



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

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 550

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; INCREASING CERTAIN REVENUES AND FEES DEDICATED TO THE TRANSPORTATION TRUST FUND; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS.

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

1 Section 1. Fiscal Year 2005 Capital Improvements Project Schedule Addendum. The General Assembly hereby
2 authorizes the following projects in the following amounts for the purposes set forth in this Section and as described in the
3 Fiscal Year 2005 Governor's Recommended Capital Budget and Project Information document. Any authorization balance
4 (excluding Transportation Trust Fund balances) remaining unexpended or unencumbered by June 30, 2007, shall be subject to
5 reversion or reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2005 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUND REAUTH.	TRANS. TRUST FUNDS	GENERAL FUNDS	21st CENTURY FUNDS	TOTAL
OFFICE OF THE BUDGET								
COTS Integrated Case & Financial Management System	10-02-01	\$ -	\$ -	\$ -	\$ -	4,973,100	\$ -	4,973,100
Police Chiefs Council	10-02-01	-	-	-	-	1,000,000	-	1,000,000
Kent County Aviation	10-02-01	-	-	-	-	750,000	-	750,000
Flood Mitigation/Water Supply Initiative	10-02-01	-	-	-	-	15,000,000	-	15,000,000
Green Infrastructure	10-02-01	-	-	-	-	22,100,000	-	22,100,000
Port of Wilmington	10-02-01	-	-	-	-	15,000,000	-	15,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	58,823,100	\$ -	58,823,100
DELAWARE ECONOMIC DEVELOPMENT OFFICE								
Strategic Fund	10-03-03	\$ -	\$ -	\$ -	\$ -	10,000,000	\$ -	10,000,000
Riverfront Development Corporation	10-03-03	-	-	-	-	9,000,000	-	9,000,000
New Economy Initiative	10-03-03	-	2,700,000	-	-	17,800,000	-	20,500,000
Working Capital	10-03-03	-	-	-	-	100,000	-	100,000
Delaware Civic Center	10-03-03	-	-	-	-	1,000,000	-	1,000,000
Delaware Stadium Corporation - Improvements	10-03-03	-	-	-	-	60,000	-	60,000
Job Corp	10-03-03	-	-	-	-	100,000	-	100,000
College of Arts and Design	10-03-03	-	-	-	-	125,000	-	125,000
Subtotal:		\$ -	\$ 2,700,000	\$ -	\$ -	38,185,000	\$ -	40,885,000
STATE								
Museum Maintenance	20-06-04	\$ -	\$ -	\$ -	\$ -	925,000	\$ -	925,000
Seaford Public Library	20-08-01	-	-	-	-	1,200,000	-	1,200,000
Kirkwood Highway Library	20-08-01	-	-	-	-	2,161,700	-	2,161,700
Statewide Master Plan for Libraries	20-08-01	-	-	-	-	150,000	-	150,000
South Coastal Library	20-08-01	-	-	-	-	25,000	-	25,000
Greenwood Public Library	20-08-01	-	-	-	-	25,000	-	25,000
Woodlawn Library	20-08-01	-	-	-	-	1,200,000	-	1,200,000

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World War II Memorial	20-08-01	-	-	-	-	25,000	-	25,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ 5,711,700	\$ -	\$ 5,711,700
ADMINISTRATIVE SERVICES								
MCI & Equipment	30-05-10	\$ -	\$ -	\$ -	\$ -	1,900,000	\$ -	1,900,000
Environmental Compliance (UST/Asbestos/Other)	30-05-10	-	-	-	-	1,400,000	-	1,400,000
Architectural Barrier Removal/ADA	30-05-10	-	-	-	-	150,000	-	150,000
Governor Bacon Campus Utilities	30-05-10	-	-	-	-	2,244,000	-	2,244,000
Belvedere State Service Center Renovations	30-05-10	-	-	-	-	300,000	-	300,000
Kent County Courthouse Facilities	30-05-10	5,541,400	-	-	-	2,131,200	-	7,672,600
Veterans Home	30-05-10	-	-	-	-	6,230,000	-	6,230,000
Troop 5 Equipment/Moving Costs	30-05-10	-	-	-	-	305,500	-	305,500
State Police Firing Range (Contingency Fund)	30-05-10	-	-	-	-	1,000,000	-	1,000,000
New Castle County Courthouse - Heat Remediation	30-05-10	-	-	-	-	1,305,000	-	1,305,000
Renovation of the Haslet Armory	30-05-10	-	-	-	-	300,000	-	300,000
Carvel Plaza Deck Project	30-05-10	-	-	-	-	464,000	-	464,000
Capital Security Issues	30-05-10	-	-	-	-	250,000	-	250,000
NCC Old Family Court Bldg Renovations	30-05-10	-	-	-	-	100,000	-	100,000
NCC Courthouse Capital Outlay/Interior Design	30-05-10	-	-	-	-	300,000	-	300,000
Power Line Relocation	30-05-10	-	-	-	-	40,000	-	40,000
Legislative Hall Improvements	30-05-10	-	-	-	-	130,000	-	130,000
Court 20 Security	30-05-10	-	-	-	-	300,000	-	300,000
<i>Judicial Projects</i>								-
MCI & Equipment	30-05-10	-	-	-	-	700,000	-	700,000
Sussex County Courthouse	30-05-10	-	-	-	-	500,000	-	500,000
Sussex County Family Court Renovations, Land	30-05-10	-	-	-	-	600,000	-	600,000
JP Court 1, Frankford	30-05-10	-	-	-	-	45,000	-	45,000
<i>Department of State</i>								-

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUND REAUTH.	TRANS. TRUST FUNDS	GENERAL FUNDS	21st CENTURY FUNDS	TOTAL
MCI & Equipment	30-05-10	-	-	-	-	750,000	-	750,000
Old State House/Visitor Center	30-05-10	-	1,000,000	-	-	-	-	1,000,000
Cooch - Dayett Mill	30-05-10	-	-	-	-	50,000	-	50,000
Original New Castle Courthouse Museum	30-05-10	-	-	-	-	950,000	-	950,000
<i>Health and Social Services</i>								
MCI & Equipment	30-05-10	-	-	-	-	4,688,500	-	4,688,500
OCME Forensic Building	30-05-10	-	-	-	-	1,400,000	-	1,400,000
New Psychiatric Hospital Programming	30-05-10	-	-	-	-	5,400,000	-	5,400,000
Stockley Medical Center - New Building	30-05-10	-	-	-	-	1,872,500	-	1,872,500
<i>Services for Children, Youth and their Families</i>								
MCI & Equipment	30-05-10	-	-	-	-	700,800	-	700,800
Facilities Space Study	30-05-10	-	-	-	-	300,000	-	300,000
<i>Department of Correction</i>								
MCI & Equipment	30-05-10	-	-	-	-	1,000,000	-	1,000,000
Repair of Exterior Masonry Walls at HRYCI	30-05-10	-	-	-	-	2,125,000	-	2,125,000
Women's Treatment Center	30-05-10	-	-	-	-	475,000	-	475,000
Planning-BWCI	30-05-10	-	-	-	-	50,000	-	50,000
<i>Safety and Homeland Security</i>								
MCI & Equipment	30-05-10	-	-	-	-	500,000	-	500,000
Elections	30-05-10	-	-	-	-	-	-	-
Purchase Sussex County Facility	30-05-10	-	425,000	-	-	-	-	425,000
Moving Expenses - Kent County Elections	30-05-10	-	40,000	-	-	-	-	40,000
<i>Delaware National Guard</i>								
MCI & Equipment	30-05-10	-	-	-	-	500,000	-	500,000
New STARC Headquarters	30-05-10	-	-	-	-	2,100,000	-	2,100,000
Subtotal:		\$ 5,541,400	\$ 1,465,000	\$ -	\$ -	\$ 43,556,500	\$ -	\$ 50,562,900
HEALTH AND SOCIAL SERVICES								
Maintenance and Restoration	35-01-20	\$ -	\$ -	\$ -	\$ -	2,000,000	\$ -	2,000,000
Fluoridation	35-01-20	-	-	-	-	310,000	-	310,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	2,310,000	\$ -	2,310,000

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SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES								
Maintenance and Restoration	37-01-15	\$ -	\$ -	\$ -	\$ -	43,300	\$ -	43,300
Subtotal:		\$ -	\$ -	\$ -	\$ -	43,300	\$ -	43,300
CORRECTION								
Maintenance and Restoration	38-01-40	\$ -	\$ -	\$ -	\$ -	3,143,400	\$ -	3,143,400
Subtotal:		\$ -	\$ -	\$ -	\$ -	3,143,400	\$ -	3,143,400
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL								
Conservation Cost Share	40-07-04	\$ -	\$ -	\$ -	\$ -	2,345,000	\$ -	2,345,000
Doxsee Site Improvements	40-07-01	-	-	-	-	2,100,000	-	2,100,000
Tax/Public Ditches	40-07-02	-	-	-	-	1,100,000	-	1,100,000
Beach Preservation	40-07-03	-	-	-	-	1,000,000	-	1,000,000
Dams/Water Control Structures	40-05-02	-	-	-	-	500,000	-	500,000
MCI & Equipment	40-01-01	-	-	-	-	1,000,000	-	1,000,000
New Dredge	40-07-02	-	-	-	-	650,000	-	650,000
Lums Pond Park Improvements	40-06-02	-	-	-	-	100,000	-	100,000
Broadkill/Slaughter/Pickering Beach - Replenishment	40-07-03	-	-	-	-	2,000,000	-	2,000,000
Hamilton/Eden Park Remediation	40-06-02	-	-	-	-	200,000	-	200,000
Combined Sewer Overflow	40-08-01	-	-	-	-	1,500,000	-	1,500,000
Killens Pond Design/Construction	40-06-02	-	-	-	-	160,000	-	160,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	12,655,000	\$ -	12,655,000
SAFETY AND HOMELAND SECURITY								
Helicopter Replacement	45-01-01	\$ -	\$ -	\$ -	\$ -	650,000	\$ -	650,000
24/7 Helicopter Equipment	45-06-01	-	-	-	-	143,000	-	143,000
State Police Capital Outlay	45-06-01	-	-	-	-	150,000	-	150,000

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Fire Safety Suppression Equipment	45-06-01	-	-	-	-	400,000	-	400,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ 1,343,000	\$ -	\$ 1,343,000
TRANSPORTATION								
Road System	55-05-00	\$ -	\$ -	\$ 14,600,000	\$ 287,618,800	\$ -	\$ -	\$ 302,218,800
Grants and Allocations	55-05-00	-	-	-	26,100,000	-	-	26,100,000
Transit System	55-05-00	-	-	-	9,303,500	-	-	9,303,500
Support System	55-05-00	-	-	-	55,988,300	-	-	55,988,300
Subtotal:		\$ -	\$ -	\$ 14,600,000	\$ 379,010,600	\$ -	\$ -	\$ 393,610,600
AGRICULTURE								
Conservation Reserve Enhancement Program	65-01-01	\$ -	\$ -	\$ -	\$ -	700,000	\$ -	700,000
Equine Study	65-01-01	-	-	-	-	50,000	-	50,000
Fair Building Improvements	65-01-01	-	-	-	-	25,000	-	25,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ 775,000	\$ -	\$ 775,000
FIRE PREVENTION COMMISSION								
Rescue Tool Replacement	75-02-01	\$ -	\$ -	\$ -	\$ -	7,500	\$ -	7,500
Smoke Detectors	75-02-01	-	-	-	-	90,000	-	90,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ 97,500	\$ -	\$ 97,500
UNIVERSITY OF DELAWARE								
Wolf Hall Renovation	90-01-01	\$ -	\$ -	\$ -	\$ -	4,000,000	\$ -	4,000,000
MCI & Equipment	90-01-01	-	-	-	-	1,000,000	-	1,000,000
Brown Lab	90-01-01	-	-	-	-	1,000,000	-	1,000,000
MCI Reallocation	90-01-01	-	-	-	-	1,000,000	-	1,000,000
Carvel Research and Education Center	90-01-01	-	-	-	-	2,000,000	-	2,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ 9,000,000	\$ -	\$ 9,000,000

DELAWARE STATE UNIVERSITY

SECTION 1 ADDENDUM
FISCAL YEAR 2005 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION	TRANS.	TRANS. TRUST FUNDS	GENERAL FUNDS	21st CENTURY FUNDS	TOTAL
			REAUTHORIZA- TION AND REPROGRAMMING	TRUST FUND REAUTH.				
MCI & Equipment	90-03-01	\$ -	\$ -	\$ -	\$ -	5,000,000	\$ -	5,000,000
Stadium Improvements - Alumni Field	90-03-01	-	-	-	-	2,000,000	-	2,000,000
Critical Computer Upgrades	90-03-01	-	-	-	-	1,000,000	-	1,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	8,000,000	\$ -	8,000,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE								
Education & Technology Building-Terry Campus	90-04-06	\$ -	\$ -	\$ -	\$ -	1,800,000	\$ -	1,800,000
Excellence Through Technology Campaign	90-04-01	-	-	-	-	300,000	-	300,000
Collegewide Asset Preservation	90-04-01	-	-	-	-	1,400,000	-	1,400,000
Stanton Campus Expansion	90-04-04	-	-	-	-	5,000,000	-	5,000,000
Campus Improvements/Owens Campus	90-04-02	-	-	-	-	300,000	-	300,000
Subtotal:		\$ -	\$ -	\$ -	\$ -	8,800,000	\$ -	8,800,000
EDUCATION								
MCI & Equipment	95-01-01	\$ -	\$ -	\$ -	\$ -	7,143,800	\$ -	7,143,800
Architectural Barrier Removal	95-01-01	-	-	-	-	160,000	-	160,000
Appoquinimink, Addition to Redding MS (71/29)	95-29-00	3,500,000	-	-	-	-	-	3,500,000
Appoquinimink, Construct 1000 Pupil MS (71/29)	95-29-00	1,700,000	-	-	-	-	-	1,700,000
Appoquinimink, Construct 1600 Pupil HS (71/29)	95-29-00	25,427,300	-	-	-	-	-	25,427,300
Appoquinimink, Construct Early Childhood Center (71/29)	95-29-00	2,500,000	-	-	-	-	-	2,500,000
Appoquinimink, Land Acquisition for 1600 Pupil HS (71/29)	95-29-00	1,121,100	-	-	-	-	-	1,121,100
Brandywine, Renovate Talley MS (60/40)	95-31-00	574,100	-	-	-	-	-	574,100
Caesar Rodney, Charlton School (100% State)	95-10-00	600,000	-	-	-	-	-	600,000
Cape Henlopen, Construct 6 Classrooms at New MS (100% State)	95-17-00	1,180,100	-	-	-	-	-	1,180,100
Capital School District (74/26)	95-13-00	152,700	-	-	-	-	-	152,700
Christina, Autistic Program Expansion (100% State)	95-33-00	665,000	-	-	-	-	-	665,000
Christina, Construct 800 Pupil MS (60/40)	95-33-00	3,310,000	-	-	-	-	-	3,310,000
Christina, Construct 840 Pupil ES - A (60/40)	95-33-00	2,251,000	-	-	-	-	-	2,251,000

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Christina, Renovate Bancroft IS (60/40)	95-33-00	3,020,000	-	-	-	-	-	3,020,000
Christina, Renovate Christiana HS (60/40)	95-33-00	617,200	-	-	-	-	-	617,200
Christina, Renovate Drew-Pyle IS (60/40)	95-33-00	2,409,400	-	-	-	-	-	2,409,400
Christina, Renovate Elisabeth Maclary ES (60/40)	95-33-00	474,000	-	-	-	-	-	474,000
Christina, Renovate Gallaher ES (60/40)	95-33-00	3,638,700	-	-	-	-	-	3,638,700
Christina, Renovate J. Wilson ES (60/40)	95-33-00	442,500	-	-	-	-	-	442,500
Christina, Renovate Jennie Smith ES (60/40)	95-33-00	5,064,900	-	-	-	-	-	5,064,900
Christina, Renovate John R. Downes ES (60/40)	95-33-00	441,700	-	-	-	-	-	441,700
Christina, Renovate Joseph M. McVey ES (60/40)	95-33-00	3,904,000	-	-	-	-	-	3,904,000
Christina, Renovate Newark HS (60/40)	95-33-00	3,947,500	-	-	-	-	-	3,947,500
Delmar, Capital Outlay/Equipment (80/20)	95-37-00	176,000	-	-	-	-	-	176,000
Delmar, MS/HS Classroom Additions and Cafeteria (80/20)	95-37-00	1,260,000	-	-	-	-	-	1,260,000
Indian River, Renovate East Millsboro ES (60/40)	95-36-00	549,100	-	-	-	-	-	549,100
Indian River, Renovate Frankford ES (60/40)	95-36-00	334,600	-	-	-	-	-	334,600
Indian River, Renovate Indian River HS (60/40)	95-36-00	879,300	-	-	-	-	-	879,300
Indian River, Renovate Lord Baltimore (60/40)	95-36-00	2,021,600	-	-	-	-	-	2,021,600
Indian River, Renovate Sussex Central HS (60/40)	95-36-00	1,626,700	-	-	-	-	-	1,626,700
Indian River, Renovate Sussex Central HS (60/40)	95-36-00	5,916,500	-	-	-	-	-	5,916,500
Indian River, Renovate Sussex Central MS (60/40)	95-36-00	325,300	-	-	-	-	-	325,300
Indian River, Renovate/Add Lord Baltimore ES (60/40)	95-36-00	1,929,100	-	-	-	-	-	1,929,100
New Castle County VT, Construct 1000 Pupil HS (60/40)	95-38-00	8,625,000	-	-	-	-	-	8,625,000
New Castle County VT, Supplemental Funding 1000 Pupil HS (60/40)	95-38-00	2,585,800	-	-	-	-	-	2,585,800
Polytech, Construct 18 classrooms (80/20)	95-39-00	302,800	-	-	-	-	-	302,800
Red Clay, Renovate A.I. DuPont HS (60/40)	95-32-00	6,101,900	-	-	-	-	-	6,101,900
Red Clay, Renovate Conrad MS (60/40)	95-32-00	8,411,100	-	-	-	-	-	8,411,100
Red Clay, Renovate John Dickinson HS (60/40)	95-32-00	11,045,100	-	-	-	-	-	11,045,100
Red Clay, Renovate Richardson Park ES (60/40)	95-32-00	277,000	-	-	-	-	-	277,000
Red Clay, Renovate Stanton MS (60/40)	95-32-00	189,000	-	-	-	-	-	189,000

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Red Clay, Renovate Thomas McKean HS (60/40)	95-32-00	9,945,100	-	-	-	-	-	9,945,100
Red Clay, Renovate William Lewis MS (60/40)	95-32-00	128,900	-	-	-	-	-	128,900
Woodbridge, Construct New District Athletic Fields (77/23)	95-35-00	2,277,700	-	-	-	-	-	2,277,700
Woodbridge, Renovate Existing District Athletic Fields (77/23)	95-35-00	604,500	-	-	-	-	-	604,500
Woodbridge, Renovate Troop 5 for New District Office (77/23)	95-35-00	260,300	-	-	-	-	-	260,300
Delaware Skills Center	95-38-00	-	-	-	-	408,000	-	408,000
Demolition of Channin/Old Mill Elementary Schools	95-31-00	-	-	-	-	1,000,000	-	1,000,000
Lake Forest, Capital Outlay/Equipment	95-15-00	-	-	-	-	60,000	-	60,000
Tech Prep Delaware (100% State)	95-01-01	-	-	-	-	200,000	-	200,000
Milford, Capital Outlay/Equipment	95-18-00	-	-	-	-	36,000	-	36,000
Red Clay Dickinson Field Relocation	95-32-00	-	-	-	-	100,000	-	100,000
Subtotal:		\$ 132,713,600	\$ -	\$ -	\$ -	\$ 9,107,800	\$ -	\$ 141,821,400
TWENTY-FIRST CENTURY FUND PROJECTS								
Delaware Water Pollution Control Revolving Fund	25-01-01	\$ -	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000
Wastewater Management Account	25-01-01	-	-	-	-	10,000,000	-	10,000,000
Resource, Conservation and Development	25-01-01	-	-	-	-	6,500,000	500,000	7,000,000
Farmland Preservation	25-01-01	-	-	-	-	8,900,000	-	8,900,000
Community Redevelopment	25-01-01	-	-	-	-	8,000,000	-	8,000,000
Subtotal:		\$ -	\$ 1,000,000	\$ -	\$ -	\$ 33,400,000	\$ 500,000	\$ 34,900,000
GRAND TOTAL:		\$ 138,255,000	\$ 5,165,000	\$ 14,600,000	\$ 379,010,600	\$ 234,951,300	\$ 500,000	\$ 772,481,900

1 Section 2. Authorization of Twenty-Year Bonds. The state hereby authorizes the issuance of
2 bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal
3 amount as necessary to provide proceeds to the state in the amount of \$138,255,000 and in the amount of
4 \$72,176,300 local share of school bonds. Bonds authorized to be used by this Section shall mature not
5 later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of
6 school bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of
7 this Act and summarized as follows:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
9 Department of Administrative Services	\$ 5,541,400
10 Department of Education	132,713,600

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
13 Appoquinimink, Addition to Redding MS (71/29)	\$ 3,500,000	\$1,229,700	\$ 4,729,700
14 Appoquinimink, Construct 1000 Pupil MS (71/29)	1,700,000	597,300	2,297,300
15 Appoquinimink, Construct 1600 Pupil HS (71/29)	25,427,300	8,934,000	34,361,300
16 Appoquinimink, Construct Early Childhood Center (71/29)	2,500,000	878,400	3,378,400
17 Appoquinimink, Land Acquisition for 1600 Pupil HS (71/29)	1,121,100	393,900	1,515,000
18 Brandywine, Renovate Talley MS (60/40)	574,100	382,700	956,800
19 Caesar Rodney, Charlton School (100% State)	600,000	-	600,000
20 Cape Henlopen, Construct 6 Classrooms 21 at New MS (100% State)	1,180,100	-	1,180,100
22 Capital School District (74/26)	152,700	75,300	228,000
23 Christina, Autistic Program Expansion (100% State)	665,000	-	665,000
24 Christina, Construct 800 Pupil MS (60/40)	3,310,000	2,206,700	5,516,700

1	Christina, Construct 840 Pupil ES - A (60/40)	2,251,000	1,500,700	3,751,700
2	Christina, Renovate Bancroft IS (60/40)	3,020,000	2,013,300	5,033,300
3	Christina, Renovate Christiana HS (60/40)	617,200	411,500	1,028,700
4	Christina, Renovate Drew-Pyle IS (60/40)	2,409,400	1,606,300	4,015,700
5	Christina, Renovate Elisabeth Maclary ES (60/40)	474,000	316,000	790,000
6	Christina, Renovate Gallaher ES (60/40)	3,638,700	2,425,800	6,064,500
7	Christina, Renovate J. Wilson ES (60/40)	442,500	295,000	737,500
8	Christina, Renovate Jennie Smith ES (60/40)	5,064,900	3,376,600	8,441,500
9	Christina, Renovate John R. Downes ES (60/40)	441,700	294,500	736,200
10	Christina, Renovate Joseph M. McVey ES (60/40)	3,904,000	2,602,700	6,506,700
11	Christina, Renovate Newark HS (60/40)	3,947,500	2,631,700	6,579,200
12	Delmar, Capital Outlay/Equipment (80/20)	176,000	14,000	190,000
13	Delmar, MS/HS Classroom Additions and Cafeteria (80/20)	1,260,000	315,000	1,575,000
14	Indian River, Renovate East Millsboro ES (60/40)	549,100	366,100	915,200
15	Indian River, Renovate Frankford ES (60/40)	334,600	223,100	557,700
16	Indian River, Renovate Indian River HS (60/40)	879,300	586,200	1,465,500
17	Indian River, Renovate Lord Baltimore (60/40)	2,021,600	1,347,700	3,369,300
18	Indian River, Renovate Sussex Central HS (60/40)	1,626,700	1,084,500	2,711,200
19	Indian River, Renovate Sussex Central HS (60/40)	5,916,500	3,944,300	9,860,800
20	Indian River, Renovate Sussex Central MS (60/40)	325,300	216,900	542,200
21	Indian River, Renovate/Add Lord Baltimore ES (60/40)	1,929,100	1,286,100	3,215,200

1	New Castle County VT, Construct 1000 Pupil HS (60/40)	8,625,000	3,416,700	12,041,700
2	New Castle County VT, Supplemental			
3	Funding 1000 Pupil HS (60/40)	2,585,800	2,123,900	4,709,700
4	Polytech, Construct 18 classrooms (80/20)	302,800	75,700	378,500
5	Red Clay, Renovate A.I. DuPont HS (60/40)	6,101,900	4,068,000	10,169,900
6	Red Clay, Renovate Conrad MS (60/40)	8,411,100	5,607,500	14,018,600
7	Red Clay, Renovate John Dickinson HS (60/40)	11,045,100	7,363,300	18,408,400
8	Red Clay, Renovate Richardson Park ES (60/40)	277,000	184,700	461,700
9	Red Clay, Renovate Stanton MS (60/40)	189,000	126,000	315,000
10	Red Clay, Renovate Thomas McKean HS (60/40)	9,945,100	6,630,100	16,575,200
11	Red Clay, Renovate William Lewis MS (60/40)	128,900	85,900	214,800
12	Woodbridge, Construct New District Athletic Fields (77/23)	2,277,700	680,300	2,958,000
13	Woodbridge, Renovate Existing District Athletic Fields (77/23)	604,500	180,500	785,000
14	Woodbridge, Renovate Troop 5 for New District Office (77/23)	260,300	77,700	338,000
15	Subtotal	\$132,713,600	\$72,176,300	\$204,889,900
16			TOTAL	<u>\$ 138,255,000</u>

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

18	Project	Project	Amount
19	<u>Project</u>	<u>Appropriation Code</u>	<u>Amount</u>
20	VOP Centers	1999-30-05-10-6916	\$ 7,890.34
21	Readiness Center	2002-30-05-10-7220	180,588.24
22	Stevenson House	2002-30-05-10-7225	379,704.64
23	Troop 2	2002-30-05-10-7227	312,265.56

1 **TOTAL \$880,448.78**

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

6 <u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
7 Department of State (Old State House/Visitor Center)	\$1,000,000

8 **TOTAL \$1,000,000**

9 Section 5. Continuing Appropriations. For the fiscal year ending June 30, 2004, any sums in the
10 following accounts shall remain as continuing appropriations and shall not be subject to a reversion until
11 June 30, 2005.

12 <u>Fiscal Year</u>	<u>Account Codes</u>	<u>Remarks</u>
13 <u>Appropriation</u>		
14 2001	10-02-01-0801	Tech Prof
15 2001	10-02-01-0805	800 MHz
16 1999	10-02-01-0808	Kent Radios
17 2000	10-02-01-0811	EMS
18 2000	10-02-01-0813	Local Police
19 2001	10-02-01-0813	Local Law
20 2001	10-03-03-0821	Hitechbus
21 1992	10-03-03-0182	Dover Civic
22 1999	10-03-03-0805	Dov Ctr
23 2001	10-03-03-0822	Seaford Riverfront
24 2002	10-03-03-7212	Incubator
25 2002	10-03-03-7214	Garrison Oak
26 2002	10-03-03-7215	De City River
27 2002	12-05-03-0888	GF Cap Repr
28 2001	20-01-01-0806	Art Collection
29 1995	20-08-01-0182	Wil Library
30 1998	20-08-01-0801	So. Coastal
31 1999	20-08-01-0802	Gtown Lib
32 2001	20-08-01-0802	Geo Lib
33 2000	20-08-01-0806	Wilm Inst
34 2001	20-08-01-0809	Smyrna Lib
35 2001	20-08-01-0812	Mills Lib
36 2001	20-08-01-0815	Laurel Lib
37 2001	20-08-01-0816	Wilm Lib
38 1996	20-08-01-6616	North Wilmington
39 2001	20-08-01-7110	Bridgeville Libr
40 2002	20-08-01-7210	Newark Lib
41 2002	20-08-01-7211	Wilm Inst

1	2002	20-08-01-7216	Milton
2	2002	20-08-01-7217	Seaford
3	2002	20-08-01-7218	Frankford
4	2002	20-08-01-7219	Harrington
5	2002	20-08-01-7220	Coastal
6	2002	25-01-01-7212	W. W/Water
7	1996	30-05-10-0192	Woodshavenk
8	2001	30-05-10-0801	Absalom Jones
9	1998	30-05-10-0809	Dayett Mills
10	2001	30-05-10-0839	Arch Cost/C
11	1999	30-05-10-0840	Sussex Vet
12	1999	30-05-10-0845	BWCI Nursery
13	2000	30-05-10-0848	Bacon Site
14	2000	30-05-10-0851	Stockley
15	2000	30-05-10-0854	Capacity Pl
16	1999	30-05-10-0859	Fence Lighting
17	2001	30-05-10-0865	Belvedere
18	2001	30-05-10-0868	Geo DMV
19	2001	30-05-10-0872	Cap Space
20	2001	30-05-10-0873	Archives
21	2001	30-05-10-0874	NCC Courthouse
22	1998	30-05-10-6809	DEMA
23	1998	30-05-10-6812	Prison Cons
24	1999	30-05-10-6916	VOP Centers
25	2001	30-05-10-7113	NCC Courthouse
26	2001	30-05-10-7125	KC Courthouse
27	2002	30-05-10-7201	Buena Vista
28	2002	30-05-10-7213	Arch Barrier
29	2002	30-05-10-7214	Sussex Crthse
30	2002	30-05-10-7215	Plaza Deck
31	2002	30-05-10-7217	NCC Vet Cem
32	2002	30-05-10-7220	Readiness Ctr
33	2002	30-05-10-7223	Dayette Mill
34	2002	30-05-10-7225	Stvns House
35	2002	30-05-10-7227	Troop 2
36	2000	35-01-20-0810	Fluoride
37	2001	35-01-20-0810	Fluoridation
38	2000	40-05-01-0802	Newport
39	2001	40-05-02-0802	Boat Ramp
40	1995	40-06-02-0184	Brandy-Aqua
41	2001	40-06-02-0802	Killens Pond
42	2001	40-06-02-0804	Park Rehab
43	1999	40-06-02-0806	UST
44	2001	40-06-02-0811	De/Wilm Parks
45	1999	40-06-02-0811	De Aquat Cntr
46	2001	40-06-02-0813	Henlopen Parks
47	2002	40-06-02-7211	Killens Plan
48	1994	40-06-02-6413	Brandywine Aquatic Cntr
49	1996	40-06-02-6613	Aquatic Cntr
50	1991	40-06-04-6212	Aquatic Center
51	1992	40-06-04-6212	Aquatic Center
52	2001	40-07-01-0801	Acq Weed Harvester
53	2001	40-07-02-0804	Hazard Study
54	1992	40-07-02-6214	Little Mill

1	1993	40-07-02-6313	Resource, Conservation & Dev
2	2003	40-07-03-7310	Beach Pres.
3	2001	40-08-01-0800	Wilmington Sewer
4	2001	40-08-01-0801	Wilmington Sewer
5	2002	40-08-02-7210	Inland Bays
6	2000	75-02-01-0800	Rescue Tools
7	2001	90-03-01-7116	Admin Bldg
8	2002	90-03-01-7214	Admin. Bldg
9	2002	90-03-01-7215	Sports/Well
10	2002	90-03-01-7217	Tech Bldg
11	2002	90-04-01-0804	Info Sys Pr
12	1997	90-04-04-6712	Expand Wilm
13	1998	90-04-04-6812	Wilm Exp
14	1999	90-04-04-6912	Wilm Exp
15	2001	95-01-01-0803	Nhood Schools
16	2001	95-01-01-0805	Sch Library
17	1999	95-01-01-0850	MCI Supp
18	2000	95-01-01-0850	MCI 100%
19	2000	95-01-01-0899	Pupil Acctg
20	2002	95-10-00-7210	Ren CRHS
21	2002	95-10-00-7220	Star Hill
22	2001	95-13-00-0802	Demolish Off
23	2000	95-13-00-0813	Maint Bldg
24	2000	95-13-00-0815	East Elem
25	2000	95-13-00-0816	South Rev
26	2001	95-13-00-0821	BT/West
27	2001	95-13-00-0822	Kent Com
28	2001	95-13-00-0823	Central Mid
29	2001	95-13-00-0825	Wm Henry MS
30	1995	95-13-00-6512	Elem. School
31	1997	95-13-00-6712	Middle sch
32	2000	95-13-00-7015	East Elem
33	2000	95-13-00-7016	South Elem
34	2000	95-13-00-7019	Hartly Rev
35	2001	95-13-00-7111	Kent Co
36	2001	95-13-00-7112	Cent Mid
37	2001	95-13-00-7114	Henry
38	2000	95-15-00-0811	Rev Chip
39	2000	95-15-00-0813	South AES
40	2000	95-15-00-0814	East Es
41	2001	95-15-00-0817	Chip MS
42	2001	95-15-00-0818	LF HS
43	2001	95-15-00-0819	LF East
44	2001	95-15-00-0851	Sch Lib Res
45	2000	95-15-00-7011	Rev Chip
46	2000	95-15-00-7013	South AES
47	2001	95-15-00-7110	WT Chipman
48	2001	95-15-00-7111	LFHS Renov
49	2001	95-17-00-0813	Elec 7 Sch
50	2001	95-17-00-7116	Ren Elec
51	2002	95-17-00-7210	Lewes Mid
52	2002	95-17-00-7211	Milton
53	2001	95-18-00-0815	Milford High
54	2001	95-18-00-0835	Asbestos

1	2001	95-18-00-7114	Milford High
2	2001	95-18-00-7115	Bann Es
3	2002	95-18-00-7215	Banneker
4	2001	95-23-00-0820	Douglas
5	2001	95-23-00-0821	Seaford HS
6	2001	95-23-00-0822	Blades Exp
7	1997	95-23-00-6713	High School
8	1997	95-23-00-6714	Middle School
9	1998	95-23-00-6815	Middle Sch
10	2000	95-23-00-7014	Seaford Mid
11	2001	95-23-00-7110	Blades
12	2001	95-23-00-7112	Douglas Exp
13	2001	95-23-00-7113	HS Addition
14	2001	95-23-00-7115	Blades
15	2002	95-23-00-7210	Doug Expan
16	2001	95-24-00-0851	Sch Lib Res
17	2002	95-24-00-7211	N Smyrna Elem
18	2002	95-24-00-7212	Ren Smyrna
19	2000	95-29-00-0812	Redding Ren
20	2001	95-29-00-0820	ES Const
21	2001	95-29-00-0823	Dist Off
22	2001	95-29-00-0825	Middletown Middle
23	2000	95-29-00-7012	Redding Ren
24	2001	95-29-00-7110	Dist Off
25	2001	95-29-00-7111	Midltwn Mid
26	2002	95-29-00-7210	Dist Office
27	2002	95-29-00-7211	Middletown Middle
28	2002	95-29-00-7212	720 Elem
29	2002	95-29-00-7213	Middletown High
30	2001	95-31-00-0836	Library
31	2002	95-31-00-7210	Ren Harlan
32	2002	95-31-00-7211	Mt. Pleasant ES
33	2002	95-31-00-7212	Concord HS
34	2002	95-31-00-7213	Mt. Pleasant HS
35	2000	95-32-00-0812	Conrad
36	2000	95-32-00-0816	Highlands
37	2000	95-32-00-0818	Marbrook
38	2000	95-32-00-0820	Rich/ILC
39	2000	95-32-00-0824	Telegraph Road
40	2000	95-32-00-0826	Wilm HS
41	2000	95-32-00-0827	A.I. High
42	2000	95-32-00-0828	Richey ES
43	2000	95-32-00-7016	Highlands
44	2000	95-32-00-7018	Marbrook
45	2000	95-32-00-7020	Richardson Park
46	2000	95-32-00-7024	Telegraph Rd
47	2000	95-32-00-7026	Wilm HS
48	2000	95-32-00-7027	A.I. High
49	2000	95-32-00-7028	Richey
50	1998	95-33-00-0801	Douglass
51	2000	95-33-00-0801	Tech Prep
52	2001	95-33-00-0801	Tech Prep
53	2000	95-33-00-0850	MCI Fund
54	1991	95-33-00-6113	New Elem

1	1996	95-33-00-6614	Cobbs/Gauge
2	1996	95-33-00-6616	Land Acq
3	1997	95-33-00-6712	Shue Medill
4	1997	95-33-00-6793	Arch Bar
5	1998	95-33-00-6815	Douglass
6	2002	95-34-00-7211	Bedford Mid
7	2002	95-34-00-7213	Ren McCullough
8	2002	95-35-00-7210	700 Pupil
9	2002	95-36-00-7210	HS Land S
10	2002	95-36-00-7211	HS Land N
11	2002	95-36-00-7213	Showell
12	2001	95-38-00-0811	De Skills Ctr
13	2001	95-38-00-7110	1,000 Pupil HS
14	2002	95-38-00-7210	1,000 Pupil HS
15	2001	95-39-00-0852	Tech Prep
16	2001	95-51-00-0801	Equipment
17	2002	95-60-00-7220	Autistic Exp

18 Section 6. Twenty-First Century Fund Appropriations. The General Assembly hereby authorizes the
19 amount of \$ 500,000 to be paid out of Twenty-First Century Fund interest. It is the intent of the General
20 Assembly that the appropriation account shall be administered through the Department of Finance. No
21 funds shall be used for agency overhead or personnel-related costs. Any unused authorization remaining
22 in the Project Accounts on June 30, 2005 shall revert to the Twenty-First Century Account in the
23 Department of Finance.

24	<u>Purpose</u>	<u>Amount</u>
25	Department of Natural Resources and Environmental Control	
26	Resource, Conservation and Development	\$500,000
27	TOTAL	<u>\$500,000</u>

28 Section 7. Appropriation of General Funds. It is the intent of the General Assembly that
29 \$201,551,300 be appropriated to the following departments of the State and in the following amount for the
30 purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or
31 unencumbered by June 30, 2007, shall revert to the General Fund of the State of Delaware. The state
32 hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds
33 to be issued in such principal amount as necessary to provide proceeds to the state in the amount of
34 \$4,869,200 local share of school bonds. Bonds authorized to be used by this Section shall mature not later
35 than 20 years from their date of issuance.

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of the Budget	\$58,823,100
Delaware Economic Development Office	38,185,000
Department of State	5,711,700
Department of Administrative Services	43,556,500
Department of Health and Social Services	2,310,000
Services for Children, Youth and their Families	43,300
Department of Correction	3,143,400
Department of Natural Resources and Environmental Control	12,655,000
Department of Safety and Homeland Security	1,343,000
Department of Agriculture	775,000
Fire Prevention Commission	97,500
University of Delaware	9,000,000
Delaware State University	8,000,000
Delaware Technical and Community College	8,800,000
Department of Education	9,107,800

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
MCI & Equipment	\$7,143,800	\$4,762,500	\$11,906,300
Architectural Barrier Removal	160,000	106,700	266,700
Delaware Skills Center	408,000	0	408,000
Demolition of Channing/Old Mill ES	1,000,000	0	1,000,000
Lake Forest, Capital Outlay/Equipment	60,000	0	60,000
Tech Prep Delaware	200,000	0	200,000
Milford, Capital Outlay/Equipment	36,000	0	36,000
Red Clay Dickinson Field Relocation	100,000	0	100,000

1 Section 11. Appropriation of Special Funds There is hereby appropriated the sum of \$465,000
 2 from those funds received from the Federal Government for reimbursement of prior elections expenditures
 3 to the following departments in the following amounts for the purposes set for the in the Section 1
 4 Addendum of this Act. Any project funds remaining unexpended or unencumbered by June 30, 2005 shall
 5 revert to the General Fund of the State of Delaware.

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
7 Department of Administrative Services	
8 (Purchase Sussex County Facility)	\$425,000
9 (Moving Expenses – Kent County Elections)	<u>40,000</u>
10 Total	\$465,000

11 Section 12. Public School Student E-mail Accounts. Amend 14 Del. C. §6406A by designating
 12 the existing paragraph as “(a)” and inserting a new paragraph (b) to read as follows:

13 “(b) The Department of Technology and Information is prohibited from establishing or
 14 maintaining State supported e-mail addresses for public school students except as may be deemed necessary
 15 by the local school district. This Section shall not preclude local school districts from providing student
 16 access to e-mail with local discretionary funds either through their own e-mail server or through a contract
 17 with the Department of Technology and Information.”

18 Section 13. Resource, Conservation and Development Transfers - Project Funds Transfer from
 19 Prior Fiscal Years to Fiscal Year 2005. Within the same county, any Twenty-First Century funds or match
 20 remaining from completed projects as authorized as part of the Twenty-First Century Resource,
 21 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD
 22 projects in the Fiscal Year 2005 list of projects approved as part of the Fiscal Year 2005 Capital
 23 Improvements Act.

24 Section 14. Resource, Conservation and Development. The Section 1 Addendum to this Act
 25 appropriates \$7,000,000 to Resource, Conservation and Development. This appropriation shall be used to

1 complete the list of prioritized projects as approved by the Joint Legislative Committee on the Capital
2 Improvement Program in prior fiscal years. Additionally, the Joint Legislative Committee on the Capital
3 Improvement Program hereby approves the Fiscal Year 2005 prioritized list. Such list may be funded from
4 prior-year transfers per Section 9 of this Act or other funds available as designated by respective Legislators
5 from the Community Transportation Fund or other funds available to supplement Resource, Conservation
6 and Development appropriations. Of the \$7,000,000 appropriation in the Section 1 Addendum to this Act,
7 \$1,500,000 shall be allocated for debris pit remediation in New Castle County to be administered by the
8 New Castle County Conservation District.

9 Section 15. First State Preservation Revolving Fund, Inc. For Fiscal Year 2005, First State
10 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
11 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
12 and 2000.

13 Section 16. Amend Chapter 70, Volume 210, Laws of Delaware by deleting the number “2005” as
14 it appears on line 359, page 13 and substituting in lieu thereof the number “2008”.
15

1 Section 17. Community Redevelopment Fund Match. Notwithstanding the provisions of 29 Del. C.
2 §6102A(i)(3), the following Community Redevelopment Fund awards shall not require a local match:

3	<u>Project</u>	<u>Year of Grant Award</u>
4	Claymont Historical Society	F.Y. 1999
5	Robinson House Renovation	
6	Friends of the Capitol Theatre	F.Y.'s 1999, 2000, 2003, 2004
7	Capitol Theatre Restoration	

8 Section 18. Amend Chapter 221, Volume 74, Laws of Delaware, Section 3 by deleting the number
9 “25,000” as it appears therein and inserting in lieu thereof the number “30,000”.

10 Section 19. Community Redevelopment Fund Transfer. The Section 1 Addendum to the Fiscal
11 Year 2004 Bond and Capital Improvements Act appropriated \$3,670,000 to the Community Redevelopment
12 Fund, of which \$50,000 was allocated to the Mid-County Senior Center. Said \$50,000 and any future
13 Community Redevelopment Fund allocations for the Senior Center is hereby reallocated to the Delaware
14 National Guard for renovations to the Lora Little School building.

15 Section 20. Downtown Milford Inc. Any Community Redevelopment Fund appropriations to
16 Downtown Milford Inc. – Structural and Façade Improvements may be used for private businesses and
17 residences, as well as, institutional residences provided said properties are within the Downtown Milford
18 project area.

19 Section 21. Prevailing Wage Rate Study. The General Assembly hereby directs the Office of the
20 Controller General to study prevailing wage rates as they might apply to non-profit organizations receiving
21 Community Redevelopment Funds. The Office shall submit a report to the Co-Chairs of the Joint Legislative
22 Committee on the Capital Improvement Program by January 15, 2005.

23 Section 22. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in
24 whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall
25 be reinvested in the Medical Center project.

26 Section 23. Bond Bill Reporting Requirements. All state agencies and public school districts
27 receiving funds from the Capital Improvements Act shall submit a quarterly expenditure status report to the

1 Budget Director and the Controller General on all incomplete projects that are wholly or partially funded
2 with state and/or local funds, including bond funds. The format and information required in these quarterly
3 reports shall include, but not be limited to, expenditures of both bond and cash funds. The report format
4 will be developed by the State Budget Office and include information as needed by the Department of
5 Finance, Treasurer's Office and State Budget Office to anticipate cash and bond-requirements for the
6 upcoming fiscal year.

7 Section 24. Notification. The Budget Director and Controller General shall notify affected state
8 agencies and other instrumentalities of the State as to certain relevant provisions of this Act. Additionally,
9 the Budget Director and Controller General shall notify the President Pro Tempore of the Senate and the
10 Speaker of the House as to any legislative appointments required by this Act.

1 **OFFICE OF THE BUDGET**

2 Section 25. Amend 74 Del. Laws, c. 69, § 22 by deleting subsection (a) in its entirety and substituting
3 in lieu thereof the following:

4 “(a) Technology. This fund is to be administered by the Office of the Budget, subject to the review
5 of the Technology Investment Council, to eligible agencies and applicants as follows:

6 1. Beginning with the quarter ending September 30, each eligible entity shall submit quarterly an
7 application with receipts from the previous quarter for reimbursement for maintenance of
8 LiveScan fingerprint technology and automated mugshot technology as well as receipts for
9 mobile data terminal line costs. In no instance shall the yearly reimbursements for such costs
10 exceed the amount appropriated.

11 2. After LiveScan and mugshot costs together with mobile data terminal fees are satisfied for the
12 fiscal year, departments may submit applications for their respective remaining balance with
13 receipts for reimbursement for maintenance costs and upgrading of communications equipment,
14 digital cameras, digital fingerprinting systems, automatic electric defibrillators and supplies and
15 computer systems used by state, county and local law enforcement agencies.

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

18 Section 26. Law Enforcement Technology and Education Fund. The Section 1 addendum to this Act
19 appropriates \$1,000,000 for Law Enforcement Technology and Education Fund. Of these funds, \$900,000
20 is for Technology reimbursement as provided in subsection (a) and the remaining \$100,000 is for
21 educational reimbursement as provided for in subsection (b).

22 (a) Technology. This fund is to be administered by the Office of the Budget, subject to the review of
23 the Technology Investment Council, to eligible agencies and applicants as follows:

24 1. Beginning with the quarter ending September 30, each eligible entity shall submit quarterly an
25 application with receipts from the previous quarter for reimbursement for maintenance of
26 LiveScan fingerprint technology and automated mugshot technology as well as receipts for

1 mobile data terminal line costs. In no instance shall the yearly reimbursements for such costs
2 exceed the amount appropriated.

3 2. After LiveScan and mugshot costs together with mobile data terminal fees are satisfied for the
4 fiscal year, departments may submit applications for their respective remaining balance with
5 receipts for reimbursement for maintenance costs and upgrading of communications equipment,
6 digital cameras, digital fingerprinting systems, automatic electric defibrillators and supplies and
7 computer systems used by state, county and local law enforcement agencies.

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

10 (b) Education Reimbursement. A certified police officer or other law enforcement officer as defined
11 in 11 Del. C. § 1911(a) or a State of Delaware Probation and Parole Officer employed by the Department
12 of Correction who is employed full-time in the State is eligible for post-secondary education tuition
13 reimbursement under the following conditions:

14 1. The officer must make application for tuition reimbursement in accord with rules and regulations
15 promulgated by the Director of the Criminal Justice Council or the Director's designee.

16 2. Education benefits authorized by this Section may be used only at a college or university within
17 the State.

18 3. An officer may not attend a class or course of instruction during scheduled work hours unless the
19 officer uses his or her earned leave or earned compensation time.

20 4. An officer may be reimbursed under this program for only one (1) class or course of instruction
21 per grading period. The classes will be reimbursed at 100 percent of the tuition paid for
22 undergraduate study and 50 percent of the tuition paid for graduate study following the
23 completion of the course with a grade of 'C' or better at a college or university within the State for
24 classes related to Corrections, Public Safety, Criminal Justice, Computer Science, Psychology,
25 Sociology, Education and related fields. Related fields shall include any courses necessary to

1 complete a degree program in Criminal Justice, Corrections, Public Safety, Computer Science,
2 Psychology, Sociology and Education.

3 5. A class or course of instruction taken under this Section must:

- 4 i. improve an officer's competence and capacity in employment;
- 5 ii. have direct value to the State; and
- 6 iii. provide knowledge or skills that are not available through in-service or other professional
7 training.

8 6. In order to receive tuition reimbursement for a post-secondary class or course of instruction
9 authorized by this Section, an officer must:

- 10 i. earn a grade no lower than a 2.0 on a 4.0 scale, or its equivalent, for each class or course
11 of instruction for which the tuition reimbursement is granted. In any class or course of
12 instruction for which a specific grade is not issued, the officer must show documentation
13 to verify satisfactory completion; and
- 14 ii. submit to the Director of the Criminal Justice Council or the Director's designee within
15 30 days after completing a class or course of instruction proof of:

- 16 (1) the course title and grade received;
- 17 (2) the amount of tuition paid for the course; and
- 18 (3) the name of the post-secondary institution where the course was taken.

19 7. The Director of the Criminal Justice Council or the designee shall adopt rules and regulations as
20 deemed necessary and proper for the efficient administration of this Section. The rules and
21 regulations must contain appeal procedures.

22 8. An officer who receives tuition reimbursement pursuant to this Section but is terminated from
23 law enforcement employment for cause or who otherwise fails to comply with any requirement of
24 this Section shall immediately become ineligible to receive education benefits pursuant to this
25 Section and shall repay all tuition reimbursement previously extended to the employee, including
26 interest on a pro rata basis from the time of termination or noncompliance. The Director of the

1 Criminal Justice Council or the Director's designee shall determine the amount of repayment due
2 by the employee pursuant to this Subsection. If law enforcement employment is terminated for
3 other than just cause, the officer will not be required to repay previously reimbursed tuition.

4 9. Nothing in this Section is intended to inhibit or deny officer promotion or transfer to other law
5 enforcement agencies within this State.

6 10. The Director of the Criminal Justice Council shall include in the agency's annual report:

7 i. the number of officers who participated at each post-secondary educational institution
8 during the year;

9 ii. the total amount of tuition expenditures made pursuant to this Section during the year not
10 to exceed \$100,000;

11 iii. the total amount required to be repaid to the State by defaulting officers during the year;
12 and

13 iv. the total amount actually repaid by defaulting officers during the year.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 27. Delaware Strategic Fund. Of the funds appropriated to the Delaware Strategic Fund in
3 the Section 1 Addendum of this Act, up to \$1,000,000 may be utilized in order to provide financial
4 assistance in the form of matching grants in an amount not greater than either \$100,000 or 50 percent of the
5 total project costs for environmental assessments and remediations of sites associated with the “brownfield”
6 initiative. For purposes of this Section a “brownfield” is defined as a vacant, unoccupied, or underutilized
7 site, with respect to any prior commercial or industrial activity by any person, have been environmentally
8 contaminated in a manner that would interfere with the intended use of such site. The Delaware Economic
9 Development Authority shall draft and publish policy guidelines pertaining to eligibility and establish
10 criteria to administer the assistance. The matching grant must meet the existing parameters for Strategic
11 Fund grants as delineated in Title 29, §5028 (a) and (b). If Senate Bill 328 of the 142nd General Assembly
12 is enacted into law, this section shall be null and void.

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

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

1 Section 30. Port of Wilmington. If the Governor and the Delaware Economic Development
2 Office, at the direction of the Board of Directors of the Diamond State Port Corporation, request the
3 Delaware River and Bay Authority fund the acquisition of real property and improvements for the
4 expansion of Port of Wilmington pursuant to the Compact (17 Del. C. § 1701) and applicable statutory
5 requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority,
6 then such project is hereby authorized and approved by this Act.

7 Section 31. Port of Wilmington Infrastructure. The Section I Addendum to this Act contains an
8 appropriation of \$15,000,000 for the Port of Wilmington. These funds shall be used as follows:

- 9 a. Up to \$5,300,000 shall be used to improve the area of the Port used by automotive
10 manufacturers.
- 11 b. Up to \$6,500,000 shall be used for constructing a new warehouse for the handling and storage
12 of fresh produce products.
- 13 c. The balance of the funds shall be used to improve the infrastructure of the Port and to complete
14 any associated environmental studies or projects.

15 Section 32. Riverfront Development Corporation. If the Governor and the Delaware Economic
16 Development Office, at the direction of the Board of Directors of the Riverfront Development Corporation
17 of Delaware, request the Delaware River and Bay Authority to fund the acquisition of real property and
18 improvements for economic development along or in proximity to the Brandywine and Christina Rivers as
19 recommended in the report of the Governor’s Task Force on the Future of the Brandywine and Christina
20 Rivers, A Vision for the Rivers (1994) pursuant to the Compact (17 Del. C. § 1701) and applicable statutory
21 requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority
22 after written approval by the Governor, then such project is hereby authorized and approved by this Act.

23 Section 33. Delaware River and Bay Authority Acquisition and Development. If the Governor and
24 the Delaware Department of Natural Resources and Environmental Control (“DNREC”) request that the
25 Delaware River and Bay Authority acquire and develop real property and improvements for the purpose of
26 shoreline preservation and development (including, without limitation, wetlands and open-land acquisition,

1 active recreational and park development or facilities of commerce) along or in proximity to the shoreline
2 of the Delaware Bay and inland waters, or tributaries flowing into the Delaware Bay in the vicinity of Cape
3 Henlopen State Park (excluding lands owned by the State of Delaware, east of the Lewes and Rehoboth
4 Canal) pursuant to the Compact (17 Del. C. § 1701 et. seq.) and the applicable statutory requirements, and
5 if any such project is undertaken and funded by the Delaware River and Bay Authority after written
6 approval by the Governor, then such project is hereby authorized and approved by this legislation. Any
7 conveyance of real property and improvements owned by the State of Delaware pursuant to the foregoing
8 authority shall be exempt from the provisions of 29 Del. C. § 94 and 7 Del. C. § 45, and the Governor or the
9 Secretary of DNREC is hereby authorized to execute and deliver to the Delaware River and Bay Authority
10 a deed to such real property and improvements.

11 Section 34. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development
12 Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the
13 Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-State entities shall
14 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
15 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
16 loans to the Kalmar Nyckel.

17 Section 35. DRBA - Delaware State University. For the purpose of complying with the provisions
18 of 17 Del. C. §1726, requiring the Delaware River and Bay Authority to secure the approval of the General
19 Assembly by an act passed with the concurrence of three-fourths of all the members elected to each House
20 before undertaking any major project (as defined in Article II of the Delaware-New Jersey Compact as set
21 forth in 17 Del. C. §1701), the Delaware River and Bay Authority is hereby authorized, pursuant to the
22 procedures set forth in the Compact and applicable statutory requirements, if requested by the Governor and
23 Delaware Economic Development Office and if the project is undertaken and funded by the Authority in
24 accordance with its processes and procedures relating to such a project, to lease, acquire and control for
25 economic development purposes, real property, improvements and related facilities of the property situate
26 at 2095 Seven Hickories Road, Dover, DE consisting of approximately 75 +/- acres and such project is

1 hereby authorized and approved by this Act. The Authority shall be prohibited from developing said land
2 for residential purposes.

3 Section 36. New Economy Initiative. (a) Findings and Purpose. The General Assembly finds that
4 the State must employ a range of new initiatives for retaining and expanding high-paying jobs in a rapidly
5 transforming global economy. In particular, the General Assembly finds that: (1) While Delaware has lost
6 a smaller percentage of its manufacturing jobs than neighboring states, several manufacturing facilities have
7 laid off employees or closed in Delaware due to a rapidly changing market place, global competition and
8 cost-cutting. (2) Small high-technology startups that grow quickly and are the engine of wealth generation
9 and economic growth throughout the country do not respond to traditional, tax-based incentive programs;
10 (3) Delaware should make the investments necessary to develop a thriving entrepreneurial culture,
11 including the availability of start-up seed funding and a pipeline of support for transferring a high-
12 technology concept to commercial reality; (4) The development and successful growth of Delaware-
13 oriented venture capital funds offers the State an opportunity to invest in and leverage private-sector and
14 federal dollars to grow technology-based companies; and (5) Delaware is uniquely poised, by virtue of its
15 university and private-sector research and development in biotechnology, fuel cell development and other
16 clean-energy technologies, to significantly grow these two sectors of its economy and build on a base of
17 clean, high-paying jobs.

18 (b) Definitions. For purposes of this Section, the following definitions shall apply: (1)
19 “Development Office” means the Delaware Economic Development Office (10-03-00). (2) “Authority”
20 means the Delaware Economic Development Authority (10-03-03). (3) “Director” means the Director of
21 the Delaware Economic Development Office. (4) “Entrepreneur” and “entrepreneurial” refer to individuals
22 and the actions of individuals who create and assume the risk for a business venture that deploys an
23 innovative concept, usually involving the application of technology, to generate wealth and growth at a rate
24 exceeding that of traditional small business. (5) “Start-up” means a new business venture in its earliest
25 stage of development. (6) “Seed Fund” means money used to obtain equity-based interest in a new or
26 existing company in amounts usually no greater than \$50,000 because the venture is still in the idea or

1 conceptual stage; and (7) “Venture Capital” means a type of larger equity investment made available to
2 startup firms and small businesses with exceptional growth potential and features hands-on management of
3 the companies in which the venture capital fund invests.

4 (c) The Section 1 Addendum to this Act includes \$20,500,000 for the New Economy Initiative. It
5 is the intent of the General Assembly that this appropriation shall be subject to the allocation and condition
6 herein for the center.

7 <u>Purpose</u>	<u>Amount</u>
8 Delaware Competitiveness Fund	\$12,500,000
9 Emerging Technology Center	1,000,000
10 Technology-Based Seed Fund	1,500,000
11 Venture Capital Investment	3,000,000
12 Clean Energy Center Partnership	200,000
13 Clean Energy Performance Grants	800,000
14 Experimental Program to Stimulate Competitive Research (EPSCOR)	1,500,000
15 Total	\$20,500,000

16 (d) Delaware Competitiveness Fund. The Delaware Competitiveness Fund (“Fund”) shall be
17 allocated to the Authority and used to induce Delaware manufacturers to make capital investments to
18 preserve and expand productivity, competitiveness and jobs at existing Delaware plant sites that face
19 decline due to national and global competition. The Fund may be used for the following purposes: (1)
20 Provide a matching-grant program to induce manufacturers to modernize their facilities and preserve high-
21 wage jobs; (2) Assist existing manufacturers in the transformation to updated processes that will keep the
22 facility in operation; (3) Establish new product lines or diversify product lines; (4) Induce buyers for idled
23 facilities that have an available workforce and the capability to manufacture products; (5) Provide low-
24 interest loans, including loans that may be matched by commercial lending institutions through a
25 collaborative program; (6) Encourage the location of research and development operations related to
26 existing manufacturing; and (7) Provide training specific to new processes and operations.

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

2 Fund:

3 (1) Notwithstanding 29 Del. C. Chapter 101, the Development Office shall forthwith establish
4 criteria for awards from the Fund that include:

5 a. An application procedure;

6 b. A minimum percentage match by the State of proposed capital investment up to a maximum
7 capped award;

8 c. A minimum percentage of retained employment after the investment is completed, including a
9 median annual salary goal; and

10 d. Clawback provisions for each applicant as deemed appropriate by the Development Office;

11 (2) The Development Office shall perform due diligence on each application to the

12 Competitiveness Fund to determine:

13 a. The overall feasibility of the investment proposal;

14 b. The manufacturing facility's financial and global competitive position relative to comparable
15 plants;

16 c. The financial capability of the manufacturing facility or parent company to make the proposed
17 capital investment; and

18 d. The standing of the manufacturing facility and parent company with respect to labor law
19 violations and payment of corporate income, gross receipts and other State business taxes;

20 (3). The Development Office shall recommend the award of funds for a specific manufacturing

21 facility to the Council of Development Finance and notify the Co-Chairs of the Joint Legislative Committee

22 – Capital Improvements Program upon award; and

23 (4) No manufacturing facilities designated to be chronic violators by the Department of Natural

24 Resources and Environmental Control pursuant to 7 Del. C., c. 7904, may receive disbursements from this

25 Fund.

1 (e) Emerging Technology Center. The Development Office shall establish an Emerging
2 Technology Center (“Center”). The purpose of the Center is to identify and cultivate entrepreneurs
3 physically located in or willing to relocate to Delaware whose business concepts capitalize on emerging
4 technologies by linking them to an existing network of business expertise, services and investors. The
5 Center’s purpose shall include, but not be limited to: (1) Linking to and leveraging existing providers of
6 entrepreneurial education, business services, financial resources, and services to find, assess, acquire and
7 implement specific new technologies; (2) Enhancing the technology transfer process at Delaware
8 companies and institutions of higher learning by proactively identifying scientific and technological
9 developments within Delaware and encouraging their commercial development as new products, processes,
10 materials, or services; (3) Partnering with private firms, regional organizations and other external
11 organizations and universities to provide access to technology development resources and laboratory
12 facilities for product development; (4) Providing assistance regarding technology focused business plans
13 including technology assessments, competitive analysis, portfolio management and strategic business
14 planning; and (5) Supporting a web-based resource and regular networking opportunities for entrepreneurs
15 to foster peer learning, mentoring, establishing strategic alliances and identifying joint licensing
16 opportunities.

17 Notwithstanding 29 Del. C. Chapter 101, the Development Office shall forthwith establish a three-
18 year operating plan for the Center. The Development Office shall adhere to the following guidelines in
19 developing this plan: (1) Establish a seven-member advisory board to assist in the development of three-
20 year operating plan, budget and performance measures; the Board shall include the Development Office and
21 a super-majority of private-sector members, one of whom shall serve as Chair; (2) Determine whether to
22 contract for the Center’s services through a formal Request for Proposal process or establish a not-for-profit
23 entity that will link to existing providers and potentially attract outside funding sources; (3) Avoid, to the
24 extent possible, duplication of business services already provided by existing entities; (4) Include among
25 the Center’s performance measures the following:

26 a. Number of startup companies successfully linked to seed, early-stage or venture capital;

- 1 b. Number of patents obtained for startup companies;
- 2 c. Number of startup companies that agree to grow operations in Delaware for a fixed period of
- 3 time;
- 4 d. Conversion rate of contacts to actual business startups; and
- 5 e. Geographic distribution of entrepreneurs assisted by the Center

6 (5) Present the three-year operating plan, budget and measures to the Co-Chairs of the Joint
7 Legislative Committee—Capital Improvements Program by December 1, 2004.

8 (f) Technology-Based Seed Fund. The Delaware Economic Development Office on behalf of the
9 Delaware Economic Development Authority shall establish an Emerging Technology Seed Fund (“Seed
10 Fund”). The Fund’s intent is to foster high-wage, fast-growing small businesses in technology fields such
11 as biotechnology, advanced materials, clean energy, information technology, and new chemical
12 applications. The purpose of the Seed Fund shall be: (1) Funding technology-based small business start-ups
13 from Delaware-based entrepreneurial engineers, scientists and other technologists from regional companies
14 and institutions of higher learning; (2) Providing equity financing of up to \$50,000 per transaction for start-
15 up expenses such as laboratory equipment, working capital, lab and office space, patent filings, or
16 prototyping; and (3) Ensuring a commitment from the recipient to grow the company in Delaware; and (4)
17 Matching or leveraging investments in start-ups from other sources such as commercial lenders, non-profit
18 organizations, or related federal grant or loan programs.

19 Notwithstanding 29 Del. C. Chapter 101, the Development Office shall forthwith establish
20 guidelines to include, but not be limited to: (1) An application procedure; (2) Specification of the types of
21 investments for which the Seed Fund can be used; (3) A mechanism for review of proposals by established
22 entrepreneurs, private equity investors, corporate attorneys and similar qualified individuals, none of whom
23 shall be in a position to receive or otherwise financially benefit from an investment in the Seed Fund; (4)
24 Recommendation to the Council on Development Finance for approval by the Director; (5) Referral of
25 clients from the Emerging Technology Center described in part (d); and (6) Individual agreements with
26 Seed Fund recipients to relocate to or remain in Delaware for a specified length of time.

1 (g) Venture Capital Investment. The Development Office on behalf of the Authority shall make an
2 equity investment in one to three venture capital funds with portfolios that include Delaware business
3 opportunities. The purpose of the appropriation is to stimulate long-term equity capital investment in
4 emerging Delaware companies including but not limited to those that are technology-based and considered
5 poised to grow quickly, generating jobs that enhance the standard of living in Delaware. Before making
6 this investment, the Director of the Development Office (“Director”) shall adhere to the following
7 guidelines: (1) Issue a legally advertised Request for Proposal seeking a venture capital fund or funds to
8 invest the State’s monies; (2) Preference shall be given to licensed Small Business Investment Companies,
9 thus leveraging the State’s investment with an investment of up to \$6,000,000 from the United States Small
10 Business Administration. (3) The potential recipient or recipients of the State’s funds must demonstrate a
11 sustained track record of successful investment in Delaware companies and maintaining their presence in
12 the State; (4) The allocation of these Funds by the Development Office shall be recommended by the
13 Council on Development Finance and approved by the Director. (5) All proceeds subsequently received
14 from the selected venture capital fund(s) shall be deposited into a dedicated interest bearing account.
15 Subject to the approval of the Director and the co-chairs of the Bond Bill Committee, such proceeds may be
16 used for follow-on investment options established through the selection process described above, or may be
17 invested pursuant to a subsequent Request for Proposal selection procedure conducted in the manner
18 described above.

19 (h) Clean Energy Center Partnership. The Delaware Economic Development Office shall support
20 the University of Delaware’s Clean Energy Center, of which Delaware State University shall be a partner.
21 The purpose of the Clean Energy Center is to build nationally recognized science, engineering and policy
22 expertise in the research, development and deployment of clean energy technologies such as photovoltaic,
23 fuel cells, and hydrogen storage and generation. (1) These funds shall be used solely to match, at least on a
24 dollar-for-dollar basis, grants or contracts from private industry to conduct cooperative research with the
25 University of Delaware and Delaware State University; (2) This appropriation shall be used to match new
26 monies and cannot be allocated to any projects already funded or in progress as of June 30, 2004; (3)

1 Preference for the disbursement of funds shall be given to research projects that directly support the
2 commercial or industrial application of clean energy technologies and cannot be used for physical space or
3 related infrastructure; (4) The Delaware Economic Development Office shall establish an advisory board
4 (“Board”) to recommend projects for the allocation of funds. The Board shall include representatives of the
5 private sector, State government, the University of Delaware and Delaware State University with the
6 Chairperson of the Board being a private sector representative.

7 (i) Clean Energy Performance Grants. The Delaware Economic Development Office on behalf of
8 the Authority shall establish a Clean Energy Performance Grant (“Grant”) program. The purpose of the
9 program is to stimulate the manufacture in Delaware of products that utilize clean energy technologies such
10 as photovoltaic cells, fuel cells and wind energy. Notwithstanding 29 Del. C. Chapter 101, the
11 Development Office shall forthwith establish guidelines for the disbursement of those grants, which shall
12 include: (1) An application procedure; (2) Award of the grants on a first-come, first-served basis based on
13 production in Delaware during a specific calendar year; (3) A per-watt allotment of the Grant monies up to
14 a specified cap based on manufacture in Delaware of photovoltaic modules, panels and related products
15 with a rated wattage; (4) Definitions of additional clean energy technologies eligible to receive these
16 manufacturing grants and how grant moneys will be allocated based on their manufacture in Delaware; and
17 (5) A commitment by the recipient of the Grant to maintain manufacturing operations in Delaware for a
18 pre-determined length of time at a pre-determined level of employment.

19 (j) Experimental Program to Stimulate Competitive Research. In the event that the National
20 Science Foundation’s Experimental Program to Stimulate Competitive Research (“EPSCoR”) awards the
21 State of Delaware a Research Infrastructure Improvement grant, such a grant requires a fifty percent non-
22 federal matching share over the three-year course of the grant. The EPSCoR grant is expected to be
23 \$3,000,000 per federal fiscal year, requiring a state match each fiscal year of \$1,500,000.

24 The Development Office on behalf of the Authority shall provide the required fifty percent match
25 for the first year of the EPSCoR grant. Oversight for the Delaware EPSCoR grant shall be provided by a
26 State committee that includes but is not limited to representatives from the Delaware Economic

1 Development Office, each of the participating academic institutions, and a majority of private-sector
2 members. The Chair shall be a representative from the private sector.

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

11 (k) Reporting Requirements. The Development Office shall provide a quarterly report to the Co-
12 Chairs of the Joint Legislative Committee on the Capital Improvements Program, the Controller General
13 and the Budget Director identifying the implementation status of each initiative as defined throughout this
14 section. The report shall include, but not be limited to: 1) a description of each initiative and its guidelines,
15 procedures and performance measures; 2) a description of disbursements from each of the New Economy
16 initiatives; 3) the number of jobs created or retained in Delaware by the Delaware Competitiveness Fund; 4)
17 impact of initiatives on Delaware’s gross state product; 5) description of Delaware companies that received
18 venture capital and seed funds; and 6) progress towards performance goals and attainment of measures
19 outlined in the Emerging Technology Centers operating plan. The first of said reports shall be submitted no
20 later than October 15, 2004.

21 Section 37. Amend 29 Del. C. §5007(c) by deleting said subsection in its entirety and inserting a
22 new subsection (c) to read as follows:

23 “(c) The Council on Development Finance shall be composed of 9 members, 7 of which shall be
24 appointed by the Governor and serve for a term of 3 years; 1 member appointed by the President Pro
25 Tempore of the Senate; and 1 member appointed by the Speaker of the House.”

1 Section 38. New Markets Tax Credit Program. In the event that the Director of the Delaware
2 Economic Development Office and the Secretary of Finance determines that it is advisable to apply for
3 participation in the New Markets Tax Credit Program under the U.S. Treasury Department, the Director is
4 authorized to form a business entity or organization to apply for and manage this program on behalf of the
5 State, as required by applicable federal legislation and regulations. Any such application for said program
6 shall be subject to the approval of the Co-Chairs of the Joint Legislative Committee on the Capital
7 Improvement Program and the Delaware State Clearinghouse Committee.

8 Section 39. Blue Ball East Master Plan Implementation. The implementation of the transportation,
9 stormwater management, and parks and recreation elements of the Blue Ball East Master Plan shall not be
10 subject to the zoning, subdivision, land use, or building code ordinances or regulations of any political
11 subdivision of the State.

12 Section 40. Riverfront Development Corporation Board. The composition of the board of directors
13 of the Riverfront Development Corporation of Delaware as established by the Laws of Delaware, Volume
14 70, Chapter 210, is hereby amended to provide for eight members to be appointed by the Governor, with
15 one of those members being appointed chair.

16 Section 41. Riverfront Development Corporation Expenditures. Funds appropriated to the
17 Delaware Economic Development Office for the Riverfront Development Corporation of Delaware (RDC)
18 shall be expended only with the approval of the board of directors of the RDC. Funds may only be
19 expended for activities related to the redevelopment of the Brandywine and Christina riverfront areas,
20 including: planning and design studies; the acquisition, construction and improvement of real property;
21 environmental remediation; costs of operations and administration; conversion of the Bank One Center to a
22 conference center; debt service; and other expenses in furtherance of the mission of the RDC.

23 Section 42. Delaware Theatre Company. Notwithstanding any other provision of law to the
24 contrary, the Delaware Economic Development Office is hereby authorized to sell to the Delaware Theatre
25 Company, a Delaware corporation, all of the real property and other interests located in the City of
26 Wilmington that the Delaware Development Office acquired from Avenue of the Arts Associates, a

1 Delaware partnership, pursuant to an agreement of sale dated September 19, 1984. The total consideration
2 or purchase price shall be \$1. The deed to the aforesaid real property shall contain a provision whereby said
3 property will revert to the State in the event that the property ceases to be used by the Delaware Theatre
4 Company.

5 Section 43. Delaware Civic Center. The Budget Director and the Controller General shall conduct
6 an analysis of the various reports relating to the Delaware Civic Center and other sports/entertainment
7 complexes that have been proposed. This analysis shall include, but not be limited to, reviewing the overall
8 need and feasibility of constructing said complexes and soliciting information from various state agencies
9 whose operations are impacted by the development of such proposed facilities. Findings and conclusions of
10 said analysis shall be submitted to the co-chairs of the Joint Legislative Committee on the Capital
11 Improvement Program no later than December 31, 2004.

1 **DEPARTMENT OF STATE**

2 Section 44. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del.
3 Laws, c. 473 and in the Section 1 Addendum of 69 Del. Laws, c. 386 shall be used to plan and construct a
4 library within the first Senate District.

5 Section 45. Delaware River Main Channel Dredging. It is the intent of the General Assembly that
6 any future appropriation of State funds for the main channel dredging of the Delaware River shall be
7 contingent upon the following:

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

15 Section 46. Riverfront Development Corporation Promotions. The Riverfront Development
16 Corporation is prohibited from including political profiles and statements of a political or partisan nature in
17 any advertisements or literature used to promote a cultural or recreational event being sponsored by the
18 Corporation.

19 Section 47. Veterans Cemetery-NCC. The federal government will reimburse the State 100
20 percent of the funds expended for the planning and design of the expansion of the Veterans Cemetery –
21 New Castle County. The funds received as reimbursement from the federal government shall be deposited
22 into the General Fund.

23 Section 48. Museum Maintenance. The Section 1 Addendum to this Act appropriates \$925,000 to
24 the Department of State for museum maintenance. It is the intent of the General Assembly that these funds
25 be retained by the Department of State, Division of Historical and Cultural Affairs for use with the

1 operations of state museums or for immediate, unscheduled repairs to those facilities under the control of
2 the Division of Historical and Cultural Affairs.

3 Section 49. New Castle County Veterans Cemetery. The General Assembly hereby directs the
4 Delaware Commission on Veterans Affairs to return/replace all memorials and plaques purchased/donated
5 by veteran's family members to their original location within the cemetery or to a site agreeable to the
6 veteran's family members. The General Assembly further directs that, after July 1, 2003, no plaque or
7 memorial will be removed or relocated for any purpose without the approval of the Co-Chairs of the Joint
8 Legislative Committee on the Capital Improvement Program. Existing memorial works are historical,
9 cultural and aesthetic resources.

10 Section 50. Delaware State Monument at Gettysburg. The State Division of Historical and
11 Cultural Affairs will ensure that any movement of the Delaware State Monument at Gettysburg be
12 conducted in a manner consistent with the original purposes surrounding the monument's installation and
13 that any such relocation be conducted so that the monument is reestablished in a position of prominence and
14 that landscaping and site work is performed as close to the original design as possible.

15 Section 51. Hockessin Public Library. 74 Del. Laws C. 69 §100 appropriated \$1,316,100 to the
16 Department of State for the Hockessin Public Library. Of that amount, \$35,000 shall be used to construct a
17 small, secure book/document storage facility and reading room within the library. The room shall house
18 public and private books, photography, documents and other small, valuable items of historical significance
19 to the Hockessin community. All items housed in this room shall be available to the public but shall not be
20 allowed to leave the room.

21 Section 52. Darley Manor Inn Improvements. The Section 1 Addendum to this Act appropriates
22 \$925,000 to the Department of State for Museum Maintenance. Of said amount, up to \$725,000 may be
23 used to purchase and make building improvements to the Darley Manor Inn. The final purchase price of the
24 Darley Manor Inn shall be no greater than its appraised value as developed by certified real estate
25 appraisers. The Budget Director and Controller General shall approve the final agreement of sale for said

1 property. If a final purchase agreement is not executed, said funds shall be used for the department's
2 priority projects for museum maintenance.

3 Section 53. World War II Memorial. The Section 1 Addendum to this Act appropriates \$25,000 to
4 the Department of State for World War II Memorial Planning. The Department shall submit a report to the
5 Joint Legislative Committee on the Capital Improvement Program detailing the siting and total construction
6 costs of said memorial by May 1, 2005.

1 **DEPARTMENT OF FINANCE**

2 Section 54. Bond Proceeds Reimbursement. Unless not permitted by the Internal Revenue Code
3 of 1986, as amended, whenever the General Assembly authorizes the issuance of the state’s General
4 Obligation bonds or the Delaware Transportation Authority’s (the “Authority”) revenue bonds to finance
5 the costs of specific capital projects, it is the intent of the General Assembly that the interest on such bonds
6 shall not be included in gross income for federal income tax purposes under Section 103 of the Internal
7 Revenue Code of 1986, as amended, and the United States Treasury Regulations (the “Regulations”)
8 thereunder as they may be promulgated from time to time. Pursuant to the state's budget and financial
9 policies, other than unexpected situations where surplus revenues render bond financing unnecessary or
10 undesirable, no funds other than the proceeds of such bonds, are or are reasonably expected to be,
11 reserved, allocated on a long-term basis, or otherwise set aside by the state to pay the costs of such specific
12 capital projects. Pursuant to the Authority’s budget and financial policies, it is expected that
13 approximately 50 percent of the costs of its capital projects shall be funded on a long-term basis from the
14 proceeds of such bonds. However, after the authorization of such bonds but prior to their issuance,
15 non-bond funds from the state’s General Fund or the Authority’s Transportation Trust fund or other funds
16 may be advanced on a temporary basis to pay a portion of the costs of such specific capital projects. In
17 that event, it is expected that these non-bond funds will be reimbursed from the proceeds of such bonds
18 when they are issued. This reimbursement may cause a portion of such bonds to become “reimbursement”
19 bonds within the meaning of Section 1.150-2 of the Regulations. Under those Regulations, to preserve the
20 exclusion of the interest on such bonds from gross income for federal income tax purposes, it may be
21 necessary to make a declaration of official intent. The Secretary of Finance is hereby designated as the
22 appropriate representative of the State and the Secretary of Transportation is hereby designated as the
23 appropriate representative of the Authority, and each is authorized to declare official intent on behalf of
24 the state or the Authority, as the case may be, within the meaning of Section 1.150-2 of the Regulations,
25 whenever and to the extent that such declaration is required to preserve such tax treatment.

1 Section 55. Qualified Zone Academy Bonds. A portion of the general obligation bonds authorized
2 under this Act for a school construction project may be issued in the form of “Qualified Zone Academy
3 Bonds” within the meaning of the federal Taxpayer Relief Act of 1997 (the QZAB’s). Such portion shall
4 be equal to the maximum amount of QZAB’s which may be issued under such act. Preference for use of
5 the authorization shall be given to eligible special schools that are funded with 100 percent state funds and
6 subsequently, schools authorized under this Act with the highest percentage of free and reduced lunch
7 counts for the 2001-2002 school year that elect to participate in the QZAB program as determined by the
8 Department of Education. The Secretary of Finance is hereby authorized to determine the terms and
9 conditions of the QZAB’s and the manner by which they shall be awarded to the purchasers thereof,
10 including private negotiated sale, notwithstanding anything to the contrary contained in Chapter 74, Title 29
11 of the Delaware Code; provided that the requirements of Chapter 7422 of Title 29 of the Delaware Code
12 must be observed.

13 Section 56. Amend 29 Del. C. §7426 by adding the following to the end thereof:

14 “A maximum of 20 percent of the bonds authorized by each Bond and Capital Improvements Act of
15 the State may be sold by the State directly to retail purchasers or to financial intermediaries, or to an
16 underwriter who agrees to use its best efforts to sell such bonds to retail purchasers or to any intermediaries,
17 such bonds to be herein referred to as “retail bonds”. The Secretary of Finance, the State Treasurer, the
18 Budget Director and the Controller General are hereby authorized to determine the terms and conditions of
19 the retail bonds, and the manner, whether at public or private negotiated sale, by which they shall be
20 awarded to the purchasers thereof, notwithstanding anything to the contrary contained in Chapter 74 of Title
21 29 of the Delaware Code; provided that the requirements of §7422, Chapter 74, Title 29 of the Delaware
22 Code must be observed.”

1 **DEPARTMENT OF ADMINISTRATIVE SERVICES**

2 Section 57. Construction Management. Notwithstanding any other state law, the Department of
3 Administrative Services (“Department”) shall be responsible for the design and construction of all the
4 projects listed under “Department of Administrative Services” in the Section 1 Addendum of this Act. For
5 those projects that are solely for the purchase of equipment, including projects that are funded in any “MCI
6 and Equipment” line, or any “MCI” line the department shall transfer the appropriate funding necessary to
7 purchase the equipment to the agency for which the equipment is being purchased. The appropriate amount
8 of funding shall be determined and agreed to by the Department and the agency for which the equipment is
9 being purchased by September 1, 2004. For those projects for which the appropriation is passed to an entity
10 and for which the state is not a party to the construction contract, the department shall provide technical
11 assistance.

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

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

1 (c) The Department shall submit a quarterly status report to the Budget Director and Controller
2 General on all incomplete projects.

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

7 Section 58. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-
8 member Executive Committee be created to oversee construction of new or major renovation of judicial
9 facilities. The Executive Committee shall include two members of the Legislature appointed by the Co-
10 Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs of the
11 House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief Justice; and
12 three members of the Executive Department to include the Secretary of the Department of Administrative
13 Services or their designee who shall serve as Chair, the Director of the Division of Facilities Management,
14 and the State Budget Director or their designee. The Executive Committee shall work in conformation with
15 existing construction oversight guidelines as written in Section 57 of this Act. The Executive Committee is
16 hereby empowered to:

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

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

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

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

25 This section shall apply to the following projects: Kent County Courthouse/O'Brien Building;
26 Sussex County Family Court; Kent County Family Court and any Judicial construction or renovation

1 project requested by either the Judicial Branch or recommended by the Department of Administrative
2 Services for the Judicial Branch where the total project cost estimate exceeds \$10,000,000.

3 Section 59. Minor Capital Improvement and Equipment Supplement - Department of
4 Administrative Services. Notwithstanding the provisions of any other State law to the contrary, not more
5 than \$200,000 may be expended to enter into contractual agreements for project representatives and
6 associated administrative support to ensure adequate oversight of State construction projects. The
7 Secretary of Administrative Services is directed to provide an itemized budget for this amount to the
8 Controller General by August 1, 2004, and expenditure reports to the Controller General by December 1,
9 2004 and June 1, 2005.

10 Section 60. New Castle County Courthouse. Notwithstanding any law or local governmental
11 ordinance, resolution, or any deed restrictions to the contrary, the Secretary of Administrative Services
12 shall designate the name of any state-owned or state-operated courthouse or other judicial building or
13 facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an
14 Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of
15 any statues or memorials in or on the grounds of such courthouse or judicial building of facility.

16 Section 61. Troop 2 Property. It is the intent of the General Assembly that no portion of the lands
17 located at 168 South DuPont Highway and formerly the site of Troop 2 of the State Police shall be declared
18 as surplus property without the prior approval of the Co-Chairs of the Joint Legislative Committee on the
19 Capital Improvement Program, the Controller General and the Budget Director.

20 Section 62. Belvedere State Service Center Project. Notwithstanding any state laws to the
21 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the
22 Department of Administrative Services for the maintenance and operation of the center.

23 Section 63. Minor Capital Improvements. (a) Amend 29 Del. C. §7528 by striking the section
24 heading “Asbestos abatement.” And replacing in lieu thereof the following section heading “Minor capital
25 improvements.”

26 (b) Amend 29 Del. C. §7529 by deleting the section in its entirety.

1 Section 64. New Castle County Courthouse Art. Laws of Delaware, Volume 74, Chapter 69
2 appropriates \$300,000 for the New Castle County Courthouse. Of this amount, up to \$50,000 may be used
3 for the purchase of art for the facility.

4 Section 65. Terry Center HVAC. The Section 1 Addendum to this Act contains an appropriation
5 of \$700,800 for Minor Capital Improvements and Equipment for the Department of Services to Children,
6 Youth and Their Families. These funds shall be used as needed to offset additional expenses associated
7 with the Terry Center HVAC project authorized in Fiscal Year 2004. The balance of the funds shall be
8 used for Minor Capital Improvements and the completion of a Space Study, if required.

9 Section 66. Vacant Buildings. During Fiscal Year 2005, the Department of Health and Social
10 Services is authorized to dispose of selected obsolete structures on certain Department properties by
11 inviting, through public notice, any private party or person to physically remove the structure(s) at their sole
12 expense. An obsolete structure is one which is no longer in use and which would otherwise be demolished.

13 Section 67. Postage Equipment. The Section 1 Addendum to this Act appropriates \$1,900,000 to
14 the Department of Administrative Services for MCI/Equipment. Of this appropriation, up to \$100,000 may
15 be used to purchase postage equipment.

1 **DEPARTMENT OF CORRECTION**

2 Section 68. Prison Construction. (a) The Secretary of the Department of Administrative
3 Services, as provided through construction management services, shall consult with the Commissioner of
4 Correction to ensure expedient programming, planning and construction of authorized correctional
5 facilities. None of the funds authorized herein or in prior fiscal years are intended to supplant federal
6 funds.

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

12 Section 69. Community Restoration. The Department of Correction may, to the extent resources
13 and appropriately classified offenders are available, direct these offenders to assist with community
14 restoration projects. These projects may include beautification, clean up and restoration efforts requested
15 by civic, governmental and fraternal organizations approved by the Commissioner.

16 Section 70. Maintenance and Restoration. The Section 1 Addendum to this Act appropriates
17 \$3,143,400 to the Department of Correction for maintenance and restoration projects. The department must
18 submit a bi-annual report to the Budget Director and the Controller General, detailing the expenditure of such
19 funds and the respective projects. The department shall submit a preliminary plan for maintenance projects for
20 the following fiscal year by October 31, to the Budget Director and the Controller General.

21 Section 71. BWCI Planning. The Section 1 Addendum to this Act appropriates \$50,000 to the
22 Department of Correction for BWCI Chapel Planning. The Department shall submit a report to the Joint
23 Legislative Committee on the Capital Improvement Program detailing the construction costs of such chapel
24 by May 1, 2005.

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

2 Section 72. Beach Preservation. The General Assembly hereby appropriates \$1,000,000 to the
3 Department of Natural Resources and Environmental Control in the Section 1 Addendum of this Act to
4 renourish and preserve the state's beaches. The department may not encumber the funds appropriated
5 herein for privately-owned ocean beaches. The department may not encumber the funds appropriated
6 herein for publicly accessible municipal ocean beaches until at least an equal amount of non-state funds
7 are available for such projects. The funds provided for beach preservation as defined in 30 Del. C. c. 61
8 can be used for local match and if so designated, shall be reimbursed by the department on an equal basis
9 to each such county or town for which a beach preservation project has been accomplished. The
10 availability of the aforementioned non-state matching funds must be approved by the Budget Director and
11 the Secretary of the Department of Natural Resources and Environmental Control.

12 Section 73. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act
13 appropriates \$2,345,000 to the Department of Natural Resources and Environmental Control for the
14 Conservation Cost-Sharing Program. This appropriation shall be allocated as follows:

- 15 1. \$900,000 for the Soil and Water Conservation Program. The department shall spend one-third
16 of such funds for use in each county.
- 17 2. \$1,445,000 shall be spent on nutrient management efforts statewide. The Division of Soil and
18 Water may target all or a portion of the funds appropriated for conservation cost share to
19 critical areas, such as the Inland Bays Watershed, the Nanticoke Watershed and others as
20 designated by the Secretary of the Department of Natural Resources and Environmental
21 Control. Of the \$1,445,000 allocated for nutrient management efforts statewide, up to
22 \$150,000 may be spent to repair or replace failed manure sheds or other manure handling
23 systems. Funds appropriated to replace failed manure sheds or manure handling systems are
24 not subject to the cost share match.

25 Section 74. DNREC Land Acquisition. Except for land acquired by approval of the Open Space
26 Council or approved through a Bond and Capital Improvements Act, land shall not be purchased by the

1 Department of Natural Resources and Environmental Control without prior approval of the Co-Chairs of
2 the Joint Legislative Committee on the Capital Improvement Program provided, however, that the
3 department is not prohibited from conducting studies, surveys or other contractual arrangements that
4 would normally precede land acquisition procedures.

5 Section 75. Land and Water Conservation Trust Fund Interest. Of the interest monies generated on
6 the principal deposited in the Land and Water Conservation Trust Fund before 1995, no more than \$40,000
7 may be spent for the combined administrative costs of the Open Space Council and the Council on
8 Greenways and Trails.

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

14 Section 77. Army Corps of Engineers Project Cooperation Agreements. By using funds approved
15 by Bond and Capital Improvements Acts, the Secretary of the Department of Natural Resources and
16 Environmental Control is authorized to sign Project Cooperation Agreements with the Department of the
17 Army and other appropriate sponsors for planning, construction, operation and maintenance for projects
18 entered into by said Agreements.

19 Section 78. Indian River Marina. (a) In accordance with the provisions of 73 Del. Laws, c. 350, §
20 70, the Department of Natural Resources and Environmental Control (DNREC) under the direction of the
21 Budget Director may utilize up to \$8,800,000 in funds from Twenty-First Century Fund for the Parks
22 Endowment Account as established in § 6102A(e), Title 29, Delaware Code for the purpose of revitalizing
23 and enhancing public amenities within the Delaware Seashore State Park in and around the Indian River
24 Marina Complex and related support facilities as presented to the Joint Legislative Committee on Capital
25 Improvements on May 15, 2002. DNREC will repay both the principal borrowed and interest on the

1 principal borrowed equal to that interest lost as a result of borrowing from the Account. Repayment shall
2 not exceed twenty years.

3 (b) DNREC, through the use of workshops, meetings or newsletters shall actively solicit the
4 opinions of users of the marina complex and the general public in development of construction documents
5 related to the Indian River Marina Complex. DNREC shall complete and submit to the Joint Legislative
6 Committee on the Capital Improvement Program a quarterly report on the progress made on the project,
7 expected events in the upcoming quarter, funds encumbered and spent and the number of activities
8 conducted to keep the public informed.

9 Section 79. Aquatic Center. Notwithstanding any state law to the contrary, it is the intent of the
10 General Assembly that the Secretary of Finance, the Budget Director and the Secretary of the Department
11 of Natural Resources and Environmental Control shall have full authority to negotiate with any interested
12 parties the construction of a swimming pool with the funds remaining as of June 30, 2002 in appropriations
13 Fiscal Year 1991 (40-06-04-6212), Fiscal Year 1992 (40-06-04-6212). Fiscal Year 1994 (40-06-02-6413),
14 Fiscal Year 1995 (40-06-02-0184), Fiscal Year 1996 (40-06-02-6613), Fiscal Year 1997 (40-06-02-6713)
15 and Fiscal Year 1999 (40-06-02-0811). Of the funds available in these appropriations, up to \$50,000 may
16 be used to develop plans and recommendations regarding the size, location, and design of the pool and any
17 related infrastructure and amenities that may be a part of the final recommendations. The construction of
18 the Aquatic Center shall be under the exclusive control and supervision of the Department of Natural
19 Resources and Environmental Control. The Co-Chairs of the Joint Legislative Committee on Capital
20 Improvements shall have the final approval authority to accept the recommendations and to direct the
21 implementation of the recommendations.

22 Section 80. Newark Reservoir. Of the funds allocated from the 21st Century Water/Wastewater
23 Management Account, \$3,400,000 has been set aside for the Newark Reservoir Project. If the City of
24 Newark annexes the property referred to as New Castle County Tax Parcel #08-059.20-002, the City must
25 repay to the State those monies appropriated in the Fiscal Year 2000 and 2001 Bond and Capital
26 Improvement Acts for said project.

1 Section 81. Combined Sewer Overflow (CSO) Accountability Working Group. The General
2 Assembly hereby directs that the CSO Accountability Working Group which was created by the CSO Task
3 Force and consists of representatives from the General Assembly, City of Wilmington, New Castle County,
4 US EPA Region III, DNREC, Community Leaders and Public Members be incorporated under the purview
5 of the Wastewater Facility Advisory Council (WFAC), whose duties as outlined in § 8011 (f), Title 29,
6 Delaware Code include statewide development of comprehensive wastewater facilities plans. The WFAC
7 will convene the working group during its regularly scheduled meetings, or upon demand, and will
8 incorporate the recommendations of the working group into its statewide comprehensive planning and
9 financing efforts.

10 Section 82. Combined Sewer Overflows. The Section 1 Addendum of this Act appropriates
11 \$1,500,000 to the Department of Natural Resources and Environmental Control for Combined Sewer
12 Overflows in the City of Wilmington, subject to at least a 1 to 1 match from the City of Wilmington prior to
13 disbursement.

14 Section 83. Tax Ditches. The Section 1 Addendum to this Act appropriates \$1,100,000 to the
15 Department of Natural Resources and Environmental Control for Tax/Public Ditches. Of this amount,
16 \$100,000 shall be allocated to each county with subsequent expenditure of said funds contingent upon a 1:1
17 match of county funds for tax ditch purposes.

18 Section 84. Seventh Street Marina. It is the intent of the General Assembly to classify the Seventh
19 Street Marina, located on East Seventh Street, being Tax Parcel No. 26.044.00.0013 containing 7.86 acres
20 of land (of which 5.27 acres, more or less, is above the high water line) as existing marina for purposes of
21 the State of Delaware Marina Regulations, adopted on March 29, 1990 and amended on February 22, 1993.
22 Such classification does not exempt any person seeking to make physical improvements to the marina from
23 permit application fees pursuant to 7 Del. C. Chapters 66 and 72.

24 Section 85. Buried Debris Remediation Program Funding for the remediation of the buried debris
25 will follow the priority list established by date of application to DNREC for assistance. If, in the opinion of
26 the Secretary of DNREC, a site represents an exigency, that site can be given a special priority and

1 remediated as quickly as practicable. Two hundred fifty thousand dollars will be provided to the New
2 Castle Conservation District for cost-share assistance to landowners with buried debris on their properties.
3 To be eligible for cost-share, the site must be listed on the DNREC priority list and meet the DNREC
4 established criteria for buried debris removal. For projects that cost up to \$40,000, the landowner must
5 provide twenty-five percent of the cost of remediation including disposal costs. For projects that cost more
6 than \$40,000, the landowner must provide \$10,000 plus 10% of the cost in excess of \$40,000, including
7 disposal costs. The provisions of this Program shall commence with those projects entitled "FY 2005 New
8 Projects" as contained in the approved F.Y. 2005 Resource, Conservation and Development Projects list.

9 Section 86. Newport Boat Ramp. The Section 1 Addendum to this Act appropriates \$1,000,000 to
10 the Department of Natural Resources and Environmental Control for MCI & Equipment. Of this amount,
11 \$20,000 shall be allocated to the Newport Boat Ramp for maintenance with no more than \$10,000 to be
12 spent on surveillance equipment.

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 87. Helicopter Sale. During the Fiscal year ending June 30, 2005, any funds remaining
3 from the sale of a Bell helicopter by the State Police Aviation unit (45-06-06) shall be retained by the
4 Department and used to support the avionics and equipment needs for the State Police Aviation unit.

1 **DEPARTMENT OF TRANSPORTATION**

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

5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$534,076,400 (State
6 \$393,610,600; Federal \$136,315,800; Other \$4,150,000) are authorized to be withdrawn from
7 the Transportation Trust Fund to carry out the projects and programs as set forth in the Section
8 1 Addendum of this Act.

9 (b) Reauthorization of Previous Fund Balances. Of the \$393,610,600 (State) authorized in
10 subsection (a) of the above, the sum of \$14,600,000 (State) for newly authorized projects
11 within the specified systems shall be funded from previously authorized, but unexpended
12 balances in the following accounts:

<u>Deauthorize/Reauthorize</u>	<u>Amount</u>
Road System (77/00)	\$11,900,000
System Preservation (75/00)	<u>2,700,000</u>
TOTAL	\$14,600,000

13
14
15
16
17 Section 89. Astra Zeneca Project. The Department shall expeditiously continue all of the projects
18 heretofore authorized by the General Assembly for the construction and reconstruction of state highways in
19 and around the intersection of Routes U.S. 202 and State Routes 141 and 292, together with all local
20 connecting roads, as articulated in the Blue Ball Master Development Agreement. The Department shall
21 further carry out all previously authorized and funded projects for transit, bicycle and pedestrian, storm
22 water management, wetlands and stream restoration, beautification, historic preservation and other
23 improvements in concert with the Department of Natural Resources, the Delaware Economic Development
24 Authority, The City of Wilmington, New Castle County, the New Castle County Conservation District, and
25 such other public and private entities as may be necessary to accomplish timely completion of the Blue Ball
26 Master Plan. The Department shall make every effort to adhere to the project schedule originally laid out

1 and agreed to by all parties, and shall further cooperate with private employers and residents in the affected
2 area to speed the processes of project completions. In so doing, the Department shall insure that:

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

11 (b) To accommodate the growth projected by Astra Zeneca, the Department will complete
12 all roadway construction improvements by the end of fiscal year 2007. The Department will
13 prepare construction contracts and advance them to construction in the most efficient manner
14 possible. Contracts should be prepared and staged to minimize disruption to the existing traffic
15 flow.

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

18 Section 90. Maintenance and Operations Facilities. The following building structures and facilities
19 constructed or to be constructed within the Department of Transportation's operating rights-of-way for the
20 Interstate Highway System and State Route 1, that are used to assist in the operational and maintenance
21 activities for such roads, shall not be subject to zoning, subdivision, or building code ordinances or
22 regulations by any political subdivision of the State: a) North District, Chapman Road Facility (equipment
23 shed, roof replacement, and HVAC); b) Canal District, Tybouts Corner Maintenance Area (equipment
24 sheds, salt storage facility, and one-story area office building); c) North District, Talley Road Maintenance
25 Area or its replacement (equipment sheds, storage facility, salt storage facility and security/privacy barrier);
26 d) Canal District, SR 1 North of North Smyrna Interchange (equipment shed, salt storage facility, and one-

1 story area office building); and e) Canal District, SR 1 at SR299 Interchange (equipment shed and one-
2 story area office building). The Department shall not construct any such facility or make improvements in
3 any such existing facility without first conducting a public workshop to describe such plans and gather
4 public input into the effect of such plans.

5 Section 91. Transit Bus Shelter Advertising. The General Assembly acknowledges the work of the
6 Delaware Transit Corporation (“DTC”) in developing and implementing a transit shelter improvement
7 program. Part of the program involves the use of contractual advertising on the downstream panel of such
8 shelters, to offset the capital and maintenance costs of such shelters, as contemplated in 17 Del. C. c. 11, the
9 General Assembly finds that such advertising is appropriate when located in most areas, but is inappropriate
10 in certain areas. Accordingly, contractual advertising under the DTC program shall be permitted, except in
11 the following locations: (a) within a residential subdivision, except at its entrance; (b) within 50 feet of a
12 residence; (c) within 100 feet of any property designated as an historic resource under federal, state, or local
13 law; or (d) within 150 feet of areas experiencing continually high incident rates of drug offenses or crimes
14 against persons, measured on a calendar-year basis, as designated by the State Bureau of Identification or
15 the applicable local police agency.

16 Section 92. Route 7 and Valley Road Project. Previous legislation has directed the Department to
17 design and construct certain permanent drainage improvements, as well as certain other transportation,
18 recreational, cultural, educational and open space improvements in the area of the newly completed
19 intersection of Route 7 and Valley Road in New Castle County. Pursuant to those directives, the
20 Department has entered into certain contracts, and has developed a master plan for the implementation of
21 such improvements, hereafter referred to as the (“Valley Road Project”). In response to community input
22 on the proposed Valley Road Project, the Department is authorized and directed to relocate the historic
23 Tweed’s Tavern from its current location west of Limestone Road to a new location within the bounds of
24 the proposed community recreation area. The Department shall grant title to the Tavern to the Hockessin
25 Historical Society, and shall enter into any agreements as may be deemed appropriate for the relocation,
26 permanent maintenance and improvement of that structure, and other historic structures deemed consistent

1 with accomplishment of the Valley Road Project. The Department shall also cooperate with private owners
2 of adjacent property to maximize the value, and minimize the cost, of public and private infrastructure
3 needed to support all facilities to be located within or adjacent to the Valley Road Project. In so doing, the
4 Department shall insure that all previously stipulated requirements for the drainage under Valley Road are
5 adhered to, and that adjacent private property owners are not threatened by surplus highway run-off.

6 Section 93. Surface Treatment Pavement Conversion Program. The Department is authorized to
7 continue operating its Surface Treatment Pavement Conversion Program, under the following provisions:

8 (a) Of the amounts appropriated for Road System (77/00) as set forth in the Section 1
9 Addendum to this Act, the Department is authorized to expend up to \$2,000,000 (State) for this
10 program.

11 (b) The program shall be limited to the conversion of surface treated roads in the State's road
12 inventory as of July 1, 1999 to new surfaces using hot mix pavement.

13 (c) The Department shall develop a priority list for hot mix paving under this program. The
14 Department shall consider the following factors: average annual daily traffic; school bus routes; safety
15 considerations; ease of construction, taking into consideration sub-base quality, minimal utility or right-
16 of-way impacts, and minimal drainage problems; and using the current geographic distribution ratios of
17 such roads for planning and scheduling projects under this program, if economically feasible. The
18 Department shall use this priority list in determining the sequence of projects undertaken within this
19 program.

20 Section 94. Wilmington Riverfront. The State acknowledges that the lands on and near the
21 Christina Riverfront (the "Riverfront") constitute an area of critical importance to the vitality of the State,
22 New Castle County and the City of Wilmington. The State also acknowledges that this is a shared vision
23 and responsibility of the State, its subdivisions and instrumentalities, and that it is clearly in the public
24 interest to maximize both the private and public employment, as well as the public recreational, cultural,
25 and economic development opportunities available at the Riverfront. The State, with and through the
26 Department and other departments of government, must work creatively and cooperatively with other

1 public entities and private interests, including private employers located at or near the Riverfront, to
2 increase and expedite employment, economic development, transportation, cultural and recreational
3 opportunities.

4 In furtherance of these recognized public interests and public purposes, and notwithstanding the
5 provisions of any State or local law, ordinance or regulation to the contrary, the Department is hereby
6 authorized and directed to take such actions and enter into such contracts, with public and private (whether
7 for profit or not-for-profit) entities as it deems necessary and appropriate for the planning, design,
8 acquisition, renovation, construction, or disposal of such assets as may be required to enhance the
9 transportation, employment, economic development, educational, recreational, and cultural use and
10 development of properties on or near the Riverfront. In pursuing these objectives, the Department shall pay
11 special heed to the needs of all forms of transportation, by means including but not limited to automobiles,
12 and shall insure that adequate facilities are designed and located at such points so as to maximize the use of
13 transit, pedestrian, bicycle and such other modes as may be appropriate for the area. The Department shall
14 report to the Governor and the General Assembly by May 1, 2005 on its progress toward reducing overall
15 traffic congestion and improving access to and use of the Wilmington Amtrak Station; increasing
16 availability of public parking for visitors, commuters, and employers in and around the Riverfront
17 (including, without limitation, the expedited construction, repair, and overall continued operation,
18 management and maintenance of any such facilities); and locating, relocating, constructing, renting or
19 disposing of Department facilities in and around the Riverfront in connection with any of the foregoing. In
20 this regard, the State specifically recognizes all such actions, expenditures, agreements, projects, uses, and
21 activities to be public purposes and public uses, in furtherance of the public interest.

22 Section 95. Bicycle, Pedestrian and Other Improvements. The Department may work in
23 conjunction with any political subdivision of the state and with any private organization to plan and
24 construct such bicycle and pedestrian traffic as may be appropriate. In carrying out this program, the
25 Department may take into consideration in scheduling its projects, those in which the affected local

1 community is willing to contribute a matching share (whether in cash, rights of way, or other in-kind
2 services) in order to accomplish the project.

3 Section 96. Transportation Enhancements. It is the intent of the General Assembly that the
4 Department provide notice to all state agencies, political sub-divisions within the state, and other parties of
5 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall
6 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and
7 such other requirements as may be necessary to insure that any interested entity may work to become a
8 participating recipient under the program.

9 Section 97. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of
10 \$26,100,000 (State) for projects within the Grants and Allocations classification. The General Assembly
11 further defines its intent with respect to those appropriations as follows:

12 (a) The sum of \$20,100,000 (State) shall be used for the Community Transportation Fund, in
13 accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital
14 Improvements Program, as amended from time to time.

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

17 Section 98. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
18 \$1,266,000 (\$999,600 State; \$266,400 Federal) from the Transit System classification (73/00) appropriated
19 in this Act for the 5310 Program, administered by the Federal Transit Authority.

20 Section 99. Transportation Facilities. The Section 1 Addendum of this Act appropriates
21 \$12,200,000 (State) for the improvement and adaptation of Departmental facilities.

22 (a) In administering this appropriation, the Secretary shall insure that the Department's
23 Maintenance Yards, especially those in the Central District are properly upgraded to provide
24 necessary facilities for the welfare and comfort of the Department's personnel, and the safekeeping
25 of all equipment.

1 (b) The Department shall insure that improvements to US Route 113 in the vicinity of the new Kent
2 County office complex, and expansion and improvements of the Dover locations for the Division of
3 Motor Vehicles, and all of its points of access and parking, are carried out in the most efficient and
4 timely manner;

5 (c) In order to expedite improvements to the Rock Manor golf course on Route 202 (such
6 improvements being required by highway and storm water retention pond construction for the Blue
7 Ball project), the Department shall immediately begin to design and construct replacement facilities
8 for the Talley Road Maintenance Yard in the North District, on land currently owned by the
9 Department proximate to the existing Talley Yard, and to transfer the property as soon as possible.
10 The Secretary shall report to the Governor and the General Assembly by May 30, 2005 on the
11 Department's progress toward this goal.

12 Section 100. EZ Pass Reserve Account. The General Assembly finds that it is in the State's best
13 interest to improve the overall level of availability of *E-ZPass* technology to the traveling public in
14 Delaware, and to improve the level of customer service provided to *E-ZPass* users. In this regard, the
15 General Assembly hereby establishes an *E-ZPass* Reserve Account, which shall be maintained within the
16 Transportation Trust Fund as a separate account. These funds may only be used by the Department in
17 furtherance of its efforts to improve the availability and quality of the *E-ZPass* assets and services. In
18 March 2003, the Regional Consortium, of which Delaware was a founding member in 1995, was dissolved.
19 The funds appropriated in the Section 1 Addendum, and others as may be appropriated by the General
20 Assembly, may be used to satisfy any and all claims resulting from Delaware's membership in the Regional
21 Consortium.

22 Section 101. Port of Wilmington. Subject to the review and approval of the Board of Directors of
23 the Diamond State Port Corporation ("DSPC"):

24 (a) The sum of \$15,000,000 appropriated in the Section 1 Addendum of this Act shall be transferred
25 from the General Fund to the Transportation Trust Fund and shall be used to finance projects which are
26 deemed necessary to retain/expand revenue-producing business at the Port, except that the DSPC may

1 borrow, on a interest-free basis, up to \$2,000,000 from this construction authorization to meet its short term
2 operating expenses during FY 2005.

3 (b) For purposes of restructuring the loan agreement dated November 30, 2001 between the DSPC
4 and the Transportation Trust Fund, the Secretary of the Department is authorized and directed to defer the
5 payments to be made by the Port on January 1, 2004, July 1, 2004, and January 1, 2005. Each of these will
6 be re-scheduled to occur, complete with capitalized interest, in six-month intervals after the end of the
7 current loan agreement (January 1, 2023), commencing on July 1, 2023.

8 (c) The DSPC may make application to the Delaware River and Bay Authority (“DRBA”) for such
9 assistance in the acquisition and improvement of facilities at the Port as the Board of the DSPC deems
10 appropriate, in accordance with the Compact authorized under 17 Del.C. §1701. For purposes of those
11 negotiations, any such project selected by the DSPC shall be construed to have been approved by the
12 General Assembly and Governor as required by law.

13 (d) Amend Section 8735(b), Title 29, Delaware Code by replacing the number “11” appearing in
14 the first sentence and inserting in lieu thereof the number “13”.

15 (e) Amend Section 8735(b), Title 29, Delaware Code by deleting the word “Five” appearing in the
16 second sentence, inserting in lieu thereof the number “Seven”, and further amend said sentence by deleting
17 the word “and” appearing before the phrase “the Controller General, and by inserting the following between
18 the phrase “the Controller General” and the period “.”:

19 “, and the Co-Chairs of the General Assembly’s Joint Legislative Committee on the Capital
20 Improvement Program”

21 (f) Amend Section 8735(e), Title 29, Delaware Code by deleting said subsection in its entirety.

22 (g) Pursuant to 29 Del. C. §8735(a) and Article TENTH of the Certificate of Incorporation of the
23 Diamond State Port Corporation (“DSPC”), the approval of the General Assembly is required to amend the
24 Certificate of Incorporation of the DSPC in order for the certificate to conform with changes made to
25 Subchapter II of Chapter 87 of Title 29, the statutory provisions governing the DSPC. The approval
26 required by §8735(a) of Title 29 and Article TENTH of the DSPC Certificate of Incorporation is hereby

1 granted to make all amendments to the DSPC Certificate of Incorporation required to conform the
2 Certificate of Incorporation to changes which have been made with the approval of the General Assembly
3 to the statutory provisions of Subchapter II of Chapter 87 of Title 29 which govern the DSPC.

4 (h) Furthermore, it is the intent of the General Assembly that an estimated \$600,000 previously
5 authorized may be used to improve the infrastructure of the Port, complete any associated environmental
6 studies or projects and for operating expenses to maintain the competitiveness at the Port.

7 Section 102. DelDOT Work Impacts on Private Property and its Owners. When the Department
8 and/or any of its contractors determines that it would be in the best interests of the State to undertake
9 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted
10 immediately adjacent to a residential neighborhood,

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

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

24 (c) If the Department determines that the proposed work may cause any vibration or other
25 damage to neighboring property, it shall complete a pre-work survey of the potentially affected
26 properties to determine the base-line condition of those properties. It shall monitor the properties

1 during construction to insure that any vibration or other damage is minimized. If any damage does
2 occur, the Department must reimburse the private property owners pursuant to the provisions of the
3 Delaware Code.

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

7 Section 103. Subdivision Signage. The Department has adopted as its standard for newly
8 constructed sub-divisions a decorative sign that includes the name of the subdivision and a logo of the
9 State's famous patriot, Caesar Rodney. These new signs shall be installed at each newly approved sub-
10 division and shall be paid for by the developer(s) of such sub-division. Existing sub-divisions may request
11 the Department to install these new signs (in place of the green and white signs currently used by the
12 Department). Such requested replacement signs shall be paid for by the sub-division or from Community
13 Transportation Funds allocated by a legislator requesting such signs. The Department shall replace existing
14 standard signs damaged by vandalism, accident, or the ravages of time with standard signs under its regular
15 maintenance program, unless the decorative alternative has been requested under the provisions of this
16 section.

17 Section.104. Eden Hill Farm. Pursuant to previous capital authorizations and Epilogue direction,
18 the Department has been working cooperatively for three years with the owners of lands in the City of
19 Dover known as the Eden Hill Farm. It is the intent of the General Assembly that the Department should
20 vigorously continue to pursue the objectives of transportation improvements, economic development
21 projects, and the conservation and restoration of important historic and environmental assets located within
22 the boundaries of the property, and to honor all of its previous contractual commitments. Funds authorized
23 in this Act shall be used to acquire, preserve and restore, to the extent practicable, the historic Eden Hill
24 farmstead, for disposition and further use by such individuals or groups as may be approved by the City of
25 Dover and the Department. Further sums authorized for the West Dover Connector shall be used to acquire

1 additional potential rights-of-way, and the Department shall dispose of any land not subsequently required
2 for the construction of the project in accordance with a plan deemed acceptable to the City of Dover.

3 Section 105. McMullen Farm. The General Assembly has previously authorized the Department to
4 enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm in
5 order to promote improved transportation access and circulation, to promote healthy economic growth, and
6 to preserve and enhance critical open space. The Department is authorized to continue its negotiations for
7 the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the lands
8 adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All previous
9 authorizations to the Department, and other affected state agencies, shall remain in force and effect, and the
10 Secretary of the Department shall report to the Governor and the General Assembly on progress toward the
11 completion of the transportation improvements, development of the excess lands, and creation and
12 improvement of the community parkland no later than May 1, 2005.

13 Section 106. Traffic Impact Studies. Because nearly every development project in the state
14 requires the completion of a Traffic Impact Study (TIS), the consistency and quality of these studies is
15 critical to the citizens' belief in their efficacy and impartiality. At present, private developers select their
16 own traffic engineers who perform these analyses after consultation with the Department. The Department's
17 role has been limited to reviewing these reports and commenting on their completeness and accuracy as part
18 of the Department's role in local land use decisions. It is the intent of the General Assembly that the
19 Department find ways to further improve the consistency and credibility of these reports. Accordingly, the
20 Secretary is authorized and directed to undertake a review of the current TIS process, to consult with
21 members of the development community, the civil engineering community, the Delaware Contractor's
22 Association and such other professional and civic organizations, as he may deem appropriate. He shall
23 report on his findings and recommendations for change, including statutory amendments if necessary, to the
24 Governor and General Assembly no later than February 1, 2005.

25 Section 107. Brandywine Park. The Department is authorized and directed to use a portion of the
26 sums authorized for improvements within the I-95 corridor through the City of Wilmington to restore and

1 improve public park areas and parking lots, and to provide any required restitution to owners of private
2 property whose residences and or businesses may have suffered physical damage as a result of the
3 aforementioned reconstruction.

4 Section 108. Emergency Paving Conditions. The General Assembly takes note of, and is deeply
5 concerned by, the recent consolidation of ownership of the road building materials industry, the accelerated
6 pace of private development work, and the scarcity of private equipment and labor to meet the
7 Department’s growing need for road reconstruction projects. Accordingly:

8 Amend Chapter 69, Subchapter IV, Title 29, Delaware Code by creating a new §6970 to read as
9 follows:

10 “§6970. Open-end contract process for highway construction and reconstruction.

11 Legislative findings. The General Assembly finds that certain market conditions, including but not limited
12 to a diminished number of available private contractors and/or limits on competitive pricing opportunities
13 for basic materials, can impede the state’s ability to complete its highway construction and reconstruction
14 projects on a timely and useful schedule. Under these circumstances, the General Assembly finds that the
15 limited use of an open-end contract process for such work may enable the Department of Transportation to
16 meet its capital improvement schedules despite these impediments.

17 (a) Notwithstanding any portion of this Chapter to the contrary, the Department of Transportation is
18 hereby authorized to use an open-end contract process for highway construction and reconstruction
19 projects, under the following terms and conditions:

- 20 1. As used herein, “open-end contract” means a contract for highway construction and
21 reconstruction work to be performed for a defined period of time, not to exceed three years,
22 in which the Department may designate one or more locations for highway construction
23 and reconstruction projects to be completed during the contract period, and in which the
24 payments for the work to be performed at such locations are calculated based on a unit
25 price/item basis during the contract period.

- 1 2. The Department shall limit the use of this contract process to no more than 25% of its total
2 authorized capital improvement budget for the applicable fiscal year(s), in order to provide
3 adequate alternative contracting opportunities for those seeking to work on other
4 Departmental highway construction and reconstruction projects
- 5 3. The Department may award open-end contracts to more than one firm, for work anywhere
6 within the State, as it deems necessary.
- 7 4. In all other respects, the award and execution of open-end contracts shall be deemed to
8 have complied with the provisions of this subchapter.”

9 Section 109. Insuring Adequate Supplies of Road Materials. The General Assembly is concerned
10 that the Department may not be able to fulfill its responsibilities to the public when/if the sources of critical
11 road building supplies are controlled by one or a few sources of supply. Accordingly, Amend Chapter 13,
12 Title 2, of the Delaware Code by creating a new §1335, to read as follows:

13 “§1335. Maintaining adequate supplies of road materials.

- 14 (a) Legislative findings. The General Assembly finds that the interests of the state are not well served
15 when its ability to obtain a ready supply and competitive prices for critical materials used in its
16 transportation projects, such as asphalt and concrete, is impeded due to the consolidation of
17 ownership of facilities for the processing and/or manufacture of such materials in specific
18 geographic areas. This situation has arisen in Kent and Sussex Counties, and may potentially occur
19 in New Castle County. Therefore, the General Assembly determines that the State should be
20 empowered to enter into appropriate arrangements to reduce the impacts of these consolidations.
21 (b) Any provision of the Delaware Code notwithstanding, the Department of Transportation is hereby
22 authorized and directed to develop and implement a program to obtain a ready supply of critical
23 road-building materials, including but not limited to asphalt and/or concrete, for its highway
24 construction and reconstruction projects. This program may include the acquisition of land, raw
25 materials, and equipment to operate facilities for the processing and manufacture of road materials.
26

1 The Department may also contract with private entities for the operation of such facilities, pursuant
2 to Chapter 69 of Title 29 of the Delaware Code.

3 (c) The provisions of §1309, §1319, §1321, and §1329 of this chapter shall apply to the Department's
4 actions pursuant to this section, including any contractual arrangements for these facilities, as if
5 conducted under the auspices of the Delaware Transportation Authority, except that during its
6 planning process the Department shall meet and confer with the land use officials in the county in
7 which such facilities will be located, to obtain their comments on the proposal.

8 (d) Notwithstanding Subsection (c) of this section, the authorities granted to the Department in
9 aforementioned section, the Department shall not contract for any additional capacity with a private
10 firm or firm(s) without first securing the approval of the State Representative and Senator in whose
11 legislative districts the proposed road materials facility would be located.”

12 Section 110. Safe Entrances to Sub-Divisions. Certain sub-divisions located along the Old
13 Baltimore Pike currently experience heavy congestion along the main road, especially at peak hours. The
14 Department shall work with residents of Norwegian Woods, Timber Farms, and other neighborhoods to
15 fashion the most acceptable solutions to these issues, and shall design and offer for public comment
16 alternative points and means of access into and out of these communities. If no acceptable solution
17 involving the use of alternative access points can be agreed upon, the Department shall experiment with
18 time and activity controlled traffic control devices for a period of six months to determine whether such
19 devices offer potential for a more permanent solution to the problem.

20 Section 111. Seaford, Ross Industrial Park. The Department is authorized to enter into such
21 agreements with the City of Seaford or any such employer that the City is successful in attracting as are
22 necessary and convenient for the planning, design, construction, and/or financing of any such improvements
23 to the transportation system. The Department shall provide a report of its activities in this regard, in
24 writing, to the General Assembly and the Governor by May 1, 2005.

25 Section 112. Southern New Castle County. In order to expedite the orderly improvement of roads
26 and other infrastructure in the rapidly growing area of southern New Castle County, the Department is

1 authorized and directed to enter into such joint development agreements as it may deem necessary and
2 appropriate. In so doing, the Department should make its best efforts to adhere to the tenets of the model
3 joint development agreement executed earlier this year between the developers of Westtown, the City of
4 Middletown, and the Department, to the extent such provisions are applicable to future projects. If
5 legislation introduced and passed at this time by the Delaware State Senate concerning joint development
6 agreements has been enacted into law, the Department shall pay special attention to the provisions of that
7 statute concerning the advanced acquisition of rights-of-way, public announcements and involvement in
8 workshops concerning the project, and the need for public oversight and inspection of all construction
9 work, regardless of the source of funding and/or the contracting party.

10 Section 113. New Castle, State Route 9. Mindful of the scenic and historic value of one of
11 Delaware’s most notable roads (State Route 9), and recognizing the growth in residential and commercial
12 activity along that road south of the historic town of New Castle, the General Assembly is concerned that
13 severe, periodic flooding of this road continues to cause a threat to the health and safety of the residents and
14 travelers along this road. Accordingly, the Department shall use such sums as may be necessary from the
15 authorizations contained within the Section 1 Addendum of this Act to immediately commence the project
16 development and design for a safe, attractive, and efficient causeway which will preserve the pastoral
17 quality of this portion of the Delaware road network, while affording new transportation improvements to
18 the citizens of the State.

19 Section 114. Cheswold Area Park and Ride. The General Assembly finds that it will be in the
20 state’s long term interest to acquire approximately 35 acres of vacant land east of U.S. Route 13 and
21 adjacent to State Route 42 for the purposes of constructing a Park and Ride facility. When not used for
22 these purposes, the Department may enter into such agreements with the owners and promoters of Dover
23 Downs and NASCAR events as may be necessary and desirable to make this property available for
24 overflow parking during periodically scheduled events. The Department, in order to comply with federal air
25 quality mandates, shall also examine the feasibility of installing new “no idle” cab heating and ventilating
26 units for over the road trucks using Delaware’s highways, and shall report its findings to the Governor and

1 General Assembly in time for potential consideration in the FY 2006 Capital Budget cycle. In pursuit of this
2 acquisition, the Department shall seek such private funding as may be necessary and appropriate to reflect
3 the potential private benefits to be derived by this joint use facility. Any public funds required to
4 accomplish this project may be withdrawn from the amounts authorized in this, or prior capital
5 authorization Acts, for Advanced Acquisition of rights-of-way.

6 Section 115. Woodland Ferry. The General Assembly takes note of the unique and historic
7 character of the Woodland Ferry, which operates, from time to time across the Nanticoke River near
8 Seaford. In order to improve the reliability and safety of this service, the Department is authorized and
9 directed to take such steps as are necessary to acquire a safe and attractive previously owned vessel that
10 would be in keeping with the important traditions established by this service. If the Department in its
11 judgment is unable to acquire such vessel, it shall undertake the design and construction of a new
12 replacement ferry. Because time is of the essence, the Department may exercise the authorities granted to it
13 for emergency sole source contracting of goods and services without regard to any limits elsewhere
14 designated in law. In addition the Department may use similar authorities to make necessary improvements
15 to the ramps and bulkheads on either riverbank.

16 Section 116. Safe Recreation. The General Assembly is concerned about the proliferation of
17 sporting and recreational activity taking place in and adjacent to the state's public rights-of-way. Such
18 mixed-use activity threatens the safety of the recreants as well as members of the motoring public.
19 Accordingly, in order to promote safe neighborhood recreation, the Department shall make every effort to
20 remove from public rights-of-way devices such as basketball hoops, hockey goals, shuffleboards and the
21 like. The Department is authorized and directed to establish such regulations as may be necessary and
22 appropriate to enforce this activity, including a fine of \$25.00 per incident for any repeat offenders.

23 Section 117. Rehabilitation of Public Streets, Industrial Parks. In order to maintain a safe,
24 attractive, and efficient network of public streets serving the state's growing inventory of industrial parks,
25 the General Assembly hereby authorizes the Department to spend sums not exceeding \$500,000 on a pilot
26 program to address this issue. The Department shall prepare an inventory of all public streets within the

1 state's industrial parks. It shall further rank all of these streets in the same manner that it prepares the annual
2 program of roads eligible for the Paving and Rehabilitation Program authorized elsewhere in this Act. The
3 Secretary shall then distribute this list to all members of the General Assembly, together with an estimate of
4 the amounts necessary to address those public streets in this inventory most in need of repair. If a member
5 of the General Assembly elects to allocate funds from his/her Community Transportation Fund to repair any
6 of these public streets, the Secretary may draw on this appropriation to match those individual CTF dollars
7 on the basis of \$2 dollars from this special account for every \$1 dollar allocated by the Member. The
8 Secretary shall notify all Members of his intent to make such matching allocations, and shall require any
9 Member interested in participating to notify the Department of his/her interest in participating by a date
10 certain, not less than one month from the date of such announcement. In the event that the sum of all
11 individual Member requests exceeds the amounts authorized by this section, the Department shall prioritize
12 the industrial park streets to be improved on the basis of the ranking required by this section, and shall share
13 its decisions with all Members of the General Assembly. For purposes of preparing this inventory and
14 ranking, the Department is authorized and directed to expend such sums as may be necessary from the
15 accounts established for statewide paving and rehabilitation activities.

16 Section 118. Sussex County, Regional Improvements. The General Assembly is troubled by the
17 increasing congestion of traffic in and around the beach recreational areas of Sussex County. In addition,
18 land to the west of these areas is quickly becoming so developed that visitors to Delaware often spend hours
19 delayed in reaching their destinations. Accordingly, and in concert with various resolutions introduced in
20 one or the other chamber of the General Assembly, the Department shall undertake a study of the options
21 and potential costs to acquire rights-of-way and construct improvements to address these problems. In
22 undertaking its study, the Department shall seek the advice of Sussex community leaders and shall further
23 consult with jurisdictions throughout the United States which have employed novel and effective solutions
24 to similar problems. The Department shall share its findings on these so-called Route 1 and East-West
25 travails with the Governor and Members of the General Assembly by January 15, 2006.

1 Section 119. Mill Creek Road, Emergency Repairs. Sums authorized in the Section 1 Addendum
2 to this Act for repairs to Mill Creek Road in New Castle County shall be used for the immediate restoration
3 of dangerously deteriorated pavement sections and shoulders. The Department shall undertake such work
4 under its sole-source emergency authority, and shall make every effort to insure that work is completed
5 before the re-opening of the public schools in the fall. The Department shall further insure that work is
6 carried out to minimize the impact on the stands of mature trees along the rights-of-way in this scenic
7 portion of the state’s road network.

8 Section 120. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the
9 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the
10 construction of new park amenities, access and circulation roads, and other transportation and recreation
11 improvements shall be used, to the maximum extent possible, to match federal funds previously available,
12 or to become available in the future. In keeping with the strong sense of community involvement and sense
13 of ownership, the Department shall continue to provide periodic progress updates through such media as it
14 determines best address the community’s needs. In keeping with the urgent time schedule, the Department
15 shall make every effort to design and bid and execute this project for construction in the most expeditious
16 manner. And finally, because in order to accomplish this project in an efficient and cost-effective manner,
17 the Department and its contractors will have to occupy portions of the state’s adjacent campground and
18 marina facilities, the General Assembly authorizes and directs the Secretary of the Department to enter into
19 reimbursement agreements with the Secretary of the Department of Natural Resources and Environmental
20 Control (“DNREC”). Such agreements will insure that during the period of construction of the bridge and
21 other necessary improvements, DNREC shall be equitably indemnified from the loss of critical tourist
22 revenues which are necessary to fund the operations of all of the state’s outdoor recreational facilities.

23 Section 121. Americans with Disabilities Act Compliance. Recent interpretations to the
24 specifications and regulations of the Americans with Disabilities Act (“ADA”) by the Federal Highway
25 Administration now require the Department to amend all of its plans for various street and sidewalk repairs.
26 In recognition of this un-funded federal requirement, the General Assembly authorizes and directs the

1 Department to undertake a program of compliance with respect to all of its current and future projects. The
2 Department shall also prepare a report on the potential impact of retro-fitting all previously installed
3 handicapped access ramps and other facilities, and shall share that report with the Governor and General
4 Assembly no later than May 1, 2005. Sums required to meet the current and prospective changes for
5 projects under construction and authorized for future work have been included in the overall Paving and
6 Rehabilitation authorizations contained in the Section 1 Addendum to this Act.

7 Section 122. Kent County Judicial Facilities. The General Assembly finds that there is a critical
8 need to expand and improve the judicial facilities in and around the City of Dover. In particular, land along
9 Water Street currently owned and occupied by the Department for use as a transit hub is deemed to have
10 higher public value as a site for a new Court House and support facilities. Accordingly, the Department is
11 authorized and directed to undertake a fair market value appraisal of said property, including all
12 improvements. This appraisal shall be used as the sole determinant of the value to be paid by the
13 Department of Administrative Services (“DAS”) to the Department for purposes of reimbursing the
14 Transportation Trust Fund for its expenditures. The Secretary shall promptly undertake a search for an
15 alternate transit location, and shall use the full authorities of the Department to acquire and improve that
16 alternative site in order to make the subject property on Water Street available for redevelopment by the
17 judicial branch of government. The Department shall be reimbursed by DAS for all of its professional and
18 other costs associated with this forced relocation, in the same manner as private entities are entitled to such
19 benefits under the state and federal uniform relocation statutes.

20 Section 123. Bancroft Parkway, Wilmington. Bancroft Parkway is an historic and scenic portion
21 of the City of Wilmington which is undergoing substantial public and private improvements. Accordingly,
22 the General Assembly finds that:

23 a) Notwithstanding the Department’s efforts to require the CSX Railroad to make necessary and
24 essential improvements to the 9th Street bridge over the CSX tracks adjacent to Union Street, Grant Avenue,
25 and Bancroft Parkway, the General Assembly is sympathetic to the community desire to see the former
26 Division of Motor Vehicles facility on Bancroft Parkway rehabilitated as a library. In concert with this plan,

1 the City of Wilmington, DNREC, and the Woodlawn Trustees (collectively referred to here as the Bancroft
2 Partners) have now agreed to fund the design and construction of a pedestrian bridge adjacent to the 9th
3 street CSX bridge. The completion of such a pedestrian bridge would be an important step in the fulfillment
4 of the original master plan for Bancroft Parkway as articulated by the famous urban designer, Frederick
5 Law Olmstead. Accordingly, the Department is authorized and directed to work cooperatively with the
6 Bancroft Partners to offer such technical assistance as they may require, and to amend one or more
7 contracts for public improvements to be accomplished in the general vicinity so as to make the completion
8 of the Bancroft Partners' project more efficient and cost effective. Nothing in this Act shall be used to
9 imply that the Bancroft partners are not liable for the full costs of all design, construction and inspection of
10 the aforementioned pedestrian bridge. However, the Department may undertake such reimbursement
11 agreements as it deems necessary to carry out both the financial and functional intent of this section.
12 Notwithstanding all of the forgoing, the General Assembly cautions and directs the Secretary of the
13 Department not to waiver in his efforts to secure a prompt and equitable settlement from the CSX Railroad
14 in conjunction with the replacement of the adjoining 9th street bridge.

15 b) The Department shall use sums available from the Transportation Enhancements program funded in
16 the Section 1 Addendum to this Act to match available local and CTF funds for sidewalk, landscape, and
17 lighting improvements in the vicinity of Union Park Gardens.

18 Section 124. City of Wilmington Beautification. In order to maintain the urban tree canopy
19 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
20 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
21 Center for Horticulture (“Center”). It is the intent of the General Assembly that such program shall be
22 funded exclusively by allocations made from time to time by members of the General Assembly from their
23 Community Transportation Funds. The Department shall create an open-ended account with the Center on
24 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and
25 appropriately vouchered, from the CTF funds herein identified.

1 Section 125. Shellpot Bridge. The Department may advance up to the additional \$1,000,000
2 authorized in the Section 1 Addendum to this Act for improvements to the Shellpot Bridge only if the
3 Norfolk-Southern Railroad has executed an amendment to the agreement between itself and the Department
4 (covering reimbursement for expenses of the bridge repairs) which is satisfactory to the Department.

5 Section 126. 11th Street Bridge. The General Assembly hereby directs the Department of
6 Transportation to officially rename the 11th Street Bridge in the City of Wilmington to the
7 Al O. Plant Bridge with appropriate signage to reflect said change.

8 Section 127. Surplus Land along SR-1 at US 113, South Dover Interchange. Pursuant to a master
9 plan authorized by the General Assembly in previous legislation, and such other sales and/or lease contracts
10 which the Department has already executed under that master plan, or may execute in the future, and not
11 withstanding the provisions of 17 Del. C. 137(b), the Department of Transportation is hereby authorized
12 and directed to negotiate a sale of the Kent County Tax Parcel Number ED-05-77.00-01-22.00 at no less
13 than the appraised fair market value to the Walter L. Fox Post #2 American Legion.

14 Section 128. Millington Road (SR 6). The Department is authorized and directed to make
15 immediate repairs to State Route 6 from the Maryland State line to SR 42. In undertaking this project, the
16 Department shall award the work to the contractor previously engaged to do the initial work, and shall
17 negotiate the terms of the new contract to include payment of documented interest and late fees incurred by
18 the contractor in conjunction with the Department's late payment for amounts owed the contractor under
19 contracts 23-063-04 and 23-062-02.

20 Section 129. Motor Vehicle Fees for Copies and Information. Amend 21 Del. C. §305 (f) by
21 deleting the number "\$4" and inserting in lieu thereof the number "\$15". Further Amend 21 Del. C. §305
22 (f) by deleting the number "\$8" and inserting in lieu thereof the number "\$20", and deleting the final
23 sentence beginning with the word "Partial" and ending with the word "thereof" in its entirety.

24 Section 130. Green Infrastructure Program Funds Transfer. The Section 1 Addendum to this Act
25 appropriates \$22,100,000 in General Funds for the Green Infrastructure Program. These funds shall be
26 transferred to the Department of Transportation for deposit in the Transportation Trust Fund ("TTF") and

1 shall be credited to the Department's Transportation Enhancements (State Dollars) account. These funds
2 shall be used to carry out the purchases enumerated in Section 131 (f) as described below.

3 Section 131. System Capacity Preservation. The General Assembly hereby determines that it is in
4 the public interest to limit future residential, commercial, or industrial growth along certain portions of the
5 state's highway network. Such potential growth would produce unsafe driving conditions as increased
6 traffic seeks access to, and movements along, a number of local roads and collectors in critical locations
7 throughout the state. The General Assembly further determines that it would be infeasible or imprudent for
8 the Department to attempt to design and construct modifications to the state's highway network adjacent to
9 these locations because such improvements would irrevocably destroy the important scenic and historic
10 nature of the view sheds and other environmental attributes associated with these locations. Accordingly,
11 the Secretary of the Department of Transportation ("Secretary") is authorized and directed to use state funds
12 from those appropriated to the Transportation Enhancements program authorized and funded in the Section
13 1 Addendum to this Act, together with such other funds from any public or private source as may be
14 available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary to
15 protect the following properties, pursuant to the stipulations stated herein. Expenditure of these funds for
16 these purposes shall be with the review and approval of the Budget Director and the Controller General.
17 The provisions of Chapter 1, Title 17, and Chapters 93 and 95, Title 29 of the Del. Code shall govern such
18 purchases, and any other purchase by the Department authorized by this Act.

- 19 a) Angola Neck: Five parcels of land (Angola Neck, Perry Tract, Massey's Island, Steele Island, and
20 Seal Island) totaling approximately 715 +/- acres all currently owned by Delaware Wild Lands, Inc.
21 and located adjacent to, or in the general vicinity of, Camp Arrowhead Road (SR 279) and other
22 local roads along Long Neck and other proximate areas in Sussex County. The Secretary shall
23 insure that contract(s) of purchase and sale shall be accordance with plans and specifications for
24 areas of low impact public access acceptable to the Department of Natural Resources and
25 Environmental Control ("DNREC"). Future use of these parcels shall prohibit public hunting and
26 boating, except for the episodic control of game, which may threaten the natural attributes of these

1 parcels. At closing, the Department shall pay \$5,000,000 to Delaware Wild Lands, Inc., to
2 supplement \$1,500,000 in funds pledged by Sussex County and/or the Sussex Land Trust, which
3 matching funds shall be payable as a reimbursement to the Department on such schedule as may be
4 mutually agreeable to the parties. At closing, Delaware Wild Lands Inc. shall attest that it will
5 reinvest at least 75% of the proceeds (\$3,750,000) within five (5) years of closing in new open
6 space investment(s) within the state of Delaware. Upon completion of all transactions, the
7 Department shall transfer all remaining lands from this transaction to the permanent custody of the
8 Department of Natural Resources for the sum of \$1.00.

9 b) Garrison's Lake Golf Course: Approximately 160 +/- acres adjacent to Hickory Ridge Road (SR
10 149) and DuPont Highway (U.S. Route 13) in Kent County. The Department may accept such
11 assignment of rights from a purchaser or proposed purchaser, together with such other conditions as
12 may be mutually acceptable to the parties. The Department shall consult with community leaders
13 and public officials to determine the optimal legal structure and organization for the permanent
14 protection of the parcel as community recreation and open space, and after reaching such
15 determinations, may transfer the property to such entity or entities for a fee to be determined.

16 c) Delaware National (nee Hercules) Golf Course – Approximately 101 +/- acres adjacent to Hercules
17 Road (SR 282) in New Castle County. The Department shall work with members of the
18 surrounding community, plus state and local officials, to develop a master plan for the permanent
19 protection of the site as community recreation and open space, and upon satisfactory completion of
20 such plans, may transfer the parcel to the appropriate owner(s) for a fee to be determined.

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

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

7 f) Glatfelter Pulp Wood Company – Eight parcels totaling approximately 2,215 +/- acres adjacent to
8 numerous local roads and collectors throughout Sussex County. The Department shall work with
9 the Delaware Department of Agriculture, DNREC, the U.S. Department of Agriculture, and such
10 other public and private groups as may be appropriate to secure permanent protection of these
11 parcels for the state’s managed forestlands. Upon completion of all transactions, the Department
12 shall transfer all of these parcels to the Delaware Department of Agriculture (“DOA”) for the sum
13 of \$1.00 and the DOA shall thereafter undertake the necessary and appropriate forest management
14 practices on these lands to insure their maximum benefit to the residents of the state of Delaware.

15 Section 132. Matson Run Drainage and Blue Ball Recreational Facility. The sum of \$1,100,000
16 is authorized in the Section 1 Addendum to this Act for the Matson Run Drainage Improvements and the
17 Blue Ball Recreational Facility. These funds shall be eligible as match for the 21st Century Fund Resource,
18 conservation and Development Project entitled “Shellpot Creek – Matson Run Flood Abatement in
19 Watershed Area”. These funds shall be used by the Department, together with such other state, federal,
20 local, and private funds as are necessary to continue improvements to the Rock Manor Golf Course and
21 other public recreational facilities in the area adjacent to the Department’s transportation and other
22 improvements along U.S. 202, Murphy Road (SR 141), Foulk Road (SR 261), Weldin Road (SR 215),
23 Powder Mill Road (SR 267) and other portions of the state’s highway network.

24 Section 133. Glenville/Stanton Crest. Pursuant to joint agreements between the State and New
25 Castle County, the sum of \$15,000,000 has been appropriated from the General Fund of the State to the

1 Transportation Trust Fund. The Department shall use these funds to continue its program of property
2 acquisitions and relocations for the residents of these two sub-divisions along the Red Clay Creek, as well
3 as tax parcel 07-046.10-074 {located on West Newport Pike (SR 4)}, all pursuant to the provisions of
4 Chapter 1, Title 17, and Chapters 93 and 95, Title 29, of the Delaware Code. The Department shall timely
5 apply for all reimbursements available from federal, state, and local and private sources, and shall apply all
6 of these reimbursements, together with the net proceeds of the sale of any vacant lots and surplus housing,
7 to the relevant accounts within the Transportation Trust Fund. The Department shall report to the Governor
8 and the General Assembly on its entire efforts within the Glenville/Stanton Crest area not later than May 1,
9 2005.

10 Section 134. Improvements to Public Parking Facilities. Consistent with its various transportation
11 improvements along North Walnut Street in the City of Wilmington and around Legislative Hall and the
12 historic downtown portion of Dover, the Department shall use the sum of \$1,300,000 identified in the
13 Support Systems portion of the Section 1 Addendum to this Act to design and construct, as necessary and
14 feasible, various parking improvements adjacent to the William T. McLaughlin Public Safety Building and
15 the capitol complex. In carrying out these improvements, the Department shall consult and cooperate with
16 the appropriate state, local and private officials with jurisdiction over the administration of these locations.

17 Section 135. Pencader Hundred Traffic Study. Due to the increased traffic volume in Pencader
18 Hundred with the resultant traffic congestion and public safety concerns, DelDot shall initiate a study of
19 Old County Road from Glasgow Avenue to Frazer Road. The study shall include ideas for potential
20 alternatives for road improvements. A report shall be made to the Bond Bill Committee by January 15,
21 2005.

1 **DEPARTMENT OF AGRICULTURE**

2 Section 136. Farmland Preservation Operating Expenses. The Section 1 Addendum to this Act
3 appropriates \$8,900,000 for the Farmland Preservation Program. Of this amount, it is the intent of the
4 General Assembly that:

- 5 1. Up to \$150,000 may be used for the operating expenses of the Aglands Preservation
6 Foundation subject to the approval of the Budget Director and Controller General.
- 7 2. Up to \$350,000 may be used to pay the costs of mapping, legal services and other related costs
8 required to create agricultural district agreements and the costs of appraisals of all eligible
9 properties, and shall be exempt from matching requirements subject to the approval of the
10 Budget Director and Controller General.
- 11 3. The Foundation shall designate \$1,000,000 in each county to be applied as a 1:1 match of
12 county funds designated for the purchase of preservation easements. Any portion of those funds
13 not matched by a county could be matched by another entity. In order to qualify such county
14 funds must be transferred to the Delaware Agricultural Lands Preservation Trust Fund. The
15 combination of such funds shall be used to purchase easements from those properties which
16 have applied to the Foundation within said county, or in an area of the county designated in
17 writing by the county, according to the procedures of the Foundation. Where joint funds are
18 used, the county and the Foundation must mutually agree as to the easements purchased. Any
19 county funds not fully utilized in such purchases shall be returned to the county and such funds
20 of the State as are not fully utilized in such purchases shall revert to the Foundation's pool of
21 funds available for preservation easements statewide.

22 Section 137. Equine Economic Impact Study. The Section 1 Addendum to this Act appropriates
23 \$50,000 to the Department of Agriculture for an Equine Economic Impact Study. Said study shall provide
24 information including, but not limited to a survey of equine numbers, acres in equine operations and the
25 value of equine assets. The Department shall provide a final report to the Joint Legislative Committee on
26 Capital Improvement Program to the Joint May 1, 2005.

1 **FIRE PREVENTION COMMISSION**

2 Section 138. Hydraulic Rescue Tools Replacement: It is the intent of the General Assembly that
3 the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Felton volunteer fire
4 company. Upon submitting the receipt of sale, this company will be reimbursed up to \$7,500 by the Fire
5 Prevention Commission - State Fire School (75-02-01).

1 **HIGHER EDUCATION**

2 **UNIVERSITY OF DELAWARE**

3 Section 139. University of Delaware. It is the intent of the General Assembly that funds in the
4 amount of \$2,000,000 previously appropriated to the Delaware Economic Development Office for the
5 Delaware Biotechnology Institute and currently held in accounts DBI-DEDO 0001 Life Sciences Fund and
6 DBI-DEDO 0102 Life Sciences Fund at the University of Delaware be used for the renovation project at
7 Wolfe Hall. The University of Delaware has agreed to and will repay these funds to the Delaware
8 Biotechnology Institute from University funds with \$1,000,000 to be received on or before June 30, 2006
9 and the second repayment of \$1,000,000 on or before June 30, 2007.

10 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

11 Section 140. College-wide Asset Preservation Program. Section 1 of this Act provides funds for
12 Delaware Technical and Community College (90-04-00) for the College-wide Asset Preservation Program.
13 This appropriation may be used for the acquisition of computer hardware and software.

14 Section 141. Instructional Space Expansion. The funds remaining in the Delaware Technical and
15 Community College, Fiscal Year 2003 appropriation (90-04-04-0809), Fiscal Year 2002 appropriation (90-
16 04-04-9600) and Fiscal Year 2001 appropriation (90-04-04-0809) may be used to equip as well as to lease,
17 purchase or rent additional classroom space in order to increase the space available to expand the Nursing
18 Program of the College.

19 Section 142. Stanton Campus Expansion. Delaware Technical & Community College shall apply
20 for all permits and approvals required pursuant to any applicable provision of Titles 9 and 22 of the
21 Delaware Code, or any other ordinance, rule or regulation enacted pursuant thereto in connection with the
22 design and construction of the Stanton Campus Expansion (90-04-04); provided, nevertheless, that any such
23 permit or approval shall be granted within 45 days from the day upon which the college makes application
24 therefore. If any required permit or approval is not granted within 45 days as set forth above, the college

1 may commence construction and shall be immune from any legal action or liability for failing to obtain
2 such permit or approval.

3 **DELAWARE STATE UNIVERSITY**

4 Section 143. Critical Computer Upgrades. The Section 1 Addendum to this Act appropriates
5 \$1,000,000 to Delaware State University for Critical Computer Upgrades. To expedite these upgrades, the
6 University may seek to waive the provisions of 29 Del. C., Chapter 69. Such waiver shall be contingent
7 upon the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement
8 Program and the Technology Investment Council..

1 **DEPARTMENT OF EDUCATION**

2 Section 144. School Building and Custodial Verification. By September 30 of each calendar year,
3 each school district shall notify the Department of Education of its intended use for each school building
4 and administrative office building. School districts shall notify the department about changes in the use of
5 such buildings to include the sale of property, closing of a building, lease of property to another agency, and
6 additions and renovations. The Department of Education shall establish a standard reporting mechanism
7 that school districts shall utilize to gather and submit required information.

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

10 Section 145. Neighborhood Schools. During the Fiscal Year ending June 30, 2002, \$2,500,000
11 was appropriated to the Department of Education for Neighborhood Schools Plans. This appropriation is
12 intended to offset local documented costs incurred by the school districts for the development, approval and
13 implementation of their neighborhood schools plans pursuant to 14 Del. C. § 223 and 72 Del. Laws, c. 287.
14 The reimbursement criteria for documented, allowable costs shall be determined by the Budget Director and
15 Controller General, in consultation with the Department of Education. In no such instance shall
16 reimbursements be made for costs incurred by a local school district prior to April 20, 2000.

17 Allocation of the funds appropriated shall be made by the Budget Director and Controller General,
18 in consultation with the Department of Education for costs associated with the following: (a) submission of
19 a neighborhood schools plan to the State Board of Education, (b) approval of such plan by the State Board
20 of Education and (c) completed analysis and design of alternative attendance feeder patterns and/or
21 alternative grade configurations. Such reimbursements may be used by the school districts for any general
22 education purpose. Any funds remaining subsequent to these allocations may be applied to the state share of
23 funding for capital construction related to an approved neighborhood schools plan.

24 Notwithstanding the provisions of 72 Del. Laws, c. 287 to the contrary, the funds herein
25 appropriated and allocated to the local school districts constitute the transition costs contemplated by 72
26 Del. Laws, c. 287 and all plans must be implemented within 18 months of receiving said transition costs

1 pursuant to 14 Del. C. § 223(d) and (f). If a school district is unable to document local costs pursuant to
2 this section, the district must implement its Neighborhood School Plan within 18 months of State Board of
3 Education approval of such Plan.

4 Nothing in this section or 72 Del. Laws, c. 287 shall be construed to exempt local school districts
5 from going through the normal Certificate of Need process.

6 Section 146. Land Donation for School Construction. Any land donated to a school district with
7 an approved major capital improvement program shall be required to return to the state one-half of the state
8 share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to keep
9 the remaining one-half state share amount, as well as the full local share amount in accordance with the
10 certificate of necessity.

11 Section 147. School Construction Market Pressure. It is the intent of the General Assembly that
12 the sum of \$2,585,800 appropriated to the Department of Education in Section 1 of this Act be utilized by
13 the New Castle County Vo-Tech School District to enable them to maintain a high level of construction
14 quality in the environment of increased market pressure and escalating costs. This funding will be provided
15 to the following districts:

DISTRICT	SCHOOL	STATE	LOCAL MATCH
New Castle Co. Vo-Tech	1,000-Pupil HS	\$2,585,800	\$2,123,900

18 Notwithstanding any provisions of the Delaware Code to the contrary, the local school district is required to
19 pay for the local share of each project under this section. The following funds may be used to meet the
20 required local match: Minor Capital Improvement Funds and/or Division III Equalization. Districts may
21 also elect to finance the local match in accordance with the provisions of Chapter 21, Title 14 of the
22 Delaware Code upon passage of a successful referendum for such purpose. In order to access the state
23 funds, district must notify the Department of Education, the Budget Director and the Office of the
24 Controller General which option the district has chosen.

25 Section 148. Minor Capital Improvements. It is the intent of the General Assembly that the sum of
26 \$7,143,800 allocated in Section 1 of this Act be used for minor capital improvements to school buildings in

1 the following amounts. Districts must use the funds in the amounts below on projects listed on the facility
 2 assessment website hosted by the Department of Education.

3		Maximum	Maximum	
4	<u>School District</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
5	Appoquinimink	\$364,799	\$243,199	\$607,998
6	Brandywine	599,650	399,767	999,417
7	Special	8,557	-	8,557
8	Christina	1,083,156	722,104	1,805,260
9	Special	40,121	-	40,121
10	Colonial	584,248	389,499	973,747
11	Special	9,507	-	9,507
12	New Castle Vo Tech	322,871	-	322,871
13	Red Clay	878,882	585,921	1,464,803
14	Special	13,976	-	13,976
15	Caesar Rodney	324,183	216,122	540,305
16	Special	17,969	-	17,969
17	Capital	333,538	222,359	555,897
18	Special	5,895	-	5,895
19	Lake Forest	193,780	129,187	322,967
20	Milford	216,597	144,398	360,995
21	Polytech	108,955	-	108,955
22	Smyrna	188,817	125,878	314,695
23	Cape Henlopen	238,388	158,925	397,313
24	Special	7,891	-	7,891
25	Delmar	60,811	40,541	101,352
26	Indian River	433,252	288,835	722,087
27	Special	15,307	-	15,307
28	Laurel	114,488	76,325	190,813
29	Seaford	196,461	130,974	327,435
30	Sussex Vo-Tech	115,135	-	115,135

1	Woodbridge	109,297	72,865	182,162
2	Campus Community	32,515	-	32,515
3	Academy of Dover	23,445	-	23,445
4	De Military Academy	17,456	-	17,456
5	East Side Charter	8,214	-	8,214
6	Kuumba Academy	13,748	-	13,748
7	Marion T. Academy	34,626	-	34,626
8	M.O.T. Charter	33,884	-	33,884
9	Newark Charter	35,425	-	35,425
10	Positive Outcomes	6,389	-	6,389
11	Providence Creek	37,421	-	37,421
12	Sussex Academy	17,513	-	17,513
13	Thomas A. Edison	44,266	-	44,266
14	Wilmington	<u>52,367</u>	<u>-</u>	<u>52,367</u>
15	Total to Schools	\$6,943,800	\$3,946,899	\$10,890,699
16	Vocational Equipment	85,000	56,667	141,667
17	State Board of Education	115,000	76,667	191,667
18	TOTAL	\$7,143,800	\$4,080,233	\$11,224,033

19 Section 149. Red Clay Consolidated School District Transfer. (a) Notwithstanding any other
20 provision to the contrary, the Department of Education, with the approval of the Budget Director, the
21 Controller General, and the Co-Chairs of the Joint Legislative Committee on the Capital Improvement
22 Program, is authorized to approve a transfer of more than 10 percent of major capital construction funds
23 between major capital construction projects authorized in the Red Clay Consolidated School District
24 Certificate of Necessity #0332C-Z.

25 (b) In order to insure the timely completion of the Dickinson High School renovations, including
26 relocation of the school's football stadium for the start of the 2006 season, the Red Clay School District is

1 authorized to supplement the construction expenses for this school with local funds and recoup these funds
2 from current and future allocations of the Minor Capital Improvement/Annual Maintenance Fund.

3 Section 150. Christina Land Acquisition. Funds remaining in the following appropriations:
4 Douglass (98-95-33-00-0801), New Elementary (91-95-33-00-6113), Cobbs/Gauger (96-95-33-00-6614),
5 Land Acquisition (96-95-33-00-6616), Shue/Medill (97-95-33-00-6712), Arch Barrier (97-95-33-00-6793),
6 Douglass (98-95-33-00-6815) shall be used to acquire the land necessary for a new elementary and new
7 middle school in the Route 40 corridor.

8 Section 151. Voluntary School Assessment. (a) Amend 9 Del. C. §2661 (c) (3) by deleting the
9 second sentence therein in its entirety and substituting in lieu thereof the following: “Any Voluntary
10 School Assessments paid under this subsection shall be paid to the Department of Education at the time that
11 a certificate of occupancy is obtained for each unit, and shall be deposited by the Department into an
12 interest bearing account as set forth below.”

13 (b) Further amend 9 Del. C. §2661 (c) (3) by deleting the words “the Revolving Fund” from the
14 fifth sentence therein, and substituting in lieu thereof the words “an interest bearing account”.

15 (c) 22 Del. C. §842 (c), by deleting the second sentence therein in its entirety and substituting in
16 lieu thereof the following: “Any Voluntary School Assessments paid under this subsection shall be paid to
17 the Department of Education at the time that a certificate of occupancy is obtained for each unit, and shall
18 be deposited by the Department into an interest bearing account as set forth below.”

19 (d) Further amend 22 Del. C. §842 (c), by deleting the words “the Revolving Fund” from the fifth
20 sentence therein, and substituting in lieu thereof the following “an interest bearing account”.

21 Section 152. Colonial School District Transfer. Notwithstanding any other provision to the
22 contrary, the Department of Education, with the approval of the Budget Director, the Controller General
23 and the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program, is authorized to
24 approve a transfer of more than 10% of major capital construction funds between major capital construction
25 projects authorized in the Colonial School District Certificate of Necessity #0134, dated October 27, 1999.

1 The Colonial School District shall not be authorized to change any conditions or incur any obligation in excess
2 of Certificate of Necessity #0134 dated October 27, 1999.

3 Section 153. Channin and Old Mill Lane Elementary Schools. (a) The Section 1 Addendum to
4 this Act appropriates \$1,000,000 to the Department of Education, Brandywine School District for the
5 Channin and Old Mill Lane Elementary Schools. These funds shall be used for the demolition, including
6 asbestos removal, of said schools.

7 (b) Upon completion of the demolition, the Brandywine School District shall lease said sites to
8 New Castle County under a long term arrangement. The County will subsequently sub lease
9 the Channin site to the Concord Soccer Association and the Old Mill Lane site to the
10 Talleyville Girls Softball League. Each organization shall be permitted to develop their
11 respective site at their cost. Both sites shall be made available by outside community groups
12 when league use is not scheduled.

13 (c) After an initial long term lease sufficient to depreciate each organization's investment in site
14 development, the district shall have the right to take back each site for school construction
15 and use should future population growth require such a change.

16 Section 154. Delaware School for the Deaf (Sterck) Needs Assessment. It is the intent of the
17 General Assembly that the Department of Education and the State Budget Office meet with representatives
18 from the Christina School District to conduct a needs assessment for a new Delaware School for the Deaf
19 (Sterck) to identify the student populations that would be served and commission a feasibility study to
20 establish the scope and budget for such a facility. The Secretary of Education shall issue a report of their
21 findings to the Co-Chairs of the Joint Legislative Committee on Capital Improvements on or before
22 March 1, 2005.

23 Section 155. Dickinson High School. Funding for the Red Clay School District including bond
24 authorizations for renovations at John Dickinson High School and the transfer of major capital construction
25 funds pursuant to Section 149 of this Act shall be contingent upon the following:

