond State Port Corporation. The expenditure of these funds shall
16 be subject to the review and approval of the Board of Directors of the Diamond State Port Corporation
17 ("DSPC"). In addition, the DSPC may borrow, on an interest-free basis, up to \$2,000,000 from this
18 authorization to meet its short term operating expenses during Fiscal Year 2007.

19 Section 35. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development
20 Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the
21 Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-State entities shall
22 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
23 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
24 loans to the Kalmar Nyckel.

25 Section 36. DRBA - Delaware State University. For the purpose of complying with the provisions
26 of 17 Del. C. §1726, requiring the Delaware River and Bay Authority to secure the approval of the General

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

11 Section 37. Strategic Fund Reimbursement. (a) The Section 1 Addendum to this Act includes
12 \$23,000,000 for the Strategic Fund. Of this amount, \$13,000,000 shall represent repayment to the Strategic
13 Fund for the funds utilized during Fiscal Year 2006 to continue critical economic development initiatives
14 currently underway in the City of Wilmington.

15 (b) The proceeds from the future sale of parcels of land the Department of Transportation acquired
16 on Beech Street in the City of Wilmington shall be deposited to the Transportation Trust Fund.

17 (c) The proceeds from the future sale of Delmarva Properties located in the Wilmington Riverfront
18 area shall be deposited to the Transportation Trust Fund.

19 Section 38. Council of Development Finance. (a) If the Delaware Economic Development Office
20 (DEDO) makes an award not in agreement with the recommendations of the Council on Development
21 Finance (CDF), the Director of the Economic Development Office shall notify the co-chairs of the Joint
22 Legislative Committee on Capital Improvements within 10 business days. The notification shall include
23 details of the actual award, the Council recommendations on the proposal, and a justification for why the
24 Economic Development Office did not follow the recommendations of the Council.

25 (b) In order to have efficient and effective coordination between the Council on Development
26 Finance and the Delaware Economic Development Office, the Chairperson of the Council of Development

1 Finance, the Director of the Office of Management and Budget, the Controller General, representatives of
2 the Office of the Governor and the Economic Development Office, and the Chair of the Joint Sunset
3 Committee are hereby directed to evaluate coordination between the CDF and DEDO and submit
4 recommendations for enhancements to the Governor, Co-Chairs of the Joint Legislative Committee on
5 Capital Improvement and the Co-Chairs of the Joint Sunset Committee no later than October 15, 2006.

6 Section 39. New Economy Initiative – Year III. (a) Findings and Purpose. The General Assembly
7 finds that the State must employ a range of new initiatives for retaining and expanding high-paying jobs in a
8 rapidly transforming global economy. In particular, the General Assembly finds that: (1) While Delaware
9 has lost a smaller percentage of its manufacturing jobs than neighboring states, several manufacturing
10 facilities have laid off employees or closed in Delaware due to a rapidly changing market place, global
11 competition and cost-cutting; (2) Small high-technology startups that grow quickly and are the engine of
12 wealth generation and economic growth throughout the country do not respond to traditional, tax-based
13 incentive programs; (3) Delaware should make the investments necessary to develop a thriving
14 entrepreneurial culture, including the availability of start-up seed funding and a pipeline of support for
15 transferring a high-technology concept to commercial reality; (4) The development and successful growth
16 of Delaware-oriented venture capital funds offers the State an opportunity to invest in and leverage private-
17 sector and federal dollars to grow technology-based companies; and (5) Delaware is uniquely poised, by
18 virtue of its university and private-sector research and development in biotechnology, fuel cell development
19 and other clean-energy technologies, to significantly grow these two sectors of its economy and build on a
20 base of clean, high-paying jobs.

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

(c) The Section 1 Addendum to this Act includes \$11,000,000 for the third year of the New Economy Initiative. It is the intent of the General Assembly that this appropriation shall be subject to the allocations and conditions herein.

<u>Purpose</u>	<u>Amount</u>
Delaware Competitiveness Fund	\$7,800,000
Technology Based Seed Fund/Phase II	1,000,000
Clean Energy Center Partnership	200,000
Experimental Program to Stimulate Competitive Research (EPSCOR)	1,000,000
Dupont Experimental Station	<u>1,000,000</u>
Total	\$11,000,000

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

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

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

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

- a. The overall feasibility of the investment proposal;

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

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

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

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

15 (5) For the fiscal year ending June 30, 2007, interest earnings of the Delaware Competitiveness
16 Fund shall be used for the purposes of the Delaware Competitiveness Fund.

17 (e) Technology-Based Seed Fund/Phase II. The Development Office on behalf of the
18 Development Authority shall establish the Emerging Technology Seed Fund/Phase II (“Seed Fund”). The
19 Fund’s intent is to provide second stage funding to foster high wage, fast-growing small businesses in
20 technology fields such as biotechnology, advanced materials, clean energy, information technology, and
21 new chemical applications. The purpose of the stage II Fund shall be: (1) Funding technology-based small
22 businesses from Delaware-based entrepreneurial engineers, scientists and other technologists from regional
23 companies and institutions of higher learning; (2) Providing equity financing up to \$50,000 per transaction
24 for expenses such as laboratory equipment, working capital, lab and office space, patent filings, or
25 prototyping; (3) Ensuring a commitment from the recipient to grow the company in Delaware; and (4)

1 Matching or leveraging investments in start-ups from other sources such as commercial lenders, non-profit
2 organizations, or related federal grant loan programs.

3 The Development Office shall revise the guidelines as established pursuant to 74 Del. Laws, c. 308
4 §36 (f) for the application procedure, specific types of investments for which all Seed Funds can be used
5 and the review and approval process for applications.

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

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

25 The Development Office on behalf of the Authority shall provide the required fifty percent match
26 for the first year of the EPSCOR grant. Oversight for the Delaware EPSCOR grant shall be provided by a

1 State committee that includes but is not limited to representatives from the Delaware Economic
2 Development Office, each of the participating academic institutions, and a majority of private-sector
3 members. The Chair shall be the Lieutenant Governor.

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

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

21 Section 40. DuPont Innovation Center Partnership Program. The State of Delaware and DuPont
22 shall establish a partnership program to begin the transformation of DuPont's Experimental Station Labs
23 into the DuPont Innovation Center. The purpose of this transformation is to support DuPont's commitment
24 to Experimental Station Labs as its primary global research & development facility and to provide an
25 impetus for future growth of aligned and supporting industries across the state and region. This partnership
26 will require DuPont to make capital investments of \$80 million at Experimental Station Labs through 2009.

1 DuPont will also be required to provide, over the next 5 years free of charge, 250 patents and “proprietary
2 technology packages” to the Delaware Emerging Technology Center as part of the State’s New Economy
3 Initiative. DuPont will also collaborate with the State of Delaware to develop a Delaware Biotechnology
4 Program for High School Students at Experimental Station Labs, consisting of at least 6 interactions per
5 year beginning in calendar year 2006 through calendar year 2009. DuPont will be required to complete
6 total capital investments of \$20 million at Experimental Station Labs by June 30, 2007, an additional \$20
7 million at Experimental Station Labs by December 31, 2008 and an additional \$40 million at Experimental
8 Station Labs by December 31, 2009 for a total of \$80 million in capital investments. This partnership
9 program will require DuPont to report its capital expenditures to the Delaware Economic Development
10 Office within 30 days of each capital investment completion deadline and shall be subject to a grant
11 agreement and remediation provisions deemed appropriate by the Development Office.

12 Section 41. New Markets Tax Credit Program. In the event that the Director of the Delaware
13 Economic Development Office or the Director of the Delaware State Housing Authority and the Secretary
14 of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit Program
15 under the U.S. Treasury Department, the Director is authorized to form a business entity or organization to
16 apply for and manage this program on behalf of the State, as required by applicable federal legislation and
17 regulations. Any such application for said program shall be subject to the approval of the Co-Chairs of the
18 Joint Legislative Committee on the Capital Improvement Program and the Delaware State Clearinghouse
19 Committee. Should such application receive final approval by the U.S. Treasury Department or other
20 federal governmental entity charged with such authority, at least one public hearing shall be held for the
21 purpose of presenting the program, the availability of financial assistance and the selection process and the
22 Director of the Delaware State Housing Authority shall notify, by certified and regular mail, any state
23 senators and representatives in whose districts any development project may be located, upon the
24 submission of a request for financing and a decision to provide financing for such development pursuant to
25 the New Market Tax Credit Program. In addition, the Housing Director shall so notify the Chief Executive
26 Office of any local government in whose jurisdiction any development will be located.

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

5 Section 43. Riverfront Development Corporation Board. The composition of the board of directors
6 of the Riverfront Development Corporation of Delaware as established by the Laws of Delaware, Volume
7 70, Chapter 210, is hereby amended to provide for eight members to be appointed by the Governor, with
8 one of those members being appointed chair.

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

16 Section 45. Kent County Levy Court Local Lodging Tax. Kent County Levy Court may issue up
17 to \$20,000,000 in general obligation bonds for the Dover Civic Center with the resulting debt service to be
18 paid from the annual operating revenues of the Center. Should the annual operating revenues of the Center
19 be insufficient at any time during the debt repayment period to cover principal and interest payments, the
20 Levy Court shall be authorized to impose, by duly enacted ordinance, a local lodging tax for any room or
21 rooms in a hotel, motel or tourist home, as defined in 30 Del. C. §6101, in an amount sufficient to repay any
22 principal and interest deficits not covered by Center revenues for the period for which such deficiency
23 exists. The Levy Court, in consultation with the State Treasurer and Secretary of Finance, shall establish
24 the rate and duration of any necessary levy. The Levy Court's authority to levy said hotel tax shall sunset
25 upon repayment of all principal and interest associated with the bond issuance.

1 Section 46. Amend 75 Del. Laws, C 98, §48 by deleting the words “on corporation owned land” as
2 they appear on page 33, lines 11 and 12.

3 Section 47. Fraunhofer Vaccine Development. The Section 1 Addendum to this Act appropriates
4 \$1,000,000 for Fraunhofer Vaccine Development. It is the intent of the General Assembly and the
5 Administration that said funds represent the first year of a five year commitment by the State of Delaware
6 to leverage a 2:1 matching grant of \$10,000,000 from Fraunhofer USA. Further, up to one-third of the
7 aggregated state match shall be used to increase the capacity of Delaware farmers to participate in the
8 commercial raising of plants for the production of biopharmaceuticals.

DELAWARE STATE HOUSING AUTHORITY

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Section 48. HDF Loan Foreclosure Program. The Section 1 Addendum to this Act includes an appropriation of \$227,800 for the Housing Development Fund – Loan Foreclosure Program. The City of Wilmington and New Castle County may provide contributions in order to participate in the program.

1 **DEPARTMENT OF TECHNOLOGY AND INFORMATION**

2 Section 49. 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 50. 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 51. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del.
3 Laws, c. 210 and in the Section 1 Addendum of 69 Del. Laws, c. 386 shall be used to plan and construct a
4 library within the First Senate District.

5 Section 52. Delaware River Main Channel Dredging. It is the intent of the General Assembly that
6 any future appropriation of State funds for the main channel dredging of the Delaware River shall be
7 contingent upon the following:

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

15 Section 53. Riverfront Development Corporation Promotions. The Riverfront Development
16 Corporation is prohibited from including political profiles and statements of a political or partisan nature in
17 any advertisements or literature used to promote a cultural or recreational event being sponsored by the
18 Corporation.

19 Section 54. 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 55. 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.

4 Section 56. Revolutionary War Monuments. The Section 1 Addendum to this Act appropriates
5 \$50,000 to the Department of State for Revolutionary War monuments. These monuments shall be placed
6 at the following battlefields: Cowpens, South Carolina; Guilford Courthouse, North Carolina; Camden,
7 South Carolina; Brandywine, Pennsylvania; and Yorktown Virginia.

8 Section 57. Library Construction. Effective for the fiscal year ending June 30, 2008, proposals
9 submitted by the Department of State to the Office of Management and Budget under 29 Del. C. §6604A
10 shall include a statement as to whether or not each of the libraries have the required 50 percent non-state
11 share match as defined in 29 Del. C. §6602A(2).

1 **DEPARTMENT OF FINANCE**

2 Section 58. 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 59. 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 60. 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 61. 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 62. 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 63. 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 64. 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 65. 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 66. 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 67. 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 68. 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 69. 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 70. 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 71. 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 72. 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 73. 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 74. 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 in the Section 1 Addendum to this Act for Debris Pit
8 Remediation and of the \$1,000,000 appropriated for Debris Pits from the Resource, Conservation and
9 Development Fund in 74 Del. Laws, c.308, §14, \$250,000 will be provided to the New Castle Conservation
10 District for cost-share assistance to landowners with buried debris on their properties. To be eligible for
11 cost-share, the site must be listed on the DNREC priority list and meet the DNREC established criteria for
12 buried debris removal. For projects that cost up to \$40,000, the landowner must provide twenty-five
13 percent of the cost of remediation including disposal costs. For projects that cost more than \$40,000, the
14 landowner must provide \$10,000 plus 10% of the cost in excess of \$40,000, including disposal costs. The
15 provisions of this Program shall commence with those projects entitled “FY 2005 New Projects” as
16 contained in the approved Fiscal Year 2005 Resource, Conservation and Development Projects list. The
17 \$1,000,000 allocated for debris pit remediation in Delaware shall be administered by DNREC, Division of
18 Soil and Water Conservation. New Castle County shall provide \$250,000 match.

19 Section 75. Retention Ponds. The Section 1 Addendum to this Act appropriates \$3,300,000 to the
20 Department of Natural Resources and Environmental Control to assist New Castle County in dealing with
21 its stormwater management related problems. The County will be reimbursed for said activities on an
22 actual cost basis after the work is completed. The total reimbursement will not exceed \$3,300,000 during
23 the course of Fiscal Year 2007. Wherever possible, the New Castle Conservation district will be employed
24 to perform the necessary work.

25 Section 76. Assawoman Canal Dredging. It is the express finding of the General Assembly that
26 the benefits of dredging and maintaining the Assawoman Canal exceed the costs of such project and the

1 Secretary of Natural Resources and Environmental Control is hereby directed to initiate all necessary
2 actions to dredge the Canal pursuant to all terms and conditions provided for in the state and federal permits
3 issued for the project and initially authorized by Secretary's Order 2004-W-0047 dated August 12, 2004.

4 Section 77. Channel Markers. The Department of Natural Resources and Environmental Control
5 (DNREC) is directed to provide dedicated, comprehensive waterway management for state waters. DNREC
6 will: maintain design depths and mark navigational channels of the state that are not maintained and marked
7 by any entity of the federal government; remove nuisance macroalgae; remove derelict structures, trees and
8 other debris that threatens safe navigation; and perform any other waterway management services that may
9 be identified to preserve, maintain and enhance recreational use of the State's tidal waters, as well as
10 improve environmental conditions as warranted or directed by the Governor or Secretary of DNREC.
11 DNREC is further directed to undertake a study of the sediment sources and patterns of sediment movement
12 that results in deposition within State Waterways to determine if there are methods to reduce the
13 dependency on dredging to remove deposited sediments.

14 Section 78. Land and Water Conservation Trust Fund. For the Fiscal Year ending June 30, 2007,
15 the \$1,000,000 scheduled for deposit into the Parks Endowment Account (12-05-03-0804) shall instead be
16 deposited into the Land and Water Conservation Fund Interest Account (40-06-04-8021). Any funds in the
17 Earnings Account in excess of \$1,500,000 shall be transferred into the Stewardship Account in order to
18 continue the projects funded through this account.

19 Section 79. Clayton-Easton Corridor. Notwithstanding the provisions of any other law, the
20 Department of Natural Resources and Environmental Control may enter into a lease with the State of
21 Maryland for the use of the Delaware portion of the Clayton-Easton Rail Line presently owned by the
22 Maryland Mass Transit Authority to develop and manage the property as a recreational rail-trail.

23 Section 80. Surface Water Management. Of the funds allocated from the 21st Century Fund Water
24 Management Account in 75 Del. Laws, c. 98, \$1,000,000 is to be used for Surface Water Management
25 initiatives under the purview of the Clean Water Advisory Council and the Secretary of the Department of
26 Natural Resources and Environmental Control. These initiatives may include: comprehensive watershed

1 stormwater modeling and planning and related costs, Municipal and County planning assistance for
2 comprehensive stormwater needs analysis which may include establishing a stormwater utility,
3 comprehensive analysis of funding needs for statewide stormwater infrastructure, statewide LIDAR
4 mapping, and restoration efforts in watersheds that have existing stormwater management analysis in place.

5 Section 81. Clean Water Advisory Council. a) Amend Chapter 80, Title 29, §8003(11) a.1., of the
6 Delaware Code, by deleting “Wastewater Facilities” and inserting “Clean Water” in its place.

7 b) Amend Chapter 80, Title 29, §8003(12) c., of the Delaware Code, by deleting “Wastewater
8 Facilities” and inserting “Clean Water” in its place.

9 c) Amend Chapter 80, Title 29, §8011 of the Delaware Code by deleting “Wastewater Facilities” and
10 inserting “Clean Water” in its place.

11 d) Amend Chapter 80, Title 29, §8011(a) of the Delaware Code by deleting “Wastewater Facilities and
12 Surface Water Management” and inserting “Clean Water” in its place.

13 e) Amend Chapter 80, Title 29, §8011(c) of the Delaware Code by deleting “Wastewater Facilities and
14 Surface Water Management”.

15 f) Amend, Chapter 61, Title 29 §6102A (g)(2) of the Delaware Code by deleting “Wastewater
16 Facilities” and inserting “Clean Water” in its place.

17 g) Amend, Chapter 61, Title 29 §6102A (g)(3) of the Delaware Code by deleting “Wastewater
18 Facilities” and inserting “Clean Water” in its place.

19 Section 82. County Conservation Districts – Heavy Equipment Revolving Fund. The Section 1
20 Addendum to this Act appropriates \$6,000,000 to the Department of Natural Resources and Environmental
21 Control for Resource, Conservation and Development Projects. Of this amount \$1,000,000 shall be used as
22 a one-time supplemental appropriation to the Conservation District’s Heavy Equipment Revolving Fund.
23 These funds will be managed by the Soil and Water Conservation Commission and all funding terms will
24 be in accordance with the Commission’s existing rules and regulations. The Resource, Conservation and
25 Development funding match requirements will not apply to this one-time supplement.

1 Section 83. Park Rehabilitation/Development. (a) The Section 1 Addendum to this Act
2 appropriates \$16,150,000 to the Department of Natural Resources and Environmental Control for Park
3 Development/Rehabilitation. Said funds shall be utilized to improve, maintain and expand upon state parks
4 and open space statewide in accordance with the allocation outlined below.

5	Indian River Marina	\$1,500,000
6	Blue Ball Recreational Facility	\$1,000,000
7	Garrison's Lake	\$4,000,000
8	Killen's Pond Nature Center	\$3,250,000
9	Ponders Tract	\$2,000,000
10	Brandywine State Park Study	\$200,000
11	Statewide Park Rehabilitation/MCI	\$4,200,000

12 (b) The General Assembly hereby provides the approval as required by 7 Del. C. §5423 for the
13 Department of Natural Resources and Environmental Control to approve a 5.44 acre land conversion at
14 Eden Park located in the City of Wilmington, a park property that was improved with assistance from the
15 Delaware Land and Water Conservation Trust Fund. Said site shall be the location of the City of
16 Wilmington Park Initiative identified in subsection (a) of this section. The General Assembly further
17 authorizes the Department of Natural Resources and Environmental Control to approve the required
18 replacement property at Cool Springs Reservoir. The project shall operate independent of state financial
19 assistance.

20 No state funds shall be disbursed by the City to the Diamond State Sports and Learning Center
21 (DSSLC) until the DSSLC has provided, to the City's satisfaction, written proof of:

- 22 1. Site control;
- 23 2. All required building, land use and environmental permits;
- 24 3. A detailed construction budget;
- 25 4. Firm commitments for the balance of the financing necessary to ensure the completion of
26 this construction project; and

1 5. The demonstrated ability of the DSSLC to fund the on-going operating costs for this
2 facility.

3 (c) The funds appropriated in subsection (a) of this section for the Brandywine State Park Study
4 shall be utilized to develop a comprehensive plan for the Baynard Stadium/Administrative/Maintenance
5 complex at said park.

6 (d) Of the funds appropriated for Statewide Park Rehabilitation/MCI, \$3,200,000 shall be allocated
7 for recreational and non-recreational uses as approved by the Co-Chairs of the Joint Legislative Committee
8 on the Capital Improvement Program.

9 Section 84. Sewer Improvements. The Section 1 Addendum to this Act appropriates \$6,000,000
10 for Resource, Conservation and Development Projects. Of that amount, \$250,000 shall be transferred to the
11 City of Georgetown for the Gulf Village Sewer Project. The Resource, Conservation and Development
12 funding match requirements will not apply to this project.

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 85. 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.

7 Section 86. Helicopter Sale. During the Fiscal Year ending June 30, 2007, the first \$250,000 in
8 funds derived from the sale of State Police helicopter #407SP shall be retained by the Department and
9 allocated to the lease/training costs associated with the purchase of a twin-engine helicopter. The remaining
10 sale proceeds shall be used to support the following:

- 11 1) Purchase fixed fuel system at each DSP hanger location: Summit Aviation in New Castle
12 County and Georgetown Airport in Sussex County
- 13 2) Complete capital improvement upgrades to the Georgetown Airport Hangar as necessary and
- 14 3) Use the balance or remaining funds to paint the existing two helicopters dark blue to match the
15 remainder of the fleet.

16 Section 87. City of Wilmington Police Department Equipment. The Section 1 Addendum to this
17 Act includes an appropriation to the Department of Safety and Homeland Security of \$150,000 for Safety
18 Cameras for the City of Wilmington Police Department. Said funds cameras shall be installed by the City
19 of Wilmington in an area bordered by Lancaster Avenue to Union Street down to Jackson Street to
20 Pennsylvania Avenue.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 88. General Provisions. Notwithstanding the provisions of any state law to the contrary,
3 the Department of Transportation ("Department") is hereby authorized and directed to use all its designated
4 powers and resources to carry out the following legislative mandates:

5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$448,867,800 (State:
6 \$176,308,200; Federal: \$337,374,600) 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 \$115,164,000 pursuant to the provisions of 2 Del. C. c. 13 and 14, of which not more than
11 \$106,850,000 shall be used for purposes set forth in the Section 1 Addendum of this Act with the
12 remainder, not to exceed \$8,314,000 to be used to fund issuance costs and necessary reserves for the
13 Reserve Account.

14 (c) To deauthorize Road System funds and reauthorize such balances in accordance with the
15 Section 1 Addendum to this Act:

<u>Deauthorize</u>	<u>Amount</u>
Road System	\$115,753,056.54
<u>Reauthorize</u>	
Road System	111,100,200.00
Grants and Allocations	<u>4,652,856.00</u>
TOTAL	\$115,753,056.00

22 Section 89. Astra Zeneca Project. The Department shall continue all of the projects heretofore
23 authorized by the General Assembly for the construction and reconstruction of state highways in and
24 around the intersection of Routes U.S. 202 and State Routes 141 and 292, together with all local connecting
25 roads, as articulated in the Blue Ball Master Development Agreement. The Department shall further carry
26 out all previously authorized and funded projects for transit, bicycle and pedestrian, storm water

1 management, wetlands and stream restoration, beautification, historic preservation and other improvements
2 in concert with the Department of Natural Resources and Environmental Control, the Delaware Economic
3 Development Authority, the City of Wilmington, New Castle County, the New Castle County Conservation
4 District, and such other public and private entities as may be necessary to accomplish timely completion of
5 the Blue Ball Master Plan. The Department shall make every effort to adhere to the project schedule
6 originally laid out and agreed to by all parties, and shall further cooperate with private employers and
7 residents in the affected area to speed the processes of project completions. In so doing, the Department
8 shall insure that:

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

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

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

22 Section 90. Maintenance and Operations Facilities. The following building structures and facilities
23 constructed or to be constructed within the Department of Transportation's operating rights-of-way for the
24 Interstate Highway System and State Route 1, that are used to assist in the operational and maintenance
25 activities for such roads, shall not be subject to zoning, subdivision, or building code ordinances or
26 regulations by any political subdivision of the State: a) North District, Chapman Road Facility (equipment

1 shed, roof replacement, and HVAC); b) Canal District, Tybouts Corner Maintenance Area (equipment
2 sheds, salt storage facility, and one-story area office building); c) North District, Talley Road Maintenance
3 Area or its replacement (equipment sheds, storage facility, salt storage facility and security/privacy barrier);
4 d) Canal District, SR 1 North of North Smyrna Interchange (equipment shed, salt storage facility, and one-
5 story area office building); and e) Canal District, SR 1 at SR 299 Interchange (equipment shed and one-
6 story area office building). The Department shall not construct any such facility or make improvements in
7 any such existing facility without first conducting a public workshop to describe such plans and gather
8 public input into the effect of such plans.

9 Section 91. Route 7 and Valley Road Project. Previous legislation has directed the Department to
10 design and construct certain permanent drainage improvements, as well as certain other transportation,
11 recreational, cultural, educational and open space improvements in the area of the newly completed
12 intersection of Route 7 and Valley Road in New Castle County. Pursuant to those directives, the
13 Department has entered into certain contracts, and has developed a master plan for the implementation of
14 such improvements, hereafter referred to as the (“Valley Road Project”). In response to community input
15 on the proposed Valley Road Project, the Department is authorized and directed to relocate the historic
16 Tweed’s Tavern from its current location west of Limestone Road to a new location within the bounds of
17 the proposed community recreation area. The Department shall grant the Tavern to the Hockessin
18 Historical Society, and shall enter into any agreements as may be deemed appropriate for the relocation,
19 permanent maintenance and improvement of that structure, and other historic structures deemed consistent
20 with accomplishment of the Valley Road Project. The Department shall also cooperate with private owners
21 of adjacent property to maximize the value, and minimize the cost, of public and private infrastructure
22 needed to support all facilities to be located within or adjacent to the Valley Road Project. In so doing, the
23 Department shall insure that all previously stipulated requirements for the drainage under Valley Road are
24 adhered to, and that adjacent private property owners are not threatened by surplus highway run-off.

25 Section 92. Wilmington Riverfront. The Department is hereby authorized and directed, upon
26 approval of the Controller General and the Director of the Office of Management and Budget, to take such

1 actions and enter into such contracts, with public and private (whether for profit or not-for-profit) entities as
2 it deems necessary and appropriate for the planning, design, acquisition, renovation, construction, or
3 disposal of such assets as may be required to enhance transportation at or near the Riverfront. In pursuing
4 this objective, the Department shall pay special heed to the needs of all forms of transportation, by means
5 including but not limited to automobiles, and shall insure that adequate facilities are designed and located at
6 such points so as to maximize the use of transit, pedestrian, bicycle and such other modes as may be
7 appropriate for the area. The Department shall report to the Governor and the General Assembly by May 1,
8 2007 on its progress toward reducing overall traffic congestion at the Wilmington Riverfront.

9 Section 93. Transportation Enhancements. It is the intent of the General Assembly that the
10 Department provide notice to all state agencies, political sub-divisions within the state, and other parties of
11 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall
12 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and
13 such other requirements as may be necessary to insure that any interested entity may work to become a
14 participating recipient under the program.

15 Section 94. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of
16 \$23,200,000 (State) for projects within the Grants and Allocations classification. The General Assembly
17 further defines its intent with respect to those appropriations as follows:

18 (a) The sum of \$18,200,000 (State) shall be used for the Community Transportation Fund, in
19 accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital
20 Improvements Program, as amended from time to time.

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

23 Section 95. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
24 \$500,000 (\$100,000 State; \$400,000 Federal) from the Transit System classification (73/00) appropriated in
25 this Act for the 5310 Program, administered by the Federal Transit Authority.

1 Section 96. Transportation Facilities. The Section 1 Addendum of this Act appropriates
2 \$5,050,000 (State) for the improvement and adaptation of Departmental facilities.

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

6 Section 97. EZ Pass Reserve Account. The General Assembly has established an EZ Pass
7 Reserve Account which shall be maintained within the Transportation Trust Fund as a separate account
8 through Fiscal Year 2008. These funds may only be used by the Department in furtherance of its efforts to
9 improve the availability and quality of the EZ Pass assets and services. The funds appropriated in the
10 Section 1 Addendum, and others as may be appropriated by the General Assembly, may be used to satisfy
11 any and all claims resulting from Delaware's membership in the Regional Consortium.

12 Section 98. DeIDOT Work Impacts on Private Property and its Owners. When the Department
13 and/or any of its contractors determines that it would be in the best interests of the State to undertake
14 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted
15 immediately adjacent to a residential neighborhood,

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

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

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

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

9 Section 99. McMullen Farm. The General Assembly has previously authorized the Department to
10 enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm in
11 order to promote improved transportation access and circulation, to promote healthy economic growth, and
12 to preserve and enhance critical open space. The Department is authorized to continue its negotiations for
13 the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the lands
14 adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All previous
15 authorizations to the Department, and other affected state agencies, shall remain in force and effect, and the
16 Secretary of the Department shall report to the Governor and the General Assembly on progress toward the
17 completion of the transportation improvements, development of the excess lands, and creation and
18 improvement of the community parkland no later than May 1, 2007.

19 Section 100. Brandywine Park. The Department is authorized and directed to use a portion of the
20 sums authorized for improvements within the I-95 corridor through the City of Wilmington to restore and
21 improve public park areas and parking lots, and to provide any required restitution to owners of private
22 property whose residences and or businesses may have suffered physical damage as a result of the
23 aforementioned reconstruction.

24 Section 101. Southern New Castle County. In order to expedite the orderly improvement of roads
25 and other infrastructure in the rapidly growing area of southern New Castle County, the Department is
26 authorized and directed to enter into such joint development agreements as it may deem necessary and

1 appropriate, subject to approval of the Co-Chairs of the Joint Legislative Committee on the Capital
2 Improvement Program and the Director of the Office of Management and Budget. In so doing, the
3 Department should make its best efforts to adhere to the tenets of the model joint development agreement
4 executed between the developers of Westown, the City of Middletown, and the Department, to the extent
5 such provisions are applicable to future projects. If legislation introduced and passed by the Delaware State
6 Senate concerning joint development agreements has been enacted into law, the Department shall pay
7 special attention to the provisions of that statute concerning the advanced acquisition of rights-of-way,
8 public announcements and involvement in workshops concerning the project, and the need for public
9 oversight and inspection of all construction work, regardless of the source of funding and/or the contracting
10 party.

11 Section 102. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the
12 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the
13 construction of new park amenities, access and circulation roads, and other transportation and recreation
14 improvements shall be used, to the maximum extent possible, to match federal funds previously available,
15 or to become available in the future. In keeping with the strong sense of community involvement and sense
16 of ownership, the Department shall continue to provide periodic progress updates through such media as it
17 determines to best address the community's needs. And finally, because in order to accomplish this project
18 in an efficient and cost-effective manner, the Department and its contractors will have to occupy portions of
19 the state's adjacent campground and marina facilities, the General Assembly authorizes and directs the
20 Secretary of the Department to enter into reimbursement agreements with the Secretary of the Department
21 of Natural Resources and Environmental Control ("DNREC"). Such agreements will insure that during the
22 period of construction of the bridge and other necessary improvements, DNREC shall be equitably
23 indemnified from the loss of critical tourist revenues, which are necessary to fund the operations of all of
24 the state's outdoor recreational facilities.

25 Section 103. Bancroft Parkway, Wilmington. The Department shall cooperate with the City of
26 Wilmington, DNREC, and the Woodlawn Trustees (collectively referred to here as the Bancroft Partners) in

1 the design, funding and construction of a pedestrian bridge across the CSX railroad tracks adjacent to the 9th
2 Street vehicle bridge in Wilmington. The Department shall also use sums available from the Transportation
3 Enhancements program funded in the Section 1 Addendum to this Act to match available local and CTF
4 funds for sidewalk, landscape, and lighting improvements in the vicinity of Union Park Gardens.

5 Section 104. City of Wilmington Beautification. In order to maintain the urban tree canopy
6 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
7 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
8 Center for Horticulture (“Center”). It is the intent of the General Assembly that such program shall be
9 funded exclusively by allocations made from time to time by members of the General Assembly from their
10 Community Transportation Funds. The Department shall create an open-ended account with the Center on
11 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and
12 appropriately vouchered, from the CTF funds herein identified.

13 Section 105. Design-Build Contracts. The Department of Transportation is hereby authorized to
14 continue utilization of the design-build contract mechanism for a total of twelve transportation construction
15 projects (seven of which have been authorized). Except as required to implement the award and
16 administration of a design-build contract, the provisions of 29 Del. C. c. 69 shall apply to such contracts.
17 The Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the Director of
18 the Office of Management and Budget shall approve all projects subject to this section.

19 Section 106. Enforcement of Truck Restriction Laws. The Department is authorized and directed
20 to participate with the Department of Safety and Homeland Security, and with local law enforcement
21 agencies, to implement an effective program to ensure that commercial vehicles do not use local Delaware
22 Roads (posted with weight and use restrictions) to by-pass toll facilities within the State of Delaware. To
23 this end, the Secretary may enter into contracts to employ off-duty law enforcement officers to carry out
24 weight, safety and destination inspections on commercial vehicles in the vicinity of Newark, Middletown
25 and other local communities. The Department may use funds authorized for the improvements to I-95 and

1 U.S. Route 301 to support this effort, and shall report to the Governor and General Assembly not later than
2 May 15, 2007 on the results of these added enforcement measures.

3 Section 107. Supplies of Road Materials. Section 109 of 74 Del. Laws, c. 308 is suspended until
4 such time as the Department of Transportation shall suggest its re-institution and such suspension has been
5 overridden by an Act of the General Assembly.

6 Section 108. System Capacity Preservation. The General Assembly hereby determines that it is in
7 the public interest to limit future residential, commercial, or industrial growth along certain portions of the
8 state's highway network. Such potential growth would produce unsafe driving conditions as increased
9 traffic seeks access to, and movements along, a number of local roads and collectors in critical locations
10 through the state. The General Assembly further determines that it would be infeasible or imprudent for the
11 Department to attempt to design and construct modifications to the state's highway network adjacent to
12 these locations because such improvements to the state's highway network adjacent to these locations
13 because such improvements would irrevocably destroy the important scenic and historic nature of the view
14 sheds and other environmental attributes associated with these locations. Accordingly, the Secretary of the
15 Department of Transportation ("Secretary") is authorized and directed to use state funds appropriated to the
16 Transportation Enhancements program authorized and funded in the Section 1 Addendum of 74 Del. Laws,
17 c. 308, together with such other funds from any public or private source as may be available and
18 appropriate, to purchase land, or such rights in land, as the Secretary deems necessary to protect the
19 following properties, pursuant to the stipulations state herein. Expenditures of these funds for these
20 purposes shall be with the review and approval of the Director of the Office of Management and Budget
21 and the Controller General. The provisions of Chapter 1, Title 17, and Chapters 93 and 95, Title 29 of the
22 Del. Code shall govern such purchases, and any other purchase by the Department authorized by this Act.

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

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

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

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

13 Section 109. Denny Road/Route 896 Alignment Completion. Upon completion and final
14 inspection of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two
15 parcels (0.93 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of
16 Meadow Glen, shall revert back to the community which had owned said parcels prior to 1994.
17 Notwithstanding the provisions of 17 Del. C. §137, the Department shall deed these parcels to the
18 community and remain in their possession in perpetuity.

19 Section 110. Port of Wilmington. Subject to the review and approval of the Board of Directors of
20 the Diamond State Port Corporation (“DSPC”):

21 (a) For purposes of restructuring the loan agreement dated November 30, 2001 between the DSPC
22 and the Transportation Trust Fund, the Secretary of the Department of Transportation is authorized and
23 directed to defer the principal and interest payments to be made by the DSPC on July 1, 2006 and January
24 1, 2007. The Secretary of Finance shall prepare a new amortization schedule (maturing May 31, 2028) for
25 the loan to include recapitalized interest from the foregone amounts deferred.

1 (b) The DSPC may make application to the Delaware River and Bay Authority (“DRBA”) for such
2 assistance in the acquisition and improvement of facilities at the Port as the Board of the DSPC deems
3 appropriate, in accordance with the Compact authorized under 17 Del.C. §1701. For purposes of those
4 negotiations, any such project selected by the DSPC shall be construed to have been approved by the
5 General Assembly and Governor as required by law subject to the conditions that any such project shall be
6 subject to 29 Del. C. c. 69 and that such projects are subject to the approval of the Director of the Office of
7 Management and Budget, the Controller General and the Co-Chairs of the Joint Legislative Committee on
8 the Capital Improvement Program..

9 (c) The Diamond State Port Corporation is authorized to arrange for the lease of equipment from
10 the State’s master lease, secured by the State’s full faith and credit, in an amount not to exceed \$5,000,000
11 in the aggregate. The expenditure of these funds and the terms of the lease shall be subject to the review
12 and approval of the Board of Directors of the Diamond State Port Corporation. A report of equipment
13 leased including terms and amounts due shall be made available to the Secretary of Finance, Director of the
14 Office of Management and Budget and the Controller General annually.

15 Section 111. YMCA. Pursuant to 73 Del. Laws, c. 350, § 89, and in similar previous legislation,
16 the General Assembly determined that certain surplus state lands at Routes 40 and 896 shall be used in a
17 manner that will enhance the quality of life of local residents, such as recreation, public safety,
18 transportation, and public education. In particular, the Department of Transportation was directed to sell
19 one parcel from these surplus lands to the Young Men’s Christian Association (YMCA), with the intention
20 that the money from the sale would be used to offset the construction cost of the new public road needed to
21 provide access, and for a future extension over SR 896 to improve local circulation in the area.

22 The YMCA, through the Community Redevelopment Fund, administered by the Bond Bill
23 Committee, was subsequently allotted \$540,000 for the purchase of this land at the agreed upon price of
24 \$18,000 per acre for 30 acres. This money is held by the State, and is transferred to the Department of
25 Transportation. In addition, the remaining funds needed to construct the new roadway are approximately
26 \$960,000.

1 The Department is hereby authorized to transfer both the \$540,000 from the Community
2 Redevelopment Fund and up to \$960,000 from the Transportation Trust Fund directly to the YMCA, for the
3 purpose of funding the contract conditions set forth in the competitively-bid process administered by
4 DeIDOT, including construction, design, and construction management fees. Any remaining funds from
5 this construction contract after completion shall be returned to the Transportation Trust Fund, pursuant to
6 the funding agreement between the Department and the YMCA.

7 Section 112. Red Light Safety Enforcement. Pursuant to 73 Del.Laws, c. 350, Section 92, the 141st
8 General Assembly of the State of Delaware authorized and directed the Department of Transportation to
9 engage in a 36-month pilot project, in cooperation with Seaford, Dover, Newark, Elsmere, Wilmington, and
10 the Delaware State Police, in operating, maintaining and enforcing a video red light program. The
11 Department is hereby directed to evaluate and report on this program to the Joint Legislative Committee on
12 the Capital Improvement Program by no later than February 28, 2007, under the following terms and
13 conditions:

14 1) The program shall be extended through June 30, 2007 to allow for program continuity in the event
15 recommendations are made by the Department and accepted by the Committee to reauthorize
16 and/or expand the program after completion of a program evaluation and report.

17 2) At a minimum, the evaluation and report shall consider and report on the following program
18 parameters:

- 19 a. Effectiveness in meeting the objective of reducing angle crashes due to red light running;
- 20 b. Number of Court Cases filed - overturned and upheld;
- 21 c. Number of affidavits filed by registered owners who implicate someone else as the
22 violator;
- 23 d. Number of violations recorded by vehicles with out-of-state vehicle registrations;
- 24 e. The total program-to-date operating expense;
- 25 f. The total program-to-date fine revenue, including receivables (not yet due) and delinquent
26 fines (past due);

- 1 g. A report of dividend payments made to the participating municipalities under operating
- 2 agreement, including a full disclosure of how program proceeds were spent;
- 3 h. A comparison of technology currently used in similar programs;
- 4 i. A performance rating, conducted by DeIDOT project personnel, of the vendor's
- 5 effectiveness in development, operation, and administration of the program;
- 6 j. Recommended location changes of location for currently existing equipment, if warranted;
- 7 k. Recommended locations for installing additional equipment at additional locations utilizing
- 8 warrants that were previously utilized and are well-established and accepted in
- 9 transportation, such as intersection ranking over multi-year crash history, analysis by
- 10 approach of accident count above the 85th percentile, and review of alternative safety
- 11 solutions;
- 12 l. Recommendations, if warranted by the evaluation above, to remove the sunset limitation on
- 13 the legal authority for this program and to continue it on an open-ended basis.

14 Section 113. Wilmington Riverfront. The General Assembly has determined as a matter of public
15 policy that it is in the best interests of the citizens of Delaware to apply a limitation of liability for those
16 entities who executed certain Wilmington Riverfront development agreements with the Department of
17 Transportation, which agreements are to be assigned to the Delaware Transportation Authority. Permitting
18 this limitation will enable the Authority, acting through the Delaware Transit Corporation or a subsidiary
19 corporation thereof, to carry forward the State's commitments to the redevelopment of the Riverfront, as
20 described in 75 Del.Laws, c. 230, Section 15; 75 Del.Laws, c. 98, Section 94; 74 Del.Laws, c. 308, Section
21 94; and 74 Del.Laws, c. 69, Section 72(b). Accordingly, no legal or equitable action seeking damages for
22 personal injury or death as a result of any operation, condition, service, or program related to the parcels
23 that were the subject of these development agreements shall be permitted, maintained, or recovered against
24 such entities, except as such activity is and shall be covered by the insurance program authorized under 2
25 Del.C. Section 1329. The Delaware Transportation Authority or a subsidiary corporation thereof acting
26 through the Delaware Transit Corporation is expressly given authority to indemnify and save harmless said

1 entities from any and all liability to the extent such indemnification shall be (1) agreed to be provided in
2 said contracts, and (2) covered by the insurance program provided pursuant to 2 Del.C. Section 1329. Any
3 such indemnification and hold harmless provisions shall be strictly limited to the terms of the aforesaid
4 agreements and this section.

5 Section 114. a) Transportation Enhancement Program. Effective for new projects, the Department
6 of Transportation is directed to submit a detailed list of all projects funded within the Transportation
7 Enhancement Program to the Office of Management and Budget and the Office of the Controller General
8 on an annual basis. The State funding for this program shall be limited to the required 20% match of the
9 related Federal Authorization. The projects funded by this program shall be limited to the allowable
10 categories as outlined by the Federal Highway Administration. Any deviation from this process must be
11 approved by the Office of Management and Budget, Office of the Controller General and the Co-Chairs of
12 the Joint Committee on Capital Improvements.

13 b) Upon the award of Transportation Enhancement Program funds and prior to the allocation of
14 funding for any Transportation Enhancement project, the Department of Transportation shall notify the
15 respective Senators and Representatives in which said project shall be located.

16 Section 115. Wakefield Drive. The Department of Transportation shall be prohibited from
17 reopening Wakefield Drive in Newark through to Old Baltimore Pike.

18 Section 116. Community Transportation Funding Levels. The Department is directed to account
19 for the Community Transportation Program funds as cash which shall be equal to the amounts authorized in
20 Appendix A of this Act as well as previous Bond and Capital Improvement Acts. The funds authorized
21 within the Community Transportation program shall not be subject to reallocation by the department under
22 any circumstances.

23 Section 117. Jake Brakes. The Department of Transportation shall work in concert with the
24 Department of Safety and Homeland Security, State Police to develop a program on enforcement, education
25 and signage related to the usage of No Engine Compression Brake Devices, commonly known as “Jake
26 Brakes”. A report shall be submitted to the Co-Chairs of the Joint Legislative Committee on Capital

1 Improvement, to the Director of the Office of Management and Budget and the Controller General no later
2 than September 30, 2006 detailing program implementation.

3 Section 118. TTF General Fund. Section 1 of this Act includes \$60,000,000 to the Department of
4 Transportation for General Fund cash support to the Transportation Trust Fund. Of said appropriation,
5 \$10,000,000 shall constitute a repayment of principal and interest on behalf of the Diamond State Port
6 Corporation for the loan agreement dated November 30, 2001 between the Diamond State Port Corporation
7 and the Transportation Trust Fund.

8 Section 119. Riverfront Property. The Department of Transportation is directed to transfer to the
9 Riverfront Development Corporation a certain DelDOT-owned property within the City of Wilmington
10 riverfront area, comprising 1.9717 acres, known as 101 Avenue of the Arts (tax parcel #026.043.00.003).
11 For purposes of this transfer, the provisions of 17 Del. C. §137 shall not apply.

12 Section 120. Woodland Ferry. Whereas it has been with the effort of Representative Tina Fallon
13 and the Department of Transportation to modernize the Woodland Ferry, a critical means of crossing the
14 Nanticoke River between Seaford & Woodland and Laurel & Bethel, the department will be replacing said
15 ferry with a new, modernized ferry. The Department of Transportation, in anticipation of replacement of
16 the Woodland Ferry, is directed to name such new ferry the “Tina Fallon”.

1 **DEPARTMENT OF AGRICULTURE**

2 Section 121. Poultry Disease Control Equipment. The Section 1 Addendum to 75 Del. Laws, c.
3 98, appropriated \$600,000 to the Conservation Reserve Enhancement Program. Of that amount, up to
4 \$100,000 may be used by the Department of Agriculture to purchase the equipment necessary to respond to
5 any outbreak of poultry disease in Delaware.

FIRE PREVENTION COMMISSION

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Section 122. Hydraulic Rescue Tools Replacement. It is the intent of the General Assembly that the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School, Newark, Brandywine Hundred, Claymont, Volunteer and Odessa volunteer fire companies. Upon submitting the receipt of sale, each company will be reimbursed up to \$7,500 by the Fire Prevention Commission - State Fire School (75-02-01).

1 **UNIVERSITY OF DELAWARE**

2 Section 123. 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 124. 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 125. 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.

14 Section 126. Delaware Technical and Community College. A joint review of Delaware Technical
15 and Community College's funding needs shall be undertaken by representatives of Delaware Technical and
16 Community College, the Office of Management and Budget and the Office of the Controller General to
17 determine if the current funding structure should be modified to meet the current and projected needs of the
18 College. Findings and recommendations shall be made to the Governor and members of the General
19 Assembly by November 30, 2006.

20 Section 127. Delaware Technical and Community College Land Conveyance.

21 a) Notwithstanding any provision of law or regulation to the contrary, including those contained in
22 Chapter 94, Title 29 of the Delaware Code, the transfer and conveyance of those certain parcels of land, and
23 all structures and improvements situated thereon, located at 219 S. Bedford Street in the Town of
24 Georgetown, Sussex County, Delaware (TMP 1-35-20.05-57.00 and 58.00) from the Board of Trustees of
25 Delaware Technical & Community College to the Delaware Technical & Community College Educational

1 Foundation is hereby specifically approved. The transfer shall be subject to all of the terms and conditions
2 existing in the deed to The College.

3 b) Notwithstanding any provision of law or regulation to the contrary, including those contained in
4 Chapter 94, Title 29 of the Delaware Code, the transfer and conveyance of those certain parcels of land, and
5 all structures and improvements situated thereon, located at 105 W. State Street (TMP 1-33-17.13-21.00
6 and 129.00) and on Washington Street (TMP 1-33-17.13-130.00 and 131.00) in the Town of Millsboro,
7 Sussex County, Delaware, from the Board of Trustees of Delaware Technical & Community College to the
8 Delaware Technical & Community College Educational Foundation are hereby specifically approved.

9 c) The Board of Trustees of Delaware Technical & Community College is hereby authorized and
10 empowered to execute and deliver to the Delaware Technical & Community College Educational
11 Foundation a good and sufficient deed to the aforesaid real property.

12 d) The Delaware Technical & Community College Educational Foundation shall accept the
13 property in “as is” condition at the time of conveyance.

1 **DEPARTMENT OF EDUCATION**

2 Section 128. 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 129. 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 130. 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 131. 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 132. 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 133. 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 09-028.00-001, 09-028.00-002 and 09-022.00-118).

22 Section 134. Sterck School. The Section 1 Addendum to this Act appropriates \$8,000,000 for the
23 Margaret S. Sterck School for the Deaf. It is the intent of the General Assembly that the funding herein
24 appropriated shall be utilized solely for the planning, design and construction for the replacement facility.

25 Section 135. Indian River HVAC. The Section 1 Addendum of 75 Del. Laws, c.98 appropriated
26 \$1,500,000 to the new Sussex Central High School in the Indian River School District to address critical

1 HVAC issues. To the extent the Indian River School District is successful in recouping some or all of the
2 above costs from another party, the Indian River School District shall reimburse the state on a dollar for
3 dollar formula.

4 Section 136. Colonial School District Standardized Design Pilot. The General Assembly hereby
5 authorizes the Colonial School District to engage in a Standardized School Construction pilot project. The
6 District, currently assessing the need for a new elementary school, may use an existing school design owned
7 by the State to construct said elementary school thereby eliminating or reducing potential design and/or
8 architectural expenditures. Any such savings will be used in the construction and outfitting of the facility.
9 Additionally, the District has the option of being exempt from the regulations and ordinances for the
10 selection of professional service providers. Notwithstanding any law, ordinance, regulation or charter
11 provision to the contrary, no State agency, county or municipality is permitted to change the existing as
12 built design of the school being duplicated. The only exception would be a life safety code change that has
13 occurred since the construction of the existing facility.

14 Section 137. School Construction Fund Transfers. Notwithstanding any law or other provision to
15 the contrary, the Department of Education, with the approval of the Director of the Office of Management
16 and Budget and the Controller General, may transfer funding between major capital construction projects
17 within the respective school districts. These transfers shall not authorize any changes in conditions or incur
18 any obligations in excess of the approved Certificate(s) of Necessity.

19 Section 138. Colonial School District Land Conveyance. Notwithstanding 14 Del. C. §1057, the
20 Colonial School District is authorized to convey parcel #10-025.10-027 (25 Hebert Drive, Penn Acres, New
21 Castle, DE 19720) to adjacent property owner(s). This conveyance shall be “as is” in that the adjacent
22 property owner(s) shall accept the land in its present condition.

23 Section 139. Administrative Office Complex – Red Clay Consolidated School District. The Red
24 Clay Consolidated School District is hereby authorized to purchase the property at 4550 New Linden Hill
25 Road, Wilmington, DE (Linden Park Office Building) for use as administrative office space.
26 Notwithstanding any other restrictions which might otherwise be applicable, the District is authorized to

1 utilize lease proceeds to fund the purchase of such property and to support the annual cost of principal and
2 interest for any funds borrowed for such purchase or loans assumed for such purchase. The District is
3 further authorized to lease out portions of the property and building to third party tenants at such rental rates
4 and for such terms as the District determines to be appropriate, whether or not such third party tenants use
5 the property or building for educational purposes, and, the District need not engage in a public bidding
6 process or other such process to lease such space, but may lease the space as if were a private property
7 owner, using (or not using) real estate brokers and other market devices and techniques to lease such
8 property. No current expense funds shall be used to pay the principal and interest payments associated with
9 the purchase of said property.

10 Section 140. Christina School District Market Pressure. House Bill 400 of the 143rd General
11 Assembly directed those school districts receiving Market Pressure funding to notify the Office of
12 Management and Budget and the Office of Controller General by June 1, 2006 of their intent to utilize a
13 repayment plan to match said funds. The Christina School District shall notify the Office of Management
14 and Budget and the Office of Controller General no later than December 31, 2006 of their intent to utilize a
15 repayment plan to match market pressure funding. Further, if the district chooses to raise the necessary local
16 match through the passage of a referendum, such referendum shall occur no later than May 1, 2008. If such
17 referendum does not pass by said date, then the district shall be required, if it so chooses, to submit a
18 matching repayment plan, for approval, to the Office of Management and Budget and the Office of the
19 Controller General no later than June 1, 2008. In no case shall the approved repayment plan exceed five
20 years.

21 Section 141. Delaware Skills Center. The Section 1 Addendum to this Act appropriates \$100,000
22 to the Department of Education for the Delaware Skill Center. These funds may be used only for the
23 purchase of computer equipment, capital outlay, and/or minor capital improvements.

24 Section 142. School District Financial Reviews. It is the intent of the General Assembly that for
25 school districts receiving funds appropriated in the Section 1 Addendum to this Act, should a school district
26 financial position report as required under 14 Del. C §1507 demonstrate less than one month of carryover,

1 or if at any time during the course of the fiscal year a school district is projected to not be able to satisfy its
2 local payroll obligations, the Director of the Office of Management and Budget, in coordination with the
3 Secretary of Education and the Controller General, is authorized to conduct a comprehensive review of the
4 school district's capital construction program.

5 Section 143. School Construction Contractual Documents. Effective January 1, 2007 all school
6 districts that receive State funds for major capital construction projects shall use standard bid and contract
7 documents developed by the Office of Management and Budget, Facilities Management. School Districts
8 may enhance the standard bid and contract documents with additional contractual or project-specific
9 requirements as long as the enhancements do not diminish and are not in conflict with the provisions of the
10 standard documents. The Department of Education, in consultation with the Office of Management and
11 Budget, Facilities Management, shall approve any modifications or changes to the provisions of the
12 standard bid and contract documents before a School District may use or enhance the modified documents.

13 Section 144. Sunnyside Elementary – Smyrna School District. The Section 1 Addendum to this
14 Act appropriates \$1,286,700 to the Department of Education for the Sunnyside Elementary School in the
15 Smyrna School District. In lieu of providing the State's 50% match for land donated to the District for this
16 project, the District may use Minor Capital Improvement Funds and/or Division III Equalization funds as
17 the local match for this appropriation.

18 Section 145. Bond Verification. All bonds issued, or herein before or herein authorized to be
19 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

20 Section 146. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
21 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
22 controlling.

23 Section 147. Severability. If any section, part, phrase, or provision of this Act or the application
24 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its
25 operation to the section, part, phrase, provision, or application directly involved in the controversy in

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

3 Section 148. Effective Date. This Act shall take effect in accordance with the provisions of state
4 law.

5 **SYNOPSIS**

6 This Bill is the Fiscal Year 2007 Bond and Capital Improvements Act.