SPONSOR Rep. Gilligan Sen. DeLuca
Schwartzkopf Blevins
Longhurst Henry
Keeley Venables

HOUSE OF REPRESENTATIVES

145th GENERAL ASSEMBLY

HOUSE BILL NO. 325

January 28, 2010

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; 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):

Section 1. Fiscal Year 2011 Capital Improvements Project Schedule Addendum. The General Assembly hereby authorizes the following projects in the following amounts for the purposes set forth in this Section and as described in the Fiscal Year 2011 Governor's Recommended Capital Budget and Project Information document. Any authorization balance (excluding Transportation Trust Fund balances) remaining unexpended or unencumbered by June 30, 2013, shall be subject to reversion or reauthorization.

SECTION 1 ADDENDUM

FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
OFFICE OF MANAGEMENT AND BUDGET					
Minor Capital Improvement and Equipment	10-02-50	$ 1,896,600	$ -	$ 3,500,000	$ 5,396,600
Environmental Compliance (UST/Asbestos/Other)	10-02-50	-	-	340,300	340,300
Architectural Barrier Removal	10-02-50	-	-	150,000	150,000
Kent County Court Complex	10-02-50	19,200,000	-	-	19,200,000
Judicial Projects					
Minor Capital Improvement and Equipment/Security	10-02-50	-	-	500,000	500,000
State Projects					
Minor Capital Improvement and Equipment	10-02-50	-	-	750,000	750,000
Veterans Home Minor Capital Improvement and Equipment	10-02-50	-	-	50,000	50,000
Health and Social Services Projects					
Minor Capital Improvement and Equipment	10-02-50	-	-	3,400,000	3,400,000
DPC Roof Replacement	10-02-50	4,200,000	-	-	4,200,000
DASCES Replacement and Equipment	10-02-05	7,054,300	-	-	7,054,300
Services for Children, Youth and Their Families Projects					
Family and Children Tracking System (FACTS II)	10-02-05	-	-	3,679,600	3,679,600
Minor Capital Improvement and Equipment	10-02-50	-	-	1,266,800	1,266,800
Correction Projects					
Minor Capital Improvement and Equipment	10-02-50	-	-	2,900,000	2,900,000
HRYCI Masonry Restoration - Phase V	10-02-50	4,610,000	-	-	4,610,000
New Kitchen at HRYCI - Design	10-02-50	1,600,000	-	-	1,600,000
New EDC and CERT Training Facility and Firearms Range	10-02-50	2,550,000	-	-	2,550,000
Safety and Homeland Security Projects					
Minor Capital Improvement and Equipment	10-02-50	-	-	600,000	600,000
Fire Prevention Commission					
Dover Structural Building	10-02-50	230,000	-	-	230,000
Delaware National Guard Projects					
Minor Capital Improvement and Equipment	10-02-50	-	-	600,000	600,000
Subtotal:		$ 41,340,900	$ -	$ 17,736,700	$ 59,077,600

SECTION 1 ADDENDUM

FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
DELAWARE ECONOMIC DEVELOPMENT OFFICE					
Strategic Fund	10-03-03	$ -	$ -	$ 13,937,400	$ 13,937,400
Experimental Program to Stimulate Competitive Research (EPSCOR)	10-03-03	-	-	1,000,000	1,000,000
Fraunhofer Vaccine Development	10-03-03	-	-	1,000,000	1,000,000
IDeA Network of Biomedical Research Excellence (INBRE)/U of D	10-03-03	-	-	1,000,000	1,000,000
Health Sciences Alliance	10-03-03	-	-	1,000,000	1,000,000
Diamond State Port Corporation	10-03-03	8,000,000	-	2,000,000	10,000,000
Riverfront Development Corporation	10-03-03	-	-	2,350,000	2,350,000
Subtotal:		$ 8,000,000	$ -	$ 22,287,400	$ 30,287,400
DELAWARE STATE HOUSING AUTHORITY					
Housing Development Fund - Preservation	10-08-01	$ 4,500,000	$ -	$ -	$ 4,500,000
Subtotal:		$ 4,500,000	$ -	$ -	$ 4,500,000
STATE					
Museum Maintenance	20-06-04	$ -	$ -	$ 350,000	$ 350,000
Dover Public Library	20-08-01	2,500,000	-	-	2,500,000
Wilmington Public Library	20-08-01	500,000	-	-	500,000
Bear Public Library	20-08-01	500,000	-	-	500,000
Greenwood Public Library	20-08-01	250,000	-	-	250,000
Claymont Branch Libray	20-08-01	1,500,000	-	-	1,500,000
Subtotal:		$ 5,250,000	$ -	$ 350,000	$ 5,600,000
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
CORRECTION					
Maintenance and Restoration	38-01-40	$ -	$ -	$ 3,135,400	$ 3,135,400
Subtotal:		$ -	$ -	$ 3,135,400	$ 3,135,400

SECTION 1 ADDENDUM

FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL					
Conservation Cost Share Program	40-07-04	$ -	$ -	$ 1,500,000	$ 1,500,000
Tax/Public Ditches	40-07-02	-	-	1,148,700	1,148,700
Beach Preservation	40-07-03	-	-	1,000,000	1,000,000
Minor Capital Improvement and Equipment	40-01-01	-	-	600,000	600,000
Subtotal:		$ -	$ -	$ 4,248,700	$ 4,248,700
SAFETY AND HOMELAND SECURITY					
Twin Engine Helicopter Lease/Payment	45-01-01	$ -	$ -	$ 2,195,900	$ 2,195,900
Subtotal:		$ -	$ -	$ 2,195,900	$ 2,195,900
TRANSPORTATION					
Road System	55-05-00	$ -	$ 103,118,200	$ -	$ 103,118,200
Grants and Allocations	55-05-00	-	12,375,000	-	12,375,000
Transit System	55-05-00	-	8,795,300	-	8,795,300
Support System	55-05-00	-	9,521,000	-	9,521,000
Subtotal:		$ -	$ 133,809,500	$ -	$ 133,809,500
FIRE PREVENTION COMMISSION					
Hydraulic Rescue Tools Replacement	75-02-01	$ -	$ -	$ 52,500	$ 52,500
Subtotal:		$ -	$ -	$ 52,500	$ 52,500
UNIVERSITY OF DELAWARE					
Alison Hall Renovations	90-01-01	$ 1,000,000	$ -	$ -	$ 1,000,000
Chrysler Site	90-01-01	2,000,000	-	-	2,000,000
Subtotal:		$ 3,000,000	$ -	$ -	$ 3,000,000
DELAWARE STATE UNIVERSITY					
Minor Capital Improvement and Equipment	90-03-01	$ 3,000,000	$ -	$ -	$ 3,000,000
Subtotal:		$ 3,000,000	$ -	$ -	$ 3,000,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE					
Collegewide Asset Preservation Program/MCI	90-04-01	$ 1,010,000	$ -	$ -	$ 1,010,000
Campus Improvements - Owens Campus	90-04-02	1,125,000	-	-	1,125,000
Campus Improvements - Terry Campus	90-04-06	865,000	-	-	865,000
Subtotal:		$ 3,000,000	$ -	$ -	$ 3,000,000

SECTION 1 ADDENDUM

FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
EDUCATION					
Minor Capital Improvement and Equipment	95-01-01	$ -	$ -	$ 3,947,400	$ 3,947,400
Architectural Barrier Removal	95-01-01	-	-	160,000	160,000
Pending Referenda Contingency (100% State)	95-01-01	12,000,000	-	-	12,000,000
Brandywine, Construct Operations Center (60/40)	95-31-00	1,215,800	-	-	1,215,800
Colonial, Renovate Colwyck Elementary School (67/33)	95-34-00	3,014,300	-	-	3,014,300
Appoquinimink, Renovate Cedar Lane Elementary School (73/27)	95-29-00	200,000	-	-	200,000
Caesar Rodney, Renovate W.B. Simpson Elementary School (80/20)	95-10-00	15,206,300	-	-	15,206,300
Caesar Rodney, Renovate Allen Frear Elementary School (80/20)	95-10-00	12,309,800	-	-	12,309,800
Smyrna, Construct 600 Pupil Clayton Intermediate School (80/20)	95-24-00	14,373,300	-	-	14,373,300
Lake Forest, HS Performing Arts Addition and Renovation (80/20)	95-15-00	866,100	-	-	866,100
Lake Forest, Renovate W.T. Chipman Middle School (80/20)	95-15-00	180,300	-	-	180,300
Milford, Construct 720 Pupil Elementary School (77/23)	95-18-00	1,674,300	-	-	1,674,300
Milford, Land Acquisition and Extraordinary Site Work for 720 Pupil Elementary School (77/23)	95-18-00	919,400	-	-	919,400
Milford, Renovate E.I. Morris Early Childhood Center (77/23)	95-18-00	343,500	-	-	343,500
Milford, Renovate Milford High School and Site Upgrades (77/23)	95-18-00	949,800	-	-	949,800
Sussex Technical School, Renovate Instruction Area (60/40)	95-40-00	769,200	-	-	769,200
Appoquinimink, Land Acquisition for 840 Pupil Elementary School - Odessa Campus (75/25)	95-29-00	6,221,200	-	-	6,221,200
Appoquinimink, Construct 840 Pupil Elementary School - Odessa Campus (75/25)	95-29-00	13,827,200	-	-	13,827,200
Appoquinimink, Land Acquisition for Early Childhood Center - Odessa Campus (75/25)	95-29-00	1,653,800	-	-	1,653,800
Appoquinimink, Construct Early Childhood Center - Odessa Campus (75/25)	95-29-00	6,595,200	-	-	6,595,200
Appoquinimink, Renovate Meredith Elementary School (75/25)	95-29-00	592,600	-	-	592,600
Seaford, Construct Orthopedically Handicapped Wing at Central Elementary School (100% State)	95-23-00	350,000	-	-	350,000
Sussex Technical, Renovations to High School and Campus Site (60/40)	95-40-00	286,900	-	-	286,900
Polytech, Renovate High School, ADA and Sewer Connection (79/21)	95-39-00	642,600	-	-	642,600
New Castle County Votech, Renovate Howard High School - Roof/Windows (61/39)	95-38-00	457,500	-	-	457,500
Subtotal:		$ 94,649,100	$ -	$ 4,107,400	$ 98,756,500
TWENTY-FIRST CENTURY FUND					
Drinking Water State Revolving Fund (DHSS)	25-01-01	$ -	$ -	$ 2,936,000	$ 2,936,000
Subtotal:		$ -	$ -	$ 2,936,000	$ 2,936,000
GRAND TOTAL:		$ 162,740,000	$ 133,809,500	$ 60,000,000	$ 356,549,500

Section 2. Authorization of Twenty-Year Bonds. The state hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the state in the amount of $162,740,000 and in the amount of $29,329,241 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of school bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of this Act and summarized as follows:

Department, Agency, or Instrumentality	Amount
Office of Management and Budget	$41,340,900
Delaware Economic Development Office	8,000,000
Delaware State Housing Authority	4,500,000
Department of State	5,250,000
University of Delaware	3,000,000
Delaware State University	3,000,000
Delaware Technical and Community College	3,000,000
Department of Education	94,649,100

Purpose	State Share	Maximum Local Share	Total Cost
Pending Referenda Contingency (100% State)	$12,000,000		$12,000,000
Brandywine, Replace Brandywood ES (Local Only)		$4,267,700	4,267,700
Brandywine, Construct Operations Center (60/40)	1,215,800	810,500	2,026,300
Colonial, Renovate Colwyck ES (67/33)	3,014,300	1,484,700	4,499,000
Appoquinimink, Renovate Cedar Lane ES (73/27)	200,000	73,966	273,966
Caesar Rodney, Renovate W.B. Simpson ES (80/20)	15,206,300	3,801,600	19,007,900
Caesar Rodney, Renovate Allen Frear ES (80/20)	12,309,800	3,077,400	15,387,200
Smyrna, Construct 600 Pupil Clayton IS (80/20)	14,373,300	3,593,275	17,966,575

Lake Forest, HS Performing Arts Addition and Renovation (80/20)	866,100	216,500	1,082,600
Lake Forest, Renovate W.T. Chipman MS (80/20)	180,300	45,100	225,400
Milford, Construct 720 Pupil ES (77/23)	1,674,300	500,200	2,174,500
Milford, Land Acquisition and Extraordinary Site Work for 720 Pupil ES (77/23)	919,400	274,600	1,194,000
Milford, Renovate E.I. Morris ECC (77/23)	343,500	102,600	466,100
Milford, Renovate Milford HS and Site Upgrades (77/23)	949,800	283,800	1,233,600
Sussex Tech, Renovate Environmental Instruction Area (60/40)	769,200	512,800	1,282,000
Appoquinimink, Land Acquisition for 840 Pupil ES – Odessa Campus (75/25)	6,221,200	2,073,800	8,295,000
Appoquinimink, Construct 840 Pupil ES - Odessa Campus (75/25)	13,827,200	4,609,000	18,436,200
Appoquinimink, Land Acquisition for ECC - Odessa Campus (75/25)	1,653,800	551,200	2,205,000
Appoquinimink, Construct ECC - Odessa Campus (75/25)	6,595,200	2,198,400	8,793,600
Appoquinimink, Renovate Meredith MS (75/25)	592,600	197,500	790,100
Seaford, Construct Orthopedically Handicapped Wing at Central ES (100% State)	350,000		350,000
Sussex Tech, Renovations to HS and Campus Site (60/40)	286,900	191,300	478,200
Polytech, Renovate HS, ADA and Sewer Connection (79/21)	642,600	170,800	813,400
New Castle County Vo-Tech, Renovate Howard HS Roof/Windows (61/39)	457,500	292,500	750,000
Subtotal	$94,649,100	$29,329,241	$123,978,341
	TOTAL		$162,740,000

Section 3. Appropriation of General Funds. It is the intent of the General Assembly that $57,064,000 be appropriated to the following departments of the State and in the following amount for the purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or unencumbered by June 30, 2013, shall revert to the General Fund of the State of Delaware. The state hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the State in the amount of $2,283,781 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance.

Department, Agency, or Instrumentality	Amount
Office of Management and Budget	$17,736,700
Delaware Economic Development Office	22,287,400
Department of State	350,000
Department of Health and Social Services	2,750,000
Department of Services for Children, Youth and Their Families	200,000
Department of Correction	3,135,400
Department of Natural Resources and Environmental Control	4,248,700
Department of Safety and Homeland Security	2,195,900
Fire Prevention Commission	52,500
Department of Education	4,107,400

Purpose	State Share	Maximum Local Share	Total Cost
Minor Capital Improvement And Equipment	$3,947,400	$2,177,081	$6,124,481
Architectural Barrier Removal	160,000	106,700	266,700
Subtotal	$4,107,400	$2,283,781	$6,391,181
		TOTAL	$57,064,000

Section 4. General Funds to 21st Century Funds. It is the intent of the General Assembly that $2,936,000 be appropriated from General Funds to the Office of the Secretary, Department of Finance (25-01-01) to be deposited into the Twenty-First Century Fund as established by 29 Del. C. §6102A. These funds shall be appropriated for the following purpose set forth in the Section 1 Addendum to this Act:

Purpose	Amount
Drinking Water State Revolving Fund (DHSS)	$ 2,936,000
TOTAL	$ 2,936,000

Section 5. Continuing Appropriations. For the fiscal year ending June 30, 2010, any sums in the following accounts shall remain as continuing appropriations and shall not be subject to a reversion until June 30, 2011.

Fiscal Year Appropriation	Account Codes	Remarks
2006	01-08-02-0879	Bio Tech
2006	01-08-02-0891	Leg Hall Improvements
2004/06	10-02-05-0814	Technology Fund
2008	10-02-05-7805	800 MHZ
2007	10-02-06-7700	Advanced Planning
2008	10-02-50-0805	Jud MCI
2006	10-02-50-0821	Darley House
2006	10-02-50-0909	NC Arsenal
2008	10-02-50-0909	NC Academy
2005	10-02-50-7511	Kent County Courthouse
2006	10-02-50-7605	Capital Parking
2006	10-02-50-7607	Howard R. Young Center
2007	10-02-50-7706	Stockley Medical Center
1999	10-03-03-0805	Dover Civic Center
2005	10-03-03-0805	Delaware Civic Center
2001	10-03-03-0821	High Tech Business Incubator
2002	10-03-03-7212	DSU High Tech Incubator
2003	10-03-03-7311	DSU High Tech Incubator
2006	10-03-03-7601	Runway Ext
2006	10-03-03-7602	Dover Civic Center
2006	10-03-03-7611	High Technology Incubator
2007	10-03-03-7702	Dover Civic Center
2008	10-03-03-7802	De Civic Center
2002	12-05-03-0888	GF Cap Reprogramming
1994	12-05-03-8101	Agency Reversions
1994	12-05-03-8102	School Reversions
2008	20-01-04-0801	SC Vets Cemetery
1996	20-08-01-6616	North Wilmington Library
2002	20-08-01-7219	Harrington Library
2007	20-08-01-7715	Hockessin Library
2007	20-08-01-7721	Dover Library

1	2007	20-08-01-7723	NCC South
2	2007	20-08-01-7724	NCC Bear
3	2008	20-08-01-7820	South Coastal Library
4	2007	25-01-01-0819	ERP
5	2008	25-01-01-7802	ERP
6	2005	35-05-20-0810	Fluoridation
7	2007	35-10-01-0801	DASCES IV
8	2008	40-01-01-0802	MCI
9	2007	40-01-01-0804	Avian Flu
10	2006	40-01-01-0879	Energy Efficiency
11	2004/05	40-05-02-0803	Dams/Water Control
12	2007	40-06-02-0804	Park Rehabilitation
13	2008	40-06-02-0805	Park Rehabilitation
14	2007	40-06-02-0823	C&D Interest
15	2006	40-06-02-7613	State Park Facilities
16	2006	40-07-02-0806	Little Mill
17	2008	40-07-02-0807	Retention Ponds
18	2008	40-07-02-0811	Dam Plan
19	2003	40-07-02-7312	Resource, Conservation & Dev
20	2007	40-07-03-0807	Lewes Facility
21	2008	40-07-03-7810	Beach Preservation
22	2004/05/08	40-08-01-0802	Wilmington Sewer
23	2006/07	40-08-07-0801	Red Clay Study
24	2006	90-04-04-7611	Stanton Campus Expansion
25	2007	90-04-05-7710	Stanton Campus Expansion
26	2008	90-04-05-7810	Stanton Campus Expansion
27	2006	95-01-01-7601	Tech Prep
28	2008	95-10-00-7802	Renovate Brown ES
29	2006	95-11-00-0874	Technology
30	2008	95-15-00-7817	Renovate W.T. Chipman MS
31	2008	95-15-00-7820	Renovate Lake Forest HS
32	2008	95-17-00-7810	1600 Pupil HS
33	2008	95-17-00-7811	Renovate Brittingham ES
34	2008	95-17-00-7812	Renovate Shields ES
35	2008	95-17-00-7814	Renovate Milton ES
36	2008	95-17-00-7815	Rehoboth ES
37	2008	95-17-00-7816	Lewes Academy
38	2008	95-18-00-7801	Land & Site Costs for New ES
39	2008	95-18-00-7804	Morris ECC
40	2008	95-18-00-7805	Renovate Milford HS
41	2007	95-24-00-7712	600 Pupil ES
42	2008	95-24-00-7817	Renovate Smyrna HS
43	2008	95-24-00-7818	Clayton IS
44	2006	95-29-00-7620	1600 Pupil HS
45	2007	95-29-00-7719	Construct 1000 Pupil MS
46	2005	95-31-00-0884	Market Pressure 600 Pupil ES
47	2007	95-31-00-0892	Market Pressure Matching Fund
48	2006	95-31-00-7637	Market Pressure Construct ES
49	2007	95-31-00-7718	Construct 600 Pupil ES
50	2007	95-31-00-7719	Renovate Springer MS
51	2007	95-31-00-7720	Renovate District Offices
52	2007	95-32-00-7726	Renovate Wilmington Campus
53	2005/07	95-33-00-0872	MCI
54	2006/07/08	95-33-00-0873	MCI/VE

2005	95-33-00-7525	Christiana HS
2005	95-33-00-7527	Drew Pyle
2005	95-33-00-7529	Wilson ES
2005	95-33-00-7530	Downes ES
2006	95-33-00-7532	New MS
2006	95-33-00-7616	840 Pupil ES
2006	95-33-00-7621	800 Pupil MS
2006	95-33-00-7625	Christiana HS
2006	95-33-00-7628	Maclary ES
2006	95-33-00-7629	Wilson ES
2006	95-33-00-7630	Downes ES
2008	95-33-00-7811	Porter Road
2007	95-34-00-7721	New Castle MS
2008	95-34-00-7817	Wilmington Manor ES
2008	95-34-00-7818	George Reed MS
2008	95-34-00-7822	McCullough ES
2003	95-36-00-7312	Frankford ES
2006	95-36-00-7313	Showell ES
2004	95-36-00-7419	Indian River HS
2005	95-36-00-7512	Renovate Frankford ES
2005	95-36-00-7519	Renovate HS
2006	95-36-00-7612	Frankford ES
2006	95-36-00-7619	Indian River HS
2007	95-36-00-7726	Georgetown ES
2007	95-36-00-7727	Selbyville MS
2007	95-36-00-7728	Long Neck ES
2007	95-37-00-7712	Cafeteria Expansion
2007	95-37-00-7713	Classroom Addition
2008	95-39-00-7802	Renovation HS
2006	95-51-00-7610	Replace Sterck
2007	95-51-00-7710	Replace Sterck
2008	95-51-00-7810	Replace Sterck

Section 6. Abandoned Property. For the fiscal year ending June 30, 2011, 29 Del. C. § 6102(s) shall be waived.

Section 7. Open Space Funding. Notwithstanding the provisions of 30 Del. C., c. 54, § 5423 (b)(2) and § 5423 (c)(1), at the close of Fiscal Year 2011, the State shall transfer $450,000 of realty transfer taxes to the Endowment Account in the Delaware Land and Water Conservation Trust Fund and $2,550,000 of realty transfer taxes to the Project Account in the Delaware Land and Water Conservation Trust Fund.

Section 8. Farmland Preservation Funding. Notwithstanding the provisions of 30 Del. C. c. 54 § 5426, for the fiscal year ending June 30, 2011, the State shall transfer $3,000,000 of realty transfer taxes to the Farmland Preservation Fund maintained under 3 Del. C. c. 3.

Section 9. Resource, Conservation and Development Transfers - Project Funds Transfer from Prior Fiscal Years to Fiscal Year 2011. Within the same county, any Twenty-First Century funds or match remaining from completed projects as authorized as part of the Twenty-First Century Resource, Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD projects in the Fiscal Year 2011 list of projects approved as part of the Fiscal Year 2011 Bond and Capital Improvements Act.

Section 10. Conservation Districts - Federal Acquisition Regulations. Conservation Districts shall not be required to follow the provisions of the Federal Acquisition Regulations unless specifically required under a contract(s) with a federal agency or federal grant. If the Conservation Districts are required to follow subpart 31.2 of the Federal Acquisition Regulations, then the Conservation District(s) are hereby authorized to charge an additional ten percent to their overhead cost rate to enable the Conservation District(s) to continue to fulfill their statutory duties and responsibilities.

Section 11. Conservation Districts - Rollover of Funds. If projects are discontinued and have Twenty-First Century funding associated with them, the associated Twenty-First Century funding would remain within the County from which the project originated and would roll over as new Fiscal Year 2011 funds for allocation among the remaining projects within that County.

Section 12. First State Preservation Revolving Fund, Inc. For Fiscal Year 2011, First State Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest generated by the Community Redevelopment Fund appropriations of $250,000 in each of Fiscal Years 1999 and 2000.

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

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

Section 15. Community Redevelopment Fund Match. Notwithstanding the provisions of 29 Del. C. 6102(A), any unexpended Community Redevelopment Funds awarded to the Hockessin Community Center in fiscal years 2004 and 2005 shall not require a local match.

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

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

OFFICE OF MANAGEMENT AND BUDGET

Section 18. Construction Management. Notwithstanding any other State law, the Office of Management and Budget (OMB) shall be responsible for the design and construction of all the projects listed under Office of Management and Budget in the Section 1 Addendum of this Act. For those projects that are solely for the purchase of equipment, including projects that are funded in any MCI and Equipment line or any MCI line, OMB shall transfer the appropriate funding necessary to purchase the equipment to the agency for which the equipment is being purchased. The appropriate amount of funding shall be determined and agreed to by OMB and the agency for which the equipment is being purchased by September 1 of each fiscal year. For those projects for which the appropriation is passed to an entity and for which the State is not a party to the construction contract, OMB shall provide technical assistance.

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

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

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

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

Section 19. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-member Executive Committee be created to oversee construction of new or major renovation of judicial facilities. The Executive Committee shall include two members of the Legislature appointed by the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs of the House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief Justice; and three members of the Executive Department to include the Director of Facilities Management, the Director of the Office of Management and Budget and their designee. The Executive Committee shall work in conformation with existing construction oversight guidelines as written in Section 17 of this Act. The Executive Committee is hereby empowered to:

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

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

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

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

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

Section 20. Minor Capital Improvement and Equipment Supplement - Office of Management and Budget. Notwithstanding the provisions of any other State law to the contrary, not more than $250,000 may be expended to enter into contractual agreements for project representatives and associated administrative support to ensure adequate oversight of State construction projects. The Director of the Office of Management and Budget is directed to provide an itemized budget for this amount to the Controller General by August 1, of each fiscal year, and expenditure reports to the Controller General by December 1 and June 1 of each fiscal year.

Section 21. New Castle County Courthouse. Notwithstanding any law or local government ordinance, resolution, or any deed restrictions to the contrary, the Director of the Office of Management and Budget shall designate the name of any state-owned or state-operated courthouse or other judicial building or facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of any statues or memorials in or on the grounds of such courthouse or judicial building of facility.

Section 22. Belvedere State Service Center Project. Notwithstanding any State laws to the contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Office of Management and Budget for the maintenance and operation of the center.

Section 23. Kent County Courthouse Construction. It is the intent of the General Assembly that the Office of Management and Budget shall have the authority to develop and implement procedures and a methodology to engage a Construction Manager at Risk for all phases of the Kent County Courthouse Project including the construction of any required parking facilities. To enable the engagement of a Construction Manager at Risk, all provisions of 29 Del. C. c. 69 are hereby waived with the exception of § 6960 related to prevailing wage.

Section 24. Kent County Courthouse Appropriation. The Section 1 Addendum to this Act contains an appropriation of $19,200,000. Of this amount, $5,000,000 shall be used solely for the renovation of the existing Kent County Courthouse.

Section 25. Sale of Surplus Property. Notwithstanding the provisions of any law to the contrary, the Director of the Office of Management and Budget is authorized to solicit buyers, lessors or developers and negotiate the sale, long or short-term lease, development or adaptation of the state-owned building and parking lot, commonly known as the Bank of America Building and State Employee Workforce Education and Training Center, located on the block bounded by French, 9th, 10th and Walnut Streets in Wilmington. Net proceeds resulting from a sale, lease, development or reuse of the building and or parking lot shall be deposited to the General Fund. The Director of the Office of Management and Budget must receive approval from the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program prior to executing an agreement of sale, lease, development or use of the building or parking lot for other than state agencies. The Director of the Office of Management and Budget is authorized to solicit buyers, lessors, developers and others who may enable the sale, development, lease, or reuse of the property directly, use public advertisement, auction, reverse auction, sealed bids, or issue requests for information and requests for proposals. During Fiscal Year 2011, the Director of the Office of Management and Budget may identify additional state-owned real property that, with the concurrence of the co-chairs of the Joint Legislative Committee on the Capital Improvement Program and the Controller General, may be sold, leased or developed pursuant to the provisions of this section.

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

parking on city-owned land if that option is found to be advantageous to both the city and state. All provisions of 29 Del. C. c. 69 are hereby waived, with the exception of § 6960 related to prevailing wage rates, for construction of parking associated with the Kent County Courthouse project.

Section 27. Card Access Security Systems. Notwithstanding the provisions of any law to the contrary, the Office of Management and Budget, Department of Safety and Homeland Security, and the Department of Technology and Information shall jointly develop and maintain specifications and standards for card access security systems for all state facilities. Security system communications using state infrastructure will observe enterprise standards and policies as defined by Department of Technology and Information pursuant to 29 Del. C. c. 90C. The specifications and standards shall enable a single-card security solution for all state-owned facilities, require the ability for concurrent central and local administration of card access functions, and shall include a registry of approved card readers and associated hardware required to implement card access security systems. It is the intent of this section to authorize Office of Management and Budget, Department of Safety and Homeland Security and Department of Technology and Information to jointly select a single supplier, manufacturer or technology of access cards and security management software for use by all state agencies. The Office of Management and Budget, Department of Safety and Homeland Security and Department of Technology and Information shall develop procedures and standards required for the evaluation and approval of agency requests for new or modified security systems of any type. Before a state agency may install a new security system or modify an existing system, the agency shall obtain the approval of the Office of Management and Budget, Department of Safety and Homeland Security and Department of Technology and Information.

DELAWARE ECONOMIC DEVELOPMENT OFFICE

Section 28. Composites Research. The Delaware Economic Development Office (DEDO) is authorized to provide a match of up to $100,000 to the University of Delaware Center for Composite Materials for federal research grants received that support the development and application of composite manufacturing technology for the benefit of Delaware companies. Such match shall be disbursed from the Strategic Fund upon documentation of the receipt of federal funds allocated to the Center during the fiscal year for these purposes and upon documentation of the relevance of these research projects to Delaware industries' needs and their participation within said projects.

Section 29. Delaware Industrial Park. DEDO is hereby prohibited from locating any operation that involves the use of hazardous materials at the former Helix Synthesis Technologies site within the Delaware Industrial Park. Hazardous materials are defined as any material of a gaseous, liquid or solid form that has the potential to cause temporary or permanent harm to humans or the environment.

Section 30. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an appropriation of $10,000,000 for the Diamond State Port Corporation. The expenditure of these funds shall be subject to the review and approval of the Board of Directors of the Diamond State Port Corporation (DSPC). In addition, the DSPC may borrow, on an interest-free basis, $2,000,000 of this authorization to meet its short term operating expenses during Fiscal Year 2011.

Section 31. Kalmar Nyckel. The scheduling of the Kalmar Nyckel by non-state entities shall require the approval of the Riverfront Development Corporation. Further, the Riverfront Development Corporation is encouraged to enter into negotiations with interested parties to review the disposition of loans to the Kalmar Nyckel.

Section 32. Transportation Property Disposition. The proceeds from the future sale of parcels of land the Department of Transportation acquired on Beech Street in the City of Wilmington and Delmarva Properties located in the Wilmington Riverfront area shall be deposited to the Transportation Trust Fund.

Section 33. Council on Development Finance. If DEDO makes an award not in agreement with the recommendations of the Council on Development Finance (CDF), the Director of DEDO shall notify

the co-chairs of the Joint Legislative Committee on Capital Improvements within 10 business days. The notification shall include details of the actual award, the Council recommendations on the proposal, and a justification for why DEDO did not follow the recommendations of the Council.

Section 34. New Markets Tax Credit Program. In the event that the Director of DEDO or the Director of the Delaware State Housing Authority and the Secretary of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit Program under the U.S. Treasury Department, the Director is authorized to form a business entity or organization to apply for and manage this program on behalf of the State, as required by applicable federal legislation and regulations. Any such application for said program shall be subject to the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the Delaware State Clearinghouse Committee. Should such application receive final approval by the U.S. Treasury Department or other federal governmental entity charged with such authority, at least one public hearing shall be held for the purpose of presenting the program, the availability of financial assistance and the selection process and the Director of the Delaware State Housing Authority shall notify, by certified and regular mail, any state senators and representatives in whose districts any development project may be located, upon the submission of a request for financing and a decision to provide financing for such development pursuant to the New Market Tax Credit Program. In addition, the Housing Director shall so notify the Chief Executive Office of any local government in whose jurisdiction any development will be located.

Section 35. Kent County Levy Court Local Lodging Tax. Kent County Levy Court may issue up to $20,000,000 in general obligation bonds for the Dover Civic Center with the resulting debt service to be paid from the annual operating revenues of the Center. Should the annual operating revenues of the Center be insufficient at any time during the debt repayment period to cover principal and interest payments, the Levy Court shall be authorized to impose, by duly enacted ordinance, a local lodging tax for any room or rooms in a hotel, motel or tourist home, as defined in 30 Del. C. § 6101, in an amount sufficient to repay any principal and interest deficits not covered by Center revenues for the period for which such deficiency exists. The Levy Court, in consultation with the State Treasurer and Secretary of Finance, shall establish

the rate and duration of any necessary levy. The Levy Court's authority to levy said hotel tax shall sunset upon repayment of all principal and interest associated with the bond issuance.

Section 36. Fraunhofer Vaccine Development. The Section 1 Addendum to this Act appropriates $1,000,000 for Fraunhofer Vaccine Development. It is the intent of the General Assembly and the Administration that said funds represent the last year of a five-year commitment by the State of Delaware to leverage a 2:1 matching grant of $10,000,000 from Fraunhofer USA. Further, up to one-third of the aggregated state match shall be used to increase the capacity of Delaware farmers to participate in the commercial raising of plants for the production of biopharmaceuticals.

Section 37. Emerging Technology Center. Notwithstanding any other law to the contrary, funds appropriated to DEDO for the Emerging Technology Center, pursuant to 74 Del. Laws, c. 308 § 36(c), shall be expended by DEDO for the purpose of operating the Delaware Emerging Technology Center ("ETC"). Operating expenses may include, but are not limited to ETC software licensing agreements; patent maintenance fees; Delaware sponsored ETC investor forums, businesses plan competitions and conferences, marketing campaigns; and Intellectual Property Business Creation program implementation initiatives.

Section 38. Strategic Fund. Notwithstanding any other law to the contrary, the funds appropriated to DEDO for the establishment of the Technology-Based Seed Fund, 74 Del. Laws, c. 308 § 36(f), Venture Capital Investment, 74 Del. Laws, c. 308 § 36(g) and the Technology-Based Seed Fund/ Phase II, 75 Del. Laws, c. 353 § 40(e) shall be deposited by DEDO into the Strategic Fund for use in accordance with the provisions of 29 Del. C. §§ 5027-5029 and regulations promulgated thereunder. Sections 74 Del. Laws, c. 308 § 36(f), and 75 Del. Laws, c. 353 § 40(e) are hereby stricken in their entirety. Available funds shall be deposited into the Strategic Fund.

Section 39. Riverfront Development Corporation. (a) Funds appropriated for the Riverfront Development Corporation shall be disbursed to a special fund to be known as the Riverfront Development Corporation Fund hereinafter referred to as the Fund.

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

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

Section 40. Limited Investment for Financial Traction (LIFT) Initiative. Notwithstanding any other law to the contrary, DEDO is hereby authorized to pay administrative fees associated with the LIFT Initiative from the Strategic Fund not to exceed two percent of the program total.

DELAWARE STATE HOUSING AUTHORITY

Section 41. Housing Preservation. The Section 1 Addendum to this Act appropriates $4,500,000 for Housing Development Fund - Preservation (10-08-01). It is the intent of the General Assembly and the Administration that said funds are to be used to leverage other funding sources, such as Low Income Housing Tax Credits (LIHTC) and tax-exempt bonds to help renovate and improve existing federally subsidized housing stocks in Delaware. The renovations may secure $63,000,000 in federal Housing Assistance Payment (HAP) rental subsidy funds over the next 30 years. The Director of the Delaware State Housing Authority shall report to the Controller General and the Director of the Office of Management and Budget no later than April 30, 2011 on the expenditure of the Housing Development Fund - Preservation funds appropriated in Section 1 Addendum to this Act. Said report shall also include the amount and expenditure of any non-state funds received by the State for said Housing Preservation projects.

DEPARTMENT OF TECHNOLOGY AND INFORMATION

Section 42. Data Center Projects. In no instance shall any information technology data center project be initiated by a department/agency during this fiscal year until a formalized plan has been approved by the department/agency head, Director of the Office of Management and Budget and the State Chief Information Officer. This includes, but is not limited to, relocating, renovating and/or constructing new information technology data centers.

DEPARTMENT OF STATE

Section 43. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del. Laws, c. 210 shall be used to plan and construct a library within the First Senate District.

Section 44. Delaware River Main Channel Dredging. It is the intent of the General Assembly that any future appropriation of State funds for the main channel dredging of the Delaware River shall be contingent upon the following:

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

Section 45. Museum Maintenance. The Section 1 Addendum to this Act appropriates $350,000 to the Department of State for museum maintenance. It is the intent of the General Assembly that these funds be retained by the Department of State, Division of Historical and Cultural Affairs for use with the operations of State museums or for immediate, unscheduled repairs to those facilities under the control of the Division of Historical and Cultural Affairs.

Section 46. Library Construction. Proposals submitted by the Department of State to the Office of Management and Budget under 29 Del. C. § 6604A shall include a statement as to whether or not each of the libraries have the required 50 percent non-state share match as defined in 29 Del. C. § 6602A(2).

Section 47. City of Dover Library. The Section 1 Addendum to 76 Del. Laws, c. 288 appropriates $4,000,000 to the Department of State for the City of Dover Library. The City may proceed with construction using local funds and any State assistance may be applied retroactively to costs incurred after the date that such library construction was certified by the Division of Libraries and the Delaware Council on Libraries.

Section 48. Stabilization Endowment for the Arts. It is the intent of the General Assembly that previously appropriated funds from the Department of State to the Stabilization Endowment for the Arts

may be used to fund operating expenses pursuant to appropriate controls and procedures adopted by the Board of the Arts Consortium of Delaware and upon concurrence of the Division of Arts.

DEPARTMENT OF FINANCE

Section 49. Bond Proceeds Reimbursement. Unless not permitted by the Internal Revenue Code of 1986, as amended (the "Code"), whenever the General Assembly authorizes the issuance of the State's General Obligation bonds or the Delaware Transportation Authority's (the Authority) revenue bonds to finance the costs of specific capital projects, it is the intent of the General Assembly that the interest on such bonds shall not be included in gross income for federal income tax purposes under Section 103 of the Code, and the United States Treasury Regulations (the "Regulations") thereunder as they may be promulgated from time to time, or shall be qualified as Build America Bonds pursuant to the Code and the Regulation. Pursuant to the State's budget and financial policies, other than unexpected situations where surplus revenues render bond financing unnecessary or undesirable, no funds other than the proceeds of such bonds, are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the State to pay the costs of such specific capital projects. Pursuant to the Authority's budget and financial policies, it is expected that approximately 50 percent of the costs of its capital projects shall be funded on a long-term basis from the proceeds of such bonds. However, after the authorization of such bonds but prior to their issuance, non-bond funds from the State's General Fund or the Authority's Transportation Trust fund or other funds may be advanced on a temporary basis to pay a portion of the costs of such specific capital projects. In that event, it is expected that these non-bond funds will be reimbursed from the proceeds of such bonds when they are issued. This reimbursement may cause a portion of such bonds to become reimbursement bonds within the meaning of Section 1.150-2 of the Regulations. Under those Regulations, to preserve the exclusion of the interest on such bonds from gross income for federal income tax purposes, it may be necessary to make a declaration of official intent. The Secretary of Finance is hereby designated as the appropriate representative of the State and the Secretary of Transportation is hereby designated as the appropriate representative of the Authority, and each is authorized to declare official intent on behalf of the State or the Authority, as the case may be, within the meaning of Section 1.150-2 of the Regulations, whenever and to the extent that such declaration is required to preserve such tax treatment.

Section 50. Qualified Zone Academy Bonds. A portion of the General Obligation bonds authorized under this Act for a school construction project may be issued in the form of Qualified Zone Academy Bonds (QZABs) within the meaning of the Code and the Regulations. Such portion shall be equal to the maximum amount of QZABs which may be issued under the Code and the Regulations. The Secretary of Finance is hereby authorized to determine the terms and conditions of the QZABs and the eligible public school project financed by the QZABs, and the manner by which QZABs shall be awarded to the purchasers thereof, including private negotiated sale, notwithstanding anything to the contrary contained in 29 Del. C. c. 74; provided that the requirements of 29 Del. C. § 7422 must be observed.

Section 51. Qualified School Construction Bonds; Build America Bonds; and Amortization Requirements. A portion of the General Obligation bonds authorized under this Act or any previous authorization act may be issued in the form of Qualified School Construction Bonds (QSCBs), Build America Bonds (BABs), or any other bonds permitted by the federal American Recovery and Reinvestment Act of 2009 (the ARRA) or by the Code. The QSCBs may be issued in a principal amount not exceeding the maximum amount of QSCBs which may be issued under the Code and the Regulations and are hereby authorized as part of the General Obligation bonds authorized under 29 Del. C. § 7422(b). Notwithstanding anything to the contrary contained in 29 Del. C. 74, the Secretary of Finance is hereby authorized to determine the terms and conditions of the QSCBs, the BABs and any other bonds permitted by ARRA, or any bonds issued in Connection with the QSCBs or BABs, and the manner by which they shall be awarded to the purchasers thereof, including private negotiated sale. Any bonds authorized in this Act or any previous authorization act may be issued during Fiscal Year 2010 or Fiscal Year 2011, and may be subject to any amortization requirements as shall be determined by the issuing officers notwithstanding anything to the contrary contained in Section 7406(b) of Title 29.

Section 52. Amendment of 29 Del. C. 74 - Negotiated and Public Sale. Section 7406(a) of Title 29 is hereby amended by deleting the parenthetical phrase therein which reads "(which may be a private negotiated sale only if any of the bonds of a series of bonds or all the bonds to be sold are capital

1 appreciation bonds)", and substituting the following parenthetical phrase "(which may be a public or private

2 negotiated sale at a price above or below par)."

DEPARTMENT OF CORRECTION

Section 53. Prison Construction. (a) The Director of the Office of Management and Budget, as provided through construction management services, shall consult with the Commissioner of Correction to ensure expedient programming, planning and construction of authorized correctional facilities. None of the funds authorized herein or in prior fiscal years are intended to supplant federal funds.

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

Section 54. Community Restoration. The Department of Correction may, to the extent resources and appropriately classified offenders are available, direct these offenders to assist with community restoration projects. These projects may include beautification, clean up and restoration efforts requested by civic, governmental and fraternal organizations approved by the Commissioner.

Section 55. Maintenance and Restoration. The Section 1 Addendum to this Act appropriates $3,135,400 to the Department of Correction for Maintenance and Restoration projects. The Department must submit a bi-annual report to the Director of the Office of Management and Budget and the Controller General, detailing the expenditure of such funds and the respective projects. The Department shall submit a preliminary plan to the Director of the Office of Management and Budget and Controller General for maintenance projects for the following fiscal year by October 31.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Section 56. Beach Preservation. The General Assembly hereby appropriates $1,000,000 to the Department of Natural Resources and Environmental Control (DNREC) in the Section 1 Addendum to this Act to renourish and preserve the State's beaches. The Department may not encumber the funds appropriated herein for privately-owned beaches.

Section 57. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act appropriates $1,500,000 to DNREC for the Conservation Cost-Sharing Program. These cost share funds are to be used to implement conservation practices that improve water quality on lands covered by nutrient management plans in areas of the State where Tributary Action Teams have submitted Pollution Control Strategies to the Department, which the Department has accepted. Of the total request, 50 percent will be divided equally among the three counties to expand their programs. The remaining balance will be directed towards nutrient management efforts statewide as determined by the Secretary.

Section 58. DNREC Land Acquisition. Except for land acquired by approval of the Open Space Council or approved through a Bond and Capital Improvements Act, land shall not be purchased by the Department of Natural Resources and Environmental Control without prior approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program provided, however, that the Department is not prohibited from conducting studies, surveys or other contractual arrangements that would normally precede land acquisition procedures.

Section 59. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C. § 6102A(c) (2), upon written request by the Open Space Council and notification of the Secretary of Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby empowered to waive on a case-by-case basis the match requirements for a specific Open Space land purchase if it can be demonstrated that meeting said match requirements would prevent the timely purchase of said parcel.

Section 60. Army Corps of Engineers Project Cooperation Agreements. By using funds approved by Bond and Capital Improvements Acts, the Secretary of DNREC is authorized to sign Project

Cooperation Agreements with the Department of the Army and other appropriate sponsors for planning, construction, operation and maintenance for projects entered into by said Agreements.

Section 61. Indian River Marina. In accordance with the provisions of 73 Del. Laws, c. 350, § 70, DNREC under the direction of the Director of the Office of Management and Budget may utilize up to $9,900,000 in funds from the Twenty-First Century Fund for the Parks Endowment Account as established in 29 Del. C. § 6102A(e), for the purpose of revitalizing and enhancing public amenities within the Delaware Seashore State Park in and around the Indian River Marina Complex and related support facilities as presented to the Joint Legislative Committee on Capital Improvements on May 15, 2002. DNREC will repay both the principal borrowed and interest on the principal borrowed equal to that interest lost as a result of borrowing from the Account. Repayment shall not exceed twenty years.

Section 62. Newark Reservoir. Of the funds allocated from the Twenty-First Century Water/Wastewater Management Account in 72 Del. Laws, c. 258 and c. 489, $3,400,000 has been set aside for the Newark Reservoir Project. If the City of Newark annexes the property referred to as New Castle County Tax Parcel #08-059.20-002, the City must repay to the State those monies appropriated in the Fiscal Year 2000 and 2001 Bond and Capital Improvements Acts for said project.

Section 63. Seventh Street Marina. It is the intent of the General Assembly to classify the Seventh Street Marina, located on East Seventh Street, being Tax Parcel # 26.044.00.0013 containing 7.86 acres of land (of which 5.27 acres, more or less, is above the high water line) as existing marina for purposes of the State of Delaware Marina Regulations, adopted on March 29, 1990 and amended on February 22, 1993. Such classification does not exempt any person seeking to make physical improvements to the marina from permit application fees pursuant to 7 Del. C. c. 66 and 72.

Section 64. Assawoman Canal Dredging. It is the express finding of the General Assembly that the benefits of dredging and maintaining the Assawoman Canal exceed the costs of such project and the Secretary of DNREC is hereby directed to initiate all necessary actions to dredge the Canal pursuant to all terms and conditions provided for in the state and federal permits issued for the project and initially authorized by Secretary's Order 2004-W-0047 dated August 12, 2004.

Section 65. Waterway Management. DNREC is directed to provide dedicated, comprehensive waterway management for state waters. DNREC will: maintain design depths and mark navigational channels of the State that are not maintained and marked by any entity of the federal government; remove nuisance macroalgae; remove abandoned vessels; remove derelict structures, trees and other debris that threatens safe navigation; and perform any other waterway management services that may be identified to preserve, maintain and enhance recreational use of the State's tidal waters, as well as improve environmental conditions as warranted or directed by the Governor or Secretary of DNREC. DNREC is further directed to undertake a study of the sediment sources and patterns of sediment movement that results in deposition within State waterways to determine if there are methods to reduce the dependency on dredging to remove deposited sediments.

Section 66. Clean Water Funding Leverage. DNREC under advisement from the Clean Water Advisory Council is encouraged to evaluate the potential leveraging of the Water Pollution Control Revolving Fund and/or the Twenty-First Century Fund Wastewater Management Account. This evaluation is based on the recommendation of the Dialogue on Financing Wastewater and Stormwater Infrastructure report sponsored by the Delaware Public Policy Institute, Office of the Governor, Office of the Lt. Governor, DNREC and the Clean Water Advisory Council.

Section 67. Conservation Districts. It is the intent of the General Assembly that the Division of Soil and Water Conservation of DNREC and the Conservation District as established by 7 Del. C. c. 39 shall have the authority to transfer Twenty-First Century Funds among projects that are located within their respective districts. Projects into which funds are transferred shall have their full non-Twenty-First Century funding in place before any such transfer can occur and in no case shall any project from which funds are taken be dropped from the project list for construction when funds become available. The Division of Soil and Water Conservation of DNREC shall report a list of completed transfers to the Controller General and the Director of the Office and Management and Budget on December 15, 2010 and May 15, 2011.

Section 68. Yard Waste Drop Sites. It is the intent of the General Assembly that all yard waste drops sites in New Castle County remain operational unless otherwise directed by the General Assembly.

1 The Department shall relocate the yard waste disposal site currently located at the Cauffiel Estate to a new

2 location suitable for residents within the surrounding area.

DEPARTMENT OF TRANSPORTATION

Section 69. General Provisions. The Department of Transportation (Department) is hereby authorized and directed to use all its designated powers and resources to carry out the following legislative mandates:

(a) Transportation Trust Fund Authorizations. Sums not to exceed $446,958,500 (State: $133,809,500; Federal: $295,729,000; Other: $ 17,420,000) are authorized to be withdrawn from the Transportation Trust Fund to carry out the projects and programs as set forth in the Section 1 Addendum of this Act.

(b) New Transportation Trust Fund Debt Authorizations. To fund a portion of the projects authorized herein, the Delaware Transportation Authority is hereby authorized to issue bonds in an amount not to exceed $125,626,000 pursuant to the provisions of 2 Del. C. c. 13 and 14, of which not more than $117,445,000 plus premium shall be used for purposes set forth in the Section 1 Addendum of this Act with the remainder, not to exceed $8,181,000 to be used to fund issuance costs and necessary reserves for the Reserve Account.

Section 70. Maintenance and Operations Facilities. Building structures and facilities constructed, or to be constructed, within the Department of Transportation's operating right of way that facilitate maintaining the highway system and are used to assist in the operational and maintenance activities for all roads, shall not be subject to zoning, subdivision, or building code ordinances or regulations by any political subdivision of the State. Types of structures may include; equipment sheds, crew quarters, equipment maintenance, equipment washing, material storage sheds (i.e. salt, sand and other bulk materials), fuel centers, and other maintenance structures required to maintain the highway system such as security (cameras and fences) including necessary maintenance and replacement items such as upgrades to existing facilities. The Department shall not construct any such facility or make improvements in any such existing facility without first conducting a public workshop to describe such plans and gather public input into the effect of such plans.

Section 71. Transportation Enhancements. (a) It is the intent of the General Assembly that the

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

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

Section 72. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of $12,375,000 (State) for projects within the Grants and Allocations classification. The General Assembly further defines its intent with respect to those appropriations as follows:

(a) The sum of $8,375,000 (State) shall be used for the Community Transportation Fund, in accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital Improvements Program, as amended from time to time.

(b) The sum of $4,000,000 (State) shall be used for the Municipal Street Aid program, pursuant to the provisions of 30 Del. C. § 51.

Section 73. 5310 Program. The Delaware Transit Corporation is authorized to expend up to $1,521,000 ($1,097,400 State; $423,600 Federal) from the Transit System classification (73/00) appropriated in this Act for the 5310 Program, administered by the Federal Transit Authority.

Section 74. DelDOT Work Impacts on Private Property and its Owners. When the Department and/or any of its contractors determines that it would be in the best interests of the State to undertake construction/reconstruction work past 9:00 p.m. or before 7:00 a.m., and such work is to be conducted immediately adjacent to a residential neighborhood.

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

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

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

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

Section 75. McMullen Farm. The General Assembly has previously authorized the Department to enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm in order to promote improved transportation access and circulation, to promote healthy economic growth, and to preserve and enhance critical open space. The Department is authorized to continue its negotiations for the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the lands adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All previous authorizations to the Department, and other affected State agencies, shall remain in force and effect, and the Secretary of the Department shall report to the Governor and the General Assembly on progress toward the completion of the transportation improvements, development of the excess lands, and creation and improvement of the community parkland no later than May 1, 2011.

Section 76. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the General Assembly for the design and construction of a new bridge at the Indian River Inlet and the construction of new park amenities, access and circulation roads, and other transportation and recreation improvements shall be used, to the maximum extent possible, to match federal funds previously available, or to become available in the future. In keeping with the strong sense of community involvement and sense of ownership, the Department shall continue to provide periodic progress updates through such media as it determines to best address the community's needs. And finally, because in order to accomplish this project in an efficient and cost-effective manner, the Department and its contractors will have to occupy portions of the State's adjacent campground and marina facilities, the General Assembly authorizes and directs the Secretary of the Department to enter into reimbursement agreements with the Secretary of DNREC. Such agreements will insure that during the period of construction of the bridge and other necessary improvements, DNREC shall be equitably indemnified from the loss of critical tourist revenues, which are necessary to fund the operations of all of the State's outdoor recreational facilities.

Section 77. City of Wilmington Beautification. In order to maintain the urban tree canopy available in the City of Wilmington, the General Assembly authorizes and directs the Department to establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware

Center for Horticulture (Center) and/or Urban Forestry in the Department of Agriculture. It is the intent of the General Assembly that such program shall be funded exclusively by allocations made from time to time by members of the General Assembly from their Community Transportation Funds. The Department shall make payments to the Center and/or Urban Forestry in the Department of Agriculture for work accomplished, and appropriately vouchered, from the CTF funds herein identified.

Section 78. Supplies of Road Materials. Section 109 of 74 Del. Laws, c. 308 is suspended until such time as the Department of Transportation shall suggest its re-institution and such suspension has been overridden by an Act of the General Assembly.

Section 79. System Capacity Preservation. The General Assembly hereby determines that it is in the public interest to limit future residential, commercial, or industrial growth along certain portions of the State's highway network. Such potential growth would produce unsafe driving conditions as increased traffic seeks access to, and movements along, a number of local roads and collectors in critical locations through the State. The General Assembly further determines that it would be infeasible or imprudent for the Department to attempt to design and construct modifications to the State's highway network adjacent to these locations because such improvements would irrevocably destroy the important scenic and historic nature of the view sheds and other environmental attributes associated with these locations. Accordingly, the Secretary of the Department of Transportation (Secretary) is authorized and directed to use State funds appropriated to the Transportation Enhancements program authorized and funded in the Section 1 Addendum of 74 Del. Laws, c. 308, together with such other funds from any public or private source as may be available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary to protect the following properties, pursuant to the stipulations stated herein. Expenditures of these funds for these purposes shall be with the review and approval of the Director of the Office of Management and Budget and Controller General. The provisions of 17 Del. C. c. 1 and 29 Del. C. c. 93 and 95 shall govern such purchases, and any other purchase by the Department authorized by this Act.

(a) Millcreek Farm (Yearsley) Property - Four parcels totaling approximately 35 +/- acres adjacent to Mill Creek (SR 282) and Stoney Batter (SR 283) Roads in New Castle County. The Department

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

Section 80. Denny Road/Route 896 Alignment Completion. Upon completion and final inspection of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two parcels (0.93 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of Meadow Glen, shall revert back to the community which had owned said parcels prior to 1994. Notwithstanding the provisions of 17 Del. C. § 137, the Department shall deed these parcels to the community and remain in their possession in perpetuity.

Section 81. Port of Wilmington. Subject to the review and approval of the Board of Directors of the Diamond State Port Corporation (DSPC):

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

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

(c) For purposes of restructuring the loan agreement dated November 30, 2001 between the DSPC and the Transportation Trust Fund, the Secretary of the Department of Transportation is authorized and directed to defer the fiscal year 2011 payments to be made by the DSPC and prepare a new amortization schedule for full repayment.

Section 82. Wakefield Drive. The Department of Transportation shall be prohibited from reopening Wakefield Drive in Newark through to Old Baltimore Pike.

Section 83. Community Transportation Funding Levels. The Department is directed to account for the Community Transportation Program funds as cash which shall be equal to the amounts authorized in Appendix A of this Act as well as previous Bond and Capital Improvements Acts. The funds authorized within the Community Transportation program shall not be subject to reallocation by the Department under any circumstances.

Section 84. Red Light Safety Enforcement. Pursuant to 73 Del. Laws, c. 350, § 92, the General Assembly authorized and directed the Department of Transportation to engage in a 36-month pilot project, in cooperation with Seaford, Dover, Newark, Elsmere, Wilmington, and the Delaware State Police, in operating, maintaining and enforcing a civil video red light safety enforcement program. Pursuant to 75 Del. Laws, c. 353, § 113, the Department was further directed to evaluate and report on this program to the Joint Legislative Committee on the Capital Improvement Program by no later than February 28, 2007, under terms and conditions relating to extending the program through June 30, 2007, and including the preparation and consideration of a program evaluation and report. Having received that evaluation and report, the General Assembly directs that the program shall be permitted to continue in operation on an open-ended basis, under the following conditions:

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

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

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

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

Section 85. Design-Build Contracts. The Department of Transportation is hereby authorized to continue utilization of the design-build contract mechanism for a total of twelve transportation construction projects (eight of which have been authorized). Design-build is a project delivery method under which a project owner, having defined its initial expectations to a certain extent, executes a single contract for both architectural/engineering services and construction. The selection processes and other terms of such contracts may vary considerably from project to project. The design-build entity may be a single firm, a consortium, joint venture, or other organization. However, the fundamental element of design-build delivery remains that one entity assumes primary responsibility for design and construction of the project.

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

(a) The contract terms shall include provisions to pay the prevailing wage rates determined by the Department of Labor, as provided in 29 Del. C. § 6960, in conjunction with Federal prevailing wage rates for such work;

(b) The following additional provisions of 29 Del. C. c. 69 shall also be incorporated into these design-build contracts: § 6962(d)(4)a. (anti-pollution, conservation environmental measures); §

6962(d)(7) (equal employment opportunity assurances); and § 6962(d)(8)(performance bonding requirements);

(c) Any such contracts shall conform to all applicable Federal laws and regulations concerning design-build contracting, including but not limited to 23 C.F.R. Part 636, without regard to the source of funds; and

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

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

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

Section 86. New Development Road Widening. When planning and/or permitting additional road widening directly related to new residential development, the Department of Transportation, Division of Planning, shall make every attempt to require the necessary right-of-way land be acquired from the developer owned land.

Section 87. W. L. Gore Site. In evaluating and recommending improvements to the transportation system related to the development of what is known as the W.L. Gore site, located in New Castle County and situated on the north side of Sunset Lake – east of SR896 and southeast of Old Cooch's Bridge Road, the department will make every effort to ensure that the improvements made facilitate and encourage traffic to travel toward and use SR896 and to discourage additional use of Old Cooch's Bridge road east of the entrance to the W.L. Gore property. This is in recognition of the historic characteristics of Old Cooch's Bridge road in the vicinity of the intersection with Old Baltimore Pike.

Section 88. Route 301 Spur Road Segment. The General Assembly directs the Department to implement the US 301 Corridor project in Phases, beginning with the US 301 mainline section.

Section 89. Astra Zeneca Project. The Department shall carry out property boundary adjustments and easements for transit, bicycle and pedestrian, storm water management, wetlands and stream

1 restoration, beautification, historic preservation, conservation and other improvements in concert with
2 DNREC, DEDO, City of Wilmington, New Castle County, New Castle County Conservation District, and
3 such other public and private entities as may be necessary to accomplish timely completion of the Blue
4 Ball Master Plan.

AGRICULTURE

Section 90. Farmland Preservation. For the fiscal year ending June 30, 2011, county funds committed to farmland preservation shall be spent to preserve farmland only in the respective counties where the funds originate. Farms to be preserved shall be selected by the counties according to county selection criteria from eligible farms as listed by the Aglands Preservation Foundation. All state-appropriated funds for Fiscal Year 2011 shall be utilized by the Aglands Foundation to preserve eligible farms statewide at its discretion in accordance with Aglands Foundation rules and policies.

FIRE PREVENTION COMMISSION

Section 91. Hydraulic Rescue Tools Replacement. It is the intent of the General Assembly that the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School, Newark, Mill Creek, Indian River, Lewes, Rehoboth Beach and Roxana 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 **NATIONAL GUARD**

2 Section 92. Delaware National Guard. Notwithstanding 29 Del. C. c. 69 or any other statutory
3 provision to the contrary, the Delaware National Guard may use design/build project delivery methodology
4 for the purpose of constructing a wind turbine system at their Training Site in Bethany Beach. To enable
5 the pursuit of a design/build methodology to construct a wind turbine system, all provisions of 29 Del. C. c.
6 69 are hereby waived with the exception of § 6960 related to prevailing wage.

UNIVERSITY OF DELAWARE

Section 93. Chrysler Site. The Section 1 Addendum of this Act appropriates $2,000,000 to the University of Delaware, Chrysler Site. These funds shall be authorized for use by the University only upon written approval by the Director of the Office of Management and Budget and the Controller General. The intended use of the funds, as proposed in a written request from the University, is consistent with state economic development and job creation strategies and policies and such use will be at the former Chrysler manufacturing plant in Newark.

DELAWARE TECHNICAL AND COMMUNITY COLLEGE

Section 94. College-wide Asset Preservation Program. The Section 1 Addendum of this Act provides funds for Delaware Technical and Community College (90-04-00) for the College-wide Asset Preservation Program. This appropriation may be used for the acquisition of computer hardware and software.

Section 95. Stanton Campus Expansion. Delaware Technical and Community College shall apply for all permits and approvals required pursuant to any applicable provision of Titles 9 and 22 of the Delaware Code, or any other ordinance, rule or regulation enacted pursuant thereto in connection with the design and construction of the Stanton Campus Expansion (90-04-04); provided, nevertheless, that any such permit or approval shall be granted within 45 days from the day upon which the college makes application therefore. If any required permit or approval is not granted within 45 days as set forth above, the college may commence construction and shall be immune from any legal action or liability for failing to obtain such permit or approval.

DEPARTMENT OF EDUCATION

Section 96. School Building and Custodial Verification. By September 30 of each calendar year, each school district shall notify the Department of Education of its intended use for each school building and administrative office building. School districts shall notify the Department about changes in the use of such buildings to include the sale of property, closing of a building, lease of property to another agency, and additions and renovations. The Department of Education shall establish a standard reporting mechanism that school districts shall utilize to gather and submit required information.

By October 30 of each calendar year, the Department of Education shall verify and reissue custodial allocations to each school district based on the information obtained annually.

Section 97. Land Donation for School Construction. Any land donated to a school district with an approved major capital improvement program shall be required to return to the State one-half of the State share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to keep the remaining one-half State share amount, as well as the full local share amount in accordance with the certificate of necessity.

Section 98. Minor Capital Improvements. It is the intent of the General Assembly that the sum of $3,947,400 allocated in the Section 1 Addendum to this Act be used for minor capital improvements to school buildings in the following amounts. Districts must use the funds in the amounts below on projects listed on the facility assessment website hosted by the Department of Education.

School District	Maximum State Share	Maximum Local Share	Total Cost
Appoquinimink	$ 263,230	$ 175,487	$ 438,717
Brandywine	298,751	199,167	497,918
Special	1,315		1,315
Christina	481,441	320,961	802,402
Special	24,295		24,295
Colonial	292,909	195,273	488,182
Special	4,771		4,771
New Castle Vo Tech	225,663		225,663

1	Red Clay	454,101	302,734	756,835
2	Special	6,281		6,281
3	Caesar Rodney	187,570	125,047	312,617
4	Special	10,370		10,370
5	Capital	178,807	119,205	298,012
6	Special	6,281		6,281
7	Lake Forest	112,525	75,017	187,542
8	Milford	119,097	79,398	198,495
9	Polytech	57,304		57,304
10	Smyrna	141,766	94,511	236,277
11	Cape Henlopen	127,686	85,124	212,810
12	Special	9,202		9,202
13	Delmar	33,304	22,203	55,507
14	Indian River	250,727	167,151	417,878
15	Special	5,696		5,696
16	Laurel	62,981	41,987	104,968
17	Seaford	101,278	67,519	168,797
18	Sussex Tech	62,465		62,465
19	Woodbridge	59,446	39,631	99,077
20	Campus Community	17,849		17,849
21	Academy of Dover	7,478		7,478
22	Delaware College Prep			
23	Academy	5,229		5,229
24	DE Military Academy	15,774		15,774
25	East Side Charter	10,838		10,838
26	Family Foundations	12,853		12,853
27	Kuumba Academy	7,391		7,391
28	Maurice Moyer Academy	14,139		14,139
29	M.O.T. Charter	19,747		19,747

Newark Charter	37,567		37,567
Odyssey Charter	10,984		10,984
Pencader Charter	18,082		18,082
Positive Outcomes	3,505		3,505
Prestige Academy	5,171		5,171
Providence Creek	20,127		20,127
Sussex Academy of Arts	9,465		9,465
Thomas Edison	23,107		23,107
Wilmington Charter	28,832		28,832
Total to Schools	$3,847,400	$2,110,415	$5,957,815
Vocational Equipment	42,500	28,333	70,833
State Board Contingency	57,500	38,333	95,833
TOTAL	$3,947,400	$2,177,081	$6,124,481

Section 99. Dickinson High School. Funding for the Red Clay School District including bond authorizations for renovations of the John Dickinson High School and the transfer of major capital construction funds shall be contingent upon the following:

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

Section 100. Sterck School. The Section 1 Addendum to 76 Del. Laws, C. 288, appropriates $5,422,700, Section 1 Addendum of this Act appropriates $15,442,700; Section 1 Addendum to 75 Del. Laws, c. 98 appropriated $2,700,000; Section 1 Addendum to 75 Del. Laws, c. 353 appropriated $8,000,000; and Section 1 Addendum to 76 Del. Laws, c. 79 appropriated $10,000,000 to the Sterck

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

Section 101. School Construction Fund Transfers. Notwithstanding any law or other provision to the contrary, the Department of Education, with the approval of the Director of the Office of Management and Budget and Controller General, may transfer funding between major capital construction projects within the respective school districts. These transfers shall not authorize any changes in conditions or incur any obligations in excess of the approved Certificate(s) of Necessity.

Section 102. School District Financial Reviews. It is the intent of the General Assembly that for school districts receiving funds appropriated in the Section 1 Addendum to this Act, should a school district financial position report as required under 14 Del. C. § 1507 demonstrate less than one month of carryover, or if at any time during the course of the fiscal year a school district is projected to not be able to satisfy its local payroll obligations, the Director of the Office of Management and Budget, in coordination with the Secretary of Education and Controller General, is authorized to conduct a comprehensive review of the school district's capital construction program.

Section 103. School Construction Contractual Documents. Effective January 1, 2007, all school districts that receive State funds for major capital construction projects shall use standard bid and contract documents developed by the Office of Management and Budget, Facilities Management. School districts may enhance the standard bid and contract documents with additional contractual or project-specific requirements as long as the enhancements do not diminish and are not in conflict with the provisions of the standard documents. The Department of Education, in consultation with the Office of Management and Budget, Facilities Management, shall approve any modifications or changes to the provisions of the standard bid and contract documents before a school district may use or enhance the modified documents.

Section 104. Brandywine School District Space Consolidation and Grade Reconfiguration. The Section 1 Addendum to 76 Del. Laws c. 79 appropriates $1,600,000 to the Department of Education in planning money for the renovation of Hanby Middle School in the Brandywine School District and further authorized a local match share of $1,066,700. In light of declining enrollment and to avoid increasing operating costs, the District has decided to close the Hanby Middle School and has realigned the feeder pattern for its remaining schools. The closure of the Hanby Middle School will allow the District to forego the $13,134,014 in state share and $8,756,009 in local match share that would have been required to renovate the school. In lieu of renovating the Hanby Middle School, the Brandywine School District is hereby authorized to use the planning funds previously authorized to demolish the Hanby Middle School and for other costs associated with the District's Space Consolidation and Grade Reconfiguration Plan approved by the Brandywine School District Board of Education on February 25, 2008. Approval is also hereby given to construct the Brandywood Elementary School, approved on C.N. # 0631B, on the site of Hanby Middle School and to complete the renovations of P.S du Pont, on C.N. # 0631C, as a Middle School.

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

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

Section 105. Bond Verification. All bonds issued, or herein before or herein authorized to be issued, by the State are hereby determined to be within all debt and authorization limits of the State.

Section 106. Inconsistency. Insofar as the provisions of this Act are inconsistent with the provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be controlling.

Section 107. Severability. If any section, part, phrase, or provision of this Act or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Act or the application thereof.

Section 108. Effective Date. This Act shall take effect in accordance with the provisions of State law.

SYNOPSIS

This Bill is the Fiscal Year 2011 Bond and Capital Improvements Act.

Delaware Department of Transportation
FY2011 Capital Transportation Program
Appendix A
(in $000's)

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2011 Authorization
ROAD SYSTEM 7700					
A. Expressways					
I-95 & US 202 Interchange	7700		160.0		160.0
I-95 Toll Plaza Rehabilitation and Highway Speed E-Z Pass Improvements	7700		35,000.0		35,000.0
SR 1/I-95 Interchange	7700		26,640.0		26,640.0
SR 141/I-95 Interchange	7700		640.0		640.0
Interstate Maintenance	7700		14,873.2	1,834.7	16,707.9
Subtotal Expressways		**$0.0**	**$77,313.2**	**$1,834.7**	**$79,147.9**
B. Arterials					
Boyd's Corner Intersection Improvements	7700		3,168.0		3,168.0
Elkton Road, Casho Mill Road to Delaware Avenue	7700		9,000.0		9,000.0
Market Street Safety Improvements	7700		4,213.7		4,213.7
SR 141, Kirkwood Highway to Faulkland Road	7700		256.0		256.0
SR 2, South Union Street from Railroad Bridge to Sycamore Street, Wilmington	7700		120.0		120.0
US 13, Philadelphia Pike, Claymont Transportation Plan Implementation	7700		600.0	20.0	620.0
US 40, Maryland State Line to US 13 Program	7700			50.0	50.0
Washington Street, New Castle	7700		220.0	220.0	440.0
South Governor's Avenue, Webb's Lane to Water Street	7700		2,600.0		2,600.0
SR 1, Little Heaven Grade Separated	7700		7,200.0		7,200.0
SR 1, South Frederica Grade Separated	7700		2,000.0	4,700.0	6,700.0
SR 1, Bay Road/K19, Thompsonville	7700		4,680.0		4,680.0
SR 1, North Frederica Grade Separated	7700		3,481.0		3,481.0
US 13 from South Court Street to Loockerman Street	7700			100.0	100.0
SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements	7700		48.0		48.0
Indian River Bridge and Area Improvements	7700		51,448.0		51,448.0
SR 26, Atlantic Avenue from Clarkesville to Assawoman Canal	7700		8,800.0		8,800.0
SR 26, Detour Routes	7700		4,800.0		4,800.0
US 13 Seaford Intersection Improvements	7700		4,000.0		4,000.0
US9/SR 1 Five Points	7700			16,000.0	16,000.0
US9 and S319, Airport Road Realignment	7700			750.0	750.0
HSIP	7700		10,278.5	1,886.3	12,164.8
Subtotal Arterials		**$0.0**	**$116,913.2**	**$23,726.3**	**$140,639.5**
C. Collectors					
Possum Park Road and Old Possum Park Road Intersection Improvements	7700			400.0	400.0
N209, Grubb Road, SR 261, Foulk Road to SR 92, Naaman's Road, Pedestrian Improvements	7700			100.0	100.0
Carter Road (K137), Sunnyside Road to Wheatley's Pond Road, Smyrna	7700		1,250.0	1,200.0	2,450.0
Barratts Chapel Road	7700			1,489.3	1,489.3
West Dover Connector	7700		800.0		800.0
Plantations Road Improvements, SR 24 to US 9	7700			1,040.0	1,040.0
SR 54, Mainline Improvements	7700		6,853.7		6,853.7
Subtotal Collectors		**$0.0**	**$8,903.7**	**$4,229.3**	**$13,133.0**
D. Locals					
Route 9 Coastal Heritage Scenic Byway	7700		73.0		73.0
Southern New Castle County Improvements	7700	7,275.0		16,728.3	24,003.3
Westown Transportation Improvements	7700	1,350.0			1,350.0
Wyoming Mill Road Realignment	7700			1,500.0	1,500.0
Recreational Trails	7700	213.5	854.0		1,067.5
Subtotal Locals		**$8,838.5**	**$927.0**	**$18,228.3**	**$27,993.8**

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2011 Authorization
E. Bridges					
Bridge Management Program	7700		4,368.0	135.4	4,503.4
Bridge Preservation Program	7700	175.0	9,602.0	2,821.6	12,598.6
Subtotal Bridges		**$175.0**	**$13,970.0**	**$2,957.0**	**$17,102.0**
F. Other					
Transportation Enhancements	7700		3,461.0	15.2	3,476.2
Pavement and Rehabilitation	7700		12,800.0	7,560.3	20,360.3
Materials & Minor Contracts	7700			4,733.0	4,733.0
Signage and Pavement Markings	7700		800.0		800.0
Rail Crossing Safety	7700		1,100.0	271.7	1,371.7
Safety Improvement Program	7700		2,450.0	245.0	2,695.0
Intersection Improvements	7700	600.0	1,280.0	2,386.2	4,266.2
Engineering & Contingency	7700			24,631.2	24,631.2
Environmental	7700			400.0	400.0
Advanced Acquistion	7700			11,900.0	11,900.0
Subtotal Other		**$600.0**	**$21,891.0**	**$52,142.6**	**$74,633.6**
TOTAL ROAD SYSTEM		**$9,613.5**	**$239,918.1**	**$103,118.2**	**$352,649.8**
SUPPORT SYSTEM 7600					
Aeronautics	7600		175.0		175.0
Planning	7600		5,396.1	1,209.8	6,605.9
Information Technology	7600		170.0	4,370.3	4,540.3
Heavy Equipment	7600			1,121.0	1,121.0
Transportation Management Improvements	7600	180.0	6,560.0	461.2	7,201.2
Transportation Facilities	7600			2,358.7	2,358.7
TOTAL SUPPORT SYSTEM		**$180.0**	**$12,301.1**	**$9,521.0**	**$22,002.1**
TRANSIT SYSTEM 7300					
Transit Facilities	7300		280.0	70.0	350.0
Transit Vehicles	7300	3,351.5	15,242.8	3,710.3	22,304.6
Rail Improvements, Third Track, Newark to Wilmington	7300	735.0	16,774.4	5,015.0	22,524.4
Rail Improvements, Newark to Wilmington	7300	3,540.0	11,122.0		14,662.0
Motor Fuel Tax Compliance and Anti-Tax Evasion Activities	7300		90.6		90.6
TOTAL TRANSIT SYSTEM		**$7,626.5**	**$43,509.8**	**$8,795.3**	**$59,931.6**
GRANTS AND ALLOCATIONS 5600					
Municipal Street Aid	5600			4,000.0	4,000.0
Community Transportation Fund	5600			8,375.0	8,375.0
TOTAL GRANTS AND ALLOCATIONS		**$0.0**	**$0.0**	**$12,375.0**	**$12,375.0**
GRAND TOTAL		**$17,420.0**	**$295,729.0**	**$133,809.5**	**$446,958.5**