



SPONSOR: Rep. Gilligan
Keeley

Sen. Adams
Blevins
DeLuca
Venables

DELAWARE HOUSE OF REPRESENTATIVES

144TH GENERAL ASSEMBLY

HOUSE BILL NO. 325

January 24, 2008

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; APPROPRIATING GENERAL FUNDS OF THE STATE; DIRECTING THE DEPOSIT OF CERTAIN FUNDS TO THE GENERAL FUND; AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS.

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

1 Section 1. Fiscal Year 2009 Capital Improvements Project Schedule Addendum. The General
2 Assembly hereby authorizes the following projects in the following amounts for the purposes set forth in
3 this Section and as described in the Fiscal Year 2009 Governor's Recommended Capital Budget and
4 Project Information document. Any authorization balance (excluding Transportation Trust Fund
5 balances) remaining unexpended or unencumbered by June 30, 2011, shall be subject to reversion or
6 reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2009 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
OFFICE OF MANAGEMENT AND BUDGET						
800 MHz	10-02-05	\$ 4,500,000	\$ -	\$ -	\$ -	\$ 4,500,000
ERP Financials	10-02-05	-	-	-	3,700,000	3,700,000
Technology Fund	10-02-05	-	-	-	5,000,000	5,000,000
State Employee Workforce, Education and Training Center	10-02-50	6,500,000	-	-	-	6,500,000
Minor Capital Improvements and Equipment	10-02-50	1,120,300	-	-	2,379,700	3,500,000
Environmental Compliance	10-02-50	-	-	-	340,300	340,300
Architectural Barrier Removal	10-02-50	-	-	-	150,000	150,000
Kent County Court Complex	10-02-50	5,700,000	3,300,000	-	-	9,000,000
<i>Judicial Projects</i>						
Minor Capital Improvements and Equipment/Security	10-02-50	-	-	-	500,000	500,000
<i>Delaware Health Care Commission Projects</i>						
Delaware Health Information Network	10-02-05	-	-	-	2,500,000	2,500,000
<i>State Projects</i>						
Minor Capital Improvements and Equipment	10-02-50	-	-	-	750,000	750,000
Veterans Home Minor Capital Improvements and Equipment	10-02-50	-	-	-	305,000	305,000
<i>Health and Social Services Projects</i>						
Minor Capital Improvements and Equipment	10-02-50	-	-	-	3,500,000	3,500,000
New Psychiatric Hospital	10-02-50	1,000,000	-	-	-	1,000,000
Fire Sprinkler Upgrades for Code Compliance	10-02-50	1,350,700	-	-	-	1,350,700
<i>Services for Children, Youth and Their Families Projects</i>						
Minor Capital Improvements and Equipment	10-02-50	-	-	-	1,164,700	1,164,700
<i>Correction Projects</i>						
Minor Capital Improvements and Equipment	10-02-50	-	-	-	3,000,000	3,000,000
<i>Safety and Homeland Security Projects</i>						
Minor Capital Improvements and Equipment	10-02-50	-	-	-	700,000	700,000
<i>Delaware National Guard Projects</i>						
Minor Capital Improvements and Equipment	10-02-50	-	-	-	600,000	600,000
Subtotal:		\$ 20,171,000	\$ 3,300,000	\$ -	\$ 24,589,700	\$ 48,060,700

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
DELAWARE ECONOMIC DEVELOPMENT OFFICE						
Strategic Fund	10-03-03	\$ -	\$ 1,156,200	\$ -	\$ 6,843,800	\$ 8,000,000
New Economy Initiative (Year V)	10-03-03	-	-	-	2,000,000	2,000,000
Fraunhofer Vaccine Development	10-03-03	-	-	-	1,000,000	1,000,000
Diamond State Port Corporation	10-03-03	-	-	-	2,000,000	2,000,000
Subtotal:		\$ -	\$ 1,156,200	\$ -	\$ 11,843,800	\$ 13,000,000
DELAWARE STATE HOUSING AUTHORITY						
Housing Development Fund - Preservation	10-08-01	\$ 5,000,000	\$ -	\$ -	\$ -	\$ 5,000,000
Subtotal:		\$ 5,000,000	\$ -	\$ -	\$ -	\$ 5,000,000
STATE						
Museum Maintenance	20-06-04	\$ -	\$ -	\$ -	\$ 350,000	\$ 350,000
Dover Public Library	20-08-01	5,000,000	-	-	-	5,000,000
New Castle Public Library	20-08-01	2,500,000	-	-	-	2,500,000
Claymont Public Library	20-08-01	-	-	-	25,000	25,000
Milford District Free Library	20-08-01	1,000,000	-	-	-	1,000,000
Subtotal:		\$ 8,500,000	\$ -	\$ -	\$ 375,000	\$ 8,875,000
HEALTH AND SOCIAL SERVICES						
Maintenance and Restoration	35-01-30	\$ -	\$ -	\$ -	\$ 2,750,000	\$ 2,750,000
Subtotal:		\$ -	\$ -	\$ -	\$ 2,750,000	\$ 2,750,000
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES						
Maintenance and Restoration	37-01-15	\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000
Subtotal:		\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
CORRECTION						
Maintenance and Restoration	38-01-40	\$ -	\$ -	\$ -	\$ 3,135,400	\$ 3,135,400
Subtotal:		\$ -	\$ -	\$ -	\$ 3,135,400	\$ 3,135,400
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL						
Minor Capital Improvements and Equipment	40-01-01	\$ -	\$ -	\$ -	\$ 600,000	\$ 600,000
Tax/Public Ditches	40-07-02	-	-	-	1,400,000	1,400,000
Beach Preservation	40-07-03	2,150,000	-	-	-	2,150,000
Conservation Cost Share Program	40-07-04	3,205,000	-	-	-	3,205,000
Subtotal:		\$ 5,355,000	\$ -	\$ -	\$ 2,000,000	\$ 7,355,000
SAFETY AND HOMELAND SECURITY						
Helicopter Lease/Payment	45-01-01	\$ -	\$ -	\$ -	\$ 320,500	\$ 320,500
Twin Engine Helicopter Lease/Payment	45-01-01	-	-	-	2,400,000	2,400,000
Subtotal:		\$ -	\$ -	\$ -	\$ 2,720,500	\$ 2,720,500
TRANSPORTATION						
Road System	55-05-00	\$ -	\$ -	\$ 165,447,000	\$ -	\$ 165,447,000
Grants and Allocations	55-05-00	-	-	24,600,000	-	24,600,000
Transit System	55-05-00	-	-	14,686,000	-	14,686,000
Support System	55-05-00	-	-	28,979,000	-	28,979,000
Subtotal:		\$ -	\$ -	\$ 233,712,000	\$ -	\$ 233,712,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
STATE FIRE PREVENTION COMMISSION						
Hydraulic Rescue Tool Replacement	75-02-01	\$ -	\$ -	\$ -	\$ 105,000	\$ 105,000
Subtotal:		\$ -	\$ -	\$ -	\$ 105,000	\$ 105,000
UNIVERSITY OF DELAWARE						
Alison Hall Renovations	90-01-01	\$ 4,000,000	\$ -	\$ -	\$ -	\$ 4,000,000
Undergraduate Science Facility	90-01-01	500,000	-	-	-	500,000
Subtotal:		\$ 4,500,000	\$ -	\$ -	\$ -	\$ 4,500,000
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	90-04-01	\$ -	\$ -	\$ -	\$ 400,000	\$ 400,000
Collegewide Asset Preservation/MCI	90-04-01	-	-	-	1,500,000	1,500,000
Campus Improvements - Owens Campus	90-04-02	650,000	-	-	-	650,000
Campus Improvements - Stanton/Wilmington Campuses	90-04-05	1,300,000	-	-	-	1,300,000
Campus Improvements - Terry Campus	90-04-06	650,000	-	-	-	650,000
Subtotal:		\$ 2,600,000	\$ -	\$ -	\$ 1,900,000	\$ 4,500,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
EDUCATION						
Minor Capital Improvements and Equipment	95-01-01	\$ -	\$ 1,343,200	\$ -	\$ 5,920,600	\$ 7,263,800
Architectural Barrier Removal	95-01-01	-	-	-	160,000	160,000
Caesar Rodney, Renovate and Add to McIlvane Kindergarten (80/20)	95-10-00	7,247,400	-	-	-	7,247,400
Capital, Central MS Gym Replacement and Auditorium Renovation (72/28)	95-13-00	8,622,400	-	-	-	8,622,400
Capital, Construct 600 Pupil ES to Replace South ES (72/28)	95-13-00	9,394,400	-	-	-	9,394,400
Lake Forest, HS Performing Arts Addition and Renovation (80/20)	95-15-00	4,330,600	-	-	-	4,330,600
Cape Henlopen, Construct 1,600 Pupil HS (60/40)	95-17-00	13,237,700	-	-	-	13,237,700
Cape Henlopen, Sussex Consortium Add to New HS (100% State)	95-17-00	2,125,200	-	-	-	2,125,200
Milford, Construct 720 Pupil ES (77/23)	95-18-00	2,382,400	-	-	-	2,382,400
Milford, Construct 1,000 Pupil MS (77/23)	95-18-00	16,468,700	-	-	-	16,468,700
Milford, Renovate Lulu Ross ES (77/23)	95-18-00	275,600	-	-	-	275,600
Smyrna, Renovate and Add to Smyrna HS (80/20)	95-24-00	24,000,000	-	-	-	24,000,000
Appoquinimink, Construct MOT Area 840 Pupil ES (73/27)	95-29-00	15,050,800	-	-	-	15,050,800
Appoquinimink, Renovate and Add to Middletown HS (73/27)	95-29-00	438,100	-	-	-	438,100
Appoquinimink, Renovate Redding MS (73/27)	95-29-00	555,600	-	-	-	555,600
Appoquinimink, Renovate Meredith MS (73/27)	95-29-00	40,200	-	-	-	40,200
Appoquinimink, Brick Mill ES Serving Line (73/27)	95-29-00	56,700	-	-	-	56,700
Appoquinimink, Renovate Silver Lake ES (73/27)	95-29-00	260,600	-	-	-	260,600
Brandywine, Construct 66,000 Sq. Ft ES - Replace Brandywood (60/40)	95-31-00	700,000	-	-	-	700,000
Colonial, Renovate and Reconfigure McCullough ES (67/33)	95-34-00	3,000,000	-	-	-	3,000,000
Colonial, Renovate William Penn HS (67/33)	95-34-00	7,151,700	-	-	-	7,151,700
Colonial, Renovate Gunning Bedford MS (67/33)	95-34-00	4,021,800	-	-	-	4,021,800
Sussex Technical, Renovations - Water System Replacement (60/40)	95-40-00	481,900	-	-	-	481,900
Christina, Sterck School (100% State)	95-51-00	4,627,300	795,400	-	-	5,422,700
Subtotal:		\$ 124,469,100	\$ 2,138,600	\$ -	\$ 6,080,600	\$ 132,688,300

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
TWENTY-FIRST CENTURY FUND						
Clean Water State Grant Match	25-01-01	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 1,000,000
Drinking Water State Revolving Fund	25-01-01	1,299,900	-	-	-	1,299,900
Subtotal:		\$ 2,299,900	\$ -	\$ -	\$ -	\$ 2,299,900
GRAND TOTAL:		\$ 177,395,000	\$ 6,594,800	\$ 233,712,000	\$ 55,600,000	\$ 473,301,800

1 Section 2. Authorization of Twenty-Year Bonds. The state hereby authorizes the issuance of
2 bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal
3 amount as necessary to provide proceeds to the state in the amount of \$177,395,000 and in the amount of
4 \$26,424,400 local share of school bonds. Bonds authorized to be used by this Section shall mature not later
5 than 20 years from their date of issuance. The proceeds of such bonds, except for local share of school
6 bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of this Act
7 and summarized as follows:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
9 Office of Management and Budget	\$20,171,000
10 Delaware State Housing Authority	5,000,000
11 Department of State	8,500,000
12 Natural Resources and Environmental Control	5,355,000
13 University of Delaware	4,500,000
14 Delaware State University	4,500,000
15 Delaware Technical and Community College	2,600,000
16 Department of Finance (Twenty-First Century Fund Projects)	2,299,900
17 Department of Education	124,469,100

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
20 Brandywine, Replace Brandywood ES (60/40)	\$ 700,000	\$ 466,700	\$1,166,700
21 Christina, Construct New Sterck School (100% State)	4,627,300		4,627,300
22 Cape Henlopen, Construct 1,600 Pupil HS (60/40) 23 (Full Local Share in FY 2007)	13,237,700		13,237,700
24 Cape Henlopen, Sussex Consortium (100% State)	2,125,200		2,125,200
25 Colonial, Renovate William Penn HS (67/33)	7,151,700	3,522,500	10,674,200
26 Colonial, Renovate Gunning Bedford MS (67/33) 27 (Full Local Share in FY 2008)	4,021,800		4,021,800

1	Colonial, Renovate and Reconfigure	3,000,000		3,000,000
2	McCullough ES (67/33)			
3	(Full Local Share in FY 2007)			
4	Appoquinimink, Construct New ES (73/27)	15,050,800		15,050,800
5	(Full Local Share in FY 2008)			
6	Appoquinimink, Renovate and Add to HS (73/27)	438,100	162,000	600,100
7	Appoquinimink, Renovate Redding MS (73/27)	555,600	205,400	761,000
8	Appoquinimink, Renovate Meredith MS (73/27)	40,200	14,900	55,100
9	Appoquinimink, Brick Mill ES (73/27)	56,700	21,000	77,700
10	Appoquinimink, Renovate Silver Lake ES (73/27)	260,600	96,400	357,000
11	Caesar Rodney, Renovate and Add to McIlvane KN	7,247,400	1,811,900	9,059,300
12	(80/20)			
13	Lake Forest, Performing Arts Addition HS (80/20)	4,330,600	1,082,700	5,413,300
14	Milford, Construct New North ES (77/23)	2,382,400	711,600	3,094,000
15	Milford, Construct Middle Academy (77/23)	16,468,700	4,919,200	21,387,900
16	Milford, Renovate Lulu Ross ES (77/23)	275,600	82,300	357,900
17	Capital, Construct 600 Pupil ES (72/28)	9,394,400	3,653,400	13,047,800
18	Capital, Central MS Gym Replacement (72/28)	8,622,400	3,353,100	11,975,500
19	Smyrna, Renovate and Add to HS (80/20)	24,000,000	6,000,000	30,000,000
20	Sussex Technical, Replace Water System (60/40)	481,900	321,300	803,200
21	Subtotal	\$124,469,100	\$26,424,400	\$150,893,500
22			TOTAL	<u>\$177,395,000</u>

23 Section 3. Transfers to the State Treasurer's Bond Reversion Account.

24	<u>Project</u>	<u>Project</u>	<u>Amount</u>
25		<u>Appropriation Code</u>	
26	High Technology Incubator	2002-10-03-03-7212	\$1,800,000.00
27	High Technology Incubator	2003-10-03-03-7311	500,000.00
28	High Technology Incubator	2006-10-03-03-7611	1,000,000.00

1 **TOTAL** **\$3,300,000.00**

2 Section 4. Transfers from the State Treasurer’s Bond Reversion Account. Notwithstanding the
3 provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of
4 \$3,300,000 from the State Treasurer’s Bond Reversion Account (94-12-05-03-8101) to the following
5 department in the following amount for the purpose set forth in the Section 1 Addendum to this Act:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
7 Office of Management and Budget 8 (Kent County Court Complex)	\$3,300,000

9 **TOTAL** **\$3,300,000**

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

<u>Project</u>	<u>Project Appropriation Code</u>	<u>Amount</u>
14 Market Pressure	2006-95-01-01-7636	\$795,400.00
15 Charlton Renovation	2004-95-11-00-7410	3.98
16 AI Dupont HS	2004-95-32-00-7421	.03
17 Land, 840 Pupil ES	2003-95-33-00-7317	.01
18 West Park ES	2004-95-33-00-7412	.71

19 **TOTAL** **\$795,404.73**

20 Section 6. Transfers from the State Treasurer’s School Bond Reversion Account.

21 Notwithstanding the provisions of any other state law, the State Treasurer shall transfer, as funds become
22 available, the sum of \$795,400 from the State Treasurer’s School Bond Reversion Account (94-12-05-03-
23 8102) to the following department in the following amount for the purpose set forth in the Section 1
24 Addendum to this Act:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
26 Department of Education 27 (Christina, Sterck School)	\$795,400

28 **TOTAL** **\$795,400**

1 Section 7. Continuing Appropriations. For the fiscal year ending June 30, 2008, any sums in the
 2 following accounts shall remain as continuing appropriations and shall not be subject to a reversion until
 3 June 30, 2009.

4	<u>Fiscal Year</u>	<u>Account Codes</u>	<u>Remarks</u>
5	<u>Appropriation</u>		
6	2006	01-08-02-0891	Leg Hall Improvements
7	2006	02-17-01-0805	COTS
8	2004	10-02-02-0815	Technology
9	2004	10-02-02-0816	Technology
10	2005	10-02-05-0805	COTS
11	2005	10-02-05-0813	Law Enforcement Technology
12	2006	10-02-05-0813	Law Enforcement Technology
13	2004	10-02-05-0814	Technology Fund
14	2006	10-02-05-1814	Technology Fund
15	2006	10-02-50-0805	MCI Judicial
16	2006	10-02-50-0819	MCI Corrections
17	2006	10-02-50-0821	Darley house
18	2005	10-02-50-0848	Bacon Site
19	2006	10-02-50-0877	Forensic Building
20	2005	10-02-50-0879	Sussex Courthouse
21	2005	10-02-50-0882	Facilities Space Study
22	2005	10-02-50-0886	STARC Headquarters
23	2006	10-02-50-0893	Firing Range
24	2006	10-02-50-0895	Townsend Bldg
25	2006	10-02-50-0896	Holloway Campus Plan
26	2006	10-02-50-0899	Vets Cemetery
27	2006	10-02-50-0909	NC Arsenal
28	2003	10-02-50-7310	Sussex Courthouse
29	2004	10-02-50-7411	Kent County Courthouse
30	2005	10-02-50-7511	Kent County Courthouse
31	2006	10-02-50-7604	Townsend Bldg
32	2006	10-02-50-7605	Capital Parking
33	2006	10-02-50-7606	Stockley Medical Center
34	2006	10-02-50-7607	Howard R. Young Center
35	2006	10-02-50-7611	Kent County Courthouse
36	1999	10-03-03-0805	Dover Civic Center
37	2005	10-03-03-0805	Delaware Civic Center
38	2006	10-03-03-0835	ES Environmental
39	2006	10-03-03-7601	Runway Ext
40	2006	10-03-03-7602	Civic Center
41	2002	12-05-03-0888	GF Cap Reprogramming
42	1994	12-05-03-8101	Agency Reversions
43	1994	12-05-03-8102	School Reversions
44	2005	20-01-02-0821	WW II Memorial
45	1995	20-08-01-0182	Wilmington Library
46	2006	20-08-01-0801	South Coastal Library
47	2001	20-08-01-0802	Georgetown Library
48	2004	20-08-01-0803	Harrington Library
49	2005	20-08-01-0817	Seaford Library
50	2006	20-08-01-0817	Seaford Library

1	2005	20-08-01-0818	Kirkwood Library
2	2005	20-08-01-0820	Greenwood Library
3	2006	20-08-01-0821	Dover Library
4	2006	20-08-01-0822	Kent County Library
5	2006	20-08-01-0824	NCC Bear Library
6	2006	20-08-01-0825	Delmar Library
7	1996	20-08-01-6616	North Wilmington Library
8	2001	20-08-01-7110	Bridgeville Library
9	2002	20-08-01-7217	Seaford Library
10	2002	20-08-01-7219	Harrington Library
11	2002	20-08-01-7220	Coastal Library
12	2003	20-08-01-7312	Seaford Library
13	2006	20-08-01-7615	Hockessin Library
14	2006	25-01-01-0807	Wastewater
15	2006	25-01-01-0815	Water Pollution Rev. Fund
16	2002	25-01-01-7212	Wastewater
17	2003	25-01-01-7311	Water Control Rev. Fund
18	2004	35-05-20-0802	Drinking Water
19	2005	35-05-20-0810	Flouridation
20	2004	37-01-25-0822	Cleve White Bldg Renovations
21	2005	38-06-11-0801	Women's Treatment Center
22	2006	40-01-01-0802	MCI
23	2000	40-05-01-0802	Boat Ramp
24	2001	40-05-02-0802	Boat Ramp
25	2004/05	40-05-02-0803	Dams/Water Control
26	2006	40-05-02-0804	Lewes Boat Ramp
27	2005	40-05-02-0820	Ommelanden Range
28	2004	40-06-02-0804	Park Rehabilitation
29	2005	40-06-02-0820	State Park Facilities
30	2006	40-06-02-0822	Cleaver House
31	2006	40-06-02-7612	Seashore Enhancements
32	2006	40-06-02-7613	State Park Facilities
33	2006	40-07-02-0802	Tax/Public Ditches
34	1993	40-07-02-6313	Resource, Conservation & Dev
35	2003	40-07-02-7312	Resource, Conservation & Dev
36	2006	40-07-03-0802	Beach Preservation
37	2006	40-07-02-0806	Little Mill
38	2001	40-08-01-0800	Wilmington Sewer
39	2001	40-08-01-0801	Wilmington Sewer
40	2004	40-08-01-0802	Wilmington Sewer
41	2005	40-08-01-0802	Wilmington Sewer
42	2002	90-03-01-7217	Technology Building
43	2003	90-03-01-7311	Wellness Center
44	2004	90-03-01-7411	Sports/Wellness Center
45	2006	90-04-04-7611	Stanton Campus Expansion
46	2006	95-01-01-0801	Arch Accessibility
47	2005/06	95-01-01-0893	MCI
48	2006	95-01-01-7601	Tech Prep
49	2005	95-02-02-0877	Market Pressure
50	2006	95-10-00-0873	MCI/VE
51	2006	95-11-00-0874	Charlton Technology
52	2006	95-17-00-0801	Arch Barrier
53	2004	95-17-00-0818	A/C Sussex Consortium
54	2006	95-17-00-0872	MCI

1	2005	95-17-00-7513	6 Classroom Addition
2	2006	95-23-00-7610	Renovate Douglass ES
3	2006	95-23-00-7611	Central ES
4	2006	95-23-00-7612	West Seaford ES
5	2006	95-23-00-7613	Seaford HS
6	2006	95-23-00-7614	Seaford MS
7	2006	95-23-00-7615	Blades ES
8	2003	95-24-00-7310	District Offices
9	2006	95-24-00-7614	Clayton ES
10	2006	95-29-00-7613	District Offices
11	2006	95-29-00-7620	1600 Pupil HS
12	2006	95-29-00-7621	Cedar Lane ECC
13	2004	95-31-00-0802	Concord HS
14	2004	95-31-00-0803	Forwood ES
15	2004/06	95-31-00-0807	Tech Prep
16	2005	95-31-00-0808	Dem Channin
17	2006	95-31-00-0872	MCI
18	2005	95-31-00-0883	Mkt 600 Pupil ES
19	2005	95-31-00-0884	Mkt Pres Brandywood ES
20	2005	95-31-00-0885	Mkt Pres Lombardy ES
21	2005	95-31-00-7516	Talley MS
22	2006	95-31-00-7617	P.S. Dupont ES
23	2006	95-31-00-7636	Mkt Pres New ES
24	2005	95-32-00-0832	Dickinson Field
25	2005	95-32-00-0876	Mkt Pres Warner ES
26	2005	95-32-00-0877	Mkt Pres Balt ES
27	2005	95-32-00-0881	Mkt Pres Rich Park ES
28	2005	95-32-00-0892	Mkt Pres New ES
29	2006	95-32-00-0894	North Star ES
30	2004	95-32-00-7417	Linden Hill ES
31	2004	95-32-00-7420	Richey ES
32	2004	95-32-00-7425	Warner ES
33	2004	95-32-00-7433	New 640 Pupil ES
34	2005	95-32-00-7510	Thomas McKean HS
35	2005	95-32-00-7512	Conrad MS
36	2005	95-32-00-7513	Dickinson HS
37	2005	95-32-00-7521	AI DuPont HS
38	2005	95-32-00-7534	Richardson Park ES
39	2006	95-32-00-7608	Shortlidge ES
40	2006	95-32-00-7618	Marbrook ES
41	2006	95-32-00-7619	Stanton MS
42	2006	95-32-00-7622	Skyline MS
43	2006	95-32-00-7623	Heritage ES
44	2006	95-32-00-7629	Renovate Lewis MS
45	2006	95-32-00-7634	Richardson ES
46	2006	95-32-00-7635	AI Dupont MS
47	2006	95-33-00-0872	MCI
48	2004/05/06	95-33-00-0873	MCI/VE
49	2006	95-33-00-0881	Christina Loan
50	2003	95-33-00-7311	Brookside ES
51	2003	95-33-00-7316	840 Pupil ES
52	2004	95-33-00-7411	Brookside ES
53	2004	95-33-00-7413	Kirk MS
54	2004	95-33-00-7416	Jennie Smith ES

1	2004	95-33-00-7418	McVey MS
2	2004	95-33-00-7419	Newark HS
3	2004	95-33-00-7423	Portables
4	2005	95-33-00-7516	840 Pupil ES
5	2005	95-33-00-7517	Gallaher ES
6	2005	95-33-00-7519	Newark HS
7	2005	95-33-00-7520	Bancroft ES
8	2005	95-33-00-7523	Portable Classrooms
9	2005	95-33-00-7524	Autism Expansion
10	2005	95-33-00-7525	Christiana HS
11	2005	95-33-00-7526	Jennie Smith ES
12	2005	95-33-00-7527	Drew Pyle
13	2005	95-33-00-7529	Wilson ES
14	2005	95-33-00-7530	John Downs ES
15	2005	95-33-00-7531	New Elementary
16	2005	95-33-00-7532	New MS
17	2006	95-33-00-7616	840 Pupil ES
18	2006	95-33-00-7621	800 Pupil MS
19	2006	95-33-00-7625	Christina HS
20	2006	95-33-00-7628	Maclary ES
21	2006	95-33-00-7629	Wilson ES
22	2006	95-33-00-7630	Downes ES
23	2005	95-35-00-7512	Athletic Fields
24	2003	95-36-00-7312	Frankford ES
25	2003	95-36-00-7313	Showell ES
26	2004	95-36-00-7419	Indian River HS
27	2005	95-36-00-7512	Renovate Frankford ES
28	2005	95-36-00-7519	Renovate HS
29	2006	95-36-00-7612	Frankford ES
30	2006	95-36-00-7619	Indian River HS
31	2005	95-37-00-7511	Capital Outlay Equipment

32
33 Section 8. General Fund Reprogramming. (a) Notwithstanding the provisions of any other state
34 law, the State Treasurer hereby deauthorizes the remaining appropriation balances, not in excess of the
35 balances below from the following General Fund projects and reauthorizes the funds to the departments
36 listed in subsection (b) of this Section, according to the purposes in Section 1 Addendum to this Act.

37	<u>Department, Agency or Instrumentality</u>	<u>Appropriation Code</u>	<u>Amount</u>
38	Delaware Economic Development Office		
39	High Technology Incubator	2001-10-03-03-0821	\$1,156,237.68
40	Department of Education		
41	Market Pressure	2005-95-02-02-0877	1,343,200.00
42		TOTAL	<u>\$2,499,437.68</u>

1 (b) <u>Department, Agency or Instrumentality</u>	<u>Amount</u>
2 Delaware Economic Development Office	
3 (Strategic Fund)	\$1,156,200
4 Department of Education	
5 (Minor Capital Improvements and Equipment)	1,343,200
6	TOTAL <u>\$2,499,400</u>

7 Section 9. Appropriation of General Funds. It is the intent of the General Assembly that \$55,600,000
8 be appropriated to the following departments of the State and in the following amount for the purposes set
9 forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or unencumbered by June 30,
10 2011, shall revert to the General Fund of the State of Delaware. The state hereby authorizes the issuance of
11 bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal
12 amount as necessary to provide proceeds to the State in the amount of \$4,155,941 local share of school bonds.
13 Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance.

14 <u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
15 Office of Management and Budget	\$24,589,700
16 Delaware Economic Development Office	11,843,800
17 Department of State	375,000
18 Department of Health and Social Services	2,750,000
19 Department of Services for Children, Youth and Their Families	100,000
20 Department of Correction	3,135,400
21 Department of Natural Resources and Environmental Control	2,000,000
22 Department of Safety and Homeland Security	2,720,500
23 Fire Prevention Commission	105,000
24 Delaware Technical Community College	1,900,000
25 Department of Education	6,080,600

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
Minor Capital Improvements and Equipment	\$5,920,600	\$4,049,241	\$9,969,841
Architectural Barrier Removal	160,000	106,700	266,700
Subtotal	\$6,080,600	\$4,155,941	\$10,236,541
		TOTAL	<u>\$55,600,000</u>

Section 10. Abandoned Property. For the fiscal year ending June 30, 2009, 29 Del. C. §6102(s) shall be waived.

Section 11. Resource, Conservation and Development Transfers - Project Funds Transfer from Prior Fiscal Years to Fiscal Year 2009. Within the same county, any Twenty-First Century funds or match remaining from completed projects as authorized as part of the Twenty-First Century Resource, Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD projects in the Fiscal Year 2009 list of projects approved as part of the Fiscal Year 2009 Capital Improvements Act.

Section 12. First State Preservation Revolving Fund, Inc. For Fiscal Year 2009, First State Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999 and 2000.

Section 13. Downtown Milford Inc. Any Community Redevelopment Fund appropriations to Downtown Milford Inc.- Structural and Façade Improvements may be used for private businesses and residences, as well as, institutional residences provided said properties are within the Downtown Milford project area.

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

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

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

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 Section 17. Construction Management. Notwithstanding any other State law, the Office of
3 Management and Budget (OMB) shall be responsible for the design and construction of all the projects
4 listed under Office of Management and Budget in the Section 1 Addendum of this Act. For those projects
5 that are solely for the purchase of equipment, including projects that are funded in any MCI and Equipment
6 line or any MCI line, OMB shall transfer the appropriate funding necessary to purchase the equipment to
7 the agency for which the equipment is being purchased. The appropriate amount of funding shall be
8 determined and agreed to by OMB and the agency for which the equipment is being purchased by
9 September 1 of each fiscal year. For those projects for which the appropriation is passed to an entity and
10 for which the State is not a party to the construction contract, OMB shall provide technical assistance.

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

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

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

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

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

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

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

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

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

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

1 Section 19. Minor Capital Improvement and Equipment Supplement - Office of Management and
2 Budget. Notwithstanding the provisions of any other State law to the contrary, not more than \$250,000 may
3 be expended to enter into contractual agreements for project representatives and associated administrative
4 support to ensure adequate oversight of State construction projects. The Director of the Office of
5 Management and Budget is directed to provide an itemized budget for this amount to the Controller General
6 by August 1, 2008, and expenditure reports to the Controller General by December 1, 2008 and June 1,
7 2009.

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

14 Section 21. Belvedere State Service Center Project. Notwithstanding any State laws to the
15 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Office of
16 Management and Budget for the maintenance and operation of the center.

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

25 Section 23. 800 MHz. Notwithstanding 29 Del. C. c. 69 or any other statutory provision to the
26 contrary, the Office of Management and Budget may use design/build project delivery methodology for the

1 purpose of constructing 800 MHz transmission towers. To enable the use of design/build methodology to
2 construct 800 MHz transmission towers, all provisions of 29 Del. Code §6962 are waived with the
3 exception of those sections of §6960 related to prevailing wage rates. Funds appropriated for the
4 construction of the 800 MHz towers may be used to reimburse the Office of Management and Budget for all
5 expenditures associated with the management of the design/build RFP process, including the hiring of a
6 consultant, and management of the tower construction project(s).

7 Section 24. Kent County Courthouse Construction. It is the intent of the General Assembly that
8 the Office of Management and Budget shall have the authority to develop and implement procedures and a
9 methodology to engage a Construction Manager at Risk for all phases of the Kent County Courthouse
10 Project including the construction of any required parking facilities. To enable the engagement of a
11 Construction Manager at Risk, all provisions of 29 Del. C. c. 69 are hereby waived with the exception of
12 §6960 related to prevailing wage.

13 Section 25. State Employee Workforce, Education and Training Center. The Section 1 Addendum
14 to this Act contains an appropriation of \$6,500,000 for the State Employee Workforce, Education and
15 Training Center, currently owned by the Bank of America. These certain tracts of land are located in the
16 vicinity of 920 N. French Street in the City of Wilmington, New Castle County, and the State of Delaware,
17 being known as New Castle County Tax Parcel numbers 2603520172, 2603520255, 2603520185,
18 2603520190 and 2603520195. For the acquisition of this property, the real property procurement
19 procedures in 29 Del. C. §9505 shall not apply.

20 Section 26. New Castle County Detention Center. The funds remaining in Fiscal Year 2005
21 appropriation 10-02-50-0882 shall be used for the Heating, Ventilating and Air Conditioning project for the
22 New Castle County Detention Center.

23 Section 27. Data Center. The General Assembly hereby authorizes the Office of Management and
24 Budget to enter into a lease-purchase agreement with a land developer on behalf of the Department of
25 Technology and Information to design and construct a new statewide data center in support of the State of

1 Delaware's existing and future technology needs. The Office of Management and Budget is authorized to
2 enter into a lease-purchase agreement subject to the following conditions:

3 (a) For purposes of negotiating and signing a lease-purchase agreement, the provisions of 29 Del.
4 C. c. 69 shall be waived provided the Department of Technology and Information provides the
5 following for approval to the Director of the Office of Management and Budget and the
6 Controller General:

- 7 a. A total project budget that includes, but is not limited to, land acquisition costs,
8 architectural and engineering fees, and construction costs;
- 9 b. A financial projection over multiple years demonstrating the impact, if any at all, on funds
10 recovered by the Department of Technology and Information from agencies for
11 telecommunications, professional and other services rendered by the department; and
- 12 c. A detailed plan outlining the potential future state agency/department information
13 technology facility consolidation into the new data center.

14 Further, for purposes of negotiating land acquisition costs associated with the lease-purchase
15 agreement, the Office of Management and Budget shall obtain (1) an appraisal from the land
16 developer which is performed by an independent, certified appraiser; (2) an appraisal from
17 Facilities Management within the Office of Management and Budget performed by an
18 independent, certified appraiser; and (3) and an appraisal performed by an independent,
19 certified appraiser as agreed upon by the land developer and the Office of Management and
20 Budget.

21 (b) Any contract between the Office of Management and Budget and the land developer shall
22 require the land developer and any subcontractors to comply with any and all of the provisions
23 of 29 Del. C. c. 69 as the Office of Management and Budget, in its sole discretion, may deem
24 appropriate and which would otherwise apply to this project if it were to be bid directly by the
25 Office of Management and Budget.

1 The Department of Technology and Information shall establish a specific account (s) for the
2 purposes of paying all costs associated with the lease-purchase agreement and shall report by May 1 of each
3 fiscal year to the Office of Management and Budget and Controller General on expenditures related to the
4 Data Center project, including capital and operating expenses.

5 Section 28. Delaware Health Information Network. The Section 1 Addendum to this Act
6 appropriates \$2,500,000 for the Delaware Health Information Network. As a joint initiative between
7 private, federal and state funds, the \$2,500,000 shall be utilized to support the development of an
8 interoperable network to exchange clinical information among all healthcare providers across the state to
9 improve patient outcomes and patient-provider relationships. The system shall be designed to allow patient
10 clinical information to be shared across all healthcare facilities and organizations and across public and
11 private sectors. Prior to the disbursement of funds, the Delaware Healthcare Commission, working in
12 conjunction with the Delaware Health Information Network (DHIN), shall provide the following:

- 13 (a) A firm written commitment, on a dollar for dollar draw basis, that demonstrates a matching
14 contribution from non-state sources (not including federal funds) to the Director of the Office
15 of Management and Budget and the Controller General. The matching commitment for
16 accessing said state funds in the aggregate shall be a minimum of \$2,500,000 from non-state
17 sources (not including federal funds);
- 18 (b) A budget that outlines the expenditure for the \$2,500,000 state appropriation including a
19 breakdown of categories (personnel/contractual services/supplies, etc);
- 20 (c) A total project budget over multiple years that includes funding allocations detailing federal,
21 private and state requested amounts; and
- 22 (d) A plan for staffing this initiative through contractual dollars.

23 The Delaware Health Care Commission is hereby authorized to establish interest-bearing special
24 fund accounts for the purposes of receiving private matching funds, donations, gifts and other such funds
25 for use in implementing DHIN. The Delaware Health Care Commission may accept such restrictions as the

1 grantor(s) may impose; however, that no such restrictions contravene the laws of the State. These accounts
2 shall be subject to audit by the State Auditor.

3 Section 29. Property on 900 King Street. During the fiscal year ending June 30, 2009, the Office
4 of Management and Budget shall have an appraisal completed by a licensed, Delaware appraiser on the
5 state-owned property located at 900 King Street in Wilmington (tax parcel number 26.035.20.121). The
6 property may be listed for sale at the appraised value and any proceeds resulting from said sale shall be
7 deposited to the General Fund. For the purposes of this sale, the requirements of 29 Del. C. c. 94 shall not
8 apply.

9 Section 30. ERP Financials. The Section 1 Addendum to this Act appropriates \$3,700,000 for ERP
10 Financials. The purpose of ERP Financials is to replace the Delaware Financial Management System
11 (DFMS) and the Department of Transportation's BACIS accounting system, and to upgrade and add
12 functionality to the Payroll/Human Resource Statewide Technology (PHRST) system. In order to continue
13 implementation of ERP Financials and to provide one financial management system statewide, effective
14 Fiscal Year 2008, ERP Financials shall be a cost-sharing arrangement with the Department of
15 Transportation.

16 Section 31. Public-Private Partnerships. (a) Notwithstanding any provision or requirement in the
17 Delaware Code to the contrary, including, without limitation, the provisions and requirements of 29 Del. C.
18 c. 69, the Director of the Office of Management and Budget is authorized to solicit and enter into proposals
19 from private entities or consortia thereof and/or state agencies and/or reorganized school districts, for not
20 more than three projects which use private sources of financing, either in whole or in part, which projects
21 may include (i) all or a portion of the study, planning, design, construction, leasing, financing, operation
22 and maintenance of new capital construction projects, or (ii) the repair, and/or expansion, leasing,
23 financing, operation and maintenance of existing infrastructure, or any combination of the foregoing. The
24 projects shall be reviewed by a project committee consisting of:

- 25 (a) Director of the Office of Management and Budget, who shall chair the committee;
26 (b) Controller General, or the Controller General's designee;

- 1 (c) Secretary of Finance, or the said Secretary's designee;
- 2 (d) Director of Facilities Management in the Office of Management and Budget; and
- 3 (e) Director of Budget, Development, Planning, and Administration in the Office of Management
- 4 and Budget.

5 The project committee shall forward its recommendations on proposals solicited and
6 reviewed to the Joint Legislative Committee on the Capital Improvement Program no later than January 15,
7 2009.

8 (b) The Director of the Office of Management and Budget is authorized to enter into such
9 agreements as may be necessary to implement and complete any such project, provided the project has been
10 specifically authorized by the General Assembly, and that such authorization includes all material terms of
11 the proposed project, including without limitation any terms concerning repayment or debt or capital to or
12 for the benefit of any private entity. Any agreement between the Office of Management and Budget and
13 private entities shall require the private entity and any subcontractors to comply with any and all of the
14 provisions of 29 Del. C. c. 69 as the Office of Management and Budget, in its sole discretion, may deem
15 appropriate and which would otherwise apply to this project if it were bid directly by the Office of
16 Management and Budget. Any such agreement shall be subject to the appropriation of funds therefore by
17 the General Assembly.

18 Section 32. Capitol Parking. It is the intent of the General Assembly that the Office of
19 Management and Budget may use funds previously appropriated for Capitol Parking/Security in the Section
20 1 Addendum to 75 Del. Laws, c. 98 for the construction of the Kent County Courthouse and for the
21 development and construction of parking required by the City of Dover to obtain a Certificate of Occupancy
22 for the expanded Kent County Courthouse. The Office of Management and Budget may expand the scope
23 of the contract for the construction of the Kent County Courthouse to include all required parking and may
24 use design/build project delivery methodology to expedite completion of a parking structure, garage or
25 other means to provide the required number of new parking spaces. The Office of Management and Budget
26 shall evaluate all state-owned sites in and around the Capital Complex for the development of Courthouse-

1 related parking, and may also enter into an agreement with the City of Dover to construct the required
2 parking on city-owned land if that option is found to be advantageous to both the city and state. All
3 provisions of 29 Del. C. c. 69 are hereby waived, with the exception of § 6960 related to prevailing wage
4 rates, for construction of parking associated with the Kent County Courthouse project.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 33. 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 34. 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 35. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an
15 appropriation of \$2,000,000 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 2009.

19 Section 36. Transportation Worker Identification Credentials. The Diamond State Port
20 Corporation shall pay for the initial employee fee associated with obtaining the Transportation Worker
21 Identification Credentials (TWIC) cards for full and part time employees. Casual workers will initially pay
22 for their TWIC card and if they become a full or part time employee of the Diamond State Port Corporation
23 the cost of originally obtaining a TWIC card will be reimbursed to said employee.

24 Section 37. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development
25 Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the
26 Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-state entities shall

1 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
2 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
3 loans to the Kalmar Nyckel.

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

16 Section 39. Transportation Property Disposition. The proceeds from the future sale of parcels of
17 land the Department of Transportation acquired on Beech Street in the City of Wilmington and Delmarva
18 Properties located in the Wilmington Riverfront area shall be deposited to the Transportation Trust Fund.

19 Section 40. Council on Development Finance. 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 Section 41. New Economy Initiative - Year V. (a) Findings and Purpose. The General Assembly
26 finds that a critical need exists for the State to employ new initiatives for expanding and attracting new

1 investors and businesses to the State and accelerate the creation of high-paying jobs in a rapidly
2 transforming global economy. In particular, the General Assembly finds that: (1) Small high-technology
3 businesses are innovative, forward-thinking and are the engine of wealth generation and economic growth
4 throughout the country but do not respond to traditional, tax-based incentive programs; (2) The Delaware
5 Economic Development Office is experiencing increased opportunities to promote new business creation
6 through technology-based entrepreneurs and entrepreneurial ventures and growth of existing technology-
7 based business which has necessitated the development of new funding tools to respond to these
8 opportunities; (3) Delaware must make the investments necessary to develop a thriving entrepreneurial
9 culture, including the availability of start-up seed and pre-venture funding, and needs to mirror national
10 trends through the stimulus of public sector seed and pre-venture funding; (4) Delaware is uniquely
11 positioned to significantly advance the entrepreneurial climate in Delaware through collaboration and
12 partnerships with First State Innovation, the Delaware Emerging Technology Center, the Intellectual
13 Property New Business Creation Program, the Sussex County Business Portal, and others; and (5) While
14 Delaware has created a product mix that supports the enhancement of the entrepreneurial climate from
15 business inception to stabilization and sustainability, a funding void still exists between the seed funding
16 and traditional venture capital funding stages.

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

21 (c) The Section 1 Addendum to this Act includes \$2,000,000 for the fifth year of the New Economy
22 Initiative. It is the intent of the General Assembly that this appropriation shall be subject to the allocations
23 and conditions herein.

<u>Purpose</u>	<u>Amount</u>
24 Experimental Program to Stimulate Competitive Research (EPSCOR)	\$ 1,000,000

1	Regional Infrastructure Investment Program	\$ 1,000,000
2	Total	\$ 2,000,000

3 (d) Experimental Program to Stimulate Competitive Research (EPSCOR). In the event that the
4 National Science Foundation awards the State of Delaware an EPSCOR - Research Infrastructure
5 Improvement (RII) grant, such a grant requires a nonfederal matching share over the five-year course of the
6 grant. The EPSCOR grant is \$3,000,000 per federal fiscal year, requiring a state match each fiscal year of
7 \$1,000,000.

8 Should the State of Delaware receive an award for an EPSCOR-RII grant, the Development Office,
9 on behalf of the Authority, shall provide the required match for the first year of the grant. Oversight for the
10 Delaware EPSCOR-RII grant shall be provided by the State Science and Technology Council whose
11 members include, but are not limited to, representatives from the Development Office, a representative
12 from the Governor’s Office, selected legislators, each of the participating academic and medical
13 institutions, and members of the private-sector to represent a majority of those eligible to vote. The Chair
14 of the Council shall be the Lieutenant Governor.

15 Should these funds be used as a non-federal match for the Delaware EPSCOR-RII grant, they shall
16 be used by a statewide partnership to build on Delaware’s biotechnology research, education and economic
17 development efforts. The partnership includes but is not limited to: University of Delaware, Delaware
18 Biotechnology Institute, Delaware State University, Delaware Technical and Community College and
19 Wesley College. Each institution that chooses to participate shall develop a research, education and
20 economic development program aligned with the State’s Life Science/Biotechnology efforts. The program
21 shall include integrated statewide initiatives in environmental research; the development of research
22 personnel and advanced research equipment; education outreach programs that include the encouragement
23 of secondary school students to participate in science, technology, engineering and math careers; programs
24 in science, ethics, and public policy; and economic and workforce development focused on both existing
25 and new businesses.

1 Should the National Science Foundation not award the State of Delaware a second EPSCOR grant,
2 these funds shall be used in the event that the National Institute of Health (NIH) awards the State of
3 Delaware an IDeA Networks of Biomedical Research Excellence (INBRE) grant. Such grant requires a
4 nonfederal matching share over the five-year course of the grant. The INBRE grant is \$3,000,000 per
5 federal fiscal year, requiring a state match each fiscal year of \$1,000,000.

6 Should these funds be used as a non-federal match share for the Delaware NIH-INBRE grant, the
7 Development Office, on behalf of the Authority, shall provide the required match for the first year of the
8 NIH-INBRE grant. Oversight for the Delaware NIH-INBRE grant shall be provided by the State Science
9 and Technology Council whose members include, but are not limited to, representatives from the
10 Development Office, a representative from the Governor's Office, selected legislators, each of the
11 participating academic and medical institutions, and members of the private-sector to represent a majority
12 of those eligible to vote. The Chair of the Council shall be the Lieutenant Governor.

13 Should these funds be used as a nonfederal match share for the INBRE grant, they shall be used by
14 a statewide partnership to build on two previous NIH grants, the Delaware Biomedical Research
15 Infrastructure Network (BRIN) grant and the first INBRE grant. These grants, which established a statewide
16 network linking Delaware's higher education and medical institutions, were aimed at establishing a
17 statewide infrastructure to help develop a biomedical research capability and capacity in Delaware. The
18 statewide partnership includes: University of Delaware, Delaware State University, Delaware Technical
19 and Community College, Wesley College, Christiana Care Health System, Nemours/Alfred I. DuPont
20 Hospital for Children and Delaware Biotechnology Institute. This program shall support programs in
21 translational cancer and cardio vascular research; junior and early career faculty in mentored biomedical
22 research; involve undergraduate institutions and their students in the research process; strengthen the
23 existing biomedical research infrastructure; and improve biomedical workforce development.

24 Any funds not used for the purpose of matching the federal grant awards as described herein shall
25 be used for the purposes of the Delaware Strategic Fund.

1 (e) Regional Infrastructure Investment Program. The Development Office on behalf of the
2 Authority shall establish the Regional Infrastructure Investment Program (RIIP). It is the intent of the
3 General Assembly for this fund to directly or jointly fund (with another state or the federal government)
4 high priority regional economic development initiatives. The Development Office shall forthwith establish
5 guidelines with respect to the Regional Infrastructure Investment Program to include but not be limited to:
6 (1) an application procedure; (2) specifications on the types of investments for which this fund may be
7 used; and a mechanism for review of proposals by the Council on Development Finance.

8 Section 42. DuPont Innovation Center Partnership Program. The State of Delaware and DuPont
9 shall establish a partnership program to begin the transformation of DuPont's Experimental Station Labs
10 into the DuPont Innovation Center. The purpose of this transformation is to support DuPont's commitment
11 to Experimental Station Labs as its primary global research and development facility and to provide an
12 impetus for future growth of aligned and supporting industries across the State and region. This partnership
13 will require DuPont to make capital investments of \$80 million at Experimental Station Labs through 2009.
14 DuPont will also be required to provide, over the next 5 years free of charge, 250 patents and proprietary
15 technology packages to the Delaware Emerging Technology Center as part of the State's New Economy
16 Initiative. DuPont will also collaborate with the State of Delaware to develop a Delaware Biotechnology
17 Program for High School Students at Experimental Station Labs, consisting of at least 6 interactions per
18 year beginning in calendar year 2006 through calendar year 2009. DuPont will be required to complete
19 total capital investments of \$20 million at Experimental Station Labs by June 30, 2007, an additional \$20
20 million at Experimental Station Labs by December 31, 2008 and an additional \$40 million at Experimental
21 Station Labs by December 31, 2009 for a total of \$80 million in capital investments. This partnership
22 program will require DuPont to report its capital expenditures to the Delaware Economic Development
23 Office within 30 days of each capital investment completion deadline and shall be subject to a grant
24 agreement and remediation provisions deemed appropriate by the Development Office.

25 Section 43. New Markets Tax Credit Program. In the event that the Director of the Delaware
26 Economic Development Office or the Director of the Delaware State Housing Authority and the Secretary

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

14 Section 44. Blue Ball East Master Plan Implementation. The implementation of the transportation,
15 stormwater management, and parks and recreation elements of the Blue Ball East Master Plan shall not be
16 subject to the zoning, subdivision, land use, or building code ordinances or regulations of any political
17 subdivision of the State.

18 Section 45. Riverfront Development Corporation Board. The composition of the board of directors
19 of the Riverfront Development Corporation of Delaware as established by the 70 Del. Laws, c. 210 is
20 hereby amended to provide for eight members to be appointed by the Governor, with one of those members
21 being appointed chair.

22 Section 46. Kent County Levy Court Local Lodging Tax. Kent County Levy Court may issue up
23 to \$20,000,000 in general obligation bonds for the Dover Civic Center with the resulting debt service to be
24 paid from the annual operating revenues of the Center. Should the annual operating revenues of the Center
25 be insufficient at any time during the debt repayment period to cover principal and interest payments, the
26 Levy Court shall be authorized to impose, by duly enacted ordinance, a local lodging tax for any room or

1 rooms in a hotel, motel or tourist home, as defined in 30 Del. C. § 6101, in an amount sufficient to repay
2 any principal and interest deficits not covered by Center revenues for the period for which such deficiency
3 exists. The Levy Court, in consultation with the State Treasurer and Secretary of Finance, shall establish
4 the rate and duration of any necessary levy. The Levy Court's authority to levy said hotel tax shall sunset
5 upon repayment of all principal and interest associated with the bond issuance.

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

1 **DELAWARE STATE HOUSING AUTHORITY**

2 Section 48. Housing Preservation. The Section 1 Addendum to this Act appropriates \$5,000,000
3 for Housing Development Fund - Preservation (10-08-01). It is the intent of the General Assembly and the
4 Administration that said funds are to be used to leverage other funding sources, such as Low Income
5 Housing Tax Credits (LIHTC) and tax-exempt bonds to help renovate and improve existing federally
6 subsidized housing stocks in Delaware. The renovations may secure \$45 million in federal Housing
7 Assistance Payment (HAP) rental subsidy funds over the next 30 years. The Director of the Delaware State
8 Housing Authority shall report to the Controller General and the Director of the Office of Management and
9 Budget no later than April 30, 2009 on the expenditure of the Housing Development Fund - Preservation
10 funds appropriated in Section 1 Addendum to this Act. Said report shall also include the amount and
11 expenditure of any non-state funds received by the State for said Housing Preservation projects.

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) A written agreement between the Army Corps of Engineers and the Department of Natural
9 Resources and Environmental Control dealing with the potential use of dredge spoils for
10 Delaware beach preservation and habitat protection.
- 11 2) The Corps of Engineers shall meet all necessary DNREC permitting requirements.

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

16 Section 54. Museum Maintenance. The Section 1 Addendum to this Act appropriates \$350,000 to
17 the Department of State for museum maintenance. It is the intent of the General Assembly that these funds
18 be retained by the Department of State, Division of Historical and Cultural Affairs for use with the
19 operations of State museums or for immediate, unscheduled repairs to those facilities under the control of
20 the Division of Historical and Cultural Affairs.

21 Section 55. Library Construction. Proposals submitted by the Department of State to the Office of
22 Management and Budget under 29 Del. C. § 6604A shall include a statement as to whether or not each of
23 the libraries have the required 50 percent non-state share match as defined in 29 Del. C. § 6602A(2).

1 **DEPARTMENT OF FINANCE**

2 Section 56. 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 the
5 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
12 specific 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 57. 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 (QZABs). Such portion
4 shall be equal to the maximum amount of QZABs 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 2007-2008 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 QZABs 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 29 Del. C.
10 c. 74; provided that the requirements of 29 Del. C. § 7422 must be observed.

1 **DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

2 Section 58. New Psychiatric Hospital. The Section 1 Addendum to this Act contains an
3 appropriation of \$1,000,000 for the New Psychiatric Hospital. Said funds shall be used to re-evaluate and
4 consider alternative design(s) in support of the goal to construct a new facility that addresses the unique
5 needs of the population that resides within the existing center. During said re-evaluation, the Office of
6 Management and Budget in conjunction with the Department of Health and Social Services may consider
7 such techniques as value engineering as well as the engagement of a construction manager at risk to manage
8 all phases of the project.

1 **DEPARTMENT OF CORRECTION**

2 Section 59. 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 60. 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 61. Maintenance and Restoration. The Section 1 Addendum to this Act appropriates
16 \$3,135,400 to the Department of Correction for Maintenance and Restoration projects. The Department
17 must 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 Controller General for
20 maintenance projects for the following fiscal year by October 31.

21 Section 62. Central Supply Warehouse. Notwithstanding 29 Del. C. c. 69 or any other statutory
22 provision to the contrary, the Department of Correction is hereby authorized to expend Minor Capital
23 Improvement funds, in whole or in part, necessary to make critical repairs to the freezer space of the Central
24 Supply Warehouse in Smyrna, Delaware, and is further authorized to select a firm to perform the work
25 using a design build contract; provided however, that such contract shall comply with the prevailing wage
26 provisions in 29 Del. C. c. 69.

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

2 Section 63. Beach Preservation. The General Assembly hereby appropriates \$2,150,000 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 Secretary of the Department of Natural Resources and
12 Environmental Control.

13 Section 64. 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, 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 65. 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 66. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C.
8 § 102A(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 67. 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 68. Indian River Marina. In accordance with the provisions of 73 Del. Laws, c. 350, § 70,
19 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 the Twenty-
21 First Century Fund for the Parks Endowment Account as established in 29 Del. C. § 6102A(e), for the
22 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 Section 69. Newark Reservoir. Of the funds allocated from the Twenty-First Century
2 Water/Wastewater Management Account in 72 Del. Laws, c. 258 and c. 489, \$3,400,000 has been set aside
3 for the Newark Reservoir Project. If the City of Newark annexes the property referred to as New Castle
4 County Tax Parcel #08-059.20-002, the City must repay to the State those monies appropriated in the Fiscal
5 Year 2000 and 2001 Bond and Capital Improvement Acts for said project.

6 Section 70. Combined Sewer Overflow (CSO) Accountability Working Group. The General
7 Assembly hereby directs that the CSO Accountability Working Group which was created by the CSO Task
8 Force and consists of representatives from the General Assembly, City of Wilmington, New Castle County,
9 US EPA Region III, DNREC, community leaders and public members be incorporated under the purview of
10 the Clean Water Advisory Council (CWAC), whose duties as outlined in 29 Del. C. § 8011 (f), include
11 statewide development of comprehensive wastewater facilities plans. The CWAC will convene the
12 working group during its regularly scheduled meetings, or upon demand, and will incorporate the
13 recommendations of the working group into its statewide comprehensive planning and financing efforts.

14 Section 71. Tax Ditches. The Section 1 Addendum to this Act appropriates \$1,400,000 to the
15 Department of Natural Resources and Environmental Control for Tax/Public Ditches. Of this amount,
16 \$100,000 shall be allocated to each county with subsequent expenditure of said funds contingent upon a 1:1
17 match of county funds for tax ditch or public ditch purposes.

18 Section 72. Seventh Street Marina. It is the intent of the General Assembly to classify the Seventh
19 Street Marina, located on East Seventh Street, being Tax Parcel # 26.044.00.0013 containing 7.86 acres of
20 land (of which 5.27 acres, more or less, is above the high water line) as existing marina for purposes of the
21 State of Delaware Marina Regulations, adopted on March 29, 1990 and amended on February 22, 1993.
22 Such classification does not exempt any person seeking to make physical improvements to the marina from
23 permit application fees pursuant to 7 Del. C. c. 66 and 72.

24 Section 73. Buried Debris Remediation Program. Funding for the remediation of buried debris
25 will follow the priority list established by date of application to DNREC for assistance. If, in the opinion of
26 the Secretary of DNREC, a site represents an exigency, that site can be given a special priority and

1 remediated as quickly as practicable. Of the \$1,000,000 appropriated in the Section 1 Addendum to 75 Del.
2 Laws, c. 353 for Debris Pit Remediation, the \$1,000,000 appropriated for Debris Pits from the Resource,
3 Conservation and Development Fund in 74 Del. Laws, c.308, § 14, and the \$1,000,000 appropriated in the
4 Section 1 Addendum to 76 Del. Laws, c. 79, \$150,000 will be provided to the New Castle Conservation
5 District for cost-share assistance to landowners with buried debris on their properties. To be eligible for
6 cost-share, the site must be listed on the DNREC priority list and meet the DNREC established criteria for
7 buried debris removal. For projects that cost up to \$40,000, the landowner must provide twenty-five
8 percent of the cost of remediation including disposal costs. For projects that cost more than \$40,000, the
9 landowner must provide \$10,000 plus 10 percent of the cost in excess of \$40,000, including disposal costs.
10 Any unencumbered funding from these cost-share funds as of April 1, 2009 shall become available for the
11 DNREC Debris Pit Remediation Program. The provisions of this Program shall commence with those
12 projects entitled “FY 2005 New Projects” as contained in the approved Fiscal Year 2005 Resource,
13 Conservation and Development Projects list. The \$1,000,000 allocated for debris pit remediation in
14 Delaware shall be administered by DNREC, Division of Soil and Water Conservation. New Castle County
15 shall provide \$250,000 match.

16 Section 74. Assawoman Canal Dredging. It is the express finding of the General Assembly that
17 the benefits of dredging and maintaining the Assawoman Canal exceed the costs of such project and the
18 Secretary of Natural Resources and Environmental Control is hereby directed to initiate all necessary
19 actions to dredge the Canal pursuant to all terms and conditions provided for in the state and federal permits
20 issued for the project and initially authorized by Secretary’s Order 2004-W-0047 dated August 12, 2004.

21 Section 75. Waterway Management. The Department of Natural Resources and Environmental
22 Control (DNREC) is directed to provide dedicated, comprehensive waterway management for state waters.
23 DNREC will: maintain design depths and mark navigational channels of the State that are not maintained
24 and marked by any entity of the federal government; remove nuisance macroalgae; remove abandoned
25 vessels; remove derelict structures, trees and other debris that threatens safe navigation; and perform any
26 other waterway management services that may be identified to preserve, maintain and enhance recreational

1 use of the State’s tidal waters, as well as improve environmental conditions as warranted or directed by the
2 Governor or Secretary of DNREC. DNREC is further directed to undertake a study of the sediment sources
3 and patterns of sediment movement that results in deposition within State waterways to determine if there
4 are methods to reduce the dependency on dredging to remove deposited sediments.

5 Section 76. Clayton-Easton Corridor. Notwithstanding the provisions of any other law, the
6 Department of Natural Resources and Environmental Control may enter into a lease with the State of
7 Maryland for the use of the Delaware portion of the Clayton-Easton Rail Line presently owned by the
8 Maryland Mass Transit Authority to develop and manage the property as a recreational rail-trail.

9 Section 77. Clean Water Funding Leverage. The Department of Natural Resources and
10 Environmental Control under advisement from the Clean Water Advisory Council is encouraged to evaluate
11 the potential leveraging of the Water Pollution Control Revolving Fund and/or the Twenty-First Century
12 Fund Wastewater Management Account. This evaluation is based on the recommendation of the Dialogue
13 on Financing Wastewater and Stormwater Infrastructure report sponsored by the Delaware Public Policy
14 Institute, Office of the Governor, and Office of the Lt. Governor, Department of Natural Resource and
15 Environmental Control and Clean Water Advisory Council.

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 78. Helicopter Sale. During the fiscal year ending June 30, 2009, the first \$250,000 in
3 funds derived from the sale of State Police helicopter #407SP shall be retained by the Department and
4 allocated to the lease/training costs associated with the purchase of a twin-engine helicopter. The remaining
5 sale proceeds shall be used to support the following:

6 (1) Purchase fixed fuel system at each DSP hangar location: Summit Aviation in New Castle
7 County and Georgetown Airport in Sussex County;

8 (2) Complete capital improvement upgrades to the Georgetown Airport Hangar as necessary; and

9 (3) Use the balance or remaining funds to paint the existing two helicopters dark blue to match the
10 remainder of the fleet.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 79. General Provisions. Notwithstanding the provisions of any State law to the
3 contrary, the Department of Transportation (Department) is hereby authorized and directed to use all its
4 designated powers and resources to carry out the following legislative mandates:

5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$462,155,300 (State:
6 \$233,712,000; Federal: \$208,800,300; Other: \$19,643,000) are authorized to be withdrawn from the
7 Transportation Trust Fund to carry out the projects and programs as set forth in the Section 1 Addendum of
8 this Act.

9 (b) New Transportation Trust Fund Debt Authorizations. To fund a portion of the projects
10 authorized herein, the Delaware Transportation Authority is hereby authorized to issue bonds in an amount
11 not to exceed \$126,220,000 pursuant to the provisions of 2 Del. C. c. 13 and 14, of which not more than
12 \$118,000,000 shall be used for purposes set forth in the Section 1 Addendum of this Act with the
13 remainder, not to exceed \$8,220,000 to be used to fund issuance costs and necessary reserves for the
14 Reserve Account.

15 Section 80. Astra Zeneca Project. The Department shall continue all of the projects heretofore
16 authorized by the General Assembly for the construction and reconstruction of State highways in and
17 around the intersection of Routes U.S. 202 and State Routes 141 and 292, together with all local connecting
18 roads, as articulated in the Blue Ball Master Development Agreement. The Department shall further carry
19 out all previously authorized and funded projects for transit, bicycle and pedestrian, storm water
20 management, wetlands and stream restoration, beautification, historic preservation and other improvements
21 in concert with the Department of Natural Resources and Environmental Control, Delaware Economic
22 Development Authority, City of Wilmington, New Castle County, New Castle County Conservation
23 District, and such other public and private entities as may be necessary to accomplish timely completion of
24 the Blue Ball Master Plan. The Department shall make every effort to adhere to the project schedule
25 originally laid out and agreed to by all parties, and shall further cooperate with private employers and
26 residents in the affected area to speed the processes of project completions. In so doing, the Department

1 shall insure that:

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

9 Section 81. Maintenance and Operations Facilities. The following building structures and
10 facilities constructed or to be constructed within the Department of Transportation's operating right of way
11 for the Interstate Highway System and State Route 1, that are used to assist in the operational and
12 maintenance activities for such road, shall not be subject to zoning, subdivision, or building code
13 ordinances or regulations by any political subdivision of the State: North District Maintenance Area
14 Facilities, a) Chapman Road; b) Talley Road; c) Terminal Avenue; d) SR 141; and e) Marsh Road. Canal
15 District Maintenance Area Facilities, a) Tybouts Corner; b) SR 1 North of North Smyrna Interchange; and
16 c) SR 1 at SR 299 Interchange; for the following types of structures; equipment sheds, crew quarters,
17 equipment maintenance, equipment washing, material storage sheds (i.e. salt, sand and other bulk
18 materials), fuel centers, and other maintenance structures required to maintain the highway system such as
19 security (cameras and fences) including necessary maintenance and replacement items such as upgrades to
20 existing facilities. The Department shall not construct any such facility or make improvements in any such
21 existing facility without first conducting a public workshop to describe such plans and gather public input
22 into the effect of such plans.

23 Section 82. Transportation Enhancements. a) It is the intent of the General Assembly that the
24 Department provide notice to all State agencies, political sub-divisions within the State, and other parties of
25 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall
26 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and

1 such other requirements as may be necessary to insure that any interested entity may work to become a
2 participating recipient under the program. For new projects, the Department of Transportation is directed to
3 submit a detailed list of all projects funded within the Transportation Enhancement Program to the Office of
4 Management and Budget and Office of the Controller General on an annual basis. The State funding for
5 this program shall be limited to the required 20 percent match of the related Federal Authorization. The
6 projects funded by this program shall be limited to the allowable categories as outlined by the Federal
7 Highway Administration. Any deviation from this process must be approved by the Office of Management
8 and Budget, Office of the Controller General and Co-Chairs of the Joint Committee on Capital
9 Improvements.

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

13 Section 83. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum
14 of \$24,600,000 (State) for projects within the Grants and Allocations classification. The General Assembly
15 further defines its intent with respect to those appropriations as follows:

16 (a) The sum of \$18,600,000 (State) shall be used for the Community Transportation Fund, in
17 accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital
18 Improvements Program, as amended from time to time.

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

21 Section 84. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
22 \$1,221,000 (\$797,400 State; \$423,600 Federal) from the Transit System classification (73/00) appropriated
23 in this Act for the 5310 Program, administered by the Federal Transit Authority.

24 Section 85. DelDOT Work Impacts on Private Property and its Owners. When the Department
25 and/or any of its contractors determines that it would be in the best interests of the State to undertake
26 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted

1 immediately adjacent to a residential neighborhood.

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

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

13 (c) If the Department determines that the proposed work may cause any vibration or other
14 damage to neighboring property, it shall complete a pre-work survey of the potentially affected properties to
15 determine the base-line condition of those properties. It shall monitor the properties during construction to
16 insure that any vibration or other damage is minimized. If any damage does occur, the Department must
17 reimburse the private property owners pursuant to the provisions of the Delaware Code. The Secretary of
18 the Department may waive the provisions of this section if he/she determines that any such work is
19 necessary in order to respond effectively to an emergency caused by a natural disaster, an accident, or a
20 failure of a transportation investment.

21 Section 86. McMullen Farm. The General Assembly has previously authorized the Department
22 to enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm
23 in order to promote improved transportation access and circulation, to promote healthy economic growth,
24 and to preserve and enhance critical open space. The Department is authorized to continue its negotiations
25 for the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the
26 lands adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All

1 previous authorizations to the Department, and other affected State agencies, shall remain in force and
2 effect, and the Secretary of the Department shall report to the Governor and the General Assembly on
3 progress toward the completion of the transportation improvements, development of the excess lands, and
4 creation and improvement of the community parkland no later than May 1, 2009.

5 Section 87. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the
6 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the
7 construction of new park amenities, access and circulation roads, and other transportation and recreation
8 improvements shall be used, to the maximum extent possible, to match federal funds previously available,
9 or to become available in the future. In keeping with the strong sense of community involvement and sense
10 of ownership, the Department shall continue to provide periodic progress updates through such media as it
11 determines to best address the community's needs. And finally, because in order to accomplish this project
12 in an efficient and cost-effective manner, the Department and its contractors will have to occupy portions of
13 the State's adjacent campground and marina facilities, the General Assembly authorizes and directs the
14 Secretary of the Department to enter into reimbursement agreements with the Secretary of the Department
15 of Natural Resources and Environmental Control (DNREC). Such agreements will insure that during the
16 period of construction of the bridge and other necessary improvements, DNREC shall be equitably
17 indemnified from the loss of critical tourist revenues, which are necessary to fund the operations of all of
18 the State's outdoor recreational facilities.

19 Section 88. City of Wilmington Beautification. In order to maintain the urban tree canopy
20 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
21 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
22 Center for Horticulture (Center). It is the intent of the General Assembly that such program shall be funded
23 exclusively by allocations made from time to time by members of the General Assembly from their
24 Community Transportation Funds. The Department shall create an open-ended account with the Center on
25 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and
26 appropriately vouchered, from the CTF funds herein identified.

1 Section 89. Supplies of Road Materials. Section 109 of 74 Del. Laws, c. 308 is suspended until
2 such time as the Department of Transportation shall suggest its re-institution and such suspension has been
3 overridden by an Act of the General Assembly.

4 Section 90. System Capacity Preservation. The General Assembly hereby determines that it is in
5 the public interest to limit future residential, commercial, or industrial growth along certain portions of the
6 State's highway network. Such potential growth would produce unsafe driving conditions as increased
7 traffic seeks access to, and movements along, a number of local roads and collectors in critical locations
8 through the State. The General Assembly further determines that it would be infeasible or imprudent for
9 the Department to attempt to design and construct modifications to the State's highway network adjacent to
10 these locations because such improvements would irrevocably destroy the important scenic and historic
11 nature of the view sheds and other environmental attributes associated with these locations. Accordingly,
12 the Secretary of the Department of Transportation (Secretary) is authorized and directed to use State funds
13 appropriated to the Transportation Enhancements program authorized and funded in the Section 1
14 Addendum of 74 Del. Laws, c. 308, together with such other funds from any public or private source as
15 may be available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary
16 to protect the following properties, pursuant to the stipulations stated herein. Expenditures of these funds
17 for these purposes shall be with the review and approval of the Director of the Office of Management and
18 Budget and Controller General. The provisions of 17 Del. C. c. 1 and 29 Del. C. c. 93 and 95 shall govern
19 such purchases, and any other purchase by the Department authorized by this Act.

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

25 (b) Mellinger and/or Willow Run Properties - A parcel of land adjacent to Fairgrounds Park in
26 the Town of Elsmere and a second parcel located on Montgomery Road in Willow Run. The Department

1 shall work with members of the surrounding community, plus State and local officials, to develop a master
2 plan for the permanent protection of the site as community recreation and open space, and upon satisfactory
3 completion of such plans, may transfer the parcel to the appropriate parties for a fee to be determined.

4 Section 91. Denny Road/Route 896 Alignment Completion. Upon completion and final inspection
5 of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two parcels (0.93
6 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of Meadow
7 Glen, shall revert back to the community which had owned said parcels prior to 1994. Notwithstanding the
8 provisions of 17 Del. C. §137, the Department shall deed these parcels to the community and remain in
9 their possession in perpetuity.

10 Section 92. Port of Wilmington. Subject to the review and approval of the Board of Directors of
11 the Diamond State Port Corporation (DSPC):

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

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

26 Section 93. Wakefield Drive. The Department of Transportation shall be prohibited from

1 reopening Wakefield Drive in Newark through to Old Baltimore Pike.

2 Section 94. Community Transportation Funding Levels. The Department is directed to account for
3 the Community Transportation Program funds as cash which shall be equal to the amounts authorized in
4 Appendix A of this Act as well as previous Bond and Capital Improvement Acts. The funds authorized
5 within the Community Transportation program shall not be subject to reallocation by the Department under
6 any circumstances.

7 Section 95. Red Light Safety Enforcement. Pursuant to 73 Del. Laws, c. 350, § 92, the General
8 Assembly authorized and directed the Department of Transportation to engage in a 36-month pilot project,
9 in cooperation with Seaford, Dover, Newark, Elsmere, Wilmington, and the Delaware State Police, in
10 operating, maintaining and enforcing a civil video red light safety enforcement program. Pursuant to 75
11 Del. Laws, c. 353, §113, the Department was further directed to evaluate and report on this program to the
12 Joint Legislative Committee on the Capital Improvement Program by no later than February 28, 2007,
13 under terms and conditions relating to extending the program through June 30, 2007, and including the
14 preparation and consideration of a program evaluation and report. Having received that evaluation and
15 report, the General Assembly directs that the program shall be permitted to continue in operation on an
16 open-ended basis, under the following conditions:

17 (1) The assessments collected as a result of the Department's administration of this pilot program
18 in unincorporated areas of the state shall be deposited into the Transportation Trust Fund
19 created under 2 Del. C. c. 14.

20 (2) Any enforcement location shall remain in place for not less than five years in order to obtain
21 useful statistical information about the suitability of the location in reducing angle crashes.

22 (3) The Department shall continue to use recognized safety and accident criteria in determining
23 whether and where to add any new enforcement locations to this program, and in any event
24 shall continue to confirm that any such new locations are not objected to by the incumbent state
25 Senator and Representative for the districts in which such locations are proposed.

26 (4) To assure integrity and propriety, no person involved in the administration or enforcement of

1 this program shall own any interest or equity in the vendor used by the Department to support
2 the administrative elements of the program. Any such person with an ownership or equity
3 interest in such vendor must divest from this ownership or investment no later than ninety days
4 after the effective date of this act. This restriction applies to anyone with either direct
5 involvement in administering or enforcing this program and those in any supervisory capacity
6 above such persons.

7 (5) The Department shall develop a model and profile of the intersections where video red light
8 safety enforcement technology has proven successful in reducing angle crashes, and shall
9 present this model profile and report on the program's progress at that time to the Joint
10 Committee on Capital Improvements. This report shall be made to the Committee no later than
11 February 28, 2009, along with a report on any progress in discussions with the states of New
12 Jersey, Maryland, and Pennsylvania regarding enforcement reciprocity mechanisms.

13 Section 96. Clear the Road Policy for the I-95 Mainline Widening Project. Notwithstanding the
14 provisions of 21 Del. C. §4206, parked or disabled vehicles may be removed from the shoulders or travel
15 lanes impacted by the I-95 Mainline Widening Project (State #25-090-01, Federal #IM-NO56 (27) under
16 the following conditions:

- 17 (1) This section shall apply only to shoulders and travel lanes within the following limits: a) I-95
18 Northbound from the State Route 273 interchange to the start of the Wilmington Viaduct, b) I-
19 95 Southbound from the southern end of the Wilmington Viaduct to the State Route 273
20 interchange; c) I-295 west of U.S. Route 13; and d) I-495 west of U.S. Route 13.
- 21 (2) Prior to implementing this section, the Department of Transportation shall place signs along the
22 Interstate highway advising motorists of the Clear the Road Policy, and instructing motorists to
23 move disabled vehicles that can be moved under their own power from the shoulders or travel
24 lanes to an adjacent area.
- 25 (3) If the parked or disabled vehicle cannot be moved under their own power to a location off the
26 shoulders or travel lanes, the Department of Transportation shall have the authority to cause the

1 vehicle to be moved to an adjacent area, either with its own forces or pursuant to a contract for
2 this purpose.

- 3 (4) If the vehicle is parked or disabled and there is (a) a fatality, or (b) personal injury, or (c) in
4 cases involving hazardous material loads, whether authorized or unauthorized, and movement
5 would cause environmental risk, the vehicle shall not be moved until directed by the police
6 authority with jurisdiction over the scene.

7 Section 97. Design-Build Contracts. The Department of Transportation is hereby authorized to
8 continue utilization of the design-build contract mechanism for a total of twelve transportation construction
9 projects (seven of which have been authorized). Design-build is a project delivery method under which a
10 project owner, having defined its initial expectations to a certain extent, executes a single contract for both
11 architectural/engineering services and construction. The selection processes and other terms of such
12 contracts may vary considerably from project to project. The design-build entity may be a single firm, a
13 consortium, joint venture, or other organization. However, the fundamental element of design-build
14 delivery remains that one entity assumes primary responsibility for design and construction of the project.

15 The Department of Transportation is authorized to continue the use of these experimental
16 approaches to completing its projects, subject to the following conditions:

- 17 (a) The contract terms shall include provisions to pay the prevailing wage rates determined by the
18 Department of Labor, as provided in 29 Del. C. § 6960, in conjunction with Federal prevailing
19 wage rates for such work;
- 20 (b) The following additional provisions of 29 Del. C. c. 69 shall also be incorporated into these
21 design-build contracts: § 6962(d)(4)a. (anti-pollution, conservation environmental measures); §
22 6962(d)(7) (equal employment opportunity assurances); and §6962(d)(8)(performance bonding
23 requirements);
- 24 (c) Any such contracts shall conform to all applicable Federal laws and regulations concerning
25 design-build contracting, including but not limited to 23 C.F.R. Part 636, without regard to the
26 source of funds; and

1 (d) Any design-build contract for the construction of any transportation facility shall also be
2 subject to the provisions of 17 Del. C. c. 8 (construction payments held in trust for protection of
3 subcontractors and suppliers).

4 All other provisions of 29 Del. C. c. 69 shall not be applicable to these projects.

5 The Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the
6 Director of the Office of Management and Budget shall approve all other projects subject to this section.

7 Section 98. New Development Road Widening. When planning and/or permitting additional road
8 widening directly related to new residential development, the Department of Transportation, Division of
9 Planning, shall make every attempt to require the necessary right-of-way land be acquired from the
10 developer owned land.

FIRE PREVENTION COMMISSION

1
2 Section 99. Hydraulic Rescue Tools Replacement. It is the intent of the General Assembly that the
3 funds authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School, Christiana,
4 Delaware City, Mill Creek, Elsmere, Townsend, Harrington, Hartly, Bethany Beach, Bridgeville, Delmar,
5 Ellendale, Georgetown and Seaford fire companies. Upon submitting the receipt of sale, each company will
6 be reimbursed up to \$7,500 by the Fire Prevention Commission - State Fire School (75-02-01).

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 Section 100. 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 101. Stanton Campus Expansion. Delaware Technical and Community College shall apply
7 for all permits and approvals required pursuant to any applicable provision of Titles 9 and 22 of the
8 Delaware Code, or any other ordinance, rule or regulation enacted pursuant thereto in connection with the
9 design and construction of the Stanton Campus Expansion (90-04-04); provided, nevertheless, that any such
10 permit or approval shall be granted within 45 days from the day upon which the college makes application
11 therefore. If any required permit or approval is not granted within 45 days as set forth above, the college
12 may commence construction and shall be immune from any legal action or liability for failing to obtain
13 such permit or approval.

1 **DEPARTMENT OF EDUCATION**

2 Section 102. 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 103. Land Donation for School Construction. Any land donated to a school district with
11 an approved major capital improvement program shall be required to return to the State one-half of the
12 State share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to
13 keep the remaining one-half State share amount, as well as the full local share amount in accordance with
14 the certificate of necessity.

15 Section 104. Minor Capital Improvements. It is the intent of the General Assembly that the sum of
16 \$7,263,800 allocated in the Section 1 Addendum to this Act be used for minor capital improvements to
17 school buildings in the following amounts. Districts must use the funds in the amounts below on projects
18 listed on the facility assessment website hosted by the Department of Education.

19 <u>School District</u>	20 <u>Maximum State Share</u>	21 <u>Maximum Local Share</u>	22 <u>Total Cost</u>
23 Appoquinimink	\$ 449,934	\$299,956	\$ 749,890
24 Brandywine	553,398	368,932	922,330
25 Special	3,753	-	3,753
26 Christina	923,370	615,580	1,538,950
27 Special	43,750	-	43,750
28 Colonial	567,457	378,305	945,762
Special	8,878	-	8,878
New Castle Vo Tech	375,723	-	375,723

1	Red Clay	855,935	570,623	1,426,558
2	Special	12,356	-	12,356
3	Caesar Rodney	343,505	229,003	572,508
4	Special	18,855	-	18,855
5	Capital	332,906	221,937	554,843
6	Special	10,709	-	10,709
7	Lake Forest	215,824	143,883	359,707
8	Milford	223,512	149,008	372,520
9	Polytech	104,983	-	104,983
10	Smyrna	244,930	163,287	408,217
11	Cape Henlopen	236,362	157,575	393,937
12	Special	17,299	-	17,299
13	Delmar	63,102	42,068	105,170
14	Indian River	453,559	302,373	755,932
15	Special	11,807	-	11,807
16	Laurel	114,667	76,445	191,112
17	Seaford	184,905	123,270	308,175
18	Sussex Tech	114,319	-	114,319
19	Woodbridge	110,493	73,662	184,155
20	Campus Community	32,566	-	32,566
21	Academy of Dover	11,258	-	11,258
22	DE Military Academy	28,557	-	28,557
23	East Side Charter	15,596	-	15,596
24	Family Foundations	16,969	-	16,969
25	Kuumba Academy	13,345	-	13,345
26	Marion T. Academy	30,699	-	30,699
27	Maurice Moyer Academy	16,805	-	16,805
28	M.O.T. Charter	37,124	-	37,124

1	Newark Charter	70,788	-	70,788
2	Odyssey Charter	11,148	-	11,148
3	Pencader Charter	23,889	-	23,889
4	Positive Outcomes	6,370	-	6,370
5	Providence Creek	36,355	-	36,355
6	Sussex Academy of Arts	17,738	-	17,738
7	Thomas Edison	45,746	-	45,746
8	Wilmington Charter	<u>52,556</u>	<u>-</u>	<u>52,556</u>
9	Total to Schools	\$7,063,800	\$3,915,907	\$10,979,707
10	Vocational Equipment	85,000	56,667	141,667
11	State Board Contingency	115,000	76,667	191,667
12	TOTAL	\$7,263,800	\$4,049,241	\$11,313,041

13 Section 105. Dickinson High School. Funding for the Red Clay School District including bond
14 authorizations for renovations of the John Dickinson High School and the transfer of major capital
15 construction funds shall be contingent upon the following:

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

22 Section 106. Sterck School. The Section 1 Addendum to this Act contains \$5,422,700; Section 1
23 Addendum to 75 Del. Laws, c. 98 appropriated \$2,700,000; Section 1 Addendum to 75 Del. Laws, c. 353
24 appropriated \$8,000,000; and Section 1 Addendum to 76 Del. Laws, c. 79 appropriated \$10,000,000 to the
25 Sterck School. It is the intent of the General Assembly that the funding herein and previously appropriated
26 to the Sterck School shall be utilized solely for the planning, design and construction of the replacement

1 facility. Further, it is the intent of the General Assembly that the new Sterck School be constructed on State
2 of Delaware-owned land along Chestnut Hill Road (Tax Parcels 09-028.00-001, 09-028.00-002 and 09-
3 022.00-118).

4 Section 107. Indian River HVAC. The Section 1 Addendum of 75 Del. Laws, c. 98 appropriated
5 \$1,500,000 to the new Sussex Central High School in the Indian River School District to address critical
6 HVAC issues. To the extent the Indian River School District is successful in recouping some or all of the
7 above costs from another party, the Indian River School District shall reimburse the State on a dollar for
8 dollar formula.

9 Section 108. School Construction Fund Transfers. Notwithstanding any law or other provision to
10 the contrary, the Department of Education, with the approval of the Director of the Office of Management
11 and Budget and Controller General, may transfer funding between major capital construction projects
12 within the respective school districts. These transfers shall not authorize any changes in conditions or incur
13 any obligations in excess of the approved Certificate(s) of Necessity.

14 Section 109. School District Financial Reviews. It is the intent of the General Assembly that for
15 school districts receiving funds appropriated in the Section 1 Addendum to this Act, should a school district
16 financial position report as required under 14 Del. C. §1507 demonstrate less than one month of carryover,
17 or if at any time during the course of the fiscal year a school district is projected to not be able to satisfy its
18 local payroll obligations, the Director of the Office of Management and Budget, in coordination with the
19 Secretary of Education and Controller General, is authorized to conduct a comprehensive review of the
20 school district's capital construction program.

21 Section 110. School Construction Contractual Documents. Effective January 1, 2007, all school
22 districts that receive State funds for major capital construction projects shall use standard bid and contract
23 documents developed by the Office of Management and Budget, Facilities Management. School districts
24 may enhance the standard bid and contract documents with additional contractual or project-specific
25 requirements as long as the enhancements do not diminish and are not in conflict with the provisions of the
26 standard documents. The Department of Education, in consultation with the Office of Management and

1 Budget, Facilities Management, shall approve any modifications or changes to the provisions of the
2 standard bid and contract documents before a school district may use or enhance the modified documents.

3 Section 111. Sunnyside Elementary - Smyrna School District. The Section 1 Addendum to 75 Del.
4 Laws c. 353, appropriated \$1,286,700 to the Department of Education for the Sunnyside Elementary School
5 in the Smyrna School District. In lieu of providing the State's 50 percent match for land donated to the
6 District for this project, the District may use Minor Capital Improvement Funds and/or Division III
7 Equalization funds as the local match for this appropriation.

8 Section 112. Channin and Old Mill Lane Elementary Schools. Of the remaining funds allocated in
9 the Fiscal Year 2005 Bond and Capital Improvements Act for the demolition of the Channin and Old Mill
10 Elementary Schools; the Brandywine School district is hereby authorized to utilize said funds related to the
11 rehabilitation of the Claymont Elementary School's playground.

12 Section 113. Bond Verification. All bonds issued, or herein before or herein authorized to be
13 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

14 Section 114. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
15 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
16 controlling.

17 Section 115. Severability. If any section, part, phrase, or provision of this Act or the application
18 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its
19 operation to the section, part, phrase, provision, or application directly involved in the controversy in
20 which such judgment shall have been rendered and shall not affect or impair the validity of the remainder
21 of this Act or the application thereof.

22 Section 116. Effective Date. This Act shall take effect in accordance with the provisions of State
23 law.

24 **SYNOPSIS**

25 This Bill is the Fiscal Year 2009 Bond and Capital Improvements Act.

Delaware Department of Transportation
Fiscal Year 2009 Capital Transportation Program
Appendix A
(in \$000's)

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2009 Authorization
ROAD SYSTEM (7700)					
A. Expressways					
I-295 Improvements, Weave Elimination from I-95 to Us 13	7700			1,200.0	1,200.0
I-95, N213, Carr Road and N3, Marsh Road Interchange Improvements	7700		720.0	120.0	840.0
Delaware Turnpike Improvements, I-95 Mainline Widening	7700		9,061.5		9,061.5
SR 1/I-95 Interchange	7700		12,000.0		12,000.0
Interstate Maintenance	7700		7,200.0		7,200.0
Subtotal Expressways		0.0	28,981.5	1,320.0	30,301.5
B. Arterials					
US 13 SR 896 Boyd's Corner Intersection	7700		6,560.0		6,560.0
US 13, Philadelphia Pike, Claymont Transportation Plan Implementation	7700		1,200.0		1,200.0
Churchman's Program Management	7700			200.0	200.0
SR 2, South Union Street from Railroad Bridge to Sycamore Street, Wilm.	7700		80.0	94.0	174.0
SR 2 Elkton Road, Casho Mill Road to Delaware Avenue	7700		1,000.0		1,000.0
SR 4, Ogletown Stanton Road 48" Corrugated Metal Pipe Replacement	7700			102.0	102.0
US 40 Program Management	7700			200.0	200.0
US 40, Bear-Glasgow Bus Stop Improvements	7700		320.0	80.0	400.0
US 40, Eden Square Connector	7700			64.0	64.0
US 301, Maryland State Line to SR 1	7700			33,000.0	33,000.0
Washington Street, New Castle	7700		220.0	37.0	257.0
US 13 Pedestrian Improvements, Townsend Boulevard to College Road	7700			735.0	735.0
SR 1 North Frederica Grade Separated Intersection	7700		8,000.0	1,918.0	9,918.0
SR 1 South Frederica Grade Separated Intersection	7700		1,600.0		1,600.0
SR 1, Bay Road/K19, Thompsonville Road Intersection Improvements	7700		6,280.0		6,280.0
SR 8 Forrest Avenue & K44, Pearsons Corner Road, Dover	7700			500.0	500.0
Governor's Avenue, Webb's Lane to Water Street	7700			17.0	17.0
SR 1A (Rehoboth Ave) at Church Street-Intersection Improvement	7700			600.0	600.0
SR 1, Rehoboth Canal to North of Five Points	7700			3,010.0	3,010.0
SR 1, Coastal Highway, SR 30, Cedar Creek Road	7700			500.0	500.0
SR 26, Detour Routes	7700			700.0	700.0
SR 26, Atlantic Avenue from Clarksessville to Assawoman Canal	7700		18,336.0		18,336.0
US 9 / SR 1 Five Points Interchange	7700			2,000.0	2,000.0
US 13 Seaford Intersection Improvements	7700		3,040.0	648.0	3,688.0
US 113 North/South Improvements	7700		4,000.0		4,000.0
Indian River Inlet Bridge Replacement	7700		34,397.2		34,397.2
Talley Yard Improvements	7700			1,900.0	1,900.0
Western Parkway	7700			1,075.0	1,075.0
Subtotal Arterials		0.0	85,033.2	47,380.0	132,413.2
C. Collectors					
West Dover Connector	7700	2,000.0	400.0	156.0	2,556.0
Barratts Chapel Road	7700	1,000.0			1,000.0
Carter Road (K137), Sunnyside Road to Wheatley's Pond Road, Smyrna	7700		960.0	181.0	1,141.0
SR 54, Mainline Improvements	7700		4,400.0	1,014.0	5,414.0
SR 72, McCoy Road to SR 71	7700			1,600.0	1,600.0
Subtotal Collectors		3,000.0	5,760.0	2,951.0	11,711.0
D. Locals					
Wilmington Riverfront Program	7700			7,150.0	7,150.0
Southern New Castle County Improvements	7700	300.0			300.0
Pomeroy Branch, Pedestrian and Bicycle Path	7700		1,503.6		1,503.6
Recreational Trails	7700	214.0	854.1		1,068.1
N15, Boyds Corner Road, Cedar Lane Road, to US 13	7700			326.0	326.0
N413, Hyetts Corner Road, Jamison Corner Road to US 13	7700			200.0	200.0
N413, Jamison Corner Road, Boyds Corner Road to Hyetts Corner Road	7700			950.0	950.0
N54, Howell School Road, SR 896 to SR 71	7700			997.0	997.0
Harrington Truck Route	7700			615.0	615.0
S298 - Banks Road Improvements S22 to SR 24	7700			806.0	806.0
S318 Patriots Way / S86 Avenue of Honor	7700			479.0	479.0
S279, Camp Arrowhead Road, S277 to SR24	7700			1,141.0	1,141.0
Lake Gerar Bridge	7700		275.0		275.0
Subtotal Locals		514.0	2,632.7	12,664.0	15,810.7
E. Bridges					
Bridge Preservation Program	7700	175.0	14,391.4	2,850.0	17,416.4
Bridge Management Program	7700		3,330.0	833.0	4,163.0
Subtotal Bridges		175.0	17,721.4	3,683.0	21,579.4

Delaware Department of Transportation
Fiscal Year 2009 Capital Transportation Program
Appendix A
(in \$000's)

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2009 Authorization
F. Rail					
Rail Crossing Safety	7700		1,100.0	172.0	1,272.0
Subtotal Rail		0.0	1,100.0	172.0	1,272.0
G. Other					
Advanced Acquisitions	7700			400.0	400.0
Materials & Minor Contracts	7700			5,657.0	5,657.0
Pavement Rehabilitations	7700		12,800.0	59,119.0	71,919.0
Signage & Pavement Markings	7700		800.0	2,200.0	3,000.0
Highway Safety Improvement Program	7700		4,694.0	1,595.0	6,289.0
Intersection Improvements	7700			4,938.0	4,938.0
Transportation Enhancements	7700		3,602.3		3,602.3
Traffic Calming Program	7700			442.0	442.0
Engineering & Contingency	7700			22,926.0	22,926.0
Subtotal Other		0.0	21,896.3	97,277.0	119,173.3
TOTAL ROAD SYSTEM		3,689.0	163,125.1	165,447.0	332,261.1
SUPPORT SYSTEM (7600)					
Aeronautics	7600	9,850.0		5,556.0	15,406.0
Heavy Equipment	7600			10,500.0	10,500.0
Planning	7600		5,617.0	3,521.0	9,138.0
Technology	7600			4,900.0	4,900.0
Transportation Facilities	7600			4,104.0	4,104.0
Transportation Management Improvements	7600	90.0	4,600.0	98.0	4,788.0
Rail Improvements, Newark to Wilmington Program	7600	2,700.0	13,100.0		15,800.0
Rail Preservation	7600			300.0	300.0
Wilmington Train Station	7600		8,478.0		8,478.0
TOTAL SUPPORT SYSTEM		12,640.0	31,795.0	28,979.0	73,414.0
TRANSIT SYSTEM (7300)					
Transit Facilities Program	7300			4,525.0	4,525.0
Transit Vehicles	7300	482.0	2,256.3	10,161.0	12,899.3
Inter City Program	7300	158.0	157.8		315.8
Preventive Maintenance	7300	2,674.0	11,466.1		14,140.1
TOTAL TRANSIT SYSTEM		3,314.0	13,880.2	14,686.0	31,880.2
GRANTS AND ALLOCATIONS (5600)					
Community Transportation Fund	5600			18,600.0	18,600.0
Municipal Street Aid	5600			6,000.0	6,000.0
TOTAL GRANTS AND ALLOCATIONS		0.0	0.0	24,600.0	24,600.0
GRAND TOTAL		19,643.0	208,800.3	233,712.0	462,155.3