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

HOUSE OF REPRESENTATIVES

146th GENERAL ASSEMBLY

HOUSE BILL NO. 260

JANUARY 26, 2012

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2013; 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; APPROPRIATING GENERAL FUNDS AND BOND PREMIUMS OF THE STATE; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; 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 2013 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 ~~2012~~2013 Governor's Recommended Capital Budget and Project Information document. Any authorization balance (excluding Transportation Trust Fund balances) remaining unexpended or unencumbered by June 30, ~~2014~~2015, shall be subject to reversion or reauthorization.

SECTION 1 ADDENDUM

FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	REAUTHORIZA-TION AND REPRO-GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
OFFICE OF MANAGEMENT AND BUDGET						
Minor Capital Improvement and Equipment	10-02-50	$ 2,949,450	$ -	$ -	$ -	$ 2,949,450
Environmental Compliance (UST/Asbestos/Other)	10-02-50	-	-	-	340,300	340,300
Architectural Barrier Removal	10-02-50	-	-	-	150,000	150,000
New Troop 3 - Camden	10-02-50	6,594,600	-	-	-	6,594,600
Townsend Building Mechanical Repair and Renovation Project	10-02-50	3,344,000	-	-	-	3,344,000
New Troop 7 - Lewes	10-02-50	1,600,000	-	-	-	1,600,000
Local Law Enforcement	10-02-11	-	-	-	333,000	333,000
Judicial Project						
Minor Capital Improvement and Equipment	10-02-50	350,000	-	-	-	350,000
State Projects						
Minor Capital Improvement and Equipment	10-02-50	425,000	-	-	-	425,000
Minor Capital Improvement and Equipment - Veterans Home	10-02-50	-	-	-	50,050	50,050
Health and Social Services Projects						
Minor Capital Improvement and Equipment	10-02-50	2,300,000	-	-	-	2,300,000
Roof Replacement	10-02-50	750,000	-	-	-	750,000
DACSES Replacement and Equipment	10-02-05	-	4,418,500	-	-	4,418,500
Medicaid Management Information System	10-02-05	-	2,965,500	-	-	2,965,500
Services for Children, Youth and Their Families Projects						
Family and Children Tracking System (FACTS) II	10-02-05	-	4,700,000	-	-	4,700,000
Minor Capital Improvement and Equipment	10-02-50	883,400	-	-	-	883,400
Correction Projects						
Minor Capital Improvement and Equipment	10-02-50	2,183,250	-	-	-	2,183,250
HRYCI New Kitchen - Construction	10-02-50	4,598,000	5,252,000	-	-	9,850,000
Safety and Homeland Security Project						
Minor Capital Improvement and Equipment	10-02-50	400,000	-	-	-	400,000

SECTION 1 ADDENDUM

FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	REAUTHORIZA-TION AND REPRO-GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
Delaware National Guard Project						
Minor Capital Improvement and Equipment	10-02-50	850,000	-	-	-	850,000
Subtotal:		$ 27,227,700	$ 17,336,000	$ -	$ 873,350	$ 45,437,050
DELAWARE ECONOMIC DEVELOPMENT OFFICE						
Delaware Strategic Fund	10-03-03	$ -	$ -	$ -	$ 30,032,102	$ 30,032,102
Experimental Program to Stimulate Competitive Research (EPSCOR)	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
Fraunhofer Vaccine Development	10-03-03	-	-	-	1,000,000	1,000,000
Riverfront Development Corporation	10-03-03	2,350,000	-	-	-	2,350,000
Subtotal:		$ 2,350,000	$ -	$ -	$ 33,032,102	$ 35,382,102
DELAWARE STATE HOUSING AUTHORITY						
Housing Development Fund - Affordable Rental Housing Program	10-08-01	$ 4,000,000	$ -	$ -	$ -	$ 4,000,000
Subtotal:		$ 4,000,000	$ -	$ -	$ -	$ 4,000,000
STATE						
Museum Maintenance	20-06-01	$ 350,000	$ -	$ -	$ -	$ 350,000
Wilmington Institute Public Library	20-08-01	1,500,000	-	-	-	1,500,000
Lewes Public Library	20-08-01	250,000	-	-	-	250,000
Duck Creek Regional Library - Smyrna	20-08-01	150,000	-	-	-	150,000
Delmar Public Library	20-08-01	325,000	-	-	-	325,000
Frankford Public Library	20-08-01	320,000	-	-	-	320,000
Route 9/13 Community Library	20-08-01	25,000	-	-	-	25,000
Subtotal:		$ 2,920,000	$ -	$ -	$ -	$ 2,920,000
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

SECTION 1 ADDENDUM

FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	REAUTHORIZA-TION AND REPRO-GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
CORRECTION						
Maintenance and Restoration	38-01-40	$ 3,135,400	$ -	$ -	$ -	$ 3,135,400
Subtotal:		$ 3,135,400	$ -	$ -	$ -	$ 3,135,400
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL						
Clean Water State Revolving Fund	40-01-06	$ 1,300,000	$ -	$ -	$ -	$ 1,300,000
Conservation Cost Share	40-03-04	1,500,000	-	-	-	1,500,000
Delaware Bayshore Initiative	40-01-01	-	-	-	250,000	250,000
Statewide Trails and Pathways	40-03-02	3,000,000	-	-	-	3,000,000
Critical Equipment for Operations	40-01-01	740,000	-	-	-	740,000
Tax Ditches	40-03-04	1,148,700	-	-	-	1,148,700
Redevelopment of Strategic Sites	40-03-02	2,000,000	-	-	50,000	2,050,000
Subtotal:		$ 9,688,700	$ -	$ -	$ 300,000	$ 9,988,700
SAFETY AND HOMELAND SECURITY						
Twin Engine Helicopter Lease/Payment	45-01-01	$ -	$ -	$ -	$ 1,646,948	$ 1,646,948
Subtotal:		$ -	$ -	$ -	$ 1,646,948	$ 1,646,948
TRANSPORTATION						
Road System	55-05-00	$ -	$ -	$ 164,490,345	$ -	$ 164,490,345
Grants and Allocations	55-05-00	-	-	12,375,000	-	12,375,000
Transit System	55-05-00	-	-	14,935,508	-	14,935,508
Support System	55-05-00	-	-	21,283,050	-	21,283,050
Subtotal:		$ -	$ -	$ 213,083,903	$ -	$ 213,083,903
FIRE PREVENTION COMMISSION						
Hydraulic Rescue Tools Replacement	75-02-01	$ -	$ -	$ -	$ 37,500	$ 37,500
Subtotal:		$ -	$ -	$ -	$ 37,500	$ 37,500
NATIONAL GUARD						
New Dagsboro Readiness Center	76-01-01	$ 2,500,000	$ -	$ -	$ -	$ 2,500,000
Subtotal:		$ 2,500,000	$ -	$ -	$ -	$ 2,500,000

SECTION 1 ADDENDUM

FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT		INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	REAUTHORIZA-TION AND REPRO-GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
UNIVERSITY OF DELAWARE							
Laboratories		90-01-01	$ 3,000,000	$ -	$ -	$ -	$ 3,000,000
	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/MCI		90-04-01	$ 250,000	$ -	$ -	$ -	$ 250,000
Excellence Through Technology		90-04-01	250,000	-	-	-	250,000
Campus Improvements - Owens Campus		90-04-02	750,000	-	-	-	750,000
Campus Improvements - Terry Campus		90-04-06	750,000	-	-	-	750,000
Campus Improvements - Stanton and Wilmington Campuses		90-04-05	1,000,000	-	-	-	1,000,000
	Subtotal:		$ 3,000,000	$ -	$ -	$ -	$ 3,000,000

SECTION 1 ADDENDUM

FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR-IZATIONS	REAUTHORIZA-TION AND REPRO-GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
EDUCATION						
Minor Capital Improvement and Equipment	95-01-01	$ 7,343,800	$ -	$ -	$ -	$ 7,343,800
Architectural Barrier Removal	95-01-01	160,000	-	-	-	160,000
Capital, Construct New 1,800 Student HS (70/30)	95-13-00	24,312,600	-	-	-	24,312,600
Laurel, Construct 1,400 Student Combined HS/MS (76/24)	95-16-00	21,331,300	-	-	-	21,331,300
Laurel, Construct 1,200 Student Combined ES (76/24)	95-16-00	6,629,100	-	-	-	6,629,100
Woodbridge, Construct 700 Student HS (72/28)	95-35-00	15,131,400	-	-	-	15,131,400
New Castle County VoTech, Renovate Howard HS (61/39)	95-38-00	4,401,300	-	-	-	4,401,300
Sussex Technical, Renovate HS Industrial Shops (60/40)	95-40-00	2,049,500	-	-	-	2,049,500
Sussex Technical, HS HVAC Renovations (60/40)	95-40-00	2,430,000	-	-	-	2,430,000
Polytech, Renovation/Additions to HS (75/25)	95-39-00	8,818,900	-	-	-	8,818,900
Seaford, Seaford Senior HS Addition (75/25)	95-23-00	16,405,000	-	-	-	16,405,000
Polytech, Renovate HS Supplemental (75/25)	95-39-00	391,900	-	-	-	391,900
Red Clay, Renovate A.I. DuPont HS (60/40)	95-32-00	1,318,700	-	-	-	1,318,700
Red Clay, Renovate Cab Calloway School of the Arts (60/40)	95-32-00	2,211,100	-	-	-	2,211,100
Red Clay, Construct 600 Student ES (60/40)	95-32-00	1,170,300	-	-	-	1,170,300
Capital, Kent County Community School (100% State)	95-13-00	1,998,300	-	-	-	1,998,300
Subtotal:		$ 116,103,200	$ -	$ -	$ -	$ 116,103,200
TWENTY-FIRST CENTURY FUND						
Drinking Water State Revolving Fund (DHSS)	25-01-01	$ -	$ -	$ -	$ 1,853,600	$ 1,853,600
Subtotal:		$ -	$ -	$ -	$ 1,853,600	$ 1,853,600
GRAND TOTAL:		$ 179,875,000	$ 17,336,000	$ 213,083,903	$ 37,743,500	$ 448,038,403

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 $171,145,000 and in the amount of $35,922,454 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~~	~~$52,425,800~~
~~Delaware Economic Development Office~~	~~8,000,000~~
~~Delaware State Housing Authority~~	~~4,000,000~~
~~State~~	~~6,800,000~~
~~Services for Children, Youth and Their Families~~	~~2,051,200~~
~~Natural Resources and Environmental Control~~	~~7,250,000~~
~~Fire Prevention Commission~~	~~1,300,000~~
~~National Guard~~	~~271,000~~
~~University of Delaware~~	~~3,500,000~~
~~Education~~	~~85,547,000~~

~~Purpose~~	~~State Share~~	~~Maximum Local Share~~	~~Total Cost~~
~~Appoquinimink, Construct 840 Pupil ES – Odessa Campus (75/25)~~	~~$10,932,600~~	~~$3,644,200~~	~~$14,576,800~~

~~Purpose~~	~~State Share~~	~~Maximum Local Share~~	~~Total Cost~~
~~Appoquinimink, Renovation/Addition to Appoquinimink ECC - Kitchen (75/25)~~	~~232,500~~	~~77,500~~	~~310,000~~
~~Appoquinimink, Renovation/Addition to Olive B. Loss ES (75/25)~~	~~607,000~~	~~202,300~~	~~809,300~~

~~Capital, Construct New 1,800 Student HS (70/30)~~	~~27,813,700~~	~~11,920,200~~	~~39,733,900~~
~~Capital, Renovate William Henry MS Campus Site (70/30)~~	~~2,396,600~~	~~1,027,100~~	~~3,423,700~~
~~Capital, Construct Playgrounds at BT Washington ES (70/30)~~	~~195,900~~	~~83,900~~	~~279,800~~
~~Capital, Construct/Renovate Athletic Fields at Central MS (70/30)~~	~~149,200~~	~~63,900~~	~~213,100~~
~~Seaford, Renovate Central ES, Roof Replacement (73/27)~~	~~801,300~~	~~296,400~~	~~1,097,700~~
~~Seaford, Renovate HS, ADA Accessibility Improvements (73/27)~~	~~233,100~~	~~86,200~~	~~319,300~~
~~Seaford, Renovate West ES, Roof Replacement (73/27)~~	~~860,600~~	~~318,300~~	~~1,178,900~~
~~Sussex Technical, Renovations to HS and Campus Site (60/40)~~	~~1,147,500~~	~~765,000~~	~~1,912,500~~
~~Laurel, Construct 1,400 Student Combined HS/MS (76/24)~~	~~10,665,600~~	~~3,368,100~~	~~14,033,700~~
~~Laurel, Land Acquisition 1,400 Student Combined HS/MS (76/24)~~	~~304,000~~	~~96,000~~	~~400,000~~
~~Woodbridge, Construct 700 Pupil HS (72/28)~~	~~7,565,700~~	~~2,942,200~~	~~10,507,900~~
~~Cape Henlopen, Roof/HVAC Renovate F. Thomas Bldg (100% State)~~	~~650,000~~		~~650,000~~
~~New Castle County VoTech, Renovate Howard HS (61/39)~~	~~8,802,700~~	~~5,628,000~~	~~14,430,700~~
~~New Castle County VoTech, Fit-out St. Georges HS Auditorium (61/39)~~	~~934,200~~	~~597,300~~	~~1,531,500~~
~~Sussex Technical, HS Site Renovations – Bus Entrance (60/40)~~	~~1,625,900~~	~~1,084,000~~	~~2,709,900~~
~~Sussex Technical, HS HVAC Renovations (60/40)~~	~~810,000~~	~~540,000~~	~~1,350,000~~
~~Polytech, Renovation/Additions to HS (75/25)~~	~~8,818,900~~	~~2,939,600~~	~~11,758,500~~
~~Smyrna Extraordinary Site Work Clayton IS (80/20)~~		~~242,254~~	~~242,254~~
~~Subtotal~~	~~$85,547,000~~	~~$35,922,454~~	~~$121,469,454~~
		~~**TOTAL**~~	~~**$171,145,000**~~

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 $179,875,000 and in the amount of $42,604,700 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	$27,227,700
Delaware Economic Development Office	2,350,000
Delaware State Housing Authority	4,000,000
State	2,920,000
Health and Social Services	2,750,000
Services for Children, Youth and Their Families	200,000
Correction	3,135,400
Natural Resources and Environmental Control	9,688,700
National Guard	2,500,000
University of Delaware	3,000,000
Delaware State University	3,000,000
Delaware Technical and Community College	3,000,000
Education	116,103,200

Purpose	State Share	Maximum Local Share	Total Cost
Minor Capital Improvement and Equipment	$7,343,800		$7,343,800
Architectural Barrier Removal	160,000		160,000
Capital, Construct New 1,800 Student HS (70/30)	24,312,600	$10,418,600	34,731,200

Laurel, Construct 1,400 Student Combined HS/MS (76/24)	21,331,300	6,736,200	28,067,500
Laurel, Construct 1,200 Student Combined ES (76/24)	6,629,100	2,093,400	8,722,500
Woodbridge, Construct 700 Student HS (72/28)	15,131,400	5,884,400	21,015,800
New Castle County VoTech, Renovate Howard HS (61/39)	4,401,300	2,813,900	7,215,200
Sussex Technical, Renovate HS Industrial Shops (60/40)	2,049,500	1,366,300	3,415,800
Sussex Technical, HS HVAC Renovations (60/40)	2,430,000	1,620,000	4,050,000
Polytech, Renovation/Additions to HS (75/25)	8,818,900	2,939,600	11,758,500
Seaford, Seaford Senior HS Addition (75/25)	16,405,000	5,468,300	21,873,300
Polytech, Renovate HS Supplemental (75/25)	391,900	130,700	522,600
Red Clay, Renovate A.I. DuPont HS (60/40)	1,318,700	879,100	2,197,800
Red Clay, Renovate Cab Calloway School for the Arts (60/40)	2,211,100	1,474,000	3,685,100
Red Clay, Construct 600 Student ES (60/40)	1,170,300	780,200	1,950,500
Capital, Kent County Community School (100% State)	1,998,300		1,998,300
Subtotal	$116,103,200	$42,604,700	$158,707,900
		TOTAL	**$179,875,000**

Section 3. ~~Appropriation of General Funds. It is the intent of the General Assembly that $115,311,700 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, 2014, shall revert to the General Fund of the State of Delaware.~~

~~Department, Agency, or Instrumentality~~	~~Amount~~
~~Office of Management and Budget~~	~~$27,619,600~~
~~Delaware Economic Development Office~~	~~41,841,100~~
~~Delaware State Housing Authority~~	~~2,115,600~~
~~State~~	~~375,000~~
~~Finance~~	~~12,000,000~~
~~Health and Social Services~~	~~7,600,500~~
~~Services for Children, Youth and Their Families~~	~~200,000~~
~~Correction~~	~~3,135,400~~
~~Natural Resources and Environmental Control~~	~~9,931,100~~
~~Safety and Homeland Security~~	~~2,195,900~~
~~Fire Prevention Commission~~	~~1,297,500~~
~~Delaware State University~~	~~3,500,000~~
~~Delaware Technical and Community College~~	~~3,500,000~~
~~**TOTAL**~~	~~**$115,311,700**~~

Appropriation of General Funds. It is the intent of the General Assembly that $35,889,900 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, 2015, shall revert to the General Fund of the State of Delaware.

Department, Agency, or Instrumentality	Amount
Office of Management and Budget	$873,350
Delaware Economic Development Office	33,032,102

Natural Resources and Environmental Control	300,000
Safety and Homeland Security	1,646,948
Fire Prevention Commission	37,500
TOTAL	**$35,889,900**

Section 4. General Funds to ~~21st~~ Twenty-First Century Funds. It is the intent of the General Assembly ~~the~~that $1,853,600 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)	$1,853,600
TOTAL	**$1,853,600**

Section 5. ~~Appropriation of Bond Premiums. Notwithstanding the provisions of 29 Del. C. § 7414(a), of the available premiums from bonds sold after January 1, 2009, $12,025,222.34 shall be used in the following amount for the purpose listed below in order to fully fund the project:~~

~~Department, Agency, or Instrumentality~~	~~Amount~~
~~Office of Management and Budget~~	
~~Kent County Court Complex~~	~~$12,025,222.34~~
~~**TOTAL**~~	~~**$12,025,222.34**~~

Appropriation of Bond Premiums. Notwithstanding the provisions of 29 Del. C. § 7414(a), of the available premiums from bonds sold after January 1, 2011, $17,336,000 shall be used in the following amount for the purposes listed below in order to fully fund the project:

Department, Agency, or Instrumentality	Amount
Office of Management and Budget	
DACSES Replacement and Equipment	$4,418,500
Medicaid Management Information System	2,965,500

Family and Children Tracking System (FACTS) II	4,700,000
HRYCI New Kitchen – Construction	5,252,000
TOTAL	**$17,336,000**

Section 6. ~~Transfers to the State Treasurer's School Bond Reversion Account.~~

~~Project~~	~~Project Appropriation Code~~	~~Amount~~
~~Renovate & Add Middletown HS~~	~~2009-95-29-00-50329~~	~~$1,596.56~~
~~Market Pressure Construct ES~~	~~2006-95-31-00-50089~~	~~2,914.66~~
~~Renovate DuPont HS~~	~~2008-95-31-00-50141~~	~~23.20~~
~~Renovate P.S. DuPont HS~~	~~2007-95-31-00-50201~~	~~13,604.26~~
~~Renovate Wilmington Campus~~	~~2007-95-32-00-50153~~	~~1,536.05~~
~~Renovate Stanton MS~~	~~2006-95-32-00-50209~~	~~0.11~~
~~Wilson ES~~	~~2006-95-33-00-50217~~	~~1.86~~
~~Baynard ES~~	~~2008-95-33-00-50321~~	~~3.53~~
	~~**TOTAL**~~	~~**$19,680.23**~~

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

Project	Project Appropriation Code	Amount
Cont Early Ch-hood Ct	2008-95-29-00-50032	$2,484.93
Dist Office Purch/Ren	2008-95-29-00-50050	7.90
Synth Turf. Athl Fields	2008-95-29-00-50246	42.99
Drew Pyle	2005-95-33-00-50178	34.71
	TOTAL	**$2,570.53**

Section 7. ~~Transfers to Local School District Debt Service Account. Notwithstanding the provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of $7,664.52 from the State Treasurer's School Bond Reversion Account (1994-12-05-03-50229) to the following departments in the following amounts for purposes set forth in Section 1 Addendum to this Act:~~

~~Department, Agency, or Instrumentality~~	~~Amount~~

~~Department of Education~~

~~(Appoquinimink School District Debt Service)~~	~~$ 431.07~~
~~(Brandywine School District Debt Service)~~	~~6,616.84~~
~~(Christina School District Debt Service)~~	~~2.15~~
~~(Red Clay School District Debt Service)~~	~~614.46~~
~~**TOTAL**~~	~~**$7,664.52**~~

Transfers to Local School District Debt Service Account. Notwithstanding the provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of $647.84 from the State Treasurer's School Bond Reversion Account (1994-12-05-03-50229) to the following departments in the following amounts for purposes set forth in Section 1 Addendum to this Act:

Department, Agency, or Instrumentality	Amount
Department of Education	
(Appoquinimink School District Debt Service)	$633.96
(Christina School District Debt Service)	13.88
TOTAL	**$647.84**

Section 8. Continuing Appropriations. For the fiscal year ending June 30, ~~2011~~2012, any sums in the following accounts shall remain as continuing appropriations and shall not be subject to a reversion until June 30, ~~2012~~2013.

Fiscal Year ~~Appropriation~~	Appropriation ~~Account Codes~~	Remarks
2009	10-02-05-10004	Technology Fund
~~2008/~~2009	10-02-05-50006	800 MHZ
2007	10-02-06-50014	Advanced Planning
~~2009~~	~~10-02-50-10017~~	~~MCI OMB~~
~~2008/09~~	~~10-02-50-10031~~	~~DOC MCI~~
~~2006~~	~~10-02-50-10033~~	~~Darley House~~
~~2009~~	~~10-02-50-10039~~	~~MCI/National Guard~~
~~2009~~	~~10-02-50-10041~~	~~Architectural Barrier~~
2009	10-02-50-10048	Psych Hosp Def Maint
~~2009~~	~~10-02-50-10051~~	~~Veterans Home~~
2006	10-02-50-50027	Capital Parking
2006	10-02-50-50071	Howard R. Young Center
~~2005/09~~2010	10-02-50-50076	Kent County Courthouse

2007	10-02-50-50241	Stockley Medical Center
~~2009~~	~~10-02-50-50289~~	~~Cleve White Bldg~~
2009	10-02-50-50306	MCI OMB
~~2009~~	~~10-02-50-50307~~	~~MCI DHSS~~
2009	10-02-50-50309	Starc Headquarters
2010	10-02-50-50350	MCI & Equipment
1999	10-03-03-10067	Dover Civic Center
2005	10-03-03-10068	Delaware Civic Center
2002	12-05-03-10090	GF Cap Reprogramming
1994	12-05-03-50015	Agency Reversions
1994	12-05-03-50229	School Reversions
2009	20-08-01-50052	Dover Public Library
2002	20-08-01-50065	Harrington Library
1996	20-08-01-50098	North Wilmington Library
2007	20-08-01-50100	NCC Bear
2007	20-08-01-50101	NCC South
~~2009~~	~~20-08-01-50102~~	~~New Castle Public Library~~
2007	25-01-01-10009	ERP
2008	25-01-01-50057	ERP
~~2009~~	~~35-01-30-10230~~	~~MCI Equipment~~
2007	35-10-01-10120	DACSES IV
~~2008/09~~	~~38-01-40-10118~~	~~Maintenance and Restoration~~
~~2007~~	~~40-01-01-10126~~	~~Avian Flu~~
2006	40-01-01-10127	Energy Efficiency
2005/08	40-01-06-10152	Combined Sewer Overflow
~~2007/08~~	~~40-03-02-10132~~	~~Park Rehab~~
~~2006~~	~~40-03-02-50237~~	~~State Park Facilities~~
2004/05	40-03-03-10129	Dams/Water Control
2006	40-03-04-10140	Little Mill Creek
~~2008~~	~~40-03-04-10141~~	~~Retention Ponds~~
~~2009~~	~~40-03-04-10142~~	~~Buried Debris Pit Reme~~
~~2008~~	~~40-03-04-10143~~	~~Dam Planning~~
2007	40-03-04-10147	Lewes Facil. Improveme
~~2007~~	~~40-03-04-10153~~	~~Red Clay Feasibility St~~
2003	40-03-04-50224	Resource Conserv & Dev
2008	40-03-04-50275	Beach Preservation
2010	55-05-00-95401	FHWA
2010	55-05-00-95402	FTA
2010	55-05-00-95403	Federal-Other
2010	55-05-00-95601	Grants & Allocations
2010	55-05-00-97301	Transit System
2010	55-05-00-97601	Support System
2010	55-05-00-97701	Road System
2010	55-05-00-97801	GARVEE Fund
2011	70-01-01-10004	Technology
2009/10	90-01-01-50290	Alison Hall Ren
2009	90-03-01-10017	MCI
2009	90-03-01-50346	Delaware State MCI
2008/09	90-04-01-10211	Asset Preservation
2008	90-04-01-10212	Excellence Thru Technology
2006	90-04-04-50235	Stanton Campus Expansion
2007	90-04-05-50235	Stanton Campus Expansion
~~2009~~	~~90-04-06-10174~~	~~Campus Improvement~~
2002/~~09~~	95-01-01-10017	MCI

2008/10	95-10-00-50144	Ren Reily Brown ES
2009	95-10-00-50326	Ren & Add McIlvane
2009	95-13-00-10017	MCI
2009	95-13-00-10873	MCI/Voc Ed
2010	95-13-00-50022	MCI
2008	95-13-00-50080	Land HS
2010	95-13-00-50281	Central MS Gym
2010	95-13-00-50297	Construct 600 Ppls
2009	95-15-00-50072	HS Performing Arts Ren
2010	95-15-00-50119	Ren Chipman ES
~~2008~~2010	95-15-00-50135	Ren Lake Forest HS
~~2008~~	~~95-15-00-50146~~	~~Renovate South ES~~
~~2009~~	~~95-16-00-10176~~	~~Tech Prep~~
~~2009~~	~~95-17-00-10873~~	~~MCI/Voc Ed~~
2010	95-17-00-50022	MCI
2009	95-17-00-50036	1600 Pupil HS
2008	95-17-00-50136	Ren Lewes 9th Grade AC
2009	95-17-00-50244	Sussex Consortium
2008	95-18-00-50030	Construct 1000 Pupil MS
2008	95-18-00-50078	Land & Site Costs for New ES
2008	95-18-00-50079	Land MS
2010	95-18-00-50107	MCI/Voc Ed
2008	95-18-00-50122	Morris ECC
2008	95-18-00-50139	Renovate Milford HS
2009/10	95-18-00-50282	Construct 720 Pupil HS
2009	95-18-00-50287	1000 Pupil MS
2010	95-18-00-50296	Construct Middle Acade
2009	95-18-00-50332	Renovate Lulu Ross ES
~~2008~~	~~95-24-00-10017~~	~~MCI~~
2008	95-24-00-50081	Clayton IS
2009/10	95-24-00-50113	Renovate Smyrna HS
2007	95-24-00-50263	600 Pupil ES
~~2009~~2010	95-24-00-50297	Construct 600 Pupil IS
2008	95-29-00-50032	Construct ECC
2008	95-29-00-50033	Construct MOT
2007	95-29-00-50035	Construct 1000 Pupil M
2009	95-29-00-50041	Construct 840 Pupil ES
2010	95-29-00-50329	Ren & Add Middletown H
2010	95-29-00-50336	Renovate Cedar Lane ES
2007	95-31-00-10187	Market Pressure Matching Fund
2009	95-31-00-10873	MCI/Voc Ed
2010	95-31-00-50022	MCI
2008	95-31-00-50039	Construct 600 Pupil ES
2006	95-31-00-50090	MP Ii 66.0 ES
2010	95-31-00-50107	MCI/Vod Ed
2008	95-31-00-50127	Renovate Hanby MS
2008	95-31-00-50141	Ren P.S. Dupont ES
2008	95-31-00-50147	Renovate Springer MS
2007	95-31-00-50176	Renovate District Offices
2009/10	95-31-00-50284	Construct 66000 Sq F
2009	95-31-00-50327	New Transportation Fac
2010	95-31-00-50357	Demolish Bush School
2010	95-31-00-50358	Trans Fac (Local Only)
2010	95-32-00-50022	MCI

2010	95-32-00-50107	MCI/Vod Ed
2010	95-33-00-50022	MCI
2006	95-33-00-50040	800 Pupil MS
2006	95-33-00-50104	New MS
2005	95-33-00-50169	Bancroft IS
~~2005~~	~~95-33-00-50178~~	~~Drew Pyle~~
2008	95-33-00-50322	Porter Road
2009/10	95-33-00-50330	Restart Porter Road ES
2009	95-34-00-50063	Gunning Bedford
2010	95-34-00-50115	Ren & Rec New Castle M
2008	95-34-00-50124	George Reed MS
2009	95-34-00-50152	Ren William Penn HS
2008	95-34-00-50160	McCullough ES
2010	95-34-00-50349	Renovate Eisenberg Ele
2003	95-36-00-50062	Frankford ES
2004	95-36-00-50073	Indian River HS
~~2006~~	~~95-36-00-50123~~	~~Frankford ES~~
~~2006~~	~~95-36-00-50132~~	~~Indian River HS~~
~~2005~~	~~95-36-00-50183~~	~~Renovate Frankford ES~~
~~2007~~	~~95-36-00-50221~~	~~Long Neck ES~~
2007	95-36-00-50222	Georgetown ES
2007	95-36-00-50223	Selbyville MS
2010	95-37-00-50107	MCI/Voc Ed
2010	95-38-00-50107	MCI/Voc Ed
2010	95-38-00-50338	Renovate Howard HS
2010	95-39-00-50107	MCI/Voc Ed
~~2008~~	~~95-39-00-50117~~	~~Renovation HS~~
~~2009~~	~~95-39-00-50339~~	~~Roof Replacement-Caf W~~
2010	95-40-00-50022	MCI
2010	95-40-00-50107	MCI/Voc Ed
2009	95-40-00-50255	Water System Rep
2007/08/10	95-51-00-50240	Replace Sterck
2009	95-51-00-50328	Sterck School
2009	95-53-00-10017	MCI
2010	95-53-00-50022	MCI
2010	95-53-00-50348	Renovate John G. Leach
2010	95-54-00-50022	MCI
2010	95-66-00-50022	MCI
2010	95-67-00-50022	MCI
2010	95-70-00-50022	MCI
2010	95-74-00-50022	MCI
2009	95-74-00-50323	MCI Operations
2010	95-79-00-50022	MCI
2010	95-82-00-50022	MCI

Section 9. Prefatory Language. This Act has been prepared in conformance with 78 Del. Laws, c. 90. For all sections with the exception of Section 1 Addendum, all comparisons to the previous year's Budget Act are shown noting insertions by underlining and deletions by strike through.

Section 10. Abandoned Property. Notwithstanding the provisions of 29 Del. C. § 6102(s) for the fiscal year ending June 30, 2013, the State shall transfer $20,000,000 to the Transportation Trust Fund as established by 2 Del. C. § 1404.

Section 11. Open Space Funding. Notwithstanding the provisions of 30 Del. C. § 5423(b)(2) and § 5423(c)(1), on or before December 15, 2012, the State shall transfer $2,000,000 of realty transfer taxes to the Project Account in the Delaware Land and Water Conservation Trust Fund.

Section 12. Farmland Preservation Funding. Notwithstanding the provisions of 30 Del. C. § 5426 for the fiscal year ending June 30, 2013, the State shall transfer $2,000,000 of realty transfer taxes to the Farmland Preservation Fund maintained under 3 Del. C. § 905(a).

Section 13. Resource, Conservation and Development Transfers - Project Funds Transfer from Prior Fiscal Years to Fiscal Year ~~2012~~2013. 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 ~~2012~~2013 list of projects approved as part of the Fiscal Year ~~2012~~2013 Bond and Capital Improvements Act.

Section 14. 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 15. 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 ~~2012~~2013 funds for allocation among the remaining projects within that County.

Section 16. First State Preservation Revolving Fund, Inc. For Fiscal Year ~~2012~~2013, 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 17. 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 18. 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 redevelopment projects within the Town of Laurel.

Section 19. Community Redevelopment Fund Match. Notwithstanding the provisions of 29 Del. C. ~~c. 61~~ § 6102A, any unexpended Community Redevelopment Funds awarded to the Hockessin Community Center in fiscal years 2004 and 2005 shall not require a local match.

Section 20. 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 21. 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.

Section 22. Bear Babe Ruth. Notwithstanding any provision or requirement of the public trust doctrine or 10 Del. C. c. 82, and without the necessity of compliance therewith, New Castle County is hereby authorized to transfer to Bear Babe Ruth all rights, title and interest in that certain tract, piece, parcel or parcels of land known as Lot 3, Wrangle Hill Elementary School, containing 68.008 acres, more or less, and having Tax Parcel No. 12-013.00-081, as were conveyed to New Castle County by deed of Premcor Refining Group Inc. (Premcor) dated March 12, 2007, or by any subsequent deed or consent executed by a successor or assign of Premcor, subject to the condition that such property be used by Bear Babe Ruth for the sole purpose of establishing, operating and maintaining thereon a public park for open space, park or outdoor recreational uses.

OFFICE OF MANAGEMENT AND BUDGET

Section 23. 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 24. Construction Manager. It is the intent of the General Assembly that all public works projects, including all public school projects, that utilize a construction manager on the project, utilize the delivery methodology which requires the construction manager to secure a performance and payment bond for their portion of the work. All subcontractors shall be listed at the start of the project and shall provide a performance and payment bond which names the Construction Manager and the State of Delaware as additional insureds. All provisions of 29 Del. C. c. 69 are in effect for projects which utilize Construction Manager.

Section 25. 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 23 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 26. 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 five percent of the total amount allocated to the Office of Management and Budget's MCI annual budget 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 27. 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 or facility.

Section 28. 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 29. Kent County Courthouse Appropriation. The Section 1 Addendum ~~to this Act~~ in 78 Del. Laws, c. 76 contains an appropriation of $2,000,000 which shall be used solely for the renovation of the ~~existing~~old Kent County Courthouse.

Section 30. 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 ~~2012~~2013, 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 31. 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. 90. 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.

Section 32. Employing Delawareans Reporting Requirement. The Section 1 Addendum to ~~this Act~~ 78 Del. Laws, c. 76 makes the following appropriations from "One-Time Special Funds;" $10,000,000 to the University of Delaware; $10,000,000 to Delaware State University; $10,000,000 to Delaware Technical and Community College; $10,000,000 to the Delaware State Housing Authority; $55,000,000 to New Jobs Infrastructure; and $35,000,000 in Asset Preservation. Expenditure of said funds shall be subject to the following provisions:

(a) Any public works or professional services contract (1) to which any agency, the University of Delaware, Delaware State University, or Delaware Technical and Community College is a party; (2) for which payment shall be funded in whole or in part by monies hereunder; and (3) for which the probable cost is greater than the amount set by the Contracting and Purchasing Advisory Council pursuant to 29 Del. C. § 6913.

(b) No bid for any contract hereunder shall be responsive unless the prospective bidder discloses its reasonable, good-faith determination of (1) the number of employees reasonably anticipated to be employed on the project; (2) the number and percentage of such employees who are bona fide legal residents of the State; (3) the total number of employees of the bidder; and (4) the total percentage of employees of such bidder who are bona fide residents of the State. To the extent subcontractors are to be employed in connection herewith, the bidder shall further disclose its reasonable, good-faith determination of the number and percentage of employees of such subcontractor who are bona fide legal residents of the State.

(c) All contractors awarded contracts hereunder shall submit a report to the Director of the Office of Management and Budget setting forth the actual number and percentage of employees of such contractor who are bona fide legal residents of the State. To the extent subcontractors are employed in connection with any such contractor, the contractor shall further disclose the actual number and percentage of employees of such subcontractor who are bona fide legal residents of the State. Such report shall be due on the earlier of 30 days from the completion of the project or December 31 of each calendar year.

(d) For purposes of this section, "bona fide legal resident of this State" shall mean any resident who has established residence of at least 90 days in the State.

(e) Notwithstanding anything to the contrary herein, this section shall not apply to any contract for which any exception would apply pursuant to 29 Del. C. § 6904. Without limitation of the foregoing, if any provision of this section conflicts or is inconsistent with any statute, rule or regulation of the federal government applicable to a project or activity, the cost of which is to be paid or reimbursed in whole or in part by the federal government, and due to such conflict or inconsistency the availability of federal funds may be jeopardized, such provision shall not apply to such project or activity. Further, if any provisions of this section conflict or are inconsistent with 31 Del. C. c. 40, the provisions of 31 Del. C. c. 40 shall prevail and govern.

DELAWARE ECONOMIC DEVELOPMENT OFFICE

Section 33. 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 34. 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 35. 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 36. Council on Development Finance. If DEDO makes an award not in agreement with the recommendations of the Council on Development Finance, 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 37. 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 38. 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 ~~first~~second year of a six-year commitment by the State of Delaware to leverage a 2:1 matching grant of $~~18,000,000~~12,000,000 from Fraunhofer USA.

Section 39. 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 40. Riverfront Development Corporation. (a) Funds appropriated for the Riverfront Development Corporation of Delaware (RDC) 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 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 Chase Center on the Riverfront to a conference center; debt service; and other expenses in furtherance of the mission of the RDC.

Section 41. Limited Investment for Financial Traction (LIFT) and Delaware Rural Irrigation Program (DRIP) Initiatives. Notwithstanding any other law to the contrary, DEDO is hereby authorized to pay administrative fees associated with the LIFT and DRIP Initiatives from the Strategic Fund not to exceed two percent of the program total.

Section 42. Clean Energy Fund Balance. Notwithstanding any other law to the contrary, the funds appropriated to DEDO for the establishment of the Clean Energy Fund pursuant to 74 Del. Laws, c. 308 § 36(c) shall be deposited by DEDO into the Delaware Strategic Fund for use in accordance with the provision of 29 Del. C. § 5027-5029 and regulations promulgated thereunder.

DELAWARE STATE HOUSING AUTHORITY

Section 43. Housing Development Fund - Affordable Rental Housing Program. The Section 1 Addendum to this Act appropriates ~~$14,000,000~~$4,000,000 for Housing Development Fund - Affordable Rental Housing Program (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 and tax-exempt bonds to help create and/or improve affordable rental housing stocks in Delaware. This investment in affordable rental housing will increase economic activity in the State of Delaware. 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~~, 2012~~2013 on the expenditure of the Housing Development Fund 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 affordable rental housing projects.

DEPARTMENT OF TECHNOLOGY AND INFORMATION

Section 44. 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 45. 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 46. 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 (DNREC) 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 47. 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 repairs to those facilities under the control of the Division of Historical and Cultural Affairs.

Section 48. 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 49. 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 50. 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 Regulations. 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 51. 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 52. ~~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 (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 ~~2012~~2013 or Fiscal Year ~~2013~~2014, and may be subject to any amortization requirements as shall be determined by the bond issuing officers notwithstanding anything to the contrary contained in ~~Section 7406(b) of Title~~ 29 Del. C. § 7406(b).

Section 53. Escheat. Notwithstanding the provisions of 29 Del. C. § 6102(a), for the fiscal year ending June 30, 2013, with respect to revenues collected under 12 Del. C. c. 11, the Secretary of Finance shall transfer up to $10,000,000 of receipts received in excess of $504,000,000 to the Other Post-Employment Benefits Fund as established by 29 Del. C. § 5281. Should aggregate collections under 12

Del. C. c. 11 cause the transfers into the Other Post-Employment Benefits Fund to reach the $10,000,000 limit established by this section, any remaining receipts received by the State under 12 Del. C. c. 11 shall be deposited to the General Fund.

DEPARTMENT OF CORRECTION

Section 54. 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 55. 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 56. 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 57. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act appropriates $1,500,000 to the Department of Natural Resources and Environmental Control (DNREC) for the Conservation Cost-Sharing Program. Of this amount, 70 percent will be divided equally among the three conservation districts to expand their water quality and water management programs. Preference should be given to projects or conservation practices that improve water quality on lands covered by nutrient management plans, as practicable and in consultation with the Secretary. The remaining balance will be directed towards nutrient management and water quality efforts statewide as determined by the Secretary, in consultation with the three conservation districts.

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 c. 72.

Section 64. 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 65. Clean Water Funding Leverage. The Department of Natural Resources and Environmental Control, 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 Water/Wastewater Management Account 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 Lieutenant Governor, DNREC and the Clean Water Advisory Council. The Department is further encouraged to include in its evaluation the use of any other resources or assets within the Department that can be used to create an environmental infrastructure trust to further the environmental goals of the State.

Section 66. Conservation Districts. It is the intent of the General Assembly that the Office of Natural Resources, Division of Watershed Stewardship 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 Office of Natural Resources, Division of Watershed Stewardship shall report a list of completed transfers to the Director of the Office of Management and Budget and the Controller General on December 15, ~~2011~~2012 and May 15, ~~2012~~2013.

Section 67. 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.

Section 68. Drainage Project Match Requirements. For water management and drainage projects undertaken by the Department of Natural Resources and Environmental Control's, Office of Natural Resources, Division of Watershed Stewardship and the Conservation Districts using ~~21st~~Twenty-First

Century Fund Resource, Conservation and Development funds, the required non-~~21st~~Twenty-First Century Fund match shall be reduced from 25 percent to a minimum of 10 percent of the total project cost for any project undertaken during Fiscal Year ~~2012~~2013 and ~~2013~~2014. With the agreement of the legislators in whose districts the projects originated, ~~21st~~Twenty-First Century funding may be transferred among projects in an effort to accumulate up to 90 percent ~~21st~~Twenty-First Century funding for priority projects. If the construction of these projects extends beyond Fiscal Year ~~2013~~2014, so long as the project has expended funds during this period for planning, survey, design, engineering, permitting or other support functions, the match percentage shall remain 10 percent for the project's duration.

Section 69. Auburn Valley Project. The implementation of the transportation, stormwater management, demolition, remediation, redevelopment, and parks and recreation element of the Auburn Valley Master Plan shall not be subject to the zoning, subdivision, land use, or building code ordinances or regulations of New Castle County.

Section 70. Conservation District Contracting. Notwithstanding any statutory provision or regulation to the contrary, it is the intent of the General Assembly that the Department of Natural Resources and Environmental Control may enlist Delaware's conservation districts as provided in 7 Del. C. c. 39 to advance the purposes of this chapter. All contracts shall be subject to the provisions of 29 Del. C. § 6960.

Section 71. Recycling Cash Flow. The Department is hereby authorized, consistent with 7 Del. C. c. 60 and 30 Del. C. c. 29, to issue grants and loans to assist persons engaged in the business of collecting, transporting, processing, or marketing recyclable materials. To that end, the Secretary shall be authorized to borrow up to $22,000,000 in combination from the Delaware Land and Water Conservation Trust Fund Endowment Account, the Parks Endowment Account, the Beach Preservation Appropriation Account and the Resource, Conservation and Development Appropriation in order to fund activities pursuant to 7 Del. C. § 6054 and § 6055. Any funds borrowed from such accounts shall be paid back in full by no later than June 30, 2015, from fees generated pursuant to 30 Del. C. c. 29. To the extent that borrowing results in reduced revenues to the Department for programs that rely on interest from these accounts, principal from the account may be used to offset up to the amount of lost interest revenue and

shall be repaid by fees generated pursuant to 30 Del. C. c. 29. A report must be submitted regarding funds borrowed and update on the recycling program to the Director of Office and Management and Budget and the Controller General's Office by October 15, ~~2011~~2012 and April 15, ~~2012~~2013.

Section 72. Bay View. In accordance with the provisions of 77 Del. Laws, c. 329 § 90, the Department is hereby authorized to spend up to $200,000 in prior year funds from the Beach Management Account for the purpose of stabilization and/or restoration of the beach at the community of Bay View. No new appropriations shall be made for this purpose. These funds shall be used for the acquisition of additional scientific data, and/or preparation of local, state, and federal permit applications for this project and may be added to subsequent year appropriations for construction of this protective beach and terminal structure to assist in stabilizing the beach. Project oversight and implementation will be provided through the New Castle Conservation District. Prior to any construction, all applicable local, state and federal permitting requirements shall be met. The Department's interim policy for Coastal Lands Restoration Projects shall apply and prior to commencement of any construction, a written agreement between the Department and the community shall be signed by appropriate parties and will address applicable policy considerations. Any funds borrowed from the Beach Management Account shall be restored through Bond Bill appropriations no later than August 1, 2015.

Section 73. Redevelopment of Strategic Sites. The Section 1 Addendum to this Act appropriates ~~$2,500,000~~$2,050,000 to the Department of Natural Resources and Environmental Control for the redevelopment of strategic sites.

(a) ~~$2,250,000~~$2,000,000 shall be used for the remediation and redevelopment of the former NVF Facility in Yorklyn, along the Red Clay Creek.

(b) ~~$250,000~~$50,000 shall be used to develop ~~a plan for the redesign and redevelopment of the Fort DuPont complex in Delaware City that encourages economic development that is compatible with current historic structures and recreational purposes~~demolition plans, specifications, and related permitting for those portions of the Fort DuPont site that are not historic and are slated to be demolished under the development plan for the site. ~~The Department of Natural Resources and Environmental Control shall work~~

~~with the Delaware Economic Development Office, the Delaware State Housing Authority and the Department of Transportation to submit a joint plan for the development of these sites to the Director of the Office of Management and Budget and the Controller General by October 15, 2011.~~

Section 74. University of Delaware – Lewes Lands. The Department of Natural Resources and Environmental Control (Department) has identified a small portion of land previously acquired from the University by the Department that may be appropriate to be transferred to the University. The land is located adjacent to the Sharp Campus in Lewes and under easement for use by the University. The land is limited to the area on which the University is conducting research associated with the operation of a wind turbine and will be of sufficient size to ensure the proper safety fall zones for the existing wind turbine. The Department has determined that this land is now not essential to the Department's needs. In accordance with 30 Del. C. § 5423(c)(2), the General Assembly authorizes the Secretary of the Department to negotiate a transfer of such land to the University in keeping with the requirements of this section. The Secretary may accept funds or, if he determines that it is in the best interests of the Department, may accept open space property or property rights in exchange, or a combination of funds and property or property rights, as long as the total funds and fair market value of the exchanged property at least equals the fair market value of the Lewes land. Any land/fund transfers pursuant to this section, shall require the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program, the Director of the Office of Management and Budget and the Controller General. Prior to seeking such approval and formally concluding any agreement, the Department shall bring any proposal to the Open Space Council for consideration. Any agreement shall include conditions on the use of the parcel such that no additional land-based wind turbines shall be constructed.

Section 75. Tax Ditches. When a tax ditch traverses county lines, and said ditch has a project added to the ~~21st~~Twenty-First Century Fund Resource, Conservation and Development Project List by one county Conservation District, it shall automatically be added to the Project list in the other county by that county Conservation District.

DEPARTMENT OF TRANSPORTATION

Section 76. 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 ~~$432,624,900~~$420,140,103 (State: ~~$219,488,000~~$213,083,903; Federal: ~~$203,347,300~~$204,339,000; Other: ~~$9,789,600~~$2,717,200) 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 ~~$138,929,253~~$32,089,724 pursuant to the provisions of 2 Del. C. c. 13 and c. 14, of which not more than ~~$129,882,000~~$30,000,000 plus premium shall be used for purposes set forth in the Section 1 Addendum of this Act with the remainder, not to exceed ~~$9,047,253~~$2,089,724 to be used to fund issuance costs and necessary reserves for the Reserve Account.

Section 77. 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 without first conducting a public workshop to describe such plans and gather public input into the effect of such plans.

Section 78. 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 79. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of ~~$20,075,000~~$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 ~~$15,075,000~~$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 ~~$1,000,000~~$4,000,000 (State)~~, added to the Fiscal Year 2011 allocation of $4,000,000~~ shall be used for the Municipal Street Aid program, pursuant to the provisions of 30 Del. C. c. 51~~ for a total of $5,000,000~~ for Fiscal Year ~~2012~~2013.~~ The additional funding will be only dedicated to improvements involving respective municipalities' roads and bridges.~~

Section 80. Municipal Street Aid. Of the funds allocated to Municipal Street Aid in 78 Del. Laws, c.76, Section 97 (b), the sum of $1,000,000 was dedicated solely to improvements involving respective

municipalities' roads and bridges. This requirement shall remain in effect for any remaining unexpended funds carried over into Fiscal Year 2013.

Section 81. 5310 Program. The Delaware Transit Corporation is authorized to expend up to ~~$1,329,700~~$588,064 (~~$859,200~~$117,613 State; ~~$470,500~~$470,451 Federal) from the Transit System classification (73/00) appropriated in this Act for the 5310 Program, administered by the Federal Transit Authority.

Section 82. 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 notifications 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 83. 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 84. 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 (CTF). 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 85. Supplies of Road Materials. ~~Section 109 of 74 Del. Laws, c. 308~~74 Del. Laws, c. 308 § 109 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 86. 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 c. 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 87. 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 88. 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.

Section 89. Wakefield Drive. The Department of Transportation shall be prohibited from reopening Wakefield Drive in Newark through to Old Baltimore Pike.

Section 90. 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 91. 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 (nine 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 92. 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 93. 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 SR 896 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 SR 896 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 94. 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 95. Astra Zeneca Project. The Department shall carry out property boundary adjustments and easements for transit, bicycle and pedestrian, storm water management, wetlands and stream restoration, beautification, historic preservation, conservation and other improvements in concert with DNREC, DEDO, City of Wilmington, New Castle County, New Castle County Conservation District, and such other public and private entities as may be necessary to accomplish timely completion of the Blue 4 Ball Master Plan.

Section 96. Buck Road. The Department of Transportation is requested to refrain from issuing any entrance permit, authorization, or approval for use of any entrance way from New Castle County Parcel Number 0702600094 onto Buck Road, until such time as it also certifies by letter to the New Castle County Department of Land Use that the developer's proposed entrance design meets the Department's standards,

pursuant to its authority under ~~Title~~ 17 Del. C. § 146 and its related regulations, intended to protect public safety and maintain smooth traffic flow. The government of New Castle County is also requested to solicit comments from and work with the residents of surrounding communities, community organizations, and State and local officials to address traffic safety and other legitimate land use concerns about the proposed development, after the receipt of the Department's letter.

Section 97. Routes 141 and 48. The Department of Transportation is requested to refrain from issuing any permit, authorization, or approval for use of any new, additional, revised, or modified entrances for New Castle County Parcel Numbers 07-032.20-003, 07-032.20-048 through and including 07-032.20-055, 07-032.20-057 and 07-032.30-072 onto or from Route 141 or Route 48, until such time as the Department obtains, reviews, and comments upon a traffic operations analysis for the area, which among other elements addresses (1) the predicted levels of service on intersections, roadways, or the Tyler McConnell Bridge affected by the proposed development of these parcels, and (2) the roadway improvements necessary to accommodate the development of these parcels, based upon the exploratory development plans submitted to the New Castle County Department of Land Use by the developer, as required by the County's Unified Development Code (UDC). To the extent that any submission of proposed development plans is substantially different than the original exploratory development plans submitted to the County, the Department is further requested to assess the impact of the new submission's traffic generation upon the local transportation network. The scope of the assessment shall be at the reasonable discretion of the Department.

Section 98. Delaware Children's Theatre. Notwithstanding the provisions of 17 Del. C. § 137(b), the Department of Transportation is hereby authorized to deed a 0.16 acre parcel, of unused operating State right of way adjacent to New Castle County Tax Assessment map parcel #26-021.30-124, located at 1014 Delaware Avenue, Wilmington, Delaware to the Delaware Children's Theatre. Said parcel shall be deeded with complete vehicular denial of access along the right of way and shall be subject to any existing utilities of record. The deed shall have a reversionary clause should the Department ever need a portion for a public purpose project.

Section 99. DMV New Castle Facility. ~~(a) Section 1 of this Act makes an appropriation to the Department of Transportation, Support Systems; under Transportation Facilities appropriation for the design and construction of a new Division of Motor Vehicle (DMV) facility in New Castle County. The new facility will be located at the existing Mid County transit hub, which is currently owned by DelDOT. This new facility will replace the current DMV site currently located on Airport Road. While funding for the project is included in the Transportation Trust Fund, and is proposed to be matched with federal congestion mitigation funds, the Office of Management and Budget (OMB) – Division of Facilities Management will manage the construction process with oversight from DelDOT's Support Services personnel.~~

~~(b)~~ Per 78 Del. Laws, c. 76 § 117 ~~It~~it is the intent of the General Assembly that the Department of Transportation provide for an inclusive and open process whereby the views and ideas of the residents in the neighborhoods surrounding the Airport Road Facility be gathered and provided to the Office of Management and Budget and considered prior to any future plans or commitments being made regarding the facility.

Section 100. Red Light Safety Enforcement. (a) The program 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.

(b) 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 101. Craft Training. The Department of Transportation is authorized to engage in up to two project procurements (one in New Castle County and one in Kent County) utilizing the craft training

and apprentice program called for in 29 Del. C. § 6962(c), on an experimental basis. Any contractor that performs work in multiple trades on a road construction project under the craft training experiment will have an apprenticeship in at least one, not all of the trades on the project to comply with this experiment. Upon the completion of these experiments, the Department shall report to the Joint Legislative Committee on the Capital Improvement Program with its assessment of the program including, but not limited to, cost savings, project quality and worker safety.

Section 102. Chestnut Hill Road Parcel. The provisions of 17 Del. C. § 137 notwithstanding, the Department of Transportation is authorized to enter into agreements with other governmental agencies, either directly or in concert with a private entity, regarding a Department-owned parcel known as NC227, tax parcel no. 11-003.30-027, on terms the Department Secretary deems appropriate, for purposes of evaluating the costs and benefits of fuel cell technology from environmental and economic development perspectives, which the General Assembly hereby finds is an appropriate public purpose.

Section 103. Delaware Solid Waste Authority. Through a series of Custodial Resolutions dating back to June 29, 1979 the Department of Transportation made available to the Delaware Solid Waste Authority (DSWA) three parcels of land designated as parcels “A”, “B” and “C” which were of no further use to the Department and which have since been incorporated into DSWA’s Central Solid Waste Facility (Sandtown) Landfill Operations. The provisions of 17 Del. C. ~~Section~~§ 137 notwithstanding, the Secretary of the Department is authorized and directed to transfer to DSWA by quitclaim deed all its right, title and interest to Parcels “A”, “B” and “C” as shown on the Plot designated as Exhibit No. 1 to the Custodial Resolution between DelDOT and DSWA dated December 10, 1998, such transfer to be made within ninety (90) days of the date of this enactment.

Section 104. Rehabilitation of Public Streets, Industrial Parks. In order to maintain a safe, attractive, and efficient network of public streets serving the state’s growing inventory of industrial parks, the General Assembly hereby authorizes the Department to spend sums not exceeding $250,000 on a pilot program to address this issue. The Department shall prepare an inventory of all public streets within the state’s industrial parks. It shall further rank all of these streets in the same manner that it prepares the

annual program of roads eligible for the Paving and Rehabilitation Program authorized elsewhere in this Act. The Secretary shall then distribute this list to all members of the General Assembly, together with an estimate of the amounts necessary to address those public streets in this inventory most in need of repair. If a member of the General Assembly elects to allocate funds from his/her Community Transportation Fund (CTF) to repair any of these public streets, the Secretary may draw on this appropriation to match those individual CTF dollars on the basis of $1 dollar from this special account for every $1 dollar allocated by the member. The Secretary shall notify all members of his intent to make such matching allocations, and shall require any member interested in participating to notify the Department of his/her interest in participating by a date certain, not less than one month from the date of such announcement. In the event that the sum of all individual Member requests exceeds the amounts authorized by this section, the Department shall prioritize the industrial park streets to be improved on the basis of the ranking required by this section, and shall share its decisions with all members of the General Assembly. For purposes of preparing this inventory and ranking, the Department is authorized and directed to expend such sums as may be necessary from the accounts established for statewide paving and rehabilitation activities.

Section 105. Community Transportation Funds Work Group. ~~The Department of Transportation is directed to meet with a group of those legislators interested in reviewing the estimating and contracting processes currently used for projects funded through Community Transportation Funds. The incoming Secretary is requested to convene this meeting and report to the co-chairs of the Joint Legislative Committee on the Capital Improvement Program by October 31, 2011.~~The Department of Transportation will provide an annual financial report regarding projects funded through Community Transportation Fund and will report to the co-chairs of the Joint Legislative Committee on the Capital Improvement Program by June 30 of each fiscal year.

Section 106. West Dover Connector. (a) The State recognizes the Department of Transportation's West Dover Connector Project as a high priority for the City of Dover and for Kent County. The project will improve the flow of traffic and reduce congestion for Dover's west side, and provide additional connections for pedestrians and bicycles. In developing the project, the Department worked with officials

from Dover, the City of Camden, the Town of Wyoming, Kent County Levy Court, as well as property owners and the public. In connection with this project, the headquarters of the Delmarva Council of the Boy Scouts of America will be located on a portion of a property affected by the project, identified previously as County Tax Map Numbers (2-00-085.00-02-04.00-00001) and (2-00-085.00-02-05.00-00001) and identified currently as (2-00-085.00-02-04.00-00001), (2-00-085.00-02-05.00-00001), (2-00-085.00-02-05.02-00001), and (2-00-085.00-02-05.03-00001). In addition, woods and fields will be preserved for use by Boy Scouts. The County will construct active recreation facilities on another portion of the property and the project will provide context-sensitive access to the property.

(b) The State notes the cooperative efforts of the Department and the Boy Scouts concerning their respective projects. To realize some of the benefits of these efforts, a twelve-hundred-foot portion of one of the access roads needs to be constructed as part of the Boy Scouts' project, to allow access to the Boy Scouts' property to be constructed and opened for traffic, and avoid the construction and subsequent demolition of a temporary driveway.

(c) Therefore, and notwithstanding any provision of state law to the contrary, the Department is authorized to enter into such agreements it deems necessary and proper to reimburse the Delmarva Council of The Boy Scouts of America for its actual expenditures for the creation of the public portion of the access road needed to reach its entrance, provided that (a) such reimbursement will not exceed the unit prices historically paid by the Department for the work items, and (b) the road improvements for which the Department reimburses the Boy Scouts are built to Department standards, and (c) the construction of these improvements has been inspected and accepted by the Department or its authorized agents.

DEPARTMENT OF AGRICULTURE

Section 107. Farmland Preservation. For the fiscal year ending June 30, ~~2012~~2013, ~~upon passage of legislation establishing the Farmland Purchase and Preservation Loan Program ("Delaware Young Farmer Program"), $3,000,000~~$500,000 of the ~~$10,000,000~~$2,000,000 allocated for Farmland Preservation Funding ~~shall~~may be utilized by the Aglands Preservation Foundation in accordance with the rules and policies for the Delaware Young Farmer Program in accordance with 3 Del. C. c. 9. All remaining state-appropriated funds shall be utilized by the Aglands Preservation Foundation to preserve eligible farms statewide through the traditional farmland preservation program at its discretion in accordance with Aglands Foundation rules and policies. Local jurisdiction funds committed to farmland preservation for Fiscal Year ~~2012~~2013 shall be spent to preserve farmland only in the respective jurisdictions where the funds originate. Farms to be preserved shall be selected by the local jurisdictions according to the jurisdictions selection criteria from eligible farms as listed by the Aglands Preservation Foundation. Similarly, any funds provided by nongovernment organizations shall be spent according to their selection criteria from eligible farms as listed by the Aglands Preservation Foundation.

FIRE PREVENTION COMMISSION

Section 108. 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, ~~Minquadale and Talleyville~~Claymont, Wilmington Manor, Carlisle and Citizen's Hose 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).

NATIONAL GUARD

Section 109. Delaware National Guard. Notwithstanding 29 Del. C. c. 69 or any other statutory provision to the contrary, the Delaware National Guard may use design/build project delivery methodology for the purpose of additions and alterations on land adjacent to the existing Dagsboro Readiness Center. To enable the pursuit of a design/build methodology for this project, all provisions of 29 Del C. c. 69 are hereby waived with the exception of § 6960 related to prevailing wage.

DELAWARE TECHNICAL AND COMMUNITY COLLEGE

Section 110. 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.

DEPARTMENT OF EDUCATION

Section 111. 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 112. 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 113. ~~Minor Capital Improvements. It is the intent of the General Assembly that the sum of $10,023,800 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~~	~~$ 680,046~~	~~$ 453,364~~	~~$ 1,133,410~~
~~Brandywine~~	~~768,053~~	~~512,035~~	~~1,280,088~~
~~Special~~	~~16,054~~		~~16,054~~
~~Caesar Rodney~~	~~486,227~~	~~324,151~~	~~810,378~~
~~Special~~	~~31,865~~		~~31,865~~
~~Cape Henlopen~~	~~319,189~~	~~212,793~~	~~531,982~~
~~Special~~	~~31,622~~		~~31,622~~

School District	Maximum State Share	Maximum Local Share	Total Cost
Capital	451,929	301,286	753,215
Special	15,568		15,568
Christina	1,219,761	813,174	2,032,935
Special	57,771		57,771
Colonial	716,825	477,883	1,194,708
Special	12,406		12,406
Delmar	93,553	62,369	155,922
Indian River	632,467	421,645	1,054,112
Special	14,230		14,230
Lake Forest	288,467	192,311	480,778
Laurel	160,105	106,737	266,842
Milford	307,002	204,668	511,670
Red Clay	1,154,013	769,342	1,923,355
Special	17,027		17,027
Seaford	255,993	170,662	426,655
Smyrna	363,484	242,323	605,807
Woodbridge	159,011	106,007	265,018
New Castle VoTech	574,428		574,428
Polytech	144,124		144,124
Sussex Tech	157,502		157,502
Campus Community	43,857		43,857
Academy of Dover	19,192		19,192
Delaware College Prep Academy	17,806		17,806
DE Military Academy	40,574		40,574
East Side Charter	28,314		28,314
Family Foundations	45,390		45,390

~~School District~~	~~Maximum State Share~~	~~Maximum Local Share~~	~~Total Cost~~
~~Kuumba Academy~~	~~18,462~~		~~18,462~~
~~Reach Academy~~	~~16,127~~		~~16,127~~
~~Maurice Moyer Academy~~	~~14,741~~		~~14,741~~
~~M.O.T. Charter~~	~~49,258~~		~~49,258~~
~~Newark Charter~~	~~97,493~~		~~97,493~~
~~Odyssey Charter~~	~~31,963~~		~~31,963~~
~~Pencader Charter~~	~~44,952~~		~~44,952~~
~~Positive Outcomes~~	~~8,538~~		~~8,538~~
~~Prestige Academy~~	~~17,733~~		~~17,733~~
~~Providence Creek~~	~~50,790~~		~~50,790~~
~~Sussex Academy of Arts~~	~~24,008~~		~~24,008~~
~~Thomas Edison~~	~~55,095~~		~~55,095~~
~~Wilmington Charter~~	~~70,785~~		~~70,785~~
~~Total to Schools~~	~~$9,823,800~~	~~$5,370,750~~	~~$15,194,550~~
~~Vocational Equipment~~	~~85,000~~	~~56,667~~	~~141,667~~
~~State Board Contingency~~	~~115,000~~	~~76,667~~	~~191,667~~
~~**TOTAL**~~	~~**$10,023,800**~~	~~**$5,504,084**~~	~~**$15,527,884**~~

Minor Capital Improvements. It is the intent of the General Assembly that the sum of $7,343,800 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	$495,468	$330,312	$825,780

School District	Maximum State Share	Maximum Local Share	Total Cost
Brandywine	559,286	372,857	932,143
Special	13,394		13,394
Caesar Rodney	361,267	240,845	602,112
Special	20,747		20,747
Cape Henlopen	241,142	160,761	401,903
Special	22,236		22,236
Capital	322,031	214,687	536,718
Special	12,431		12,431
Christina	859,150	572,767	1,431,917
Special	42,983		42,983
Colonial	512,696	341,797	854,493
Special	8,229		8,229
Delmar	68,755	45,837	114,592
Indian River	459,646	306,431	766,077
Special	10,505		10,505
Lake Forest	205,268	136,845	342,113
Laurel	114,032	76,021	190,053
Milford	218,241	145,494	363,735
Red Clay	838,824	559,216	1,398,040
Special	11,643		11,643
Seaford	181,736	121,157	302,893
Smyrna	268,718	179,145	447,863
Woodbridge	118,706	79,137	197,843
New Castle VoTech	416,611		416,611
Polytech	103,299		103,299
Sussex Tech	114,592		114,592
Campus Community	30,570		30,570
Academy of Dover	13,446		13,446
Aspira Academy	15,968		15,968

School District	Maximum State Share	Maximum Local Share	Total Cost
DAPSS	6,145		6,145
Delaware College Prep Academy	14,497		14,497
DE Military Academy	29,361		29,361
East Side Charter	21,063		21,063
Family Foundations	39,446		39,446
Gateway Charter	9,612		9,612
Kuumba Academy	13,656		13,656
Maurice Moyer Academy	10,085		10,085
M.O.T. Charter	35,559		35,559
Newark Charter	70,594		70,594
Odyssey Charter	26,262		26,262
Pencader Charter	26,630		26,630
Positive Outcomes	6,566		6,566
Prestige Academy	15,757		15,757
Providence Creek	36,137		36,137
Reach Academy	13,972		13,972
Sussex Academy of Arts	17,596		17,596
Thomas Edison	38,291		38,291
Wilmington Charter	50,949		50,949
Total to Schools	**$7,143,800**	**$3,883,309**	**$11,027,109**
Vocational Equipment	85,000	56,645	141,645
State Board Contingency	115,000	76,646	191,646
TOTAL	**$7,343,800**	**$4,016,600**	**$11,360,400**

Section 114. Dickinson High School. Funding provided to the Red Clay School District for Equalization as provided for in the Fiscal Year 2012 Annual Appropriations Act shall be contingent upon the following:

(a) The lighted football field at Dickinson High School may be used at night only for Dickinson home games and Dickinson band practice; and

(b) 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 115. 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 116. 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 117. 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 118. 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 119. Milford School District – Access Road. To insure that property owned by the Milford School District is used in accordance with the priorities established by the Milford School District Board of Education, no state agency or municipality shall use said district property for any type of additional access road without the approval of the Milford School District Board of Education. If the Milford School District Board of Education does not publicly endorse, by affirmative vote, the placement of an additional access road on district property, no state agency or municipality shall be authorized to condemn such district property for said use.

Section 120. Brandywine School District Conveyances. (a) The General Assembly hereby determines that it is in the public interest to reclaim a portion of the 13.97 acre parcel of land at 500 Duncan Road, Wilmington, DE 19809 (New Castle County tax parcel ID number 06-132.00-188) (the Duncan Road Parcel) held in a governmental capacity by the Brandywine School District in order for the State of Delaware to convey to the Edgemoor Community Center, Inc. (ECC), a not for profit corporation of the State of Delaware, an approximately 3.2 acre portion of said parcel (the ECC Parcel). ECC has provided vital services to the citizens of Delaware since 1978, and has occupied the ECC Parcel exclusively since 1989. The General Assembly recognizes that as a titled owner of the ECC Parcel, ECC will be better able to serve the citizens of Delaware and be better positioned to receive grants, including facilities improvement grants. In addition, as a titled holder, ECC may immediately be able to lower its operational costs as it will be able to renegotiate as a secured property holder outstanding debt currently being financed at unsecured debtor rates.

The Duncan Road Parcel is hereby divided and title to the ECC Parcel is hereby conveyed to ECC, with the buildings thereon erected, being bounded and described as follows to-wit:

BEGINNING at a point formed by the intersection of the Southwesterly side of Duncan Road (60 feet wide) with the Northwesterly side of Brandywine Boulevard (67.5 feet wide):

Thence, from said Point of Beginning the following thirty-three courses and distances:

(1) With the aforesaid side of Brandywine Boulevard this and the next three courses and distances, South 42 degrees, 58 minutes, 38 seconds West, 364.88 feet to a point of curvature, thence;

(2) By an arc curving to the right having a radius of 666.30 feet, an arc distance of 155.22 feet (CHD=South 49 degrees, 39 minutes, 04 seconds West, 154.87 feet) to a point of tangency, thence;

(3) South 56 degrees, 19 minutes, 30 seconds West, 24.56 feet to a point in line of Tax Parcel No. 06-132.00-188, thence, through the aforesaid tax parcel the following twenty-seven courses and distances, and also parallel to the proposed curb the next four courses and distances;

(4) By an arc curving to the right having a radius of 18.00 feet, an arc distance of 9.97 feet (CHD=North 49 degrees, 32 minutes, 37 seconds West, 9.84 feet) to a point, thence;

(5) North 33 degrees, 40 minutes, 30 seconds West, 59.06 feet to a point of curvature, thence;

(6) By an arc curving to the left having a radius of 126.00 feet, an arc distance of 89.83 feet (CHD=North 54 degrees, 05 minutes, 57 seconds West, 87.94 feet) to a point of tangency, thence;

(7) North 74 degrees, 31 minutes, 23 seconds West, 24.34 feet to a point, thence through the existing baseball field;

(8) North 36 degrees, 43 minutes, 40 seconds East, 199.57 to a point behind the proposed curb, thence, parallel with same the next two courses an distances;

(9) South 53 degrees, 56 minutes, 32 seconds East, 69.07 feet to an point, thence crossing the proposed lane;

(10) North 35 degrees, 57 minutes, 46 seconds East, 27.99 feet to a point behind the existing curb, thence parallel to the aforesaid existing curb;

(11) North 53 degrees, 35 minutes, 55 seconds West, 80.57 feet to a point of curvature, thence;

(12) By an arc curving to the right having a radius of 70.00 feet, an arc distance of 20.54 feet (CHD=North 45 degrees, 11 minutes, 30 seconds West, 20.47 feet) to a point of tangency, thence;

(13) North 36 degrees, 47 minutes, 06 seconds West, 14.08 feet to a point of curvature, thence;

(14) By an arc curving to the left having a radius of 12.50 feet, an arc distance of 3.46 feet (CHD=North 44 degrees, 42 minutes, 59 seconds West, 3.45 feet) to a point of tangency, thence;

(15) North 52 degrees, 38 minutes, 53 seconds West, 9.04 feet to a point, thence;

(16) North 46 degrees, 44 minutes, 48 seconds West, 4.76 feet to a point, thence;

(17) North 54 degrees, 03 minutes, 32 seconds West, 20.41 feet to a point, thence;

(18) North 25 degrees, 50 minutes, 17 seconds East, 14.16 feet to a corner of an existing loading dock, thence;

(19) North 28 degrees, 53 minutes, 25 seconds East, 16.46 feet to a point, thence;

(20) North 34 degrees, 57 minutes, 29 seconds East, 9.27 feet to a point on the exterior building wall, thence through the existing wall;

(21) South 59 degrees, 52 minutes, 12 seconds East, 4.22 feet to a point in the center of a new division wall, thence, with same;

(22) North 35 degrees, 34 minutes, 51 seconds East, 17.34 feet to a point on the face of an existing hallway wall, thence;

(23) South 63 degrees, 46 minutes, 07 seconds East, 1.45 feet to a point on the roof overhang and the edge of an interior courtyard, thence, with same the next two courses and distances;

(24) North 35 degrees, 50 minutes, 53 seconds East, 95.51 feet to a point, thence;

(25) South 54 degrees, 48 minutes, 34 seconds East, 6.12 feet to a point in line of a new doorway threshold, thence, with same;

(26) North 36 degrees, 03 minutes, 21 seconds East, 23.61 feet to a point in line of a retaining wall, thence , with same the next four courses and distances;

(27) North 53 degrees, 42 minutes, 38 seconds West, 2.07 feet to a point, thence;

(28) North 35 degrees, 19 minutes, 14 seconds East, 31.69 feet to a point, thence;

(29) North 54 degrees, 45 minutes, 19 seconds West, 2.47 feet to a point, thence;

(30) North 35 degrees, 48 minutes, 20 seconds East, 40.90 feet to a point along the existing back of curb, thence, parallel with same the next two courses and distances;

(31) By an arc curving to the left having a radius of 52.00 feet, an arc distance of 25.11 feet (CHD=North 50 degrees, 07 minutes, 28 seconds East, 24.87 feet) to a point of tangency, thence;

(32) North 35 degrees, 55 minutes, 26 seconds East, 12.54 feet to a point on the aforesaid side of Brandywine Boulevard, thence, with same;

(33) South 54 degrees, 04 minutes, 34 seconds East, 337.87 feet to the Point of Beginning.

Containing within said metes and bounds 3.2197 acres of land, be they the same, more or less.

Such description of the ECC Parcel shall remain binding and effective unless ECC and Brandywine School District agree in writing to modify such description on or before September 30, 2010.

This conveyance shall be "as is" in that ECC shall accept any buildings erected on the parcel in their present condition as of the time of conveyance, and shall be subject to all other covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same. The Brandywine School District and ECC shall also negotiate in good faith to agree on mutually acceptable easements and agreements to address issues including cross access, maintenance, and shared use of property. Such easements or agreements shall guarantee to ECC continued water and sewer access at costs pro rated to ECC's usage of such water and sewer services, and shall guarantee ECC use of and access to any telephone, security alarm or other such ECC systems that remain on the Duncan Road Parcel but that are not conveyed with the ECC Parcel.

All agencies reviewing the Minor Land Development Plan for the expansion of administrative offices at the Duncan Road Parcel (New Castle County Application No. 2010-0235) shall review the plans

as the property existed prior to the subdivision of the property as directed herein. In addition, the Delaware Department of Transportation shall grant a time extension of a maximum of twelve (12) months from the time of the issuance of a Certificate of Occupancy for the expansion of the administrative offices by New Castle County to complete the pedestrian improvements required by the Delaware Department of Transportation within the public right-of-way for Duncan Road and Brandywine Boulevard.

Nothing in the subdivision of the Duncan Road Parcel shall prohibit the Brandywine School District from expending funds approved under C.N. # 0631 F on the ECC Parcel that are required to complete the relocation of its district office. ECC shall not be required to pay for any improvements to the Duncan Road Parcel, including the ECC Parcel, as a result of or relating to Brandywine School District's plans for the relocation of its district office.

(b) The General Assembly hereby determines that it is in the public interest to reclaim a portion of the 26.25 acre parcel of land at 3301 Green Street, Claymont, DE 19703 (New Castle County tax parcel ID number 06-071.00-106) held by the Brandywine School District in order for the State of Delaware to convey to the Brandywine Community Resource Council, Inc. (BCRC), a not for profit corporation of the State of Delaware that operates the Claymont Community Center, a portion of said parcel (the CCC Parcel). The General Assembly also hereby determines that it is in the public interest to reclaim the 0.38 acre parcel, also at 3301 Green Street, Claymont, DE 19703 (New Castle County tax parcel ID number 06-084.00-009) (the Second CCC Parcel), in order for the State of Delaware to convey such parcel to BCRC. BCRC provides vital services to the citizens of Delaware and occupies the CCC Parcel and the Second CCC Parcel exclusively. The General Assembly recognizes that as a titled owner of the CCC Parcel and the Second CCC Parcel, BCRC will be better able to serve the citizens of Delaware and be better positioned to receive grants, including facilities improvement grants.

Brandywine School District is hereby authorized and directed to convey the CCC Parcel and the Second CCC Parcel to BCRC for the combined consideration of one dollar ($1.00). The deed to the aforesaid real property shall contain a provision whereby the Brandywine School District shall have the right of first refusal to the property in the event that the BCRC wishes to vacate the property. If the BCRC

vacates the property and the Brandywine School District does not exercise its right of first refusal, proceeds from the sale of said property shall be governed by the provisions 14 Del. C. § 1057(a)(15).

These conveyances shall be "as is" in that BCRC shall accept any buildings erected on the parcels in their present condition as of the time of conveyance, and shall be subject to all other covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same. The Brandywine School District and BCRC shall also negotiate in good faith to agree on mutually acceptable easements and agreements to address issues including cross access, maintenance, and shared use of property that BCRC and Brandywine School District deem necessary or appropriate.

Section 121. Claymont Community Center. In connection with the transfer of property directed pursuant to ~~Section § 135(b),~~ 77 Del. Laws, ~~Chapter~~c. 329, § 135(b) the Brandywine Community Resource Council Inc. (BCRC) shall be liable for the payment of survey(s) and/or related transaction costs necessary to determine whether any portion of the land that was conveyed pursuant to the above authority are portions of land originally acquired by the Delaware Department of Transportation (DOT) for right-of-way purposes for the construction of Interstate 95. To the extent any survey confirms that any portion of such lands are, in fact, owned by the DOT, and notwithstanding any provisions of 17 Del. C. § 137 to the contrary, the DOT, after receiving any and all necessary approvals from the federal government or any agent thereof for transfer of such land, is further authorized to execute any and all necessary deeds to convey said portions of land to the BCRC and/or the Brandywine School District on the same terms and conditions as the Brandywine School District's related conveyance to the BCRC pursuant to the above authority.

Section 122. Richard Allen School Conveyance. (a) Notwithstanding the provisions of ~~Title~~ 14 Del. C.~~,~~ § 1057, the Indian River School District is hereby authorized and empowered to execute and deliver to the Boys and Girls Club of Delaware Inc. a good and sufficient deed to transfer and convey all that certain parcel of land all structures thereon, known as the Richard Allen School located in Sussex County, Delaware (tax parcel 1-35 20-70). This conveyance shall be for consideration of $1.00, and shall be "as is" in the Boys and Girls Club of Delaware Inc. shall accept the building and land in their present condition as of the time of conveyance.

(b) The deed to the aforesaid property shall contain a provision whereby said property will revert to the Indian River School District in the event the property or any part thereof ceases to be used by the Boys and Girls Club of Delaware, Inc.

Section 123. Milford Transfer of Major Capital Construction Funds. The Milford ~~s~~School ~~d~~District, with the approval of the Secretary of Education, the Director of the Office of Management and Budget and the Controller General, is authorized to transfer non-obligated major capital improvement funds from the Central Academy Project (Certificate of Necessity #0818C-D) for the construction of an animal science facility and land sciences laboratory on the Kent County Campus to be used by Central Academy and Milford High School students.

Section 124. 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 125. 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 126. 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 127. Effective Date. This Act shall take effect in accordance with the provisions of State law.

SYNOPSIS

This Bill is the Fiscal Year 2013 Bond and Capital Improvements Act.

Delaware Department of Transportation
FY2013 Capital Transportation Program
Appendix A
(in $000's)

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2013 Authorization
ROAD SYSTEM 97700					
A. Expressways					
I-95 and US 202 Interchange	97701		$19,268.0		$19,268.0
Road A and SR 7 Improvements	97701		$960.0	$240.0	$1,200.0
SR 1 and I-95 Interchange	97701		$5,886.5		$5,886.5
Interstate Maintenance Drainage Repairs	97701		$2,000.0		$2,000.0
Interstate Roadway Lighting	97701		$1,800.0		$1,800.0
Subtotal Expressways		**$0.0**	**$29,914.5**	**$240.0**	**$30,154.5**
B. Arterials					
SR 141 Kirkwood Highway to Faulkland Road - Landscaping	97701		$376.0	$94.6	$470.6
SR 2, South Union Street from Railroad Bridge to Sycamore Street, Wilmington	97701		$3,600.0	$900.0	$4,500.0
SR 9 Wilmington Road, 3rd and 6th Street Intersection Improvements	97701			$100.0	$100.0
SR 9, Delaware and Harmony Street Intersection Improvements	97701		$600.0	$150.0	$750.0
SR 9, New Castle Avenue, 3rd Street to Heald Street Improvements	97701		$400.0	$100.0	$500.0
US 301 GARVEE Debt Service	97701		$10,984.5		$10,984.5
SR 1, Rehoboth Canal to Five Points, Pedestrian Improvements	97701		$8,350.0		$8,350.0
SR 1, SR 30 Grade Separated Intersection	97701		$5,600.0		$5,600.0
US 113, North / South Improvements	97701		$20,000.0		$20,000.0
US 13, Seaford Intersection Improvements	97701		$6,981.4		$6,981.4
SR 26, Atlantic Avenue from Clarksville to Assawoman Canal	97701		$2,000.0	$6,996.4	$8,996.4
SR 896 and Porter Road Intersection Improvements	97701		$45.0	$5.0	$50.0
HSIP Projects	97701		$21,625.5	$3,844.5	$25,470.0
Subtotal Arterials		**$0.0**	**$80,562.5**	**$12,190.5**	**$92,753.0**
C. Collectors					
West Dover Connector	97701		$3,500.4		$3,500.4
SR 24, Mulberry Knoll to SR 1	97701			$2,200.0	$2,200.0
Subtotal Collectors		**$0.0**	**$3,500.4**	**$2,200.0**	**$5,700.4**
D. Locals					
N412A, Hyetts Corner Road to Lorewood Grove Road	97701			$400.0	$400.0
Recreational Trails	97701	$270.0	$1,080.0		$1,350.0
Subtotal Locals		**$270.0**	**$1,080.0**	**$400.0**	**$1,750.0**

Delaware Department of Transportation
FY2013 Capital Transportation Program
Appendix A
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	APPR	Other Funding	Federal Authorization	State Authorization	FY 2013 Authorization
E. Bridges					
Bridge Management Program	97701		$2,400.0	$1,600.0	$4,000.0
Bridge Preservation Program		$313.0	$11,603.2	$5,372.8	$17,289.0
Subtotal Bridges		**$313.0**	**$14,003.2**	**$6,972.8**	**$21,289.0**
F. Other					
Transportation Enhancements	97701		$4,262.4	$228.1	$4,490.5
Paving and Rehabilitation	97701		$11,100.0	$87,218.0	$98,318.0
Materials and Minor Contracts	97701			$4,800.0	$4,800.0
Signage and Pavement Markings	97701		$800.0	$2,400.0	$3,200.0
Rail Crossing Safety Program	97701		$1,237.6	$319.1	$1,556.7
Safety Improvement Program	97701		$2,477.8	$244.4	$2,722.2
Traffic Calming Program	97701			$100.0	$100.0
Intersection Improvements	97701	$600.0		$4,300.0	$4,900.0
Engineering and Contingency	97701		$8.0	$29,627.4	$29,635.4
Corridor Capacity Preservation	97701			$3,000.0	$3,000.0
Bicycle, Pedestrian and Other Improvements	97701		$1,000.0	$10,250.0	$11,250.0
Subtotal Other		**$600.0**	**$20,885.8**	**$142,487.0**	**$163,972.8**
TOTAL ROAD SYSTEM		**$1,183.0**	**$149,946.3**	**$164,490.3**	**$315,619.6**
SUPPORT SYSTEM 97600					
Planning	97601		$5,821.6	$2,195.9	$8,017.5
Information Technology Initiatives Program	97601		$270.0	$5,811.2	$6,081.2
Heavy Equipment	97601			$4,000.0	$4,000.0
Transportation Management Improvements	97601	$90.0	$8,269.0	$2,007.3	$10,366.3
Transportation Facilities	97601			$6,700.0	$6,700.0
Education and Training	97601		$200.0		$200.0
Aeronautics	97601		$175.0	$568.7	$743.7
TOTAL SUPPORT SYSTEM		**$90.0**	**$14,735.6**	**$21,283.1**	**$36,108.6**

Delaware Department of Transportation
FY2013 Capital Transportation Program
Appendix A
(in $000's)

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2013 Authorization
TRANSIT SYSTEM 97300					
Transit Facilities	97301		$5,628.1	$5,469.7	$11,097.8
Transit Vehicles	97301	$1,444.2	$31,329.1	$9,165.8	$41,939.0
Rail Preservation	97301		$2,700.0	$300.0	$3,000.0
TOTAL TRANSIT SYSTEM		**$1,444.2**	**$39,657.1**	**$14,935.5**	**$56,036.8**
GRANTS AND ALLOCATIONS 95600					
Municipal Street Aid	95601			$4,000.0	$4,000.0
Community Transportation Fund	95601			$8,375.0	$8,375.0
TOTAL GRANTS AND ALLOCATIONS		**$0.0**	**$0.0**	**$12,375.0**	**$12,375.0**
SUB TOTAL		**$2,717.2**	**$204,339.0**	**$213,083.9**	**$420,140.1**
GRAND TOTAL		**$2,717.2**	**$204,339.0**	**$213,083.9**	**$420,140.1**