



SPONSOR: Rep. Lofink Sen. Venables
 Carey Blevins
 Lavelle Cook
 Stone McDowell
 Mulrooney Simpson
 Viola Still

HOUSE OF REPRESENTATIVES
144th GENERAL ASSEMBLY

HOUSE BILL NO. 525

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

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

1 Section 1. Fiscal Year 2009 Capital Improvements Project Schedule Addendum. The General Assembly hereby
2 authorizes the following projects in the following amounts for the purposes set forth in this Section and as described in the
3 Fiscal Year 2009 Governor's Recommended Capital Budget and Project Information document. Any authorization balance
4 (excluding Transportation Trust Fund balances) remaining unexpended or unencumbered by June 30, 2011, shall be subject
5 to reversion or 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	TRANS. TRUST FUND REAUTH.	GENERAL FUNDS	ONE TIME SPECIAL 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	-	-	-	-	4,885,400	-	4,885,400
Local Law Enforcement Technology/Maintenance Fund	10-02-10	-	-	-	-	200,000	-	200,000
K-12 School Construction Prioritization Fund	10-02-11	-	-	-	-	-	75,000,000	75,000,000
State Employee Workforce, Education and Training Center	10-02-50	6,500,000	-	-	-	-	-	6,500,000
Minor Capital Improvements and Equipment	10-02-50	-	-	-	-	3,500,000	-	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	16,000,000	-	-	-	-	-	16,000,000
<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	-	-	-	-	1,500,000	-	1,500,000
<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	-	-	-	-	500,000	-	500,000
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	-	-	-	-	1,363,200	-	1,363,200
Cleveland White Building Renovations	10-02-50	500,000	-	-	-	-	-	500,000
<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	-	-	-	-	725,000	-	725,000
<i>Delaware National Guard Projects</i>								
Minor Capital Improvements and Equipment	10-02-50	-	-	-	-	600,000	-	600,000
Subtotal:		\$ 27,500,000	\$ -	\$ -	\$ -	\$ 26,869,600	\$ 75,000,000	\$ 129,369,600

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	TRANS. TRUST FUND REAUTH.	GENERAL FUNDS	ONE TIME SPECIAL FUNDS	TOTAL
DELAWARE ECONOMIC DEVELOPMENT OFFICE								
Strategic Fund	10-03-03	\$ -	\$ -	\$ -	\$ -	10,000,000	\$ -	10,000,000
New Economy Initiative (Year V)	10-03-03	-	-	-	-	1,000,000	-	1,000,000
Fraunhofer Vaccine Development	10-03-03	-	-	-	-	1,000,000	-	1,000,000
Riverfront Development Corporation	10-03-03	-	-	-	-	2,000,000	-	2,000,000
Diamond State Port Corporation	10-03-03	-	-	-	-	4,000,000	-	4,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	18,000,000	\$ -	18,000,000
DELAWARE STATE HOUSING AUTHORITY								
Housing Development Fund - Preservation	10-08-01	\$ 5,000,000	\$ -	\$ -	\$ -	-	\$ -	5,000,000
Delaware Emergency Mortgage Assistance Program	10-08-01	-	-	-	-	250,000	-	250,000
Subtotal:		\$ 5,000,000	\$ -	\$ -	\$ -	250,000	\$ -	5,250,000
STATE								
Museum Maintenance	20-06-04	\$ -	\$ -	\$ -	\$ -	350,000	\$ -	350,000
Dover Public Library	20-08-01	4,000,000	-	-	-	-	-	4,000,000
New Castle Public Library	20-08-01	2,500,000	-	-	-	-	-	2,500,000
Claymont Public Library	20-08-01	-	-	-	-	25,000	-	25,000
Bridgeville Public Library	20-08-01	1,000,000	-	-	-	-	-	1,000,000
Seaford Public Library	20-08-01	2,000,000	-	-	-	-	-	2,000,000
Milford District Free Library	20-08-01	1,000,000	-	-	-	-	-	1,000,000
Subtotal:		\$ 10,500,000	\$ -	\$ -	\$ -	375,000	\$ -	10,875,000
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	\$ -	\$ -	\$ -	\$ -	200,000	\$ -	200,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	200,000	\$ -	200,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	TRANS. TRUST FUND REAUTH.	GENERAL FUNDS	ONE TIME SPECIAL 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
Park Development/Rehabilitation	40-06-02	-	-	-	-	900,000	-	900,000
Tax/Public Ditches	40-07-02	-	-	-	-	1,400,000	-	1,400,000
Buried Debris Pit Remediation	40-07-02	-	-	-	-	1,000,000	-	1,000,000
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:		\$ -	\$ -	\$ -	\$ -	\$ 9,255,000	\$ -	\$ 9,255,000
SAFETY AND HOMELAND SECURITY								
Helicopter Lease/Payment	45-01-01	\$ -	\$ -	\$ -	\$ -	\$ 320,500	\$ -	\$ 320,500
Security Camera Equipment	45-01-01	-	-	-	-	70,000	-	70,000
Twin Engine Helicopter Lease/Payment	45-01-01	-	-	-	-	2,400,000	-	2,400,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ 2,790,500	\$ -	\$ 2,790,500
TRANSPORTATION								
Road System	55-05-00	\$ -	\$ -	\$ 84,693,636	\$ 77,512,064	\$ -	\$ -	\$ 162,205,700
Grants and Allocations	55-05-00	-	-	24,600,000	-	-	-	24,600,000
Transit System	55-05-00	-	-	24,886,000	-	-	-	24,886,000
Support System	55-05-00	-	-	56,900,000	-	-	-	56,900,000
Subtotal:		\$ -	\$ -	\$ 191,079,636	\$ 77,512,064	\$ -	\$ -	\$ 268,591,700

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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	\$ 5,000,000	\$ -	\$ -	\$ -	-	\$ -	5,000,000
Subtotal:		\$ 5,000,000	\$ -	\$ -	\$ -	-	\$ -	5,000,000
DELAWARE STATE UNIVERSITY								
Minor Capital Improvement and Equipment	90-03-01	\$ -	\$ -	\$ -	\$ -	5,000,000	\$ -	5,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	5,000,000	\$ -	5,000,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE								
Excellence Through Technology	90-04-01	\$ -	\$ -	\$ -	\$ -	400,000	\$ -	400,000
Collegewide Asset Preservation/MCI	90-04-01	-	-	-	-	1,435,000	-	1,435,000
Collegewide Facility Planning	90-04-01	-	-	-	-	165,000	-	165,000
Campus Improvements - Owens Campus	90-04-02	-	-	-	-	750,000	-	750,000
Campus Improvements - Stanton/Wilmington Campuses	90-04-05	30,900	-	-	-	1,469,100	-	1,500,000
Campus Improvements - Terry Campus	90-04-06	-	-	-	-	750,000	-	750,000
Subtotal:		\$ 30,900	\$ -	\$ -	\$ -	4,969,100	\$ -	5,000,000

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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
Tech Prep Equipment (100% State)	95-01-01	-	-	-	-	100,000	-	100,000
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	\$ -	\$ -	\$ 6,180,600	\$ -	\$ 132,788,300

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	TRANS. TRUST FUND REAUTH.	GENERAL FUNDS	ONE TIME SPECIAL 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	-	-	-	-	1,650,000	-	1,650,000
Resource, Conservation and Development	25-01-01	-	138,900	-	-	861,100	-	1,000,000
Subtotal:		\$ -	\$ 138,900	\$ -	\$ -	3,511,100	\$ -	3,650,000
GRAND TOTAL:		\$ 172,500,000	\$ 2,277,500	\$ 191,079,636	\$ 77,512,064	\$ 83,391,300	\$ 75,000,000	\$ 601,760,500

1
2 Section 2. Authorization of Twenty-Year Bonds. The state hereby authorizes the issuance of
3 bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal
4 amount as necessary to provide proceeds to the state in the amount of \$172,500,000 and in the amount of
5 \$32,041,500 local share of school bonds. Bonds authorized to be used by this Section shall mature not later
6 than 20 years from their date of issuance. The proceeds of such bonds, except for local share of school
7 bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of this Act
8 and summarized as follows:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>		
Office of Management and Budget	\$27,500,000		
Delaware State Housing Authority	5,000,000		
Department of State	10,500,000		
University of Delaware	5,000,000		
Delaware Technical and Community College	30,900		
Department of Education	124,469,100		
		<u>Maximum</u>	
<u>Purpose</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
Brandywine, New Transportation Facility (Local Only)		\$3,000,000	3,000,000
Brandywine, Replace Brandywood ES (60/40)	\$700,000	466,700	1,166,700
Christina, Construct New Sterck School (100% State)	4,627,300		4,627,300
Christina, Re-start Porter Road ES (60/40) (Local Only)		2,617,100	2,617,100
Cape Henlopen, Construct 1,600 Pupil HS (60/40) (Full Local Share in FY 2007)	13,237,700		13,237,700
Cape Henlopen, Sussex Consortium (100% State)	2,125,200		2,125,200
Colonial, Renovate William Penn HS (67/33)	7,151,700	3,522,500	10,674,200
Colonial, Renovate Gunning Bedford MS (67/33) (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/Add Middletown HS	438,100	162,000	600,100
7	(73/27)			
8	Appoquinimink, Renovate Redding MS (73/27)	555,600	205,400	761,000
9	Appoquinimink, Renovate Meredith MS (73/27)	40,200	14,900	55,100
10	Appoquinimink, Brick Mill ES (73/27)	56,700	21,000	77,700
11	Appoquinimink, Renovate Silver Lake ES (73/27)	260,600	96,400	357,000
12	Caesar Rodney, Renovate and Add to McIlvane KN	7,247,400	1,811,900	9,059,300
13	(80/20)			
14	Lake Forest, Performing Arts Addition HS (80/20)	4,330,600	1,082,700	5,413,300
15	Milford, Construct New ES (77/23)	2,382,400	711,600	3,094,000
16	Milford, Construct Middle Academy (77/23)	16,468,700	4,919,200	21,387,900
17	Milford, Renovate Lulu Ross ES (77/23)	275,600	82,300	357,900
18	Capital, Construct 600 Pupil ES (72/28)	9,394,400	3,653,400	13,047,800
19	Capital, Central MS Gym Replacement (72/28)	8,622,400	3,353,100	11,975,500
20	Smyrna, Renovate and Add to HS (80/20)	24,000,000	6,000,000	30,000,000
21	Sussex Technical, Replace Water System (60/40)	481,900	321,300	803,200
22	Subtotal	\$124,469,100	\$32,041,500	\$156,510,600
23			TOTAL	<u>\$172,500,000</u>

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

25	Project	Project Appropriation Code	Amount
26			
27			
28	Market Pressure	2006-95-02-02-7636	\$795,447.00
29	Charlton Renovation	2004-95-11-00-7410	3.98

1	AI Dupont HS	2004-95-32-00-7421	.03
2	Land, 840 Pupil ES	2003-95-33-00-7317	.01
3	West Park ES	2004-95-33-00-7412	.71
4	TOTAL		<u>\$795,451.73</u>

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

6 Notwithstanding the provisions of any other state law, the State Treasurer shall transfer, as funds become
7 available, the sum of \$795,400 from the State Treasurer’s School Bond Reversion Account (94-12-05-03-
8 8102) to the following department in the following amount for the purpose set forth in the Section 1
9 Addendum to this Act:

10	<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
11	Department of Education	
12	(Christina, Sterck School)	\$795,400
13	TOTAL	
		<u>\$795,400</u>

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

18	<u>Department, Agency or Instrumentality</u>	<u>Appropriation Code</u>	<u>Amount</u>
19	Department of Education		
20	Market Pressure	2005-95-02-02-0877	\$1,343,282.00
21	TOTAL		<u>\$1,343,282.00</u>

22	(b) <u>Department, Agency or Instrumentality</u>	<u>Amount</u>
23	Department of Education	
24	(Minor Capital Improvements and Equipment)	\$1,343,200
25	TOTAL	
		<u>\$1,343,200</u>

26 Section 6. Appropriation of General Funds. It is the intent of the General Assembly that \$79,880,200
27 be appropriated to the following departments of the State and in the following amount for the purposes set

1 forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or unencumbered by June 30,
 2 2011, shall revert to the General Fund of the State of Delaware. The state hereby authorizes the issuance of
 3 bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal
 4 amount as necessary to provide proceeds to the State in the amount of \$4,155,941 local share of school bonds.
 5 Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance.

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
7 Office of Management and Budget	\$26,869,600
8 Delaware Economic Development Office	18,000,000
9 Delaware State Housing Authority	250,000
10 Department of State	375,000
11 Department of Health and Social Services	2,750,000
12 Department of Services for Children, Youth and Their Families	200,000
13 Department of Correction	3,135,400
14 Department of Natural Resources and Environmental Control	9,255,000
15 Department of Safety and Homeland Security	2,790,500
16 Fire Prevention Commission	105,000
17 Delaware State University	5,000,000
18 Delaware Technical Community College	4,969,100
19 Department of Education	6,180,600

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
22 Minor Capital Improvements 23 and Equipment	\$5,920,600	\$4,049,241	\$9,969,841
24 Architectural Barrier Removal	160,000	106,700	266,700
25 Tech Prep Equipment (100% State)	100,000	0	100,000
26 Subtotal	\$6,180,600	\$4,155,941	\$10,336,541

1 **TOTAL** **\$79,880,200**

2 Section 7. General Funds to Twenty-First Century Funds. It is the intent of the General Assembly
3 that \$3,511,100 be appropriated from General Funds to the Department of Finance, Office of the Secretary
4 (25-01-01) to be deposited into the Twenty-First Century Fund as established per 29 Del. C. §6102A.

5 These funds shall be appropriated for the following purposes as set forth in the Section 1 Addendum to
6 this Act:

7 <u>Purpose</u>	<u>Amount</u>
8 Clean Water State Grant Match	\$1,000,000
9 Drinking Water State Revolving Fund	1,650,000
10 Resource, Conservation and Development	861,100

11 **TOTAL** **\$3,511,100**

12 Section 8. Special Fund Reprogramming. Notwithstanding any other provisions of the Delaware
13 Code, Delaware Laws, or any other Act to the contrary, there is hereby appropriated \$138,900 from
14 completed projects funded from prior year Community Redevelopment Funds within the Office of
15 Management and Budget, Administration (10-02-05) to the following department in the following amount
16 for the purpose set forth in the Section 1 Addendum to this Act:

17 <u>Purpose</u>	<u>Amount</u>
18 Twenty First Century Fund (Department of Finance) 19 (Resource, Conservation and Development)	\$138,900

20 **TOTAL** **\$138,900**

21 Section 9. Appropriation of One Time Special Funds. (a) A special fund of the State is created
22 in the Office of Management and Budget, Contingencies and One Time Items (10-02-11) entitled the “K-
23 12 School Construction Prioritization Fund”. Notwithstanding the provisions of 29 Del. C. § 6102(a), for
24 the fiscal year ending June 30, 2009, the Secretary of Finance shall transfer actual receipts received under
25 12 Del. C. c. 11 that exceed \$390,400,000 to the K-12 School Construction Prioritization Fund until such
26 account reaches a balance of \$75,000,000. When the account balance in the K-12 School Construction

1 Prioritization Fund reaches \$75,000,000, any remaining actual receipts received by the State under 12 Del.
 2 C. c. 11 shall be deposited to the General Fund.

3 (b) Moneys from the K-12 School Construction Prioritization Fund shall be interest bearing and
 4 invested by the Cash Management Policy Board in which any interest accrued from appropriation project
 5 accounts shall be deposited to the credit of the Fund. No money shall be expended from the Fund except
 6 pursuant to an appropriation incorporated in the State’s Bond and Capital Improvements Act or the Annual
 7 Appropriations Act.

8 (c) The Section 1 Addendum to this Act appropriates \$75,000,000 from the K-12 School
 9 Construction Prioritization Fund to be expended as the state share match for K-12 school construction
 10 projects that are a result of public school districts successfully passing construction referendums. To
 11 ensure that funds are available for projects identified in this subsection, the transfer of funds from the K-12
 12 School Construction Prioritization Fund is subject to approval of the Director of the Office of Management
 13 and Budget and the Controller General. For Fiscal Year 2009, as funds become available, the following
 14 school construction projects are to be funded in priority order:

15			Maximum	
16	<u>Purpose</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
17	Colonial, Renovate/Reconfigure New Castle MS	4,100,600		4,100,600
18	(67/23) – (Full local share in FY 2007)			
19				
20	Colonial, Renovate Carrie Downie ES (67/33)	1,969,800	970,200	2,940,000
21	Colonial, Renovate Pleasantville ES (67/33)	2,422,300	1,193,100	3,615,400
22	Colonial, Renovate Castle Hills ES (67/33)	2,720,000	1,339,700	4,059,700
23	Christina, Construct New Sterck School (100% State)	15,442,700		15,442,700
24	Appoquinimink, Renovate Cedar Lane ES (73/27)	4,785,700	1,770,100	6,555,800
25				
26	Appoquinimink, Renovate/Add Middletown HS	1,752,400	648,200	2,400,600
27	(73/27)			
28				
29	Lake Forest, Renovate W.T. Chipman MS (80/20)	901,800	225,400	1,127,200
30	Lake Forest, Renovate Lake Forest HS (80/20)	1,420,300	355,100	1,775,400

1	Milford, Construct Middle Academy (77/23)	9,766,800	2,917,400	12,684,200
2	Milford, Construct 720 Pupil ES (77/23)	10,780,000	3,220,000	14,000,000
3	Smyrna, Construct 600 Pupil Clayton IS (80/20)	4,000,000	1,000,000	5,000,000
4	Caesar Rodney, Renovate W.B. Simpson ES (80/20)	650,000	162,500	812,500
5	Caesar Rodney, Renovate Reily Brown ES (80/20)	5,672,700	1,418,200	7,090,900
6	Christina, Re-start Porter Road ES (60/40)	3,925,700		3,925,700
7	Christina, Renovate Bayard ES to MS (60/40)	3,600,000		3,600,000
8	(Local match in House Bill 300)			
9				
10	Polytech, Roof Replacement – Cafeteria and Office	418,200	104,600	522,800
11	Wing (80/20)			
12	New Castle County VoTech, Renovate Howard HS	671,000	429,000	1,100,000
13	(61/39)			
14	Total	\$75,000,000	\$15,753,500	\$90,753,500

15 The state hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and
16 credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the State in
17 the amount of \$15,753,500 local share of school bonds. Bonds authorized to be used by this subsection
18 shall mature not later than 20 years from their date of issuance in which the date of issuance shall be no
19 earlier than the approval of the transfer of state matching funds from the K-12 School Construction
20 Prioritization Fund.

21 Section 10. Continuing Appropriations. For the fiscal year ending June 30, 2008, any sums in the
22 following accounts shall remain as continuing appropriations and shall not be subject to a reversion until
23 June 30, 2009.

<u>Fiscal Year</u>	<u>Account Codes</u>	<u>Remarks</u>
24 2006	01-08-02-0891	Leg Hall Improvements
25 2006	02-17-01-0805	COTS
26 2004	10-02-05-0814	Technology Fund
27 2006	10-02-05-0814	Technology Fund
28 2008	10-02-05-8501	ERP
29 2006	10-02-50-0819	MCI Corrections
30 2006	10-02-50-0821	Darley House
31 2005	10-02-50-0848	Bacon Site

1	2006	10-02-50-0877	Forensic Building
2	2005	10-02-50-0878	Vets Home
3	2006	10-02-50-0881	Cooch-Dayett Mill
4	2005	10-02-50-0882	Facilities Space Study
5	2005	10-02-50-0886	STARC Headquarters
6	2006	10-02-50-0893	Firing Range
7	2006	10-02-50-0895	Townsend Bldg
8	2006	10-02-50-0896	Holloway Campus Plan
9	2006	10-02-50-0909	NC Arsenal
10	2003	10-02-50-7310	Sussex Courthouse
11	2004	10-02-50-7411	Kent County Courthouse
12	2005	10-02-50-7511	Kent County Courthouse
13	2005	10-02-50-7512	Old State House
14	2006	10-02-50-7604	Townsend Bldg
15	2006	10-02-50-7605	Capital Parking
16	2006	10-02-50-7607	Howard R. Young Center
17	2006	10-02-50-7611	Kent County Courthouse
18	1999	10-03-03-0805	Dover Civic Center
19	2005	10-03-03-0805	Delaware Civic Center
20	2001	10-03-03-0821	High Tech Business Incubator
21	2002	10-03-03-7212	DSU High Tech Incubator
22	2003	10-03-03-7311	DSU High Tech Incubator
23	2006	10-03-03-7601	Runway Ext
24	2006	10-03-03-7602	Civic Center
25	2006	10-03-03-7611	High Technology Incubator
26	2002	12-05-03-0888	GF Cap Reprogramming
27	1994	12-05-03-8101	Agency Reversions
28	1994	12-05-03-8102	School Reversions
29	2001	20-08-01-0802	Georgetown Library
30	2005	20-08-01-0817	Seaford Library
31	2005	20-08-01-0818	Kirkwood Library
32	2005	20-08-01-0820	Greenwood Library
33	1996	20-08-01-6616	North Wilmington Library
34	2002	20-08-01-7217	Seaford Library
35	2002	20-08-01-7219	Harrington Library
36	2003	20-08-01-7312	Seaford Library
37	2008	25-01-01-8501	ERP
38	2004	35-05-20-0802	Drinking Water
39	2005	35-05-20-0810	Fluoridation
40	2004	37-01-25-0822	Cleve White Bldg Renovations
41	2005	38-06-11-0801	Women's Treatment Center
42	2006	40-01-01-0802	MCI
43	2004/05	40-05-02-0803	Dams/Water Control
44	2006	40-05-02-0804	Lewes Boat Ramp
45	2004	40-06-02-0804	Park Rehabilitation
46	2006	40-06-02-0822	Cleaver House
47	2006	40-06-02-7612	Seashore Enhancements
48	2006	40-06-02-7613	State Park Facilities
49	2006	40-07-01-0803	Surface Water Taskforce
50	2006	40-07-02-0802	Tax/Public Ditches
51	2006	40-07-02-0806	Little Mill
52	1993	40-07-02-6313	Resource, Conservation & Dev
53	2003	40-07-02-7312	Resource, Conservation & Dev
54	2006	40-07-03-0802	Beach Preservation

1	2001	40-08-01-0801	Wilmington Sewer
2	2004/05	40-08-01-0802	Wilmington Sewer
3	2008	40-08-01-8026	CSO
4	2006	40-08-07-0801	Red Clay Study
5	2006	40-08-07-0802	Center for Inland Bays
6	2005	40-09-03-0819	HM/Eden Park Remediation
7	2006	65-01-01-0608	Conservation Reserve
8	2004	90-03-01-0802	Airway Science
9	2002	90-03-01-7217	Technology Building
10	2004	90-03-01-7411	Sports/Wellness Center
11	2006	90-03-01-7611	Wellness Center
12	2006	90-04-04-7611	Stanton Campus Expansion
13	2005	90-04-05-0809	Stanton Campus Expansion
14	2006	95-01-01-7601	Tech Prep
15	2005	95-02-02-0877	Market Pressure
16	2006	95-15-00-7612	Addition, Central Middle
17	2006	95-17-00-0801	Arch Barrier
18	2004	95-17-00-0818	A/C Sussex Consortium
19	2006	95-17-00-0872	MCI
20	2006	95-17-00-0873	MCI/VE
21	2005	95-23-00-0884	Market Pressure
22	1997	95-23-00-6713	Seaford HS
23	2006	95-23-00-7610	Renovate Douglass ES
24	2006	95-23-00-7611	Central ES
25	2006	95-23-00-7612	West Seaford ES
26	2006	95-23-00-7613	Seaford HS
27	2006	95-23-00-7614	Seaford MS
28	2006	95-23-00-7615	Renovate Blades ES
29	2006	95-24-00-7611	North Smyrna ES
30	2005	95-29-00-0884	Market Pressure
31	2006	95-29-00-7613	District Offices
32	2006	95-29-00-7620	1600 Pupil HS
33	2005	95-31-00-0808	Demolish Channin
34	2006	95-31-00-0873	MCI/VE
35	2005	95-31-00-0884	Mkt Pres Brandywood ES
36	2004	95-31-00-7411	Renovate Forwood ES
37	2005	95-31-00-7516	Renovate Talley MS
38	2006	95-31-00-7636	Mkt Pres New ES
39	2006	95-31-00-7637	Market Pressure
40	2005	95-32-00-0832	Dickinson HS Field
41	2005	95-32-00-7510	Thomas McKean HS
42	2005	95-32-00-7512	Conrad MS
43	2005	95-32-00-7513	Dickinson HS
44	2005	95-32-00-7521	AI DuPont HS
45	2005	95-32-00-7534	Richardson Park ES
46	2006	95-32-00-7608	Shortlidge ES
47	2006	95-32-00-7618	Marbrook ES
48	2006	95-32-00-7619	Stanton MS
49	2006	95-32-00-7622	Skyline MS
50	2006	95-32-00-7623	Heritage ES
51	2006	95-32-00-7629	Renovate Lewis MS
52	2006	95-32-00-7631	Renovate HB Dupont MS
53	2006	95-32-00-7634	Richardson ES
54	2006	95-32-00-7635	AI Dupont MS

1	2005/06	95-33-00-0872	MCI
2	2004/05/06	95-33-00-0873	MCI/VE
3	2003	95-33-00-7316	840 Pupil ES
4	2004	95-33-00-7418	McVey MS
5	2004	95-33-00-7419	Newark HS
6	2004	95-33-00-7423	Portable Classrooms
7	2005	95-33-00-7517	Gallaher ES
8	2005	95-33-00-7519	Newark HS
9	2006	95-33-00-7523	Portable Classrooms
10	2005	95-33-00-7524	Autism Expansion
11	2005	95-33-00-7525	Christiana HS
12	2005	95-33-00-7526	Jennie Smith ES
13	2005	95-33-00-7527	Drew Pyle
14	2005	95-33-00-7529	Wilson ES
15	2005	95-33-00-7530	John Downs ES
16	2005	95-33-00-7531	New ES
17	2006	95-33-00-7532	New MS
18	2006	95-33-00-7616	840 Pupil ES
19	2006	95-33-00-7621	800 Pupil MS
20	2006	95-33-00-7625	Christina HS
21	2006	95-33-00-7628	Maclary ES
22	2006	95-33-00-7629	Wilson ES
23	2006	95-33-00-7630	Downes ES
24	2006	95-35-00-0873	MCI/VE
25	2005	95-35-00-7512	Athletic Fields
26	2003	95-36-00-7312	Frankford ES
27	2006	95-36-00-7313	Showell ES
28	2004	95-36-00-7419	Indian River HS
29	2005	95-36-00-7512	Renovate Frankford ES
30	2005	95-36-00-7519	Renovate HS
31	2006	95-36-00-7612	Frankford ES
32	2006	95-36-00-7617	Education Complex
33	2006	95-36-00-7619	Indian River HS
34	2005	95-37-00-7510	Classroom Additions
35	2005	95-37-00-7511	Capital Outlay Equipment
36	2006	95-40-00-7611	Replacement Roof
37	2006	95-51-00-7610	Replace Sterck

38 Section 11. Abandoned Property. For the fiscal year ending June 30, 2009, 29 Del. C. §6102(s)
39 shall be waived.

40 Section 12. Open Space Funding. Notwithstanding the provisions of 30 Del C., c. 54, § 5423
41 (b)(2) and § 5423 (c)(1), at the close of Fiscal Year 2009, the State shall transfer \$900,000 of realty
42 transfer taxes to the Endowment Account in the Delaware Land and Water Conservation Trust Fund and
43 \$5,100,000 of realty transfer taxes to the Project Account in the Delaware Land and Water Conservation
44 Trust Fund.

1 Section 13. Farmland Preservation Funding. Notwithstanding the provisions of 30 Del C. c. 54 §
2 5426, for the fiscal year ending June 30, 2009, the State shall transfer \$6,000,000 of realty transfer taxes to
3 the Farmland Preservation Fund maintained under 3 Del. C. c. 3.

4 Section 14. Twenty-First Century Fund. Amend 70 Del. Laws, C. 210 by deleting the number
5 “2005” as it appears on line 359, page 13 and substituting in lieu thereof the number “2011”.

6 Section 15. Resource, Conservation and Development Transfers - Project Funds Transfer from
7 Prior Fiscal Years to Fiscal Year 2009. Within the same county, any Twenty-First Century funds or match
8 remaining from completed projects as authorized as part of the Twenty-First Century Resource,
9 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD
10 projects in the Fiscal Year 2009 list of projects approved as part of the Fiscal Year 2009 Capital
11 Improvements Act.

12 Section 16. Conservation Districts – Federal Acquisition Regulations. Conservation Districts shall
13 not be required to follow the provisions of the Federal Acquisition Regulations unless specifically required
14 under a contract(s) with a federal agency or federal grant. If the Conservation Districts are required to
15 follow subpart 31.2 of the Federal Acquisition Regulations, then the Conservation District(s) are hereby
16 authorized to charge an additional ten percent to their overhead cost rate to enable the Conservation
17 District(s) to continue to fulfill their statutory duties and responsibilities.

18 Section 17. Conservation Districts – Rollover of Funds. If projects are discontinued and have 21st
19 Century funding associated with them, the associated 21st Century funding would remain within the
20 Conservation District from which the project originated and would roll over as new Fiscal Year 2009 funds
21 for allocation among the remaining projects within that Conservation District.

22 Section 18. First State Preservation Revolving Fund, Inc. For Fiscal Year 2009, First State
23 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
24 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
25 and 2000.

1 Section 19. Downtown Milford Inc. Any Community Redevelopment Fund appropriations to
2 Downtown Milford Inc.- Structural and Façade Improvements may be used for private businesses and
3 residences, as well as, institutional residences provided said properties are within the Downtown Milford
4 project area.

5 Section 20. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in
6 whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall
7 be reinvested in the Medical Center project.

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

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

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 Section 23. 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 24. 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 23 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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 32. 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 33. Delaware Health Information Network. The Section 1 Addendum to this Act
24 appropriates \$1,500,000 for the Delaware Health Information Network. As a joint initiative between
25 private, federal and state funds, the \$1,500,000 shall be utilized to support the development of an
26 interoperable network to exchange clinical information among all healthcare providers across the state to

1 improve patient outcomes and patient-provider relationships. The system shall be designed to allow patient
2 clinical information to be shared across all healthcare facilities and organizations and across public and
3 private sectors. Prior to the disbursement of funds, the Delaware Healthcare Commission, working in
4 conjunction with the Delaware Health Information Network (DHIN), shall provide the following:

- 5 (a) A firm written commitment, on a dollar for dollar draw basis, that demonstrates a matching
6 contribution from non-state sources (not including federal funds) to the Director of the Office
7 of Management and Budget and the Controller General. The matching commitment for
8 accessing said state funds in the aggregate shall be a minimum of \$1,500,000 from non-state
9 sources (not including federal funds);
- 10 (b) A budget that outlines the expenditure for the \$1,500,000 state appropriation including a
11 breakdown of categories (personnel/contractual services/supplies, etc);
- 12 (c) A total project budget over multiple years that includes funding allocations detailing federal,
13 private and state requested amounts; and
- 14 (d) A plan for staffing this initiative through contractual dollars.

15 The Delaware Health Care Commission is hereby authorized to establish interest-bearing special
16 fund accounts for the purposes of receiving private matching funds, donations, gifts and other such funds
17 for use in implementing DHIN. The Delaware Health Care Commission may accept such restrictions as the
18 grantor(s) may impose; however, that no such restrictions contravene the laws of the State. These accounts
19 shall be subject to audit by the State Auditor.

20 Section 34. Property on 900 King Street. During the fiscal year ending June 30, 2009, the Office
21 of Management and Budget shall have an appraisal completed by a licensed, Delaware appraiser on the
22 state-owned property located at 900 King Street in Wilmington (tax parcel number 26.035.20.121). The
23 property may be listed for sale at the appraised value and any proceeds resulting from said sale shall be
24 deposited to the General Fund. For the purposes of this sale, the requirements of 29 Del. C. c. 94 shall not
25 apply.

1 Section 35. Sale of Surplus Property. Notwithstanding the provisions of any law to the contrary,
2 the Director of the Office of Management and Budget is authorized to solicit buyers for, and negotiate the
3 sale of, state-owned property located at 12th and King Streets in the City of Wilmington identified as tax
4 parcel numbers 26.028.40.178, 26.028.40.179, 26.028.40.181 and 26.028.40.184. The properties may be
5 listed for sale at their appraised values and any proceeds resulting from said sale shall be deposited to the
6 General Fund to offset payment made to the Bank of America for the State Employee Workforce,
7 Education and Training Center. The Director of the Office of Management and Budget must receive
8 approval from the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program
9 prior to proceeding to sale. For the sale of said properties, the Director of the Office of Management and
10 Budget is authorized to solicit buyers directly, use public advertisement, auction, reverse auction, sealed
11 bids, and/or issue requests for proposal. During Fiscal Year 2009, the Director of the Office of
12 Management and Budget may identify additional state-owned real property that, with the concurrence of
13 the co-chairs of the Joint Legislative Committee on the Capital Improvement Program and the Controller
14 General, may be sold pursuant to the provisions of this section.

15 Section 36. ERP Financials. The Section 1 Addendum to this Act appropriates \$3,700,000 for ERP
16 Financials. The purpose of ERP Financials is to replace the Delaware Financial Management System
17 (DFMS) and the Department of Transportation's BACIS accounting system, and to upgrade and add
18 functionality to the Payroll/Human Resource Statewide Technology (PHRST) system. In order to continue
19 implementation of ERP Financials and to provide one financial management system statewide, effective
20 Fiscal Year 2008, ERP Financials shall be a cost-sharing arrangement with the Department of
21 Transportation.

22 Section 37. Capitol Parking. It is the intent of the General Assembly that the Office of
23 Management and Budget may use funds previously appropriated for Capitol Parking/Security in the Section
24 1 Addendum to 75 Del. Laws, c. 98 for the construction of the Kent County Courthouse and for the
25 development and construction of parking required by the City of Dover to obtain a Certificate of Occupancy
26 for the expanded Kent County Courthouse. The Office of Management and Budget may expand the scope

1 of the contract for the construction of the Kent County Courthouse to include all required parking and may
2 use design/build project delivery methodology to expedite completion of a parking structure, garage or
3 other means to provide the required number of new parking spaces. The Office of Management and Budget
4 shall evaluate all state-owned sites in and around the Capital Complex for the development of Courthouse-
5 related parking, and may also enter into an agreement with the City of Dover to construct the required
6 parking on city-owned land if that option is found to be advantageous to both the city and state. All
7 provisions of 29 Del. C. c. 69 are hereby waived, with the exception of § 6960 related to prevailing wage
8 rates, for construction of parking associated with the Kent County Courthouse project.

9 Section 38. Card Access Security Systems. Notwithstanding any other law to the contrary, the
10 Office of Management and Budget (OMB), Department of Safety and Homeland Security (DSHS), and the
11 Department of Technology and Information (DTI) shall jointly develop and maintain specifications and
12 standards for card access security systems for all state facilities. Security system communications using
13 State infrastructure will observe enterprise standards and policies as defined by DTI pursuant to 29 Del. C.
14 c. 90C. The specifications and standards shall enable a single-card security solution for all facilities,
15 require the ability for concurrent central and local administration of all card access functions, and shall
16 include a registry of approved access cards, card readers, hardware, and security software solutions not
17 limited to any one manufacturer or supplier. Before a state agency may install a new card access security
18 system or modify an existing system, the agency shall obtain the approval of the OMB, DSHS, and DTI.

19 Section 39. Law Enforcement Technology/Maintenance and Education Fund. The Section 1
20 Addendum to this Act appropriates \$200,000 for the Law Enforcement Technology/Maintenance Fund.
21 This fund is to be administered by the Office of Management and Budget, subject to the review of the
22 Technology Investment Council, to eligible agencies and applicants as follows:

- 23 1. Departments may submit applications with receipts for reimbursement for maintenance costs
24 and upgrading of communications equipment, digital cameras, digital fingerprinting systems, automatic
25 external defibrillators and supplies and computer systems used by state, county and local law enforcement
26 agencies. Each agency shall be eligible for a reimbursement of actual costs of not less than one thousand

1 dollars (\$1,000) per department plus a share of account balances based on the number of sworn police
2 officers and up to available funding.

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

5 Section 40. Prior Year Funds. During the fiscal year ending June 30, 2009, the funds in
6 appropriations 2001-10-03-03-0821, 2002-10-03-03-7212, 2003-10-03-03-7311 and 2006-10-03-03-7611
7 shall be allocated as approved by the co-chairs of the Joint Legislative Committee on the Capital
8 Improvement Program, the Controller General's Office and the Office of Management and Budget.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 41. 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 42. 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 43. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an
15 appropriation of \$4,000,000 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 44. 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 45. 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 46. 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 47. 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 48. 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 49. 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 \$1,000,000 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>
Experimental Program to Stimulate Competitive Research (EPSCOR)	\$ 1,000,000
Total	\$ 1,000,000

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

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

Should these funds be used as a non-federal match for the Delaware EPSCOR-RII grant, they shall be used by a statewide partnership to build on Delaware's biotechnology research, education and economic development efforts. The partnership includes but is not limited to: University of Delaware, Delaware Biotechnology Institute, Delaware State University, Delaware Technical and Community College and Wesley College. Each institution that chooses to participate shall develop a research, education and economic development program aligned with the State's Life Science/Biotechnology efforts. The program shall include integrated statewide initiatives in environmental research; the development of research personnel and advanced research equipment; education outreach programs that include the encouragement of secondary school students to participate in science, technology, engineering and math careers; programs

1 in science, ethics, and public policy; and economic and workforce development focused on both existing
2 and new businesses.

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

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

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

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

3 Section 50. DuPont Innovation Center Partnership Program. The State of Delaware and DuPont
4 shall establish a partnership program to begin the transformation of DuPont's Experimental Station Labs
5 into the DuPont Innovation Center. The purpose of this transformation is to support DuPont's commitment
6 to Experimental Station Labs as its primary global research and development facility and to provide an
7 impetus for future growth of aligned and supporting industries across the State and region. This partnership
8 will require DuPont to make capital investments of \$80 million at Experimental Station Labs through 2009.
9 DuPont will also be required to provide, over the next 5 years free of charge, 250 patents and proprietary
10 technology packages to the Delaware Emerging Technology Center as part of the State's New Economy
11 Initiative. DuPont will also collaborate with the State of Delaware to develop a Delaware Biotechnology
12 Program for High School Students at Experimental Station Labs, consisting of at least 6 interactions per
13 year beginning in calendar year 2006 through calendar year 2009. DuPont will be required to complete
14 total capital investments of \$20 million at Experimental Station Labs by June 30, 2007, an additional \$20
15 million at Experimental Station Labs by December 31, 2008 and an additional \$40 million at Experimental
16 Station Labs by December 31, 2009 for a total of \$80 million in capital investments. This partnership
17 program will require DuPont to report its capital expenditures to the Delaware Economic Development
18 Office within 30 days of each capital investment completion deadline and shall be subject to a grant
19 agreement and remediation provisions deemed appropriate by the Development Office.

20 Section 51. New Markets Tax Credit Program. In the event that the Director of the Delaware
21 Economic Development Office or the Director of the Delaware State Housing Authority and the Secretary
22 of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit Program
23 under the U.S. Treasury Department, the Director is authorized to form a business entity or organization to
24 apply for and manage this program on behalf of the State, as required by applicable federal legislation and
25 regulations. Any such application for said program shall be subject to the approval of the Co-Chairs of the
26 Joint Legislative Committee on the Capital Improvement Program and the Delaware State Clearinghouse

1 Committee. Should such application receive final approval by the U.S. Treasury Department or other
2 federal governmental entity charged with such authority, at least one public hearing shall be held for the
3 purpose of presenting the program, the availability of financial assistance and the selection process and the
4 Director of the Delaware State Housing Authority shall notify, by certified and regular mail, any State
5 senators and representatives in whose districts any development project may be located, upon the
6 submission of a request for financing and a decision to provide financing for such development pursuant to
7 the New Market Tax Credit Program. In addition, the Housing Director shall so notify the Chief Executive
8 Office of any local government in whose jurisdiction any development will be located.

9 Section 52. Blue Ball East Master Plan Implementation. The implementation of the transportation,
10 stormwater management, and parks and recreation elements of the Blue Ball East Master Plan shall not be
11 subject to the zoning, subdivision, land use, or building code ordinances or regulations of any political
12 subdivision of the State.

13 Section 53. Riverfront Development Corporation Board. The composition of the board of directors
14 of the Riverfront Development Corporation of Delaware as established by the 70 Del. Laws, c. 210 is
15 hereby amended to provide for eight members to be appointed by the Governor, with one of those members
16 being appointed chair.

17 Section 54. Kent County Levy Court Local Lodging Tax. Kent County Levy Court may issue up
18 to \$20,000,000 in general obligation bonds for the Dover Civic Center with the resulting debt service to be
19 paid from the annual operating revenues of the Center. Should the annual operating revenues of the Center
20 be insufficient at any time during the debt repayment period to cover principal and interest payments, the
21 Levy Court shall be authorized to impose, by duly enacted ordinance, a local lodging tax for any room or
22 rooms in a hotel, motel or tourist home, as defined in 30 Del. C. § 6101, in an amount sufficient to repay
23 any principal and interest deficits not covered by Center revenues for the period for which such deficiency
24 exists. The Levy Court, in consultation with the State Treasurer and Secretary of Finance, shall establish
25 the rate and duration of any necessary levy. The Levy Court's authority to levy said hotel tax shall sunset
26 upon repayment of all principal and interest associated with the bond issuance.

1 Section 55. Fraunhofer Vaccine Development. The Section 1 Addendum to this Act appropriates
2 \$1,000,000 for Fraunhofer Vaccine Development. It is the intent of the General Assembly and the
3 Administration that said funds represent the third year of a five-year commitment by the State of Delaware
4 to leverage a 2:1 matching grant of \$10,000,000 from Fraunhofer USA. Further, up to one-third of the
5 aggregated state match shall be used to increase the capacity of Delaware farmers to participate in the
6 commercial raising of plants for the production of biopharmaceuticals.

7 Section 56. Emerging Technology Center. Notwithstanding any other law to the contrary, funds
8 appropriated to the Delaware Economic Development Office for the Emerging Technology Center,
9 pursuant to 74 Del. Laws, c. 308 § 36(c), shall be expended by the Delaware Economic Development
10 Office for the purpose of operating the Delaware Emerging Technology Center (“ETC”). Operating
11 expenses may include, but are not limited to ETC software licensing agreements; patent maintenance fees;
12 Delaware sponsored ETC investor forums, businesses plan competitions and conferences, marketing
13 campaigns; and Intellectual Property Business Creation program implementation initiatives.

14 Section 57. Riverfront Development Corporation. (a) Funds appropriated for the Riverfront
15 Development Corporation shall be disbursed to a special fund to be known as the Riverfront Development
16 Corporation Fund hereinafter referred to as the Fund.

17 (b) The Fund shall be invested by the State Treasurer in securities consistent with the policies
18 established by the Cash Management Policy Board. All monies generated by the Fund shall be deposited
19 in the Fund.

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

1 **DELAWARE STATE HOUSING AUTHORITY**

2 Section 58. 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 59. 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 60. 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 61. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del.
3 Laws, c. 210 shall be used to plan and construct a library within the First Senate District.

4 Section 62. Delaware River Main Channel Dredging. It is the intent of the General Assembly that
5 any future appropriation of State funds for the main channel dredging of the Delaware River shall be
6 contingent upon the following:

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

11 Section 63. Museum Maintenance. The Section 1 Addendum to this Act appropriates \$350,000 to
12 the Department of State for museum maintenance. It is the intent of the General Assembly that these funds
13 be retained by the Department of State, Division of Historical and Cultural Affairs for use with the
14 operations of State museums or for immediate, unscheduled repairs to those facilities under the control of
15 the Division of Historical and Cultural Affairs.

16 Section 64. Library Construction. Proposals submitted by the Department of State to the Office of
17 Management and Budget under 29 Del. C. § 6604A shall include a statement as to whether or not each of
18 the libraries have the required 50 percent non-state share match as defined in 29 Del. C. § 6602A(2).

19 Section 65. Historic Properties. Amend 29 Del. C. c. 5 § 551 by adding a new subsection (c)
20 to read as follows: “When any property heretofore or hereafter acquired by the Department by gift,
21 devise, purchase or otherwise is no longer needed for historical programming purposes the Department
22 shall attempt to dispose of the property as follows:

- 23 (1) If at the time of the Department’s determination to dispose of the property, the property is
24 subject to a revenue producing lease agreement which has been in force for a period of at least
25 5 years, the Department shall, in writing, notify the tenant that the property is no longer needed
26 for historical programming purposes. Such notice shall inform the tenant of the Department’s

1 desire to sell the property, and include a copy of the Department’s approved appraisal and a
2 purchase agreement containing the terms and conditions for sale to the tenant. The sale price
3 shall not be less than the approved appraised value. If the tenant elects to purchase the
4 property, the tenant shall execute and return the purchase agreement to the Department within
5 30 days of such notice. Such notice is not required if the tenant has, in writing, waived any
6 desire to purchase the property, or if the property is subject to multiple leases. Failure of the
7 tenant to respond to the notice within 30 days shall constitute a waiver of the tenant’s rights
8 hereunder.

9 (2) If the provisions of paragraph (1) of this subsection do not apply, or were forfeited through lack
10 of response, or were waived by the tenant, or the tenant fails to comply with the terms and
11 conditions of the purchase agreement, the Department may dispose of the property in
12 accordance with the procedures outlined in 29 Del. C. c. 94”.

13 (3) Prior to the sale of any historic property, the Department shall present the details of the
14 proposed sale to the Controller General and the Director of the Office of Management and
15 Budget for their approval.

16 Section 66. City of Dover Library. The Section 1 Addendum to this Act appropriates \$4,000,000
17 to the Department of State for the City of Dover Library. The City may proceed with construction using
18 local funds and any State assistance may be applied retroactively to costs incurred after the date that such
19 library construction was certified by the Division of Libraries and the Delaware Council on Libraries.

1 **DEPARTMENT OF FINANCE**

2 Section 67. 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 68. 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 69. New Psychiatric Hospital. The Section 1 Addendum to this Act contains an
3 appropriation of \$500,000 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 70. 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 71. 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 72. 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 73. 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 and replace the current freezer
24 space of the Central Supply Warehouse in Smyrna, Delaware, and is further authorized to select a firm to
25 perform the work using a design build contract; provided however, that such contract shall comply with the
26 prevailing wage provisions in 29 Del. C. c. 69.

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

2 Section 74. 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 75. 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 76. 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 77. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C.
8 §6102A(c) (2), upon written request by the Open Space Council and notification of the Secretary of
9 Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby
10 empowered to waive on a case-by-case basis the match requirements for a specific Open Space land
11 purchase if it can be demonstrated that meeting said match requirements would prevent the timely
12 purchase of said parcel.

13 Section 78. 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 79. 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 80. 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 81. Tax Ditches. The Section 1 Addendum to this Act appropriates \$1,400,000 to the
7 Department of Natural Resources and Environmental Control for Tax/Public Ditches. Of this amount,
8 \$100,000 shall be allocated to each county with subsequent expenditure of said funds contingent upon a 1:1
9 match of county funds for tax ditch or public ditch purposes.

10 Section 82. Seventh Street Marina. It is the intent of the General Assembly to classify the Seventh
11 Street Marina, located on East Seventh Street, being Tax Parcel # 26.044.00.0013 containing 7.86 acres of
12 land (of which 5.27 acres, more or less, is above the high water line) as existing marina for purposes of the
13 State of Delaware Marina Regulations, adopted on March 29, 1990 and amended on February 22, 1993.
14 Such classification does not exempt any person seeking to make physical improvements to the marina from
15 permit application fees pursuant to 7 Del. C. c. 66 and 72.

16 Section 83. Buried Debris Remediation Program. Funding for the remediation of buried debris
17 will follow the priority list established by date of application to DNREC for assistance. If, in the opinion of
18 the Secretary of DNREC, a site represents an exigency, that site can be given a special priority and
19 remediated as quickly as practicable. Of the \$1,000,000 appropriated in the Section 1 Addendum to 75 Del.
20 Laws, c. 353 for Debris Pit Remediation, the \$1,000,000 appropriated for Debris Pits from the Resource,
21 Conservation and Development Fund in 74 Del. Laws, c.308, § 14, and the \$1,000,000 appropriated in the
22 Section 1 Addendum to 76 Del. Laws, c. 79, \$150,000 will be provided to the New Castle Conservation
23 District for cost-share assistance to landowners with buried debris on their properties. To be eligible for
24 cost-share, the site must be listed on the DNREC priority list and meet the DNREC established criteria for
25 buried debris removal. For projects that cost up to \$40,000, the landowner must provide twenty-five
26 percent of the cost of remediation including disposal costs. For projects that cost more than \$40,000, the

1 landowner must provide \$10,000 plus 10 percent of the cost in excess of \$40,000, including disposal costs.
2 Any unencumbered funding from these cost-share funds as of April 1, 2009 shall become available for the
3 DNREC Debris Pit Remediation Program. The provisions of this Program shall commence with those
4 projects entitled “FY 2005 New Projects” as contained in the approved Fiscal Year 2005 Resource,
5 Conservation and Development Projects list. The \$1,000,000 allocated for debris pit remediation in
6 Delaware shall be administered by DNREC, Division of Soil and Water Conservation. New Castle County
7 shall provide \$250,000 match.

8 Section 84. Assawoman Canal Dredging. It is the express finding of the General Assembly that
9 the benefits of dredging and maintaining the Assawoman Canal exceed the costs of such project and the
10 Secretary of Natural Resources and Environmental Control is hereby directed to initiate all necessary
11 actions to dredge the Canal pursuant to all terms and conditions provided for in the state and federal permits
12 issued for the project and initially authorized by Secretary’s Order 2004-W-0047 dated August 12, 2004.

13 Section 85. Waterway Management. The Department of Natural Resources and Environmental
14 Control (DNREC) is directed to provide dedicated, comprehensive waterway management for state waters.
15 DNREC will: maintain design depths and mark navigational channels of the State that are not maintained
16 and marked by any entity of the federal government; remove nuisance macroalgae; remove abandoned
17 vessels; remove derelict structures, trees and other debris that threatens safe navigation; and perform any
18 other waterway management services that may be identified to preserve, maintain and enhance recreational
19 use of the State’s tidal waters, as well as improve environmental conditions as warranted or directed by the
20 Governor or Secretary of DNREC. DNREC is further directed to undertake a study of the sediment sources
21 and patterns of sediment movement that results in deposition within State waterways to determine if there
22 are methods to reduce the dependency on dredging to remove deposited sediments.

23 Section 86. Clayton-Easton Corridor. Notwithstanding the provisions of any other law, the
24 Department of Natural Resources and Environmental Control may enter into a lease with the State of
25 Maryland for the use of the Delaware portion of the Clayton-Easton Rail Line presently owned by the
26 Maryland Mass Transit Authority to develop and manage the property as a recreational rail-trail. Current

1 use of the property for recreational purposes shall in no way impact or impede any future use of the right-
2 of-way for light/heavy rail uses.

3 Section 87. Clean Water Funding Leverage. The Department of Natural Resources and
4 Environmental Control under advisement from the Clean Water Advisory Council is encouraged to evaluate
5 the potential leveraging of the Water Pollution Control Revolving Fund and/or the Twenty-First Century
6 Fund Wastewater Management Account. This evaluation is based on the recommendation of the Dialogue
7 on Financing Wastewater and Stormwater Infrastructure report sponsored by the Delaware Public Policy
8 Institute, Office of the Governor, and Office of the Lt. Governor, Department of Natural Resource and
9 Environmental Control and Clean Water Advisory Council.

10 Section 88. Yard Waste Drop Sites. It is the intent of the General Assembly that all yard waste
11 drop sites in New Castle County remain operational unless otherwise directed by the General Assembly.
12 The Department of Natural Resources shall conduct public hearings on and submit a plan for maintaining
13 operations of the yard waste drop sites to the General Assembly by May 2009.

14 Section 89. Park Development/Rehabilitation. The Section 1 Addendum to this Act
15 appropriates \$900,000 to the Department of Natural Resources and Environmental Control for Park
16 Rehabilitation/Development to be allocated as follows:

17	Killens Pond Nature Center	\$400,000
18	C&D Canal Federal/State Initiative	\$500,000

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 90. 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 91. 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 \$532,777,500 (State:
6 \$268,591,700; Federal: \$215,764,100; Other: \$48,421.700 are authorized t/o be withdrawn
7 from the Transportation Trust Fund to carry out the projects and programs as set forth in the
8 Section 1 Addendum of this Act.

9 (b) New Transportation Trust Fund Debt Authorizations. To fund a portion of the projects
10 authorized herein, the Delaware Transportation Authority is hereby authorized to issue
11 bonds in an amount not to exceed \$120,372,835 pursuant to the provisions of 2 Del. C. c. 13
12 and 14, of which not more than \$112,534,000 shall be used for purposes set forth in the
13 Section 1 Addendum of this Act with the remainder, not to exceed \$7,838,835 to be used to
14 fund issuance costs and necessary reserves for the Reserve Account.

15 (c) Reauthorization of Previous Fund Balances. Of the \$532,777,500 authorized in subsection
16 (a) above, the sum of \$77,512,064.17 (state) for newly authorized projects within the Road
17 System, Support System and Transit System authorizations shall be funded from previously
18 authorized, but unexpended balances in the following accounts:

<u>Deauthorize</u>	<u>Amount</u>
5700 Engineering & Contingency	\$34,160.32
6300 Safety Program	68,557.66
6400 Paving & Rehabilitation	12,666.75
6500 Bridge Rehabilitation & Placement	20,075.43
6600 Corridor Preservation	319,389.95
7300 Transit System	3,948,299.40
7400 Program Development	316,415.73

1	7500 System Preservation	1,529,862.39
2	7600 Support System	7,577,416.66
3	7700 Road System	<u>63,685,219.88</u>
4	TOTAL:	<u>\$77,512,064.17</u>

5	<u>Reauthorize</u>	<u>Amount</u>
6	7700 Road System	\$77,512,064.17
7	TOTAL:	<u>\$77,512,064.17</u>

8 Section 92. Astra Zeneca Project. The Department shall continue all of the projects heretofore
9 authorized by the General Assembly for the construction and reconstruction of State highways in and
10 around the intersection of Routes U.S. 202 and State Routes 141 and 292, together with all local connecting
11 roads, as articulated in the Blue Ball Master Development Agreement. The Department shall further carry
12 out all previously authorized and funded projects for transit, bicycle and pedestrian, storm water
13 management, wetlands and stream restoration, beautification, historic preservation and other improvements
14 in concert with the Department of Natural Resources and Environmental Control, Delaware Economic
15 Development Authority, City of Wilmington, New Castle County, New Castle County Conservation
16 District, and such other public and private entities as may be necessary to accomplish timely completion of
17 the Blue Ball Master Plan. The Department shall make every effort to adhere to the project schedule
18 originally laid out and agreed to by all parties, and shall further cooperate with private employers and
19 residents in the affected area to speed the processes of project completions. In so doing, the Department
20 shall insure that:

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

1 degradation of the Level of Service as committed by New Castle County and as defined in the Department's
2 response to the Astra Zeneca Traffic Impact Study.

3 Section 93. Maintenance and Operations Facilities. Building structures and facilities constructed,
4 or to be constructed, within the Department of Transportation's operating right of way that facilitate
5 maintaining the highway system and are used to assist in the operational and maintenance activities for all
6 roads, shall not be subject to zoning, subdivision, or building code ordinances or regulations by any
7 political subdivision of the State. Types of structures may include; equipment sheds, crew quarters,
8 equipment maintenance, equipment washing, material storage sheds (i.e. salt, sand and other bulk
9 materials), fuel centers, and other maintenance structures required to maintain the highway system such as
10 security (cameras and fences) including necessary maintenance and replacement items such as upgrades to
11 existing facilities. The Department shall not construct any such facility or make improvements in any such
12 existing facility without first conducting a public workshop to describe such plans and gather public input
13 into the effect of such plans.

14 Section 94. Transportation Enhancements. a) It is the intent of the General Assembly that the
15 Department provide notice to all State agencies, political sub-divisions within the State, and other parties of
16 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall
17 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and
18 such other requirements as may be necessary to insure that any interested entity may work to become a
19 participating recipient under the program. For new projects, the Department of Transportation is directed to
20 submit a detailed list of all projects funded within the Transportation Enhancement Program to the Office of
21 Management and Budget and Office of the Controller General on an annual basis. The State funding for
22 this program shall be limited to the required 20 percent match of the related Federal Authorization. The
23 projects funded by this program shall be limited to the allowable categories as outlined by the Federal
24 Highway Administration. Any deviation from this process must be approved by the Office of Management
25 and Budget, Office of the Controller General and Co-Chairs of the Joint Committee on Capital
26 Improvements.

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

4 Section 95. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum
5 of \$24,600,000 (State) for projects within the Grants and Allocations classification. The General Assembly
6 further defines its intent with respect to those appropriations as follows:

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

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

12 Section 96. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
13 \$1,221,000 (\$797,400 State; \$423,600 Federal) from the Transit System classification (73/00) appropriated
14 in this Act for the 5310 Program, administered by the Federal Transit Authority.

15 Section 97. DelDOT Work Impacts on Private Property and its Owners. When the Department
16 and/or any of its contractors determines that it would be in the best interests of the State to undertake
17 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted
18 immediately adjacent to a residential neighborhood.

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

1 (b) The Department may proceed with its extended hours of work so long as jack hammering or
2 other high noise activities do not impose an excessive nuisance to residents within the designated work
3 zone.

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

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

15 Section 98. McMullen Farm. The General Assembly has previously authorized the Department
16 to enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm
17 in order to promote improved transportation access and circulation, to promote healthy economic growth,
18 and to preserve and enhance critical open space. The Department is authorized to continue its negotiations
19 for the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the
20 lands adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All
21 previous authorizations to the Department, and other affected State agencies, shall remain in force and
22 effect, and the Secretary of the Department shall report to the Governor and the General Assembly on
23 progress toward the completion of the transportation improvements, development of the excess lands, and
24 creation and improvement of the community parkland no later than May 1, 2009.

25 Section 99. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the
26 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the

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

13 Section 100. City of Wilmington Beautification. In order to maintain the urban tree canopy
14 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
15 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
16 Center for Horticulture (Center). It is the intent of the General Assembly that such program shall be funded
17 exclusively by allocations made from time to time by members of the General Assembly from their
18 Community Transportation Funds. The Department shall create an open-ended account with the Center on
19 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and
20 appropriately vouchered, from the CTF funds herein identified.

21 Section 101. Supplies of Road Materials. Section 109 of 74 Del. Laws, c. 308 is suspended until
22 such time as the Department of Transportation shall suggest its re-institution and such suspension has been
23 overridden by an Act of the General Assembly.

24 Section 102. System Capacity Preservation. The General Assembly hereby determines that it is in
25 the public interest to limit future residential, commercial, or industrial growth along certain portions of the
26 State's highway network. Such potential growth would produce unsafe driving conditions as increased

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

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

19 Section 103. Denny Road/Route 896 Alignment Completion. Upon completion and final
20 inspection of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two
21 parcels (0.93 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of
22 Meadow Glen, shall revert back to the community which had owned said parcels prior to 1994.
23 Notwithstanding the provisions of 17 Del. C. §137, the Department shall deed these parcels to the
24 community and remain in their possession in perpetuity.

25 Section 104. Port of Wilmington. Subject to the review and approval of the Board of Directors of
26 the Diamond State Port Corporation (DSPC):

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

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

15 Section 105. Wakefield Drive. The Department of Transportation shall be prohibited from
16 reopening Wakefield Drive in Newark through to Old Baltimore Pike.

17 Section 106. Community Transportation Funding Levels. The Department is directed to account
18 for the Community Transportation Program funds as cash which shall be equal to the amounts authorized in
19 Appendix A of this Act as well as previous Bond and Capital Improvement Acts. The funds authorized
20 within the Community Transportation program shall not be subject to reallocation by the Department under
21 any circumstances.

22 Section 107. Red Light Safety Enforcement. Pursuant to 73 Del. Laws, c. 350, § 92, the General
23 Assembly authorized and directed the Department of Transportation to engage in a 36-month pilot project,
24 in cooperation with Seaford, Dover, Newark, Elsmere, Wilmington, and the Delaware State Police, in
25 operating, maintaining and enforcing a civil video red light safety enforcement program. Pursuant to 75
26 Del. Laws, c. 353, §113, the Department was further directed to evaluate and report on this program to the

1 Joint Legislative Committee on the Capital Improvement Program by no later than February 28, 2007,
2 under terms and conditions relating to extending the program through June 30, 2007, and including the
3 preparation and consideration of a program evaluation and report. Having received that evaluation and
4 report, the General Assembly directs that the program shall be permitted to continue in operation on an
5 open-ended basis, under the following conditions:

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

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

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

15 (4) To assure integrity and propriety, no person involved in the administration or enforcement of
16 this program shall own any interest or equity in the vendor used by the Department to support
17 the administrative elements of the program. Any such person with an ownership or equity
18 interest in such vendor must divest from this ownership or investment no later than ninety days
19 after the effective date of this act. This restriction applies to anyone with either direct
20 involvement in administering or enforcing this program and those in any supervisory capacity
21 above such persons.

22 (5) The Department shall develop a model and profile of the intersections where video red light
23 safety enforcement technology has proven successful in reducing angle crashes, and shall
24 present this model profile and report on the program's progress at that time to the Joint
25 Committee on Capital Improvements. This report shall be made to the Committee no later than

1 February 28, 2009, along with a report on any progress in discussions with the states of New
2 Jersey, Maryland, and Pennsylvania regarding enforcement reciprocity mechanisms.

3 Section 108. Clear the Road Policy for the I-95 Mainline Widening Project. Notwithstanding the
4 provisions of 21 Del. C. §4206, parked or disabled vehicles may be removed from the shoulders or travel
5 lanes impacted by the I-95 Mainline Widening Project (State #25-090-01, Federal #IM-NO56 (27) under
6 the following conditions:

7 (1) This section shall apply only to shoulders and travel lanes within the following limits: a) I-95
8 Northbound from the State Route 273 interchange to the start of the Wilmington Viaduct, b) I-
9 95 Southbound from the southern end of the Wilmington Viaduct to the State Route 273
10 interchange; c) I-295 west of U.S. Route 13; and d) I-495 west of U.S. Route 13.

11 (2) Prior to implementing this section, the Department of Transportation shall place signs along the
12 Interstate highway advising motorists of the Clear the Road Policy, and instructing motorists to
13 move disabled vehicles that can be moved under their own power from the shoulders or travel
14 lanes to an adjacent area.

15 (3) If the parked or disabled vehicle cannot be moved under their own power to a location off the
16 shoulders or travel lanes, the Department of Transportation shall have the authority to cause the
17 vehicle to be moved to an adjacent area, either with its own forces or pursuant to a contract for
18 this purpose.

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

23 Section 109. Design-Build Contracts. The Department of Transportation is hereby authorized to
24 continue utilization of the design-build contract mechanism for a total of twelve transportation construction
25 projects (seven of which have been authorized). Design-build is a project delivery method under which a
26 project owner, having defined its initial expectations to a certain extent, executes a single contract for both

1 architectural/engineering services and construction. The selection processes and other terms of such
2 contracts may vary considerably from project to project. The design-build entity may be a single firm, a
3 consortium, joint venture, or other organization. However, the fundamental element of design-build
4 delivery remains that one entity assumes primary responsibility for design and construction of the project.

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

- 7 (a) The contract terms shall include provisions to pay the prevailing wage rates determined by the
8 Department of Labor, as provided in 29 Del. C. § 6960, in conjunction with Federal prevailing
9 wage rates for such work;
- 10 (b) The following additional provisions of 29 Del. C. c. 69 shall also be incorporated into these
11 design-build contracts: § 6962(d)(4)a. (anti-pollution, conservation environmental measures); §
12 6962(d)(7) (equal employment opportunity assurances); and §6962(d)(8)(performance bonding
13 requirements);
- 14 (c) Any such contracts shall conform to all applicable Federal laws and regulations concerning
15 design-build contracting, including but not limited to 23 C.F.R. Part 636, without regard to the
16 source of funds; and
- 17 (d) Any design-build contract for the construction of any transportation facility shall also be
18 subject to the provisions of 17 Del. C. c. 8 (construction payments held in trust for protection of
19 subcontractors and suppliers).

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

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

23 Section 110. New Development Road Widening. When planning and/or permitting additional road
24 widening directly related to new residential development, the Department of Transportation, Division of
25 Planning, shall make every attempt to require the necessary right-of-way land be acquired from the
26 developer owned land.

1 Section 111. Pilot Video Surveillance Program. There hereby is appointed a working group to
2 assess and make recommendations for the implementation of a pilot video surveillance program to address
3 speeding concerns on State roadways. The working group shall consist of the Secretary of Transportation
4 or their designee, the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program,
5 one member of House of Representatives appointed by the Speaker of the House and one member of the
6 Senate appointed by the Senate Pro Tempore. The working group shall provide a report to the General
7 Assembly no later than January 1, 2009.

8 Section 112. W. L. Gore Site. In evaluating and recommending improvements to the
9 transportation system related to the development of what is known as the W.L. Gore site, located in New
10 Castle County and situated on the north side of Sunset Lake – east of SR896 and southeast of Old Cooch’s
11 Bridge Road, the department will make every effort to ensure that the improvements made facilitate and
12 encourage traffic to travel toward and use SR896 and to discourage additional use of Old Cooch’s Bridge
13 road east of the entrance to the W.L. Gore property. This is in recognition of the historic characteristics of
14 Old Cooch’s Bridge road in the vicinity of the intersection with Old Baltimore Pike.

15 Section 113. Route 301 Spur Road Segment. The General Assembly directs the Department to
16 implement the US 301 Corridor project in Phases, beginning with the US 301 mainline section. Before
17 expending funds for the final design and construction of the Spur Road segment of the project, the
18 Department will convene public workshops on the Spur Road segment. At the workshops, the Department
19 will present information and alternatives for the Spur Road, including the upgrading of the existing US 301.
20 The most current traffic data available at that time shall be presented to the public at the workshops. The
21 Department shall report to the General Assembly on the comments received at the public workshops and
22 make recommendations on how to proceed with this segment of the project no later than May 1, 2009.

1 **AGRICULTURE**

2 Section 114. Farmland Preservation. For the fiscal year ending June 30, 2009, county funds
3 committed to farmland preservation shall be spent to preserve farmland only in the respective counties
4 where the funds originate. Farms to be preserved shall be selected by the counties according to county
5 selection criteria from eligible farms as listed by the Aglands Preservation Foundation.

6 All state-appropriated funds for Fiscal Year 2009 shall be utilized by the Aglands Foundation to
7 preserve eligible farms statewide not selected by the counties.

FIRE PREVENTION COMMISSION

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Section 115. Hydraulic Rescue Tools Replacement. It is the intent of the General Assembly that the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School, Christiana, Delaware City, Mill Creek, Elsmere, Townsend, Harrington, Hartly, Bethany Beach, Bridgeville, Delmar, Ellendale, Georgetown and Seaford fire companies. Upon submitting the receipt of sale, each company will be reimbursed up to \$7,500 by the Fire Prevention Commission - State Fire School (75-02-01).

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 Section 116. 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 117. 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 118. 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 119. 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 120. 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		Maximum	Maximum	
20	<u>School District</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
21	Appoquinimink	\$ 449,934	\$299,956	\$ 749,890
22	Brandywine	553,398	368,932	922,330
23	Special	3,753	-	3,753
24	Christina	923,370	615,580	1,538,950
25	Special	43,750	-	43,750
26	Colonial	567,457	378,305	945,762
27	Special	8,878	-	8,878
28	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 121. 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 122. Sterck School. The Section 1 Addendum to this Act appropriates \$5,422,700, Section
23 9 of this Act appropriates \$15,442,700; Section 1 Addendum to 75 Del. Laws, c. 98 appropriated
24 \$2,700,000; Section 1 Addendum to 75 Del. Laws, c. 353 appropriated \$8,000,000; and Section 1
25 Addendum to 76 Del. Laws, c. 79 appropriated \$10,000,000 to the Sterck School. It is the intent of the
26 General Assembly that the funding herein and previously appropriated to the Sterck School shall be utilized

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

4 Section 123. 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 124. 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 125. 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 126. 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 127. Channin and Old Mill Lane Elementary Schools. Of the remaining funds allocated in
4 the Fiscal Year 2005 Bond and Capital Improvements Act for the demolition of the Channin and Old Mill
5 Elementary Schools; the Brandywine School district is hereby authorized to utilize said funds related to the
6 rehabilitation of the Claymont Elementary School's playground.

7 Section 128. Brandywine School District Space Consolidation and Grade Reconfiguration. The
8 Section 1 Addendum to 76 Del. Laws c.79 appropriates \$1,600,000 to the Department of Education in
9 planning money for the renovation of Hanby Middle School in the Brandywine School District and further
10 authorized a local match share of \$1,066,700. In light of declining enrollment and to avoid increasing
11 operating costs, the District has decided to close the Hanby Middle School and has realigned the feeder
12 pattern for its remaining schools. The closure of the Hanby Middle School will allow the District to forego
13 the \$13,134,014 in state share and \$8,756,009 in local match share that would have been required to
14 renovate the school. In lieu of renovating the Hanby Middle School, the Brandywine School District is
15 hereby authorized to use the planning funds previously authorized to demolish the Hanby Middle School
16 and for other costs associated with the District's Space Consolidation and Grade Reconfiguration Plan
17 approved by the Brandywine School District Board of Education on February 25, 2008. Approval is also
18 hereby given to construct the Brandywood Elementary School, approved on C.N. # 0631B, on the site of
19 Hanby Middle School and to complete the renovations of P.S du Pont, on C.N.# 0631C, as a Middle
20 School.

21 Notwithstanding any other state law or regulation to the contrary, the district is authorized to
22 transfer funds with the approval of the Director of the Office of Management and Budget and Controller
23 General across any of the approved Certificates of Necessity C.N. # 0631A-I to meet costs associated with
24 the transition to new grade configurations and to utilize such funds for expenses required to reconfigure
25 grade levels at Harlan Elementary School and Claymont Elementary School.

1 The Brandywine School District shall not be authorized to incur any obligation in excess of the
2 amounts listed on Certificates of Necessity #0631A-I.

3 Section 129. Porter Road Elementary School. Section 2 of this Act authorizes the local share of the
4 Christina School District's Porter Road Elementary School in the amount of \$2,617,100. In order to ensure
5 the timely completion of the school thereby complying with the District's Neighborhood School Plan, the
6 District is authorized to proceed to construction without the required State share by using funds/savings
7 from other means including, but not limited to, the following:

- 8 1. rebidding construction contracts/reducing construction contingencies;
- 9 2. major capital construction transfers from other Christina projects;
- 10 3. project scope reduction/delay;
- 11 4. voluntary school assessment funds; and
- 12 5. sale of Christina's 83 E. Main Street Property: the former District Administration Building owned
13 in totality by Christina.

14 The State shall provide the required State share at such time as revenues are sufficient to fund to the
15 level where the Porter Road project appears on the Department of Education's Priority Listing of Major
16 Capital Improvement Projects. At the time when the State revenues become available to the District,
17 funds borrowed from the areas listed above will be returned to those projects.

18 Section 130. Bond Verification. All bonds issued, or herein before or herein authorized to be
19 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

20 Section 131. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
21 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
22 controlling.

23 Section 132. Severability. If any section, part, phrase, or provision of this Act or the application
24 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its
25 operation to the section, part, phrase, provision, or application directly involved in the controversy in

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

3 Section 133. Effective Date. This Act shall take effect in accordance with the provisions of State
4 law.

5 **SYNOPSIS**

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

DEBT LIMIT STATEMENT FOR FISCAL YEAR 2009

This Debt Limit Statement is to be attached to the Fiscal Year 2009 Bond and Capital Improvement Act as required by §7422, Title 29, Delaware Code

(1) Estimated Net General Fund revenue for the Fiscal year ending June 30, 2009 as per the joint resolution of the House and Senate which will be signed by the Governor in connection with the adoption of the annual Budget Appropriation Bill for that fiscal year.	\$	<u>3,450.6 million</u>
(2) Multiply by 5%.	X	.05
(3) Maximum aggregate principal amount of tax-supported obligations which may be authorized by the State in the fiscal year ending June 30, 2009.	\$	172.5million
(4) Less: Aggregate principal amount of previously authorized tax-supported obligations subject to debt limit.	\$	<u>0 million</u>
(5) AVAILABLE DEBT LIMIT prior to appended legislation (Line 3 minus Line 4).	\$	172.5 million
(6) Less: Aggregate principal amount of new tax-supported obligations subject to debt limit to be authorized pursuant to appended legislation.	\$	<u>0 million</u>
(7) REMAINING DEBT LIMIT (Line 5 minus Line 6).	\$	<u>172.5 million</u>


Richard S. Cordrey
June 30, 2008

Delaware Department of Transportation
FY2009 Capital Transportation Program
Appendix A
(in \$000's)

	Other Funding	Federal Authorization	State Authorization	FY 2009 Authorization
ROAD SYSTEM 7700				
A. Expressways				
I-95 & US 202 Interchange		1,280.0		1,280.0
SR 1/I-95 Interchange		12,800.0		12,800.0
I95 Toll Plaza Rehabilitation & Highway Speed E-ZPass		960.0		960.0
Delaware Turnpike Improvements, I-95 Mainline Widening		9,061.5		9,061.5
Road A / SR 7 Improvements			100.0	100.0
Interstate Maintenance		5,950.0	1,425.0	7,375.0
SR 141 / I-95 Interchange		54.0		54.0
Subtotal Expressways	\$0.0	\$30,105.5	\$1,525.0	\$31,630.5
B. Arterials				
Churchman's Program Management			50.0	50.0
SR 2 Elkton Road, Casho Mill Road to Delaware Avenue		1,304.0	40.0	1,344.0
SR 2 Elkton Road, Md Line to Casho Mill Road			13.0	
US 13, Philadelphia Pike, Claymont Transportation Plan Implementation			174.0	174.0
US 13 SR 896 Boyd's Corner Intersection	116.0	6,560.0		6,676.0
US 301, Maryland State Line to SR 1		16,000.0		16,000.0
US 40, Maryland State Line to US 13 Program			3,400.0	3,400.0
Highway Safety Improvement Program, New Castle County		1,224.0	150.0	1,374.0
Smyrna Curbing			35.0	35.0
SR 1 Little Heaven Grade Separated Intersection			4,480.0	4,480.0
SR 1 South Frederica Grade Separated Intersection		1,600.0	400.0	2,000.0
SR 1 North Frederica Grade Separated Intersection	39.0	9,200.0	2,000.0	11,239.0
SR 8 Forrest Avenue & K44, Pearsons Corner Road, Dover			800.0	800.0
US 13 and Roosevelt Avenue, Pedestrian Crossing Improvements Dover		100.0		100.0
Highway Safety Improvement Program, Kent County		600.0		600.0
Indian River Inlet Bridge and Area Improvements		34,397.2	1,900.0	36,297.2
SR 26, Atlantic Avenue from Clarkesville to Assawoman Canal		18,336.0	1,800.0	20,136.0
SR 26, Detour Routes		9,600.0	1,100.0	10,700.0
Highway Safety Improvement Program, Sussex County		765.0		765.0
US9 / SR1 Five Points Relocation			2,000.0	2,000.0
Subtotal Arterials	\$155.0	\$99,686.2	\$18,342.0	\$118,183.2
C. Collectors				
Centerville Transportation Plan, Phase I	42.0	168.0		210.0
Barratts Chapel Road			2,390.0	2,390.0
Carter Road (K137), Sunnyside Road to Wheatley's Pond Road, Smyrna		960.0	142.0	1,102.0
Cedar Grove Postal Lane			620.0	620.0
SR 54, Mainline Improvements		4,400.0		4,400.0
Subtotal Collectors	\$42.0	\$5,528.0	\$3,152.0	\$8,722.0
D. Locals				
Chesapeake and Delaware Canal Recreation Trail		634.0		634.0
N15, Boyds Corner Road, Cedar Lane Road to US 13	400.0			400.0
Route 9 Coastal Heritage Scenic Byway		146.0	36.5	182.5
Brandywine Valley Scenic Byway		28.6	7.2	35.8
Hockessin, Old Lancaster Pike Pedestrian Enhancement	16.0	64.0		80.0
Pomeroy Branch, Pedestrian and Bicycle Path	289.0	1,193.0		1,482.0
Bombay Hook Road	250.0	5,000.0		5,250.0
Clarence Street Extension	50.0	1,000.0		1,050.0
Wyoming Mill Road Realignment	375.0	1,500.0		1,875.0
S298-Banks Road Improvements S22 to SR 24			400.0	400.0
S318 Patriots Way / S86 Avenue of Honor to S48 Zoar Road			850.0	850.0
Lake Gerar Bridge	115.0	460.1		575.1
Subtotal Locals	\$1,495.0	\$10,025.7	\$1,293.7	\$12,814.4
E. Bridges				
Bridge Preservation Program	5,920.0	9,672.9	6,277.0	21,869.9
Bridge Management Program		3,330.0	1,826.0	5,156.0
Subtotal Bridges	\$5,920.0	\$13,002.9	\$8,103.0	\$27,025.9

	Other Funding	Federal Authorization	State Authorization	FY 2009 Authorization
F. Other				
Transportation Enhancements		6,229.0	2,000.0	8,229.0
Pavement Rehabilitations		12,800.0	99,700.0	112,500.0
Signage & Pavement Markings		800.0	6,000.0	6,800.0
Materials & Minor Contracts			7,940.0	7,940.0
Safety Improvement Program		2,200.0	950.0	3,150.0
Traffic Calming Program			900.0	900.0
Intersection Improvements	600.0		6,000.0	6,600.0
Engineering & Contingency			1,300.0	1,300.0
Recreational Trails	213.5	854.0		1,067.5
Contingency			5,000.0	5,000.0
Subtotal Other	\$813.5	\$22,883.0	\$129,790.0	\$153,486.5
TOTAL ROAD SYSTEM	\$8,425.5	\$181,231.3	\$162,205.7	\$351,862.5
SUPPORT SYSTEM 7600				
Aeronautics	18,990.0	175.0	760.0	19,925.0
Planning		5,758.8	3,040.0	8,798.8
Technology		170.0	7,900.0	8,070.0
Heavy Equipment			4,500.0	4,500.0
Transportation Facilities			11,500.0	11,500.0
Transportation Management Improvements	180.0	4,960.0	600.0	5,740.0
Engineering & Contingency			21,600.0	21,600.0
Advanced Acquisition			2,000.0	2,000.0
Contingency			5,000.0	5,000.0
TOTAL SUPPORT SYSTEM	\$19,170.0	\$11,063.8	\$56,900.0	\$87,133.8
TRANSIT SYSTEM 7300				
A. Rail				
Wilmington Train Station	18,000.0	5,000.0		23,000.0
Rail Improvements, Third Rail, Newark to Wilmington	2,500.0	9,000.0		11,500.0
Rail Preservation			200.0	200.0
Rail Crossing Safety		1,100.0	400.0	1,500.0
Rail Program Autoport	243.0	987.0		1,230.0
Subtotal Rail	\$20,500.0	\$15,100.0	\$600.0	\$36,200.0
B. Other				
Transit Facilities Program			1,738.0	1,738.0
Transit Vehicles	326.2	8,369.0	17,548.0	26,243.2
Contingency			5,000.0	5,000.0
Subtotal Other	\$326.2	\$8,369.0	\$24,286.0	\$32,981.2
TOTAL TRANSIT SYSTEM	\$20,826.2	\$23,469.0	\$24,886.0	\$69,181.2
GRANTS AND ALLOCATIONS 5600				
Community Transportation Fund			18,600.0	18,600.0
Municipal Street Aid			6,000.0	6,000.0
TOTAL GRANTS AND ALLOCATIONS	\$0.0	\$0.0	\$24,600.0	\$24,600.0
GRAND TOTAL	\$48,421.7	\$215,764.1	\$268,591.7	\$532,777.5

PAVEMENT AND REHABILITATION
PROGRAM
FY09

ROADNAME	ROADNO	FROMDESC	THRUDESC
BAY RD US 113 NB	2-00008	CONCRETE JOINT AT DOVER POOLS	END OF CONCRETE
BAY RD US 113 NB & SB	2-00008	200' NORTH OF TILCON ENTRANCE	HMJ AT RT 10
BAY RD US 113 NB & SB	2-00008	HMJ AT BARKERS LANDING BRIDGE	GRADE SEPERATION LIMITS AT RT 9
BAY RD US 113 SB	2-00008	RT 1/RT 113 SPLIT	RD 20
BRANCH RD	1-00292	RD 1/00324 (CORNER KETCH RD)	RD 290 DOE RUN RD
CHURCH ST	3-00014A	RD 3/00014 (COASTAL HWY)	RD 15 REHOBOTH AVE
CHURCH ST	1-00050	RD 497	E. THIRTEENTH ST
CORNER KETCH RD	1-00305	PA LINE	RD 324 CORNER KETCH RD
COUNTRY LIVING RD	3-00433	RD 410	RD 3/00020 (HARDSCRABBLE RD)
DUPONT HWY US 13 NB & SB	2-00002	ENTRANCE WILMINGTON COLLEGE	RD 100
DUPONT PKWY US RT 13 NB & SB	1-00033	RD 1/00082 (DUPONT PARKWAY)	RAMP 6112
DUPONT PKWY US RT 13 NB & SB	1-00034	RD 2	RD 412
EAGLE RUN	1-00347	RD 1/00018 (CHRISTIANA-OLGETOWN ROAD)	END OF ROAD
FOULK RD SB AND NB DE 261	1-00203	JOINT NEAR WELDIN RD	JOINT NEAR WYNNWOOD RD
GREENBANK RD	1-00330	RD 1/00012 (OLD CAPITOL TRAIL)	LOGANS LANE
GREENHURST FARM RD	3-00612A	RD 3/00036 (SHAWNEE RD)	RD 3/00612 (WOODYARD RD)
GREENWOOD RD	3-00589	RD 3/23011 (FIRST STREET)	RD 589A GREENWOOD RD
HARDSCRABBLE RD RT 20	3-00020	JOINT EAST OF RD 474	RD 62 E. TRAP POND RD
HICKORY HILL RD	3-00082	RD 3/00024 (LAUREL RD)	RD 3/00113 (DUPONT BLVD)
HIGH ST	3-00535	RD 13	RD 3/00003 (SUSSEX HWY)
IRON HILL RD	1-00388	RD 1/140996 (LYNAM LOOKOUT DRIVE)	END OF ROADWAY
KING ST	1-00024	16TH STREET	E. TENTH ST
LOREWOOD GROVE RD	1-00412	RT 1 FREE RAMP	RD 34 SB
MAIN ST DE 273	1-00041	MD LINE	NEWARK COUNTRY CLUB
MOOSE LODGE RD	2-00125	RD 2/00053 (WILLOW GROVE RD)	RD 2/00052 (WESTVILLE RD)
NEW LONDON RD	1-00313	JOINT EAST OF WEDGEWOOD RD	MD LINE

PAVEMENT AND REHABILITATION
PROGRAM
FY09

ROADNAME	ROADNO	FROMDESC	THRUDESC
NEWTON ROAD	3-00582	RD 3/00004 (SUSSEX HIGHWAY)	RD 3/00600 (FAWN ROAD)
NORTH OLD STATE RD	3-00213	JOINT AT CITY LIMITS	KENT LINE
OAK RD	3-00594	RD 3/00018 (SEASHORE HWY)	RD 40 REDDEN RD
PULASKI HWY US RT 40 EB & WB	1-00032	RD 346	RT 1
RIVER ROAD	3-00312	RD 3/00313 (GULL POINT WAY)	WARWICK DR
RT 4 EB/WB	1-00358	RD 348	RT 7/RT 1
RT 4 EB/WB	1-00366	S.COLLEGE AVE	RD 348
S. DUPONT RD	1-00027	RD 1/00336 (MARYLAND AVE)	RD 1/00027A (OLD DUPONT RD)
SANDTOWN RD	2-00056	RD 251	RD 53
SEAFORD RD	3-00013	JOINT AT RD 485	JOINT AT BRIDGE
SECOND ST	1-00237	KING ST	N.BROOM ST
SHARPTOWN RD	3-00494	RD 498	RD 493
SHAWNEE RD RT 36	3-00036	RD 3/00044 (BLACKSMITH SHOP RD)	RD 3/00207 (FITZGERALDS RD)
SHILOH CHURCH ROAD	3-00074	RD 3/00062 (E. TRAP POND RD)	RT 20
SOUTH DUPONT HWY US 13 NB & SB	2-00024	RD 4	RD 29 E.CAMDEN WYOMING AVE
SOUTH WALNUT ST EXT. BUSINESS RT 13	1-00029	RD 1/51001 (A STREET)	RD 1/00369 (ROGERS RD)
ST.JOHNSTOWN RD	3-00600	RD 3/00598 (LONG BRANCH RD)	RD 36 SHAWNEE RD
SYCAMORE RD	3-00476	RD 3/00475 (SYCAMORE RD)	RD 3/00446 (BEAVER DAM BRANCH RD)
SYCAMORE RD/COOPER RD	3-00475	RD 466	RD 3/00446 (BEAVER DAM BRANCH RD)
UNION ST	1-00049	RD 9 PA AVE	LOVERING AVE
US 13 NB & SB	2-00006	RD 36	RD 315
US 13 NB & SB	2-00005	RD 36	RD 57
WASHINGTON STREET	1-00006	RD 1/00378 (SEVENTH ST)	RD 55
WILSON ROAD	1-00210	RD 1/00203 (FOULK RD)	RD 212 SILVERSIDE RD