



SPONSOR: Rep. Schwartzkopf & Sen. Blevins
Longhurst McBride
Viola Henry
Q. Johnson Sokola

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 275

JANUARY 28, 2016

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2017; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING GENERAL FUNDS OF THE STATE; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; DIRECTING THE DEPOSIT OF CERTAIN FUNDS TO THE GENERAL FUND; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN STATUTORY PROVISIONS.

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 ~~2016~~ 2017 Capital Improvements Project Schedule Addendum.** The General
2 Assembly hereby authorizes the following projects in the following amounts for the purposes set forth in this Section and as
3 described in the Fiscal Year ~~2016~~ 2017 Governor's Recommended Capital Budget and Project Information document. Any
4 authorization balance (excluding Transportation Trust Fund balances) remaining unexpended or unencumbered by June 30,
5 ~~2018~~ 2019, shall be subject to reversion or reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
LEGISLATIVE						
Legislative Information System (LIS) Upgrade	01-08-02	\$ 2,300,000	\$ -	\$ -	\$ -	\$ 2,300,000
Subtotal:		\$ 2,300,000	\$ -	\$ -	\$ -	\$ 2,300,000
OFFICE OF MANAGEMENT AND BUDGET						
Minor Capital Improvement and Equipment	10-02-50	\$ 4,948,005	\$ 425,846	\$ -	\$ -	\$ 5,373,851
Environmental Compliance (UST/Asbestos/Other)	10-02-50	340,300	-	-	-	340,300
Architectural Barrier Removal	10-02-50	-	-	-	150,000	150,000
Roof Replacements	10-02-50	2,500,000	-	-	-	2,500,000
Carvel State Office Building Fire Alarm System Replacement	10-02-50	300,000	-	-	-	300,000
Local Law Enforcement Laptop Replacement	10-02-11	-	-	-	339,259	339,259
<i>Judicial Project</i>						
Minor Capital Improvement and Equipment	10-02-50	1,000,000	-	-	-	1,000,000
<i>State Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	1,450,000	-	-	-	1,450,000
Minor Capital Improvement and Equipment - Veterans Home	10-02-50	100,000	-	-	-	100,000
Veterans Home Bathing Rooms	10-02-50	150,000	-	-	-	150,000
<i>Health and Social Services Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	5,900,000	-	-	-	5,900,000
Roof Replacement/Repair	10-02-50	1,000,000	-	-	-	1,000,000
Holloway Campus Electrical System Replacement	10-02-50	3,460,000	-	-	-	3,460,000
Delaware Medicaid Enterprise System	10-02-05	3,640,000	-	-	-	3,640,000
<i>Services for Children, Youth and Their Families Project</i>						
Minor Capital Improvement and Equipment	10-02-50	1,500,000	-	-	-	1,500,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
OFFICE OF MANAGEMENT AND BUDGET (continued)						
<i>Correction Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	3,183,250	-	-	-	3,183,250
Howard R. Young Correctional Institution (HRYCI) Old Kitchen Space Renovation	10-02-50	2,500,000	-	-	-	2,500,000
HRYCI Front Lobby Renovation	10-02-50	2,000,000	-	-	-	2,000,000
JTVCC Building 20 Expansion	10-02-50	310,000	-	-	-	310,000
<i>Safety and Homeland Security Projects</i>						
800 MHz Technology Refresh	10-02-05	6,354,100	-	-	-	6,354,100
Minor Capital Improvement and Equipment	10-02-50	800,000	-	-	-	800,000
Delaware Emergency Management Agency (DEMA) Shed Replacement	10-02-50	150,000	-	-	-	150,000
<i>Delaware National Guard Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	1,705,000	-	-	-	1,705,000
Bethany Beach Training Site (BBTS) Building 115 Renovation	10-02-50	1,321,900	-	-	-	1,321,900
Subtotal:		\$ 44,612,555	\$ 425,846	\$ -	\$ 489,259	\$ 45,527,660
DELAWARE ECONOMIC DEVELOPMENT OFFICE						
Delaware Strategic Fund	10-03-03	\$ -	\$ -	\$ -	\$ 10,000,000	\$ 10,000,000
Experimental Program to Stimulate Competitive Research-Research Infrastructure Improvement (EPSCoR-RII)	10-03-03	-	-	-	600,000	600,000
Delaware Clinical and Translational Research (CTR)	10-03-03	-	-	-	1,000,000	1,000,000
IDeA Network of Biomedical Research Excellence (INBRE)	10-03-03	-	-	-	1,000,000	1,000,000
Fraunhofer Vaccine Development	10-03-03	-	-	-	1,000,000	1,000,000
Diamond State Port Corporation	10-03-03	15,800,000	-	-	-	15,800,000
Riverfront Development Corporation	10-03-03	-	-	-	3,150,000	3,150,000
Federal Research and Development Matching Grant Program	10-03-03	-	-	-	750,000	750,000
Bioscience Center for Advanced Technology (CAT)	10-03-03	-	-	-	1,000,000	1,000,000
Subtotal:		\$ 15,800,000	\$ -	\$ -	\$ 18,500,000	\$ 34,300,000

SECTION 1 ADDENDUM
FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
DELAWARE STATE HOUSING AUTHORITY						
Housing Development Fund - Affordable Rental Housing Program	10-08-01	\$ 6,000,000	\$ -	\$ -	\$ -	6,000,000
Urban Redevelopment	10-08-01	8,075,000	-	-	425,000	8,500,000
Subtotal:		\$ 14,075,000	\$ -	\$ -	425,000	\$ 14,500,000
STATE						
Museum Maintenance	20-06-01	\$ 550,000	\$ -	\$ -	\$ -	550,000
Rt. 9/13 (Garfield Park) Public Library	20-08-01	5,048,545	2,328,430	-	-	7,376,975
Duck Creek Regional Library	20-08-01	2,000,000	-	-	-	2,000,000
Harrington Public Library	20-08-01	1,203,500	-	-	-	1,203,500
Selbyville Public Library	20-08-01	150,000	-	-	-	150,000
Subtotal:		\$ 8,952,045	\$ 2,328,430	\$ -	\$ -	11,280,475
HEALTH AND SOCIAL SERVICES						
Maintenance and Restoration	35-01-30	\$ 4,750,000	\$ -	\$ -	\$ -	4,750,000
Drinking Water State Revolving Fund	35-05-20	-	-	-	1,770,000	1,770,000
Critical Equipment Replacement Program	35-01-30	-	-	-	150,000	150,000
Subtotal:		\$ 4,750,000	\$ -	\$ -	1,920,000	\$ 6,670,000
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES						
Maintenance and Restoration	37-01-15	\$ 200,000	\$ -	\$ -	\$ -	200,000
Subtotal:		\$ 200,000	\$ -	\$ -	\$ -	200,000
CORRECTION						
Maintenance and Restoration	38-04-40	\$ 3,135,400	\$ -	\$ -	\$ -	3,135,400
Subtotal:		\$ 3,135,400	\$ -	\$ -	\$ -	3,135,400

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL						
Shoreline and Waterway Management	40-03-04	\$ -	\$ -	\$ -	\$ 3,600,000	\$ 3,600,000
Conservation Cost Share	40-03-04	-	-	-	1,500,000	1,500,000
Conservation Reserve Enhancement Program (CREP)	40-03-04	-	-	-	1,000,000	1,000,000
Clean Water State Revolving Fund	40-01-06	-	-	-	1,400,000	1,400,000
Tax Ditches	40-03-04	-	-	-	1,148,700	1,148,700
High Hazard Dam and Dike Repair/Replacement	40-03-04	1,500,000	-	-	-	1,500,000
Park and Wildlife Area Rehabilitation/Critical Facilities	40-03-02	3,500,000	-	-	-	3,500,000
Statewide Trails and Pathways	40-03-02	3,000,000	-	-	-	3,000,000
Water Supply Monitoring Network	40-04-03	713,000	-	-	-	713,000
Redevelopment of Strategic Sites (NVF)	40-03-02	3,000,000	-	-	-	3,000,000
Redevelopment of Strategic Sites (Fort DuPont)	40-03-02	2,250,000	-	-	250,000	2,500,000
Delaware Bayshore Initiative	40-01-01	500,000	-	-	-	500,000
Subtotal:		\$ 14,463,000	\$ -	\$ -	\$ 8,898,700	\$ 23,361,700
SAFETY AND HOMELAND SECURITY						
Twin Engine Helicopter Lease/Payment	45-01-01	\$ -	\$ -	\$ -	\$ 1,029,341	\$ 1,029,341
Subtotal:		\$ -	\$ -	\$ -	\$ 1,029,341	\$ 1,029,341
TRANSPORTATION						
Road System	55-05-00	\$ -	\$ -	\$ 151,810,495	\$ -	\$ 151,810,495
Grants and Allocations	55-05-00	-	-	21,750,000	-	21,750,000
Transit System	55-05-00	-	-	26,699,178	-	26,699,178
Support System	55-05-00	-	-	50,565,985	-	50,565,985
Subtotal:		\$ -	\$ -	\$ 250,825,658	\$ -	\$ 250,825,658
FIRE PREVENTION COMMISSION						
Hydraulic Rescue Tools Replacement	75-02-01	\$ -	\$ -	\$ -	\$ 45,000	\$ 45,000
Subtotal:		\$ -	\$ -	\$ -	\$ 45,000	\$ 45,000

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UNIVERSITY OF DELAWARE						
Laboratories	90-01-01	\$ 6,000,000	\$ -	\$ -	\$ -	6,000,000
Subtotal:		\$ 6,000,000	\$ -	\$ -	\$ -	6,000,000
DELAWARE STATE UNIVERSITY						
Campus Improvements	90-03-01	\$ 5,260,000	\$ -	\$ -	\$ -	5,260,000
Excellence Through Technology	90-03-01	740,000	-	-	-	740,000
Subtotal:		\$ 6,000,000	\$ -	\$ -	\$ -	6,000,000
DELAWARE TECHNICAL COMMUNITY COLLEGE						
Collegewide Asset Preservation/Minor Capital Improvement (MCI)	90-04-01	\$ 400,000	\$ -	\$ -	\$ -	400,000
Excellence Through Technology	90-04-01	300,000	-	-	-	300,000
Library Renovations/Learning Commons (Owens Campus)	90-04-02	1,400,000	-	-	-	1,400,000
Student Services Building (Terry Campus)	90-04-06	300,000	-	-	-	300,000
East Building Expansion (George Campus)	90-04-04	300,000	-	-	-	300,000
Campus Improvements (Owens Campus)	90-04-02	825,000	-	-	-	825,000
Campus Improvements (Terry Campus)	90-04-06	825,000	-	-	-	825,000
Campus Improvements (Stanton/George Campuses)	90-04-05	1,650,000	-	-	-	1,650,000
Subtotal:		\$ 6,000,000	\$ -	\$ -	\$ -	6,000,000
EDUCATION						
Minor Capital Improvement and Equipment	95-01-01	\$ 11,000,000	\$ -	\$ -	\$ -	11,000,000
Architectural Barrier Removal	95-01-01	160,000	-	-	-	160,000
Cape Henlopen, Construct 720 Student ES (60/40)	95-17-00	4,951,800	-	-	-	4,951,800
Cape Henlopen, Sussex Consortium Additions to Beacon MS (100% State)	95-17-00	535,000	-	-	-	535,000
Cape Henlopen, 10 Additional Classrooms for Sussex Consortium at 720 Student ES (100% State)	95-17-00	3,397,600	-	-	-	3,397,600
Lake Forest, Renovate Lake Forest HS (66/34)	95-15-00	528,100	-	-	-	528,100
Lake Forest, Renovate East ES (66/34)	95-15-00	99,600	-	-	-	99,600
Polytech, Renovate Polytech HS (65/35)	95-39-00	4,225,000	-	-	-	4,225,000

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EDUCATION (continued)						
Caesar Rodney, Additions and Renovations to J.R. McIlvaine ECC (68/32)	95-10-00	2,150,600	-	-	-	2,150,600
Caesar Rodney, Additions and Renovations to Caesar Rodney HS (68/32)	95-10-00	3,855,000	-	-	-	3,855,000
Caesar Rodney, Renovate Fred Fifer III MS (68/32)	95-10-00	362,900	-	-	-	362,900
Caesar Rodney, Renovate F. Neil Postlethwait MS (68/32)	95-10-00	383,600	-	-	-	383,600
Caesar Rodney, Renovate Nellie Hughes Stokes ES (68/32)	95-10-00	175,900	-	-	-	175,900
Caesar Rodney, Construct 600 Student ES (68/32)	95-10-00	1,114,700	-	-	-	1,114,700
New Castle County VoTech, Renovate Howard HS/1927 Building (65/35)	95-38-00	18,738,000	-	-	-	18,738,000
Brandywine, Additions and Renovations to Carrcroft ES (61/39)	95-31-00	483,500	-	-	-	483,500
Brandywine, Renovate Brandywine HS (61/39)	95-31-00	1,789,600	-	-	-	1,789,600
Brandywine, Renovate Claymont ES (61/39)	95-31-00	323,100	-	-	-	323,100
Brandywine, Renovate Facilities Maintenance Building (61/39)	95-31-00	1,157,300	-	-	-	1,157,300
Brandywine, Demolish Burnett Building (61/39)	95-31-00	1,586,000	-	-	-	1,586,000
Cape Henlopen, Land Acquisition for Sussex Consortium Building (100% State)	95-17-00	1,890,000	-	-	-	1,890,000
Cape Henlopen, Construct Sussex Consortium Building (100% State)	95-17-00	6,733,200	-	-	-	6,733,200
Cape Henlopen, Replace H.O. Brittingham ES (60/40)	95-17-00	7,231,800	-	-	-	7,231,800
Cape Henlopen, Nine Additional Classrooms for Sussex Consortium at H.O. Brittingham ES (100% State)	95-17-00	2,234,700	-	-	-	2,234,700
Christina, Renovate Brennan School (100% State)	95-33-00	600,000	-	-	-	600,000
Subtotal:		\$ 75,707,000	\$ -	\$ -	\$ -	\$ 75,707,000
GRAND TOTAL:		\$ 201,995,000	\$ 2,754,276	\$ 250,825,658	\$ 31,307,300	\$ 486,882,234

1 **Section 2. Authorization of Twenty-Year Bonds.** The State hereby authorizes the issuance of bonds, to
 2 which the State shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to
 3 provide proceeds to the State in the amount of ~~\$196,960,000~~ \$201,995,000 and in the amount of ~~\$30,109,100~~
 4 \$28,008,900 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20
 5 years from their date of issuance. The proceeds of such bonds, except for local share of school bonds, are hereby
 6 appropriated for a portion of the purposes set forth in the Section 1 Addendum of this Act and summarized as follows:

7 Department, Agency or Instrumentality	Amount
8 Legislative	\$1,300,000 <u>\$2,300,000</u>
9 Office of Management and Budget	40,359,158 <u>44,612,555</u>
10 Delaware Economic Development Office	24,246,550 <u>15,800,000</u>
11 Delaware State Housing Authority	14,210,000 <u>14,075,000</u>
12 State	5,525,000 <u>8,952,045</u>
13 Health and Social Services	4,750,000
14 Services for Children, Youth and Their Families	200,000
15 Correction	3,135,400
16 Natural Resources and Environmental Control	13,755,500 <u>14,463,000</u>
17 Delaware National Guard	316,292
18 University of Delaware	6,000,000
19 Delaware State University	6,000,000
20 Delaware Technical Community College	6,000,000
21 Education	71,162,100 <u>75,707,000</u>

22 Purpose	State Share	Maximum Local Share	Total Cost
23 Minor Capital Improvement and Equipment	\$10,900,000		\$10,900,000
24 Architectural Barrier Removal	160,000		160,000
25 Red Clay, Renovate Austin D. Baltz ES (60/40)	1,417,000	944,700	2,361,700
26 Red Clay, Renovate Heritage ES (60/40)	1,481,400	987,600	2,469,000
27 Red Clay, Renovate Highlands ES (60/40)	790,800	527,200	1,318,000
28 Red Clay, Renovate William C. Lewis ES (60/40)	396,000	264,000	660,000

1	Red Clay, Renovate Henry B. DuPont MS (60/40)	2,333,500	1,555,600	3,889,100
2	Red Clay, Renovate Skyline MS (60/40)	1,520,500	1,013,700	2,534,200
3	Red Clay, Renovate Thomas McKean HS (60/40)	1,343,200	895,400	2,238,600
4	Red Clay, Renovate Meadowood (60/40)	651,800	434,600	1,086,400
5	Red Clay, Renovate The Central School (60/40)	1,719,300	1,146,200	2,865,500
6	Cape Henlopen, Construct 720 Student ES (60/40)	7,835,100	5,223,400	13,058,500
7	Cape Henlopen, Sussex Consortium Additions to			
8	Beacon MS (100% State)	1,070,000		1,070,000
9	Cape Henlopen, Additions to Beacon MS (60/40)	1,219,000	812,800	2,031,800
10	Cape Henlopen, Additions to Mariner MS (60/40)	1,251,500	834,300	2,085,800
11	Cape Henlopen, 10 Additional Classrooms for Sussex			
12	Consortium at 720 Student ES (100% State)	1,132,000		1,132,000
13	Lake Forest, Renovate Lake Forest HS (66/34)	2,062,400	1,062,500	3,124,900
14	Lake Forest, Renovate W.T. Chipman MS (66/34)	468,400	241,300	709,700
15	Lake Forest, Renovate Central ES (66/34)	315,800	162,700	478,500
16	Lake Forest, Renovate East ES (66/34)	247,900	127,700	375,600
17	Polytech, Renovate Polytech HS (65/35)	4,225,000	2,275,000	6,500,000
18	Smyrna, Renovate Smyrna ES (67/33)	4,439,400	2,186,600	6,626,000
19	Smyrna, Renovate Clayton ES (67/33)	681,000	335,400	1,016,400
20	Smyrna, Renovate North Smyrna ES (67/33)	517,200	254,700	771,900
21	Smyrna, Renovate John Basset Moore IS (67/33)	333,500	164,200	497,700
22	Smyrna, Renovate Thomas D. Clayton Administration			
23	Building (67/33)	1,372,500	676,000	2,048,500
24	Caesar Rodney, Renovate John S. Charlton School			
25	(100% State)	4,766,900		4,766,900
26	Delmar, Roof Replacement and Renovations to			
27	Delmar MS/HS (80/20)	3,283,100	820,800	4,103,900
28	Milford, Portable Classrooms (70/30)	53,900	69,000	122,900
29	New Castle County VoTech, Renovate Howard HS/1927			

		<u>Maximum</u>	
	State Share	Local Share	Total Cost
1			
2	Purpose		
3	Building (65/35)	13,174,000	7,093,700
4	Subtotal	\$71,162,100	\$30,109,100
5		TOTAL	\$196,960,000

		<u>Maximum</u>	
	State Share	Local Share	Total Cost
6	Purpose		
7			
8	Minor Capital Improvement and Equipment	\$11,000,000	\$5,534,399
9	Architectural Barrier Removal	160,000	106,700
10	Cape Henlopen, Construct 720 Student ES (60/40)	4,951,800	3,301,200
11	Cape Henlopen, Sussex Consortium Additions		
12	to Beacon MS (100% State)	535,000	535,000
13	Cape Henlopen, 10 Additional Classrooms for Sussex		
14	Consortium at 720 Student ES (100% State)	3,397,600	3,397,600
15	Lake Forest, Renovate Lake Forest HS (66/34)	528,100	272,000
16	Lake Forest, Renovate East ES (66/34)	99,600	51,300
17	Polytech, Renovate Polytech HS (65/35)	4,225,000	2,275,000
18	Caesar Rodney, Additions and Renovations to		
19	J.R. McIlvaine ECC (68/32)	2,150,600	1,012,000
20	Caesar Rodney, Additions and Renovations to		
21	Caesar Rodney HS (68/32)	3,855,000	1,814,000
22	Caesar Rodney, Renovate Fred Fifer III MS (68/32)	362,900	170,800
23	Caesar Rodney, Renovate F. Neil Postlethwait MS (68/32)	383,600	180,500
24	Caesar Rodney, Renovate Nellie Hughes Stokes ES (68/32)	175,900	82,800
25	Caesar Rodney, Construct 600 Student ES (68/32)	1,114,700	524,600
26	New Castle County VoTech, Renovate Howard HS/		
27	1927 Building (65/35)	18,738,000	10,089,700
28	Brandywine, Additions and Renovations to Carrcroft ES (61/39)	483,500	309,100
29	Brandywine, Renovate Brandywine HS (61/39)	1,789,600	1,144,200
30	Brandywine, Renovate Claymont ES (61/39)	323,100	206,600
31	Brandywine, Renovate Facilities Maintenance Building (61/39)	1,157,300	739,900

Purpose	State Share	Maximum Local Share	Total Cost
Brandywine, Demolish Burnett Building (61/39)	1,586,000	1,014,000	2,600,000
Cape Henlopen, Land Acquisition for Sussex Consortium Building (100% State)	1,890,000		1,890,000
Cape Henlopen, Construct Sussex Consortium Building (100% State)	6,733,200		6,733,200
Cape Henlopen, Replace H.O. Brittingham ES (60/40)	7,231,800	4,821,200	12,053,000
Cape Henlopen, Nine Additional Classrooms for Sussex Consortium at H.O. Brittingham ES (100% State)	2,234,700		2,234,700
Christina, Renovate Brennan School (100% State)	600,000		600,000
Subtotal	\$75,707,000	\$33,649,999	\$109,356,999
	TOTAL		\$201,995,000

Section 3. Appropriation of General Funds. It is the intent of the General Assembly that \$31,307,300 be appropriated to the following departments of the State and in the following amount for the purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or unencumbered by June 30, 2019, shall revert to the General Fund of the State of Delaware.

Department, Agency or Instrumentality	Amount
Office of Management and Budget	\$489,259
Delaware Economic Development Office	18,500,000
Delaware State Housing Authority	425,000
Health and Social Services	1,920,000
Natural Resources and Environmental Control	8,898,700
Safety and Homeland Security	1,029,341
Fire Prevention Commission	45,000
	TOTAL \$31,307,300

Section 4. One-Time Special Fund Reprogramming. (a) Notwithstanding the provisions of any other state law, the General Assembly hereby directs the State Treasurer to deauthorize the remaining appropriation balance, not in excess of the balance below from the following One-Time Special Funds and reauthorizes the funds to the department listed in subsection (b) of this section, according to the purposes in the Section 1 Addendum of this Act.

1	Department, Agency, or Instrumentality	Appropriation Code	Amount
2	Office of Management and Budget		
3	New Jobs Infrastructure	2012-10-02-11-25119	\$7,500,000.00
4	Services for Children, Youth and Their Families		
5	Ball Cottage	2012-37-01-15-25107	36,100 <u>\$7,447</u>
6			TOTAL \$7,536,100.00 <u>\$7,447</u>

7	(b) Department, Agency, or Instrumentality	Amount
8	Delaware Economic Development Office	
9	Delaware Strategic Fund	\$7,500,000.00
10	Natural Resources and Environmental Control	
11	Redevelopment of Strategic Sites (NVE/Fort Dupont)	21,000.00
12	Buried Debris Pit Remediation	15,100.00
13	<u>Office of Management and Budget</u>	
14	<u>Minor Capital Improvement and Equipment</u>	<u>\$7,447</u>
15		TOTAL \$7,536,100.00 <u>\$7,447</u>

Section 5. Transfers to the State Treasurer's Agency Bond Reversion Account.

17	Project	Appropriation Code	Amount
18	State Headquarters	2009-10-02-50-50309	\$33,708.20
19	<u>Advanced Planning</u>	<u>2007-10-02-06-50014</u>	<u>\$28,500.00</u>
20	<u>Kent County Courthouse</u>	<u>2011-10-02-50-50076</u>	<u>12,405.22</u>
21	<u>Kent County Courthouse</u>	<u>2012-10-02-50-50077</u>	<u>49,541.31</u>
22	<u>HRYCI Masonry Restoration</u>	<u>2011-10-02-50-50239</u>	<u>276,563.79</u>
23	<u>State Headquarters</u>	<u>2009-10-02-50-50309</u>	<u>997.61</u>
24	<u>Roof Replacement/Sussex</u>	<u>2012-10-02-50-50372</u>	<u>50,390.91</u>
25	<u>New Castle - Southern</u>	<u>2007-20-08-01-50101</u>	<u>1,870,000.00</u>
26	<u>Greenwood Public Library</u>	<u>2012-20-08-01-50265</u>	<u>297,927.48</u>
27	<u>Claymont Branch Library</u>	<u>2014-20-08-01-50266</u>	<u>60,503.03</u>
28	<u>Claymont Branch Library</u>	<u>2015-20-08-01-50266</u>	<u>100,000.00</u>
29			TOTAL \$33,708.20 <u>\$2,746,829.35</u>

Section 6. Transfer from the State Treasurer's Agency Bond Reversion Account. Notwithstanding the

provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of \$33,708.00

1 \$2,746,829 from the State Treasurer's Bond Reversion Account (94-12-05-03-50015) to the following departments in
 2 the following amount for the purpose set forth in the Section 1 Addendum of this Act.

3 Department, Agency or Instrumentality	Amount
4 Delaware National Guard	
5 Field Maintenance Shop (FMS) #5	\$33,708.00
6 <u>Office of Management and Budget</u>	
7 <u>Minor Capital Improvement and Equipment</u>	<u>\$418,399</u>
8 <u>State</u>	
9 <u>Rt. 9/13 (Garfield Park) Public Library</u>	<u>2,328,430</u>
10	TOTAL <u>\$33,708.00</u> <u>\$2,746,829</u>

11 **Section 7. Continuing Appropriations.** For the fiscal year ending June 30, ~~2015~~ 2016, any sums in the
 12 following accounts shall remain as continuing appropriations and shall not be subject to reversion until June 30, ~~2016~~
 13 2017.

14 Fiscal Year(s)	Appropriation Code	Description
15 <u>2014</u>	<u>01-08-02-59905</u>	<u>LIS Upgrade</u>
16 <u>2014</u>	<u>02-17-01-50060</u>	<u>MCI/Judicial</u>
17 2009	10-02-05-10004	Technology Fund
18 2009	10-02-05-50006	800 MHZ
19 2007	10-02-06-50014	Advanced Planning
20 2013	10-02-11-10042	Laurel Stabilization
21 2012	10-02-11-50369	New Jobs Infrastructure
22 2011/2012	10-02-50-10025	MCI/DSHS
23 2012	10-02-50-10027	MCI/DSCYF
24 2012	10-02-50-10031	MCI/Correction
25 <u>2014</u>	<u>10-02-50-10040</u>	<u>Environmental Compliance</u>
26 <u>2014</u>	<u>10-02-50-10041</u>	<u>Architectural Barrier</u>
27 <u>2014</u>	<u>10-02-50-10238</u>	<u>Absolom Jones Community Center</u>
28 2012	10-02-50-10911	Troop 7, Lewes
29 2013	10-02-50-50051	Townsend Building Mechanical
30 <u>2013/14</u>	<u>10-02-50-50055</u>	<u>New Troop 7, Lewes</u>
31 <u>2014</u>	<u>10-02-50-50061</u>	<u>MCI/State</u>
32 <u>2013/14</u>	<u>10-02-50-50064</u>	<u>MCI/Correction</u>
33 <u>2013/14</u>	<u>10-02-50-50066</u>	<u>MCI/DSHS</u>
34 2011	10-02-50-50076	Kent County Courthouse
35 2012	10-02-50-50077	Kent County Courthouse
36 2011	10-02-50-50239	HRYCI Masonry Restoration
37 2012/13	10-02-50-50247	New Kitchen at HRYCI
38 2013	10-02-50-50249	MCI National Guard
39 <u>2013/14</u>	<u>10-02-50-50306</u>	<u>MCI/OMB</u>
40 <u>2013/14</u>	<u>10-02-50-50307</u>	<u>MCI/DHSS</u>
41 <u>2014</u>	<u>10-02-50-50308</u>	<u>MCI/DSCYF</u>
42 2009	10-02-50-50309	Starc Headquarters
43 <u>2012/14</u>	<u>10-02-50-50362</u>	<u>Roof Replacement - Correction</u>
44 2012/13	10-02-50-50363	Troop 3, Camden

1	2013/14	10-02-50-50370	Roof Replacement - DHSS
2	2012	10-02-50-50372	SCCH Roof Replacement
3	2014	10-02-50-50403	Roof Replacement/DSCYF
4	2013	10-02-50-59903	B/P New Kitchen at HRYCI
5	2014	10-02-50-59906	MCI/DHSS
6	2014	10-02-50-59907	Roof Renovations/DSCYF
7	2014	10-02-50-59908	MCI/DNG
8	2013/14	10-08-01-50068	Housing - Affordable Rental
9	2002	12-05-03-10090	GF Cap Reprogramming
10	1994	12-05-03-50015	Agency Reversions
11	1994	12-05-03-50229	School Reversions
12	2012	15-01-01-10004	Technology
13	2002	20-08-01-50065	Harrington Public Library
14	2013/14	20-08-01-50082	Delmar Public Library
15	2013	20-08-01-50085	Rt. 9/13 Community Library
16	2007	20-08-01-50101	NCC South
17	2012	20-08-01-50265	Greenwood Public Library
18	2014	20-08-01-50266	Claymont Branch Library
19	2012/13/14	20-08-01-50364	Duck Creek Library
20	2014	20-09-01-50404	Veterans Home Dining Room
21	2014	35-02-01-50432	Medicaid Management Information System
22			
23	2013	35-02-01-59901	B/P Medicaid Management
24	2014	35-07-01-50402	Delaware Client Information System
25	2014	35-10-01-50048	DASCES Replacement
26	2014	37-01-15-50267	Maintenance and Restoration
27	2011	37-01-50-10065	FACTS II
28	2013/14	37-01-50-50361	FACTS II
29	2013	37-01-50-59902	B/P FACTS II
30	2014	38-04-40-50267	Maintenance and Restoration
31	2012	40-01-01-10017	MCI
32	2013/14	40-01-01-10044	Delaware Bayshore Initiative
33	2012	40-01-01-50367	State Bike Route
34	2008	40-01-06-10152	Combined Sewer Overflow
35	2014	40-01-06-10918	Clean Water
36	2013	40-03-02-10047	Park Facility Rehab
37	2014	40-03-02-10250	Fort Miles Museum
38	2014	40-03-02-10922	Redevelopment of Strategic Sites
39	2013/14	40-03-02-50086	Statewide Trails and Pathways
40	2014	40-03-02-50237	State Park Facilities
41	2012/13	40-03-02-50366	Redevelopment/Strategies
42	2014	40-03-02-59911	State Park Facilities
43	2014	40-03-02-59912	Fort Miles Museum
44	2014	40-03-04-10138	Tax Ditches
45	2014	40-03-04-10142	Buried Debris Pit Remediation
46	2014	40-03-04-10246	Holts Landing Dredging
47	2014	40-03-04-10247	Oak Orchard Dredging
48	2014	40-03-04-10248	Dredging Little River
49	2014	40-03-04-10251	Shoreline and Waterway
50	2014	40-03-04-50087	Dikes/Dams
51	2003	40-03-04-50224	Resource Conserv & Dev
52	2014	45-01-01-10162	Twin Engine Helicopter
53	2014	45-01-01-10252	City of Wilmington Wireless
54	2014	45-01-01-59913	NCC Law Enforcement Firing Range

1	2010	55-05-00-95401	FHWA
2	2010	55-05-00-95402	FTA
3	2010	55-05-00-95403	Federal-Other
4	<u>2010/11/12/13/14</u>	55-05-00-95601	Grants & Allocations
5	<u>2010/11/12/13/14</u>	55-05-00-97301	Transit System
6	<u>2010/11/12/13/14</u>	55-05-00-97601	Support System
7	<u>2010/11/12/13/14</u>	55-05-00-97701	Road System
8	2010	55-05-00-97801	GARVEE Fund
9	2013	75-02-01-10169	Hydraulic Rescue Tools
10	2013	76-01-01-50249	MCI National Guard
11	<u>2014</u>	<u>76-01-01-50429</u>	<u>Scannell Readiness Center</u>
12	<u>2014</u>	<u>76-01-01-50431</u>	<u>Duncan Readiness Center</u>
13	2012	90-03-01-10017	MCI
14	2013	90-03-01-10056	Convocation Feasibility Study
15	<u>2013/14</u>	90-03-01-50022	MCI
16	2010	90-03-01-50350	MCI & Equipment
17	<u>2013/14</u>	90-04-01-50273	Excellence Through Technology
18	<u>2013/14</u>	90-04-01-50354	College Asset Pres Pro
19	<u>2011/13/14</u>	90-04-02-50271	Owens Campus Improvements
20	2006	90-04-04-50235	Stanton Campus Expansion
21	2007	90-04-05-50235	Stanton Campus Expansion
22	<u>2013/14</u>	90-04-05-50325	Stanton/Wilmington Campus Improvements
23			
24	<u>2013/14</u>	90-04-06-50272	Terry Campus Improvements
25	<u>2014</u>	95-01-01-50022	MCI
26	<u>2014</u>	95-13-00-50022	MCI
27	2012/13	95-13-00-50285	Capital Construct New
28	2011	95-13-00-50295	Capital Professional C
29	2013	95-13-00-50324	Voc Equipment Replacement
30	<u>2014</u>	<u>95-13-00-50401</u>	<u>Kent County Community School</u>
31	<u>2014</u>	<u>95-13-00-50409</u>	<u>Renovate Central MS</u>
32	<u>2014</u>	<u>95-13-00-50410</u>	<u>Renovate Booker T. Washington ES</u>
33	<u>2014</u>	<u>95-15-00-10012</u>	<u>Renovate South ES</u>
34	<u>2014</u>	<u>95-15-00-10013</u>	<u>Renovate East ES</u>
35	<u>2014</u>	<u>95-15-00-10014</u>	<u>Renovate North ES</u>
36	2013 <u>2014</u>	95-15-00-50022	MCI
37	2013	95-15-00-50324	Voc Equipment Replacement
38	2013 <u>2014</u>	95-16-00-50022	MCI
39	<u>2012/13/14</u>	95-16-00-50381	Construct Combined MS/HS
40	<u>2013/14</u>	95-16-00-50394	Laurel, Construct 1200 Student ES
41	<u>2014</u>	<u>95-16-00-50405</u>	<u>Laurel, Select Demo/Reno</u>
42	2011	95-18-00-50139	Renovate Milford HS
43	2013 <u>2014</u>	95-23-00-50022	MCI
44	2013 <u>2014</u>	95-23-00-50396	Seaford Senior HS Addition
45	<u>2013/14</u>	95-24-00-50022	MCI
46	2012	95-24-00-50091	Roofing Systems
47	2007	95-24-00-50263	Construct 600 Pupil ES
48	2011	95-24-00-50297	Construct 600 Pupil IS
49	<u>2013/14</u>	95-24-00-50324	Voc Equipment Replacement
50	<u>2014</u>	<u>95-29-00-50022</u>	<u>MCI</u>
51	2013	95-29-00-50041	Construct 840 Pupil ES
52	2013	95-29-00-50324	Voc Equipment Replacement
53	<u>2014</u>	<u>95-31-00-50022</u>	<u>MCI</u>
54	2013	95-31-00-50392	Architectural Barrier

1	<u>2013/14</u>	95-32-00-50022	MCI
2	<u>2014</u>	95-32-00-50398	<u>Renovate A.I. DuPont HS</u>
3	<u>2013/14</u>	95-32-00-50399	Red Clay Renovate Cab Calloway
4	2013 <u>2014</u>	95-32-00-50400	Red Clay Construct 600 Student ES
5	2013 <u>2014</u>	95-33-00-50022	MCI
6	2006	95-33-00-50040	Construct 800 Pupil MS
7	2006	95-33-00-50104	New MS
8	2013 <u>2014</u>	95-33-00-50324	Voc Equipment Replacement
9	2013 <u>2014</u>	95-33-00-50392	Architectural Barrier
10	<u>2013/14</u>	95-34-00-50022	MCI
11	2009	95-34-00-50152	Ren William Penn HS
12	2013	95-34-00-50324	Voc Equipment Replacement
13	2013	95-35-00-50022	MCI
14	<u>2013/14</u>	95-35-00-50383	Construct 700 Pupil HS
15	<u>2014</u>	95-35-00-50450	<u>Old/New HS Misc</u>
16	<u>2014</u>	95-36-00-50411	<u>Add/Ren North Georgetown ES</u>
17	<u>2014</u>	95-36-00-50413	<u>Add/Ren Long Neck ES</u>
18	2013 <u>2014</u>	95-38-00-50022	MCI
19	2013 <u>2014</u>	95-38-00-50324	Voc Equipment and Replacement
20	2012/13	95-38-00-50385	Renovate Howard HS
21	2013 <u>2014</u>	95-39-00-50324	Voc Equipment and Replacement
22	2012 / <u>2013/14</u>	95-39-00-50391	Renovate/Addition Polytech HS
23	<u>2013/14</u>	95-40-00-50388	Renovate HVAC Sussex Tech HS
24	<u>2013/14</u>	95-40-00-50395	Sussex Tech Renovate HS
25	<u>2014</u>	95-40-00-50407	<u>Sussex Tech Ren District Office</u>
26	2010	95-51-00-50240	Replace Sterck
27	2013 <u>2014</u>	95-53-00-50022	MCI
28	2010	95-53-00-50348	Renovate John G. Leach

29 **Section 8. Prefatory Language.** This Act has been prepared in conformance with 78 Del. Laws, c. 90. For
30 all sections with the exception of Section 1 Addendum, all comparisons to the previous year’s Budget Act are shown
31 noting insertions by underlining and deletions by strikethrough.

32 **Section 9. Open Space Funding.** ~~For the fiscal year ending June 30, 2016, 30 Del. C. § 5423(b)(2) and §~~
33 ~~5423(c)(1) shall be waived.~~ Notwithstanding the provisions of 30 Del. C. § 5423(b)(2) and § 5423(c)(1), on or before
34 December 15, 2016, the State shall transfer \$3,000,000 of realty transfer taxes to the Project Account in the Delaware
35 Land and Water Conservation Trust Fund.

36 **Section 10. Farmland Preservation Funding.** ~~For the fiscal year ending June 30, 2016, 30 Del. C. § 5426~~
37 ~~shall be waived.~~ Notwithstanding the provisions of 30 Del. C. § 5426 for the fiscal year ending June 30, 2017, the
38 State shall transfer \$3,000,000 of realty transfer taxes to the Farmland Preservation Fund maintained under 3 Del. C. §
39 905(a).

40 **Section 11. Energy Efficiency Investment Fund.** For the fiscal year ending June 30, ~~2016~~ 2017, 30 Del. C.
41 § 5502(f) shall be waived.

1 **Section 12. Conservation Districts - Federal Acquisition Regulations.** Conservation Districts shall not be
2 required to follow the provisions of the Federal Acquisition Regulations unless specifically required under a
3 contract(s) with a federal agency or federal grant. If the Conservation Districts are required to follow subpart 31.2 of
4 the Federal Acquisition Regulations, then the Conservation Districts are hereby authorized to charge an additional 10
5 percent to their overhead cost rate to enable the Conservation Districts to continue to fulfill their statutory duties and
6 responsibilities.

7 **Section 13. First State Preservation Revolving Fund, Inc.** For Fiscal Year ~~2016~~ 2017, First State
8 Preservation Revolving Fund, Inc. may continue to expend, for administrative expenses, the interest generated by the
9 Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999 and 2000.

10 **Section 14. Downtown Milford Inc.** Any Community Redevelopment Fund appropriations to Downtown
11 Milford Inc. - Structural and Façade Improvements may be used for private businesses and residences, as well as
12 institutional residences provided said properties are within the Downtown Milford project area.

13 **Section 15. Laurel Redevelopment Corporation.** Any proceeds from the sale of property funded in whole
14 or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall be reinvested in
15 redevelopment projects within the Town of Laurel.

16 **Section 16. Community Redevelopment Fund Match.** Notwithstanding the provisions of 29 Del. C. §
17 6102A, any unexpended Community Redevelopment Funds awarded to the Hockessin Community Center in Fiscal
18 Years 2004 and 2005 shall not require a local match.

19 **Section 17. Bond Bill Reporting Requirements.** All state agencies and public school districts receiving
20 funds from the Bond and Capital Improvements Act shall submit a quarterly expenditure status report to the Director
21 of the Office of Management and Budget and Controller General on all incomplete projects that are wholly or partially
22 funded with state and/or local funds, including bond funds. The format and information required in these quarterly
23 reports shall include, but not be limited to, expenditures of both bond and cash funds. The report format will be
24 developed by the Office of Management and Budget and include information as needed by the Department of Finance,
25 Treasurer's Office and Office of Management and Budget to anticipate cash and bond requirements for the upcoming
26 fiscal year.

27 **Section 18. Notification.** The Director of the Office of Management and Budget and Controller General
28 shall notify affected state agencies and other instrumentalities of the State as to certain relevant provisions of this Act.

1 Additionally, the Director of the Office of Management and Budget and Controller General shall notify the President
2 Pro Tempore of the Senate and the Speaker of the House as to any legislative appointments required by this Act.

3 **Section 19. Escheat - Special Funds.** For Fiscal Year ~~2016~~ 2017, in which General Fund deposits equal
4 \$554,000,000, the Secretary of Finance shall transfer any and all additional receipts received to a holding account
5 entitled “Escheat - Special Fund”. The Joint Legislative Committee on the Capital Improvement Program shall allocate
6 these additional receipts as part of the Fiscal Year ~~2017~~ 2018 Joint Legislative Committee on the Capital Improvement
7 Act among the following funds:

- 8 (a) The K-12 Construction Fund;
- 9 (b) The Debt Reduction Fund; and
- 10 (c) The Other Post-Employment Benefits Fund as established by 29 Del. C. § 5281.

11 **Section 20. Higher Education Research and Education.** The Section 1 Addendum of this Act makes
12 appropriations to the Department of Transportation and the Department of Natural Resources and Environmental
13 Control. In an effort to best utilize resources available to the State, including federal funding, to the State’s benefit
14 and, notwithstanding 29 Del. C. c. 69 or any other statutory provision to the contrary, the General Assembly hereby
15 permits the departments, within the limits of funding provided to support research and education efforts to enter into
16 agreements directly with the University of Delaware, Delaware State University and Delaware Technical Community
17 College. This authorization is limited to conducting basic or applied research; transferring knowledge regarding
18 scientific and technological advancements; and providing practical training to the state and local governments in the
19 application of science or technology, and encourages the departments to consider these three institutions as the
20 resource of first resort in meeting any of their research and/or educational needs.

1 **JUDICIAL**

2 **Section 21. Court Facilities Improvement Working Group.** Recognizing that there are critical unmet
3 court space needs statewide, including addressing operational deficiencies of the Family Court facilities in Sussex and
4 Kent Counties, and other downstate court facilities, as identified in the Southern Court Facilities Space Study (October
5 31, 2006), a court facilities improvement working group shall be established, consisting of representatives from the
6 Judicial Branch, the Office of the Governor, the Office of Management and Budget, including Facilities Management,
7 and the Office of the Controller General, to develop a plan for implementing flexible, cost-effective and potentially
8 innovative solutions to these and other court facility space issues. The working group shall engage with the Delaware
9 State Bar Association to obtain input from practitioners who practice in the affected courts regarding the best manner
10 to ensure that litigants have access to high-quality, dignified, and safe courthouses within reasonable proximity to their
11 residences, and what combination of courthouses will accomplish that goal in the manner most cost-effective to
12 taxpayers in the long term. For the same reason, the working group will obtain input from other state agencies that
13 provide services related to litigants in the affected courts, to consider whether the co-location of offices would be
14 helpful to those receiving services and be more efficient for state taxpayers in the long term.

15 **Section 22. Kent and Sussex County Judicial Court Facilities.** ~~the Section 1 Addendum of this Act~~
16 ~~appropriates \$500,000 to~~ 80 Del. Laws, c. 78 makes an appropriation to be used towards preliminary costs, including
17 planning and design and architectural and engineering work to address deficiencies in current Family Court facilities
18 in Kent and Sussex Counties, and other critical court space needs in those counties so long as those needs can
19 reasonably be addressed in conjunction with the Family Court facility needs. Efficiencies shall be achieved in this
20 process through the combining of planning, design, architectural and engineering work for both facilities, in all
21 circumstances where combined efforts are appropriate and will likely achieve cost savings to the overall project.

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 **Section 23. Construction Management.** Notwithstanding any other state law, the Office of Management
3 and Budget (OMB) shall be responsible for the design and construction of all the projects listed under Office of
4 Management and Budget in the Section 1 Addendum of this Act. For those projects that are solely for the purchase of
5 equipment, including projects that are funded in any Minor Capital Improvement (MCI) and Equipment line, OMB
6 shall transfer the appropriate funding necessary to purchase the equipment to the agency for which the equipment is
7 being purchased. The appropriate amount of funding shall be determined and agreed to by OMB and the agency for
8 which the equipment is being purchased by September 1 of each fiscal year. For those projects for which the
9 appropriation is passed to an entity and for which the State is not a party to the construction contract, OMB shall
10 provide technical assistance.

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

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

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

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

1 **Section 24. Craft Training.** OMB may, in its discretion, engage in one public works procurement utilizing
2 a craft training program. OMB may determine the parameters and processes for any such procurement process and
3 contract. Should OMB engage in such a public works procurement as set forth herein, upon its completion, OMB shall
4 report to the Joint Legislative Committee on the Capital Improvement Program with an assessment of said
5 procurement including, but not limited to, cost-savings, project quality and worker safety.

6 **Section 25. Construction Manager.** It is the intent of the General Assembly that all public works projects,
7 including all public school projects, that utilize a construction manager on the project, utilize the delivery methodology
8 which requires the construction manager to secure a performance and payment bond for their portion of the work. All
9 subcontractors shall be listed at the start of the project and shall provide a performance and payment bond which
10 names the construction manager and the State of Delaware as additional insureds. All provisions of 29 Del. C. c. 69
11 are in effect for projects which utilize Construction Manager.

12 **Section 26. Judicial Construction Oversight.** It is the intent of the General Assembly that a nine-member
13 Executive Committee be created to oversee construction of new or major renovation of judicial facilities. The
14 Executive Committee shall include two members of the legislature appointed by the Co-Chairs of the Joint Legislative
15 Committee on the Capital Improvement Program; the respective Chairs of the House and Senate Judiciary
16 Committees; two members of the Judiciary as appointed by the Chief Justice; and three members of the Executive
17 Department to include the Director of Facilities Management, the Director of OMB and their designee. The Executive
18 Committee shall work in conformation with existing construction oversight guidelines as written in ~~Section 32~~ the
19 Construction Management section of this Act. The Executive Committee is hereby empowered to:

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

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

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

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

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

1 either the Judicial Branch or recommended by OMB for the Judicial Branch where the total project cost estimate
2 exceeds \$10,000,000.

3 **Section 27. Minor Capital Improvement and Equipment Supplement - Office of Management and**
4 **Budget.** Notwithstanding the provisions of any other state law to the contrary, not more than 5 percent of the total
5 amount allocated to OMB's MCI annual budget may be expended to enter into contractual agreements for project
6 representatives and associated administrative support to ensure adequate oversight of state construction projects. The
7 Director of OMB is directed to provide an itemized budget for this amount to the Controller General by August 1 of
8 each fiscal year and expenditure reports to the Controller General by December 1 and June 1 of each fiscal year.

9 **Section 28. New Castle County Courthouse.** Notwithstanding any law or local government ordinance,
10 resolution or any deed restrictions to the contrary, the Director of OMB shall designate the name of any state-owned or
11 state-operated courthouse or other judicial building or facility in New Castle County purchased, constructed or
12 improved by funds appropriated pursuant to an act of the General Assembly and shall have the sole authority to
13 approve or disapprove the placement of any statues or memorials in or on the grounds of such courthouse or judicial
14 building or facility.

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

1 **Section 30. Design-Build Contracts.** OMB is hereby authorized to utilize or approve the design-build
2 contract mechanism for up to twelve construction projects that are deemed necessary by the Director for the efficient
3 construction and improvement of state facilities. Design-build is a project delivery method under which a project
4 owner, having defined its initial expectations to a certain extent, executes a single contract for both
5 architectural/engineering services and construction. The selection processes and other terms of such contracts may
6 vary considerably from project to project. The design-build entity may be a single firm, a consortium, joint venture or
7 other organization. However, the fundamental element of design-build delivery remains that one entity assumes
8 primary responsibility for design and construction of the project. OMB is authorized to use this approach in
9 completing its projects, subject to the following conditions:

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

13 (b) The following additional provisions of 29 Del. C. c. 69 shall also be incorporated into these design-build
14 contracts: § 6962(d)(4)a. (anti-pollution, conservation environmental measures or Energy Star Equipment not covered
15 by contract specifications); § 6962(d)(7) (equality of employment opportunity); and § 6962(d)(8)(9) (bonding
16 requirements); and

17 (c) Any such contracts using federal funding shall conform to all applicable federal laws and regulations
18 concerning design-build contracting.

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

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 **Section 31. Composites Research.** The Delaware Economic Development Office (DEDO) is authorized to
3 provide a match of up to \$100,000 to the University of Delaware Center for Composite Materials for federal research
4 grants received that support the development and application of composite manufacturing technology for the benefit
5 of Delaware companies. Such match shall be disbursed from the Delaware Strategic Fund upon documentation of the
6 receipt of federal funds allocated to the center during the fiscal year for these purposes and upon documentation of
7 the relevance of these research projects to Delaware industries' needs and their participation within said projects.

8 **Section 32. Kalmar Nyckel.** The scheduling of the Kalmar Nyckel by non-state entities shall require the
9 approval of the Riverfront Development Corporation. Further, the Riverfront Development Corporation is encouraged
10 to enter into negotiations with interested parties to review the disposition of loans to the Kalmar Nyckel.

11 **Section 33. Transportation Property Disposition.** The proceeds from the future sale of parcels of land the
12 Department of Transportation acquired on Beech Street in the City of Wilmington and Delmarva Properties located in
13 the Wilmington Riverfront area shall be deposited to the Transportation Trust Fund.

14 **Section 34. Council on Development Finance.** If DEDO makes an award not in agreement with the
15 recommendations of the Council on Development Finance, the Director of DEDO shall notify the Co-Chairs of the
16 Joint Legislative Committee on the Capital Improvement Program within 10 business days. The notification shall
17 include details of the actual award, the Council recommendations on the proposal and a justification for why DEDO
18 did not follow the recommendations of the Council.

19 **Section 35. New Markets Tax Credit Program.** In the event that the Director of DEDO and the Secretary
20 of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit Program under the
21 U.S. Treasury Department, the Director is authorized to form a business entity or organization to apply for and manage
22 this program on behalf of the State, as required by applicable federal legislation and regulations. Any such application
23 for said program shall be subject to the approval of the Co-Chairs of the Joint Legislative Committee on the Capital
24 Improvement Program and the Delaware State Clearinghouse Committee. Should such application receive final
25 approval by the U.S. Treasury Department or other federal governmental entity charged with such authority, at least
26 one public hearing shall be held for the purpose of presenting the program, the availability of financial assistance and
27 the selection process.

1 **Section 36. Federal Research and Development Matching Grant Program.** Section 1 of 79 Del. Laws,
2 ~~e. 292 makes an appropriation~~ Addendum of this Act makes an appropriation to support federal research and
3 development grants to Delaware institutions. The program will be administered through DEDO. Funding requests
4 will be solicited yearly from the University of Delaware, Delaware State University, Delaware Technical Community
5 College and Wesley College and reviewed by a committee consisting of two representatives from each public
6 institution and three representatives of Delaware-based companies appointed by the Governor. The proposed work
7 must complement and extend an on-going federally funded project or assist with start-up costs. Allowable budget
8 categories include salaries and benefits for new graduate students and post-doctoral students, supplies and expenses
9 to support the research of these individuals including infrastructure and capital purchases for equipment necessary to
10 launch, support and sustain the research activities. Requests are capped at \$100,000 per year.

11 **Section 37. Emerging Technology Center.** Notwithstanding any other law to the contrary, funds
12 appropriated to DEDO for the Delaware Emerging Technology Center (ETC), pursuant to 74 Del. Laws, c. 308 §
13 36(c), shall be expended by DEDO for the purpose of operating the ETC. Operating expenses may include, but are
14 not limited to: ETC software licensing agreements; Delaware sponsored ETC investor forums, businesses plan
15 competitions and conferences and marketing campaigns; and Intellectual Property Business Creation program
16 implementation initiatives.

17 **Section 38. Riverfront Development Corporation.** (a) Funds appropriated for the Riverfront
18 Development Corporation of Delaware (RDC) shall be disbursed to a special fund to be known as the Riverfront
19 Development Corporation Fund hereinafter referred to as the Fund.

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

22 (c) Funds appropriated to DEDO for RDC shall be expended only with the approval of the Board of
23 Directors of RDC. Funds may only be expended for activities related to the redevelopment of the Brandywine and
24 Christina riverfront areas, including: planning and design studies; the acquisition, construction and improvement of
25 real property; environmental remediation; costs of operations and administration; conversion of the Chase Center on
26 the Riverfront to a conference center; debt service; and other expenses in furtherance of the mission of RDC.

27 **Section 39. Limited Investment for Financial Traction (LIFT) and Delaware Rural Irrigation**
28 **Program (DRIP) Initiatives.** Notwithstanding any other law to the contrary, DEDO is hereby authorized to pay

1 administrative fees associated with LIFT and DRIP Initiatives from the Delaware Strategic Fund not to exceed 2
2 percent of the program total.

3 **Section 40. Diamond State Port Corporation.** ~~The Section 1 Addendum of this Act appropriates~~ makes an
4 appropriation \$13,500,000 to the Diamond State Port Corporation (DSPC). It is the intent of the General Assembly
5 and the Administration that said funds represent funding for ~~the following projects:~~ infrastructure improvements.

	<u>Amount</u>
6	
7 (a) Container Crane	\$1,200,000
8 (b) Infrastructure Improvements	\$12,100,000
9 (c) Strategic Plan	\$200,000

10 No funds may be expended from this appropriation without the approval of the Board of Directors of the Port
11 Corporation. In addition, DSPC may borrow, on an interest-free basis, \$2,000,000 of this authorization to meet its
12 short-term operating expenses during Fiscal Year ~~2016~~ 2017.

13 **Section 41. Delaware Civic Center Corporation.** DEDO is directed to renew the corporate status of the
14 Delaware Civic Center Corporation (DCCC) pursuant to the General Corporation Law of this State. Following
15 renewal, the Board of Directors of DCCC shall meet to dissolve the corporation pursuant to the General Corporation
16 Law of this State and shall transfer all of its assets pursuant to Article 14 of its Certificate of Incorporation. DEDO
17 shall pay all reasonable and necessary expenses related to the renewal and dissolution of DCCC, subject to approval
18 by the Director of the Office of Management and Budget and the Controller General.

19 **Section 42. Croda Project.** The implementation of projects by Croda Inc., in partnership with DEDO, as it
20 relates to subdivision, land development, construction, permitting and code enforcement upon New Castle County
21 parcel numbers 10-016.00-002, 10-016.00-007, 10-016.00-008 and 10-050.00-020, shall not be subject to the
22 jurisdiction of New Castle County to the extent any such permits and/or approvals are not issued/granted on or before
23 July 30, 2015. If such permits and/or approvals are not issued/granted on or before July 30, 2015, the Office of State
24 Planning shall ensure that all applicable subdivision, land development, construction, permitting and code enforcement
25 provisions of the New Castle County Code in effect as of June 26, 2015 are adhered to by Croda Inc.

26 **Section 43. Frawley Stadium.** The Joint Legislative Committee on the Capital Improvement Program
27 directs the Delaware Stadium Corporation (DSC) to prepare a list of immediate repairs and upgrades necessary to
28 ensure the long-term future of Frawley Stadium and minor league baseball in Delaware. The DSC shall submit such a

1 list to the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the Director of the
2 Office of Management and Budget. Further, the General Assembly directs the DSC to engage in negotiations for a
3 new lease with the Wilmington Blue Rocks, that may include utilizing Frawley Stadium to generate new revenue
4 streams, to be shared with the Wilmington Blue Rocks, with any portion of such new revenue that goes to the DSC to
5 be used to fund and/or offset the cost of future and/or additional required repairs and/or upgrades.

6 **Section 44. Innovation Centers.** The agency shall utilize the Strategic Fund to encourage and invite
7 proposals targeted at innovation to support the establishment or expansion of one or more Innovation Centers. The
8 mission of the Innovation Center(s) shall be creation of wealth by new and growing high tech businesses in Delaware
9 that have global impact. The innovation process shall involve assisting in the identification of new product and process
10 ideas that will succeed and the means of taking these new ideas to market. The Center(s) will facilitate the marrying of
11 the resources of Delaware's labor force, academic institutions and technical resources to the expertise of a select group
12 of entrepreneurs who understand opportunity, as well as the means to develop it.

1 **DELAWARE STATE HOUSING AUTHORITY**

2 **Section 45. Housing Development Fund - Affordable Rental Housing Program.** ~~The Section 1~~

3 Addendum of this Act ~~appropriates \$6,000,000~~ makes an appropriation for Housing Development Fund - Affordable
4 Rental Housing Program. It is the intent of the General Assembly and the Administration that said funds are to be
5 used to leverage other funding sources, such as Low Income Housing Tax Credits and tax-exempt bonds to help create
6 and/or improve affordable rental housing stocks in Delaware. This investment in affordable rental housing will
7 increase economic activity in the State of Delaware. The Director of the Delaware State Housing Authority (DSHA)
8 shall report to the Controller General and the Director of the Office of Management and Budget no later than April 30,
9 ~~2016~~ 2017, on the expenditure of the Housing Development Fund appropriated in the Section 1 Addendum of this Act.
10 Said report shall also include the amount and expenditure of any non-state funds received by the State for said
11 affordable rental housing projects.

12 **Section 46. Urban Redevelopment.** ~~The Section 1 Addendum of this Act appropriates \$8,500,000~~ makes

13 an appropriation for a statewide urban redevelopment initiative. DSHA shall administer these funds to incentivize
14 investment in designated Downtown Development Districts in accordance with state law authorizing the creation of
15 the Districts and governing the administration of the Downtown Development District Grant program. DSHA is
16 authorized to use up to 5 percent of the appropriated amount for the support of DSHA administrative functions
17 associated with this initiative.

1 **DEPARTMENT OF TECHNOLOGY AND INFORMATION**

2 **Section 47. Data Center Projects.** In no instance shall any information technology data center project be
3 initiated by a department/agency during this fiscal year until a formalized plan has been approved by the
4 department/agency head, Director of the Office of Management and Budget (OMB) and the State’s Chief Information
5 Officer. This includes, but is not limited to, relocating, renovating and/or constructing new information technology
6 data centers.

7 **Section 48. IT Project Funding.** (a) ~~The Section 1 Addendum of this Act appropriates \$9,290,800~~ makes
8 appropriations to OMB (10-02-05) for technology projects. For Fiscal Year ~~2016~~ 2017, the following projects may
9 receive an allocation for planning, development, procuring services, conducting a feasibility/investment analysis or
10 project implementation provided they meet all of the requirements contained within this section:

11 Department/Agency Service Need

12 Health and Social Services

13 Delaware Medicaid Enterprise System

14 ~~Delaware Eligibility Modernization System~~

15 Safety and Homeland Security

16 800 MHz Technology Refresh

17 ~~Live Scan Equipment Replacement~~

18 Allocation of the funds appropriated for this purpose shall be made by the Director of OMB in consultation
19 with the affected department/agency head. Project allocations shall not be transferred to another department/agency
20 unless approved by the Director of OMB. In the event federal funds are available for match in support of a project or
21 projects, the Director of OMB and the Controller General may transfer such funds as are necessary to meet the match
22 requirements to the department/agency involved.

23 (b) In no instance shall any information technology (IT) project identified in subsection (a) of this section be
24 initiated by the department/agency during this fiscal year until its formalized plan has been approved by the
25 department/agency head, Director of OMB and state Chief Information Officer. The project plan and the request for
26 funding to be transferred shall consist of a business case for the project, which includes:

27 (i) Needs analysis;

28 (ii) Business process to be impacted/reengineered;

- 1 (iii) Risk assessment;
- 2 (iv) Stakeholder impact assessment;
- 3 (v) Cost-benefit analysis; and
- 4 (vi) An analysis of the total cost of ownership, which includes costs incurred during all phases of the
- 5 development and operational life cycles.

6 In no instance shall any project be approved by the Director of OMB if any portion of the above project plan
7 requirements are absent from the department's/agency's request for a transfer of funds.

8 (c) No IT project that receives funds through subsection (a) that has a scope beyond the scope of work
9 approved by the department/agency head and the Director of OMB and the State's Chief Information Officer is to be
10 undertaken. Changes in scope or cost that fundamentally alter the original intent of an approved project shall be
11 communicated to the Director of OMB, Controller General and the state Chief Information Officer.

12 Departments/agencies failing to communicate this information in a prompt manner may cause the project to be
13 postponed or terminated. This requirement applies to all IT or technology-related systems development performed by
14 the Department of Technology and Information (DTI), the department/agency itself or an outside consultant or
15 contractor. Further, this requirement applies to IT applications or systems purchased, subscribed to or otherwise
16 acquired and placed in use.

17 (d) Funding shall be transferred on a phase-by-phase basis. Except for the initial transfer where the project
18 plan needs to be approved, subsequent funding transfer requests shall be contingent upon the receipt and review of
19 quarterly project status reports by the Director of OMB, Controller General and Chief Information Officer. In
20 instances where the project requires a transfer prior to the deadline for the quarterly report, a report of the project's
21 status at the time of the request will be necessary.

22 (e) In all projects executed between DTI, the Controller General's Office, OMB and the concerned
23 department/agency, DTI shall maintain staff support to the benefit of the department/agency at the agreed upon level
24 of effort (subject to recruitment delays) until the project work has been accomplished.

25 (f) In no case shall funds appropriated in the Section 1 Addendum of this Act be used to employ data or word
26 processing professionals in support of current or proposed IT projects without the express written approval of the
27 Director of OMB.

1 **DEPARTMENT OF STATE**

2 **Section 49. Museum Maintenance.** ~~The~~ Section 1 Addendum of this Act ~~appropriates \$550,000~~ makes an
3 appropriation to the Department of State for museum maintenance. It is the intent of the General Assembly that these
4 funds be retained by the Department of State, Division of Historical and Cultural Affairs for use with the operations
5 of state museums or for repairs to those facilities under the control of the Division of Historical and Cultural Affairs.

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

9 **Section 51. Library Construction Review.** Up to \$50,000 of any Library Construction project as defined in
10 29 Del. C. c. 66A shall be allocated to the Division of Libraries for the purpose of reviewing technology, workflow
11 and space planning to enable public libraries to meet standards established by the Division of Libraries with the
12 approval of the Council on Libraries. Pursuant to 29 Del. C. c. 66A, public libraries shall be responsible for 50 percent
13 of the costs (not to exceed \$25,000).

14 **Section 52. Stabilization Endowment for the Arts.** It is the intent of the General Assembly that previously
15 appropriated funds from the Department of State to the Stabilization Endowment for the Arts may be used to fund
16 operating expenses pursuant to appropriate controls and procedures adopted by the Board of the Arts Consortium of
17 Delaware and upon concurrence of the Division of Arts.

1 **DEPARTMENT OF FINANCE**

2 **Section 53. Bond Proceeds Reimbursement.** Unless not permitted by the Internal Revenue Code of 1986,
3 as amended (the Code), whenever the General Assembly authorizes the issuance of the State’s General Obligation
4 bonds or the Delaware Transportation Authority’s (the Authority) revenue bonds to finance the costs of specific capital
5 projects, it is the intent of the General Assembly that the interest on such bonds shall not be included in gross income
6 for federal income tax purposes under Section 103 of the Code, and the United States Treasury Regulations (the
7 Regulations) thereunder as they may be promulgated from time to time, or shall be qualified as Build America Bonds
8 pursuant to the Code and the Regulations. Pursuant to the State's budget and financial policies, other than unexpected
9 situations where surplus revenues render bond financing unnecessary or undesirable, no funds other than the proceeds
10 of such bonds, are or are reasonably expected to be, reserved, allocated on a long-term basis or otherwise set aside by
11 the State to pay the costs of such specific capital projects. Pursuant to the Authority’s budget and financial policies, it
12 is expected that approximately 50 percent of the costs of its capital projects shall be funded on a long-term basis from
13 the proceeds of such bonds. However, after the authorization of such bonds but prior to their issuance, non-bond funds
14 from the State’s General Fund or the Authority’s Transportation Trust Fund or other funds may be advanced on a
15 temporary basis to pay a portion of the costs of such specific capital projects. In that event, it is expected that these
16 non-bond funds will be reimbursed from the proceeds of such bonds when they are issued. This reimbursement may
17 cause a portion of such bonds to become reimbursement bonds within the meaning of Section 1.150-2 of the
18 Regulations. Under those Regulations, to preserve the exclusion of the interest on such bonds from gross income for
19 federal income tax purposes, it may be necessary to make a declaration of official intent. The Secretary of Finance is
20 hereby designated as the appropriate representative of the State and the Secretary of Transportation is hereby
21 designated as the appropriate representative of the Authority, and each is authorized to declare official intent on behalf
22 of the State or the Authority, as the case may be, within the meaning of Section 1.150-2 of the Regulations, whenever
23 and to the extent that such declaration is required to preserve such tax treatment.

24 **Section 54. Qualified Zone Academy Bonds.** A portion of the General Obligation bonds authorized under
25 this Act for a school construction project may be issued in the form of Qualified Zone Academy Bonds (QZABs)
26 within the meaning of the Code and the Regulations. Such portion shall be equal to the maximum amount of QZABs
27 which may be issued under the Code and the Regulations. The Secretary of Finance is hereby authorized to determine
28 the terms and conditions of the QZABs and the eligible public school project financed by the QZABs, and the manner

1 by which QZABs shall be awarded to the purchasers thereof, including private negotiated sale, notwithstanding
2 anything to the contrary contained in 29 Del. C. c. 74; provided that the requirements of 29 Del. C. § 7422 must be
3 observed.

4 **Section 55. Amortization Requirements.** Issuance of any bonds authorized in this Act or any previous
5 authorization act may be subject to any amortization requirements as shall be determined by the bond issuing officers
6 notwithstanding anything to the contrary contained in 29 Del. C. § 7406(b).

7 **Section 56. Technology Initiatives.** ~~The Section 1 Addendum to~~ of this Act appropriates funding makes
8 appropriations for various technology initiatives. Should legislation pass creating an intercept procedure to satisfy a
9 court judgment, the Department of Finance may borrow funds from said technology initiatives for developing and
10 implementing the necessary intercept technology. Any and all fees associated with the intercept shall be used to
11 reimburse said technology initiatives.

1 **DEPARTMENT OF CORRECTION**

2 **Section 57. Prison Construction.** (a) The Director of the Office of Management and Budget (OMB), as
3 provided through construction management services, shall consult with the Commissioner of Correction to ensure
4 expedient programming, planning and construction of authorized correctional facilities. None of the funds authorized
5 herein or in prior fiscal years are intended to supplant federal funds.

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

10 **Section 58. Community Restoration.** The Department of Correction may, to the extent resources and
11 appropriately classified offenders are available, direct these offenders to assist with community restoration projects.
12 These projects may include beautification, clean up and restoration efforts requested by civic, governmental and
13 fraternal organizations approved by the Commissioner.

14 **Section 59. Maintenance and Restoration.** ~~The Section 1 Addendum of this Act appropriates \$3,135,400~~
15 makes an appropriation to the Department of Correction for Maintenance and Restoration projects. The department
16 must submit a bi-annual report to the Director of OMB and the Controller General, detailing the expenditure of such
17 funds and the respective projects. The department shall submit a preliminary plan to the Director of OMB and
18 Controller General for maintenance projects for the following fiscal year by October 31.

19 **Section 60. Department of Correction Prison Industry Program.** The Department of Correction Prison
20 Industry Program shall be prohibited from selling on the open market precast concrete products work including, but
21 not limited to, catch basins and square boxes, unless such work meets National Precast Concrete Association
22 Standards. The Department of Correction Prison Industry Program can continue to build, pour and construct precast
23 concrete products that are exempt from this standard for use on State of Delaware prison projects.

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

2 **Section 61. Conservation Cost-Sharing Program.** ~~The Section 1 Addendum of this Act appropriates~~
3 \$1,500,000 makes an appropriation to the Department of Natural Resources and Environmental Control (DNREC)
4 for the Conservation Cost-Sharing Program. Of this amount, 70 percent will be divided equally among the three
5 conservation districts to expand their water quality and water management programs. Preference should be given to
6 projects or conservation practices that improve water quality on lands covered by nutrient management plans, as
7 practicable and in consultation with the Secretary. The remaining balance will be directed towards nutrient
8 management and water quality efforts statewide as determined by the Secretary, in consultation with the three
9 conservation districts.

10 **Section 62. DNREC Land Acquisition.** Except for land acquired by approval of the Open Space Council
11 or approved through a Bond and Capital Improvements Act, land shall not be purchased by DNREC without prior
12 approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program provided,
13 however, that the department is not prohibited from conducting studies, surveys or other contractual arrangements
14 that would normally precede land acquisition procedures.

15 **Section 63. Army Corps of Engineers Project Cooperation Agreements.** By using funds approved by
16 Bond and Capital Improvements Acts, the Secretary of DNREC is authorized to sign Project Cooperation Agreements
17 with the Department of the Army and other appropriate sponsors for planning, construction, operation and
18 maintenance for projects entered into by said Agreements.

19 **Section 64. Indian River Marina.** In accordance with the provisions of 73 Del. Laws, c. 350, § 70,
20 DNREC under the direction of the Director of the Office of Management and Budget (OMB) may utilize up to
21 \$9,900,000 in funds from the Twenty-First Century Fund for the Parks Endowment Account as established in 29 Del.
22 C. § 6102A(e), for the purpose of revitalizing and enhancing public amenities within the Delaware Seashore State Park
23 in and around the Indian River Marina complex and related support facilities as presented to the Joint Legislative
24 Committee on the Capital Improvement Program on May 15, 2002. DNREC will repay both the principal borrowed
25 and interest on the principal borrowed equal to that interest lost as a result of borrowing from the Account.
26 Repayment shall not exceed 20 years.

27 **Section 65. Newark Reservoir.** Of the funds allocated from the Twenty-First Century Water/Wastewater
28 Management Account in 72 Del. Laws, c. 258 and c. 489, \$3,400,000 has been set aside for the Newark Reservoir

1 Project. If the City of Newark annexes the property referred to as New Castle County Tax Parcel Number 08-059.20-
2 002 and Tax Parcel Number 08-059.20-001, the City must repay to the State those monies appropriated in the Fiscal
3 Year 2000 and 2001 Bond and Capital Improvements Acts for said project.

4 **Section 66. Seventh Street Marina.** It is the intent of the General Assembly to classify the Seventh Street
5 Marina, located on East Seventh Street, being Tax Parcel Number 26-044.00-013 containing 7.86 acres of land (of
6 which 5.27 acres, more or less, is above the high water line) as existing marina for purposes of the State of Delaware
7 Marina Regulations, adopted on March 29, 1990 and amended on February 22, 1993. Such classification does not
8 exempt any person seeking to make physical improvements to the marina from permit application fees pursuant to 7
9 Del. C. c. 66 and c. 72.

10 **Section 67. Waterway Management.** DNREC is directed to provide dedicated, comprehensive waterway
11 management for state waters. DNREC will maintain design depths and mark navigational channels of the State that
12 are not maintained and marked by any entity of the federal government; remove nuisance macroalgae; remove
13 abandoned vessels; remove derelict structures, trees and other debris that threaten safe navigation; and perform any
14 other waterway management services that may be identified to preserve, maintain and enhance recreational use of the
15 State's tidal waters, as well as improve environmental conditions as warranted or directed by the Governor or
16 Secretary of DNREC. DNREC is further directed to undertake a study of the sediment sources and patterns of
17 sediment movement that result in deposition within state waterways to determine if there are methods to reduce the
18 dependency on dredging to remove deposited sediments.

19 **Section 68. Clean Water Funding Leverage.** DNREC, under advisement from the Clean Water Advisory
20 Council, is encouraged to evaluate the potential leveraging of the Water Pollution Control Revolving Fund and/or the
21 Twenty-First Century Fund Water/Wastewater Management Account based on the recommendation of the Dialogue
22 on Financing Wastewater and Stormwater Infrastructure report sponsored by the Delaware Public Policy Institute,
23 Office of the Governor, Office of the Lieutenant Governor, DNREC and the Clean Water Advisory Council. The
24 department is further encouraged to include in its evaluation the use of any other resources or assets within the
25 department that can be used to create an environmental infrastructure trust to further the environmental goals of the
26 State.

1 **Section 69. Yard Waste Drop Sites.** The department shall work with private sector providers and members
2 of the General Assembly to ensure New Castle County residents have safe and accessible yard waste drop sites,
3 including in the immediate vicinity of the current Polly Drummond site.

4 **Section 70. Auburn Valley Project.** The implementation of the transportation, stormwater management,
5 demolition, remediation, redevelopment, and parks and recreation element of the Auburn Valley Master Plan shall not
6 be subject to the zoning, subdivision, land use or building code ordinances or regulations of New Castle County.

7 **Section 71. Conservation District Contracting.** Notwithstanding any statutory provision or regulation to
8 the contrary, it is the intent of the General Assembly that DNREC may enlist Delaware’s conservation districts as
9 provided in 7 Del. C. c. 39 to advance the purposes of this chapter. All contracts shall be subject to the provisions of
10 29 Del. C. § 6960.

11 **Section 72. Bay View.** The New Castle County Conservation District shall continue to work with the Bay
12 View community as a Twenty-First Century Fund Drainage Project and may use up to \$200,000 from existing
13 Twenty-First Century Project funds should the opportunity arise to fund an appropriate solution. For the purposes of
14 Bay View, appropriate solutions may include, but are not limited to, matching the \$200,000 in Twenty-First Century
15 Project funds with FEMA funding as a Hazard Mitigation Project.

16 **Section 73. Redevelopment of Strategic Sites.** ~~The Section 1 Addendum of this Act appropriates~~
17 ~~\$4,999,885~~ makes an appropriation to DNREC for the redevelopment of the following strategic sites: (a) The former
18 NVF Facility in Yorklyn, along the Red Clay Creek; and

19 **(b)** The Fort DuPont complex adjacent to Delaware City. Up to \$250,000 of this appropriation may be
20 utilized for the operations and administration of the redevelopment corporation. Notwithstanding the provisions of 29
21 Del C. c. 94 and upon request by the redevelopment corporation board pursuant to a duly authorized resolution, the
22 Director of OMB may transfer real property of the Fort DuPont/Governor Bacon Complex to the redevelopment
23 corporation.

24 **Section 74. Resource, Conservation and Development Projects.** It is the intent of the General Assembly
25 that the Office of Natural Resources, Division of Watershed Stewardship and the Conservation District(s) as
26 established by 7 Del. C. c. 39 shall have the following authorities:

27 (a) Within the same county, funds appropriated in any fiscal year shall be used for the completion of any
28 Twenty-First Century Fund Project approved by the Joint Legislative Committee on the Capital Improvement

1 Program. Funds remaining from completed projects may be utilized for any project approved as part of any fiscal year
2 Capital Improvements Act. The funds appropriated are to be utilized for planning, surveying, engineering and
3 construction of approved projects.

4 (b) For water management and drainage projects undertaken by DNREC, Office of Natural Resources,
5 Division of Watershed Stewardship and the Conservation Districts using Twenty-First Century Fund Resource,
6 Conservation and Development funds, the required non-Twenty-First Century Fund match shall be a minimum of 10
7 percent of the total project cost for any project.

8 (c) Approved projects remain on the approved project list until completed or discontinued by the Division of
9 Watershed Stewardship or Conservation District(s) because of engineering, landowner consent or other issues that
10 render a cost effective solution to drainage or flooding problem unlikely. The projects recommended to be
11 discontinued will be identified on the annual report submitted to the Joint Legislative Committee on the Capital
12 Improvement Program.

13 (d) In December and May of each year, the Division of Watershed Stewardship shall submit a financial
14 report of fund activity including expenditures by fiscal year appropriated for each county to OMB and the Office of
15 the Controller General. Accounting and financial management for the Twenty-First Century Fund will be based on the
16 current pro-rated allocation of funds for each county and not based on specific project allocations.

17 (e) The Division of Watershed Stewardship will submit an annual report to the Joint Legislative Committee
18 on the Capital Improvement Program at the Resource, Conservation and Development hearing detailing project status
19 including those projects recommended for discontinuation. The annual report will also include a request for funding
20 that will identify the total unexpended balance of the fund and the total projected needs of the project estimates to date.
21 A list of new projects will also be identified and submitted for approval by the Joint Legislative Committee on the
22 Capital Improvement Program.

23 (f) When a proposed tax ditch project or other water management project traverses county lines, if approved
24 by the Joint Legislative Committee on the Capital Improvement Program the project shall be added to the project list
25 in both counties.

26 (g) Subject to the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement
27 Program, a project funded entirely from Community Transportation Funds (CTF) may be added to the Twenty-First

1 Century Fund project list during the course of a fiscal year when said project is deemed to be an emergency project
2 affecting the health and safety of residents.

3 **Section 75. Revenues.** DNREC, following adequate opportunity for public comment and the approval of the
4 appropriate public advisory council(s) and Secretary, may establish, for activities and services administered by the
5 department, such appropriate fees as shall approximate and reasonably reflect costs necessary to defray the expenses
6 of each such activity or service. There may be a separate fee charged for each service or activity, but no fee shall be
7 charged for a purpose not specified in the appropriate chapter of the Delaware Code. At the beginning of each calendar
8 year, the department shall compute the appropriate fees for each separate activity or service and provide such
9 information to the General Assembly. All revenue generated by any of the activities or services performed by the
10 department shall be deposited in the appropriated special fund account. These funds shall be used to defray the
11 expenses of the department, but may not exceed the budget authority for any fiscal year. Any fee or fee increase
12 associated with hunting, trapping or fishing and under the management authority of the Division of Fish and Wildlife
13 must also receive the appropriate approval by the General Assembly before becoming effective.

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 **Section 76. New Castle County Regional Training Facility.** Notwithstanding any provision or
3 requirement of the public trust doctrine or 10 Del. C. c. 62, and without the necessity of compliance therewith, New
4 Castle County is hereby authorized to utilize 40 acres, more or less, at 1205 River Road, New Castle, Delaware 19720,
5 Tax Parcel Number 10-046.00-001, for the sole purpose of establishing and maintaining a law enforcement firing
6 range and driving course thereon for use by federal, State of Delaware, New Castle County and local municipal law
7 enforcement personnel.

1 **DEPARTMENT OF TRANSPORTATION**

2 **Section 77. General Provisions.** The Department of Transportation (Department) is hereby authorized and
3 directed to use all its designated powers and resources to carry out the following legislative mandates:

4 (a) Transportation Trust Fund Authorizations. Sums not to exceed ~~\$431,073,148~~ \$452,954,592 (State:
5 ~~\$209,321,247~~ \$250,825,658; Federal: ~~\$209,032,906~~ \$197,607,496; Other: ~~\$12,718,995~~ \$4,521,438) are authorized to
6 be withdrawn from the Transportation Trust Fund to carry out the projects and programs as set forth in the Section 1
7 Addendum of this Act.

8 (b) New Transportation Trust Fund Debt Authorization. To fund a portion of the projects authorized herein,
9 the Delaware Transportation Authority is hereby authorized to issue bonds in an amount not to exceed \$26,741,437
10 pursuant to the provisions of 2 Del. C. c. 13 and 14, of which not more than \$25,000,000 plus premium shall be used
11 for purposes set forth in the Section 1 Addendum of this Act with the remainder, not to exceed \$1,741,437 to be used
12 to fund issuance costs and necessary reserves for the Reserve Account.

13 **Section 78. Maintenance and Operations Facilities.** Building structures and facilities constructed, or to be
14 constructed, within the Department of Transportation's operating right of way that facilitate maintaining the highway
15 system and are used to assist in the operational and maintenance activities for all roads, shall not be subject to zoning,
16 subdivision or building code ordinances or regulations by any political subdivision of the State. Types of structures
17 may include equipment sheds, crew quarters, equipment maintenance, equipment washing, material storage sheds (i.e.
18 salt, sand and other bulk materials), fuel centers and other maintenance structures required to maintain the highway
19 system such as security (cameras and fences) including necessary maintenance and replacement items such as
20 upgrades to existing facilities. The Department shall not construct any such facility without first conducting a public
21 workshop to describe such plans and gather public input into the effect of such plans.

22 **Section 79. Grants and Allocations.** ~~The Section 1 Addendum of this Act appropriates the sum of~~
23 ~~\$21,750,000 (State)~~ makes an appropriation for projects within the Grants and Allocations classification. The General
24 Assembly further defines its intent with response to those appropriations as follows:

25 (a) The sum of \$16,750,000 (State) shall be used for the Community Transportation Fund (CTF), in
26 accordance with the rules and regulations adopted by the Joint Legislative Committee on the Capital Improvements
27 Program, as amended from time to time.

28 (b) The sum of \$5,000,000 (State) shall be used for the Municipal Street Aid program pursuant to the

1 provisions of 30 Del. C. c. 51.

2 **Section 80. 5310 Program.** The Delaware Transit Corporation is authorized to expend up to ~~\$1,579,686~~
3 \$470,451 (Federal) from the Transit System classification (97301) appropriated in this Act for the 5310 Program,
4 administered by the Federal Transit Administration.

5 **Section 81. DelDOT Work Impacts on Private Property and its Owners.** When the Department and/or
6 any of its contractors determines that it would be in the best interests of the State to undertake
7 construction/reconstruction work past 9:00 p.m. or before 7:00 a.m., and such work is to be conducted immediately
8 adjacent to a residential neighborhood:

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

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

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

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

1 **Section 82. City of Wilmington Beautification.** In order to maintain the urban tree canopy available in the
2 City of Wilmington, and those properties that directly abut City limits, the General Assembly authorizes and directs
3 the Department to establish, and maintain a program of tree maintenance and replacement in cooperation with the
4 Delaware Center for Horticulture and/or Urban Forestry in the Department of Agriculture. It is the intent of the
5 General Assembly that such program shall be funded exclusively by allocations made from time to time by members
6 of the General Assembly from their CTF. The Department shall make payments to the center and/or Urban Forestry in
7 the Department of Agriculture for work accomplished, and appropriately vouchered, from the CTF funds herein
8 identified.

9 **Section 83. Supplies of Road Materials.** 74 Del. Laws, c. 308 § 109 is suspended until such time as the
10 Department of Transportation shall suggest its re-institution and such suspension has been overridden by an Act of the
11 General Assembly.

12 **Section 84. System Capacity Preservation.** The General Assembly hereby determines that it is in the
13 public interest to limit future residential, commercial or industrial growth along certain portions of the State's highway
14 network. Such potential growth would produce unsafe driving conditions as increased traffic seeks access to, and
15 movements along, a number of local roads and collectors in critical locations through the State. The General
16 Assembly further determines that it would be infeasible or imprudent for the Department to attempt to design and
17 construct modifications to the State's highway network adjacent to these locations because such improvements would
18 irrevocably destroy the important scenic and historic nature of the view sheds and other environmental attributes
19 associated with these locations. Accordingly, the Secretary of the Department of Transportation (Secretary) is
20 authorized and directed to use state funds appropriated to the Transportation Enhancements program authorized and
21 funded in the Section 1 Addendum of 74 Del. Laws, c. 308, together with such other funds from any public or private
22 source as may be available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary
23 to protect the following properties, pursuant to the stipulations stated herein. Expenditures of these funds for these
24 purposes shall be with the review and approval of the Director of the Office of Management and Budget (OMB) and
25 Controller General. The provisions of 17 Del. C. c. 1 and 29 Del. C. c. 93 and c. 95 shall govern such purchases, and
26 any other purchase by the Department authorized by this Act.

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

1 of the surrounding community, plus state and local officials, to develop a master plan for the permanent protection of
2 the site as community recreation and education and open space. Notwithstanding 17 Del. C. § 137, the Department of
3 Transportation, upon completion of plans to reconfigure the intersection of Stony Batter Road and Mill Creek Road, is
4 authorized to transfer said property to the Red Clay Consolidated School District.

5 **Section 85. Denny Road/Route 896 Alignment Completion.** Upon completion and final inspection of the
6 Denny Road/Route 896 Realignment Project, the frontage property consisting of two parcels (0.93 and 0.929 acres)
7 along Route 896, currently landscaped and maintained by the community of Meadow Glen, shall revert back to the
8 community which had owned said parcels prior to 1994. Notwithstanding the provisions of 17 Del. C. § 137, the
9 Department shall deed these parcels to the community and remain in their possession in perpetuity.

10 **Section 86. Port of Wilmington.** Subject to the review and approval of the Board of Directors of the
11 Diamond State Port Corporation (DSPC):

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

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

24 **Section 87. Wakefield Drive.** The Department shall be prohibited from reopening Wakefield Drive in
25 Newark through Old Baltimore Pike.

26 **Section 88. Community Transportation Funding Levels.** The Department is directed to account for the
27 Community Transportation Program funds as cash, which shall be equal to the amounts authorized in Appendix A of

1 this Act. The funds authorized within the Community Transportation Program shall not be subject to deauthorization
2 or reallocation by the Department under any circumstances.

3 **Section 89. New Development Road Widening.** When planning and/or permitting additional road
4 widening directly related to new residential development, the Department of Transportation, Division of Planning,
5 shall make every attempt to require the necessary right-of-way land be acquired from the developer owned land.

6 **Section 90. U.S. 301 Spur Road Segment.** The General Assembly directs the Department to implement the
7 U.S. 301 Corridor project in phases, beginning with the U.S. 301 mainline section.

8 **Section 91. Astra Zeneca Project.** The Department shall carry out property boundary adjustments and
9 easements for transit, bicycle and pedestrian, storm water management, wetlands and stream restoration,
10 beautification, historic preservation, conservation and other improvements in concert with DNREC, Delaware
11 Economic Development Office, City of Wilmington, New Castle County, New Castle County Conservation District
12 and such other public and private entities as may be necessary to accomplish timely completion of the Blue Ball
13 Master Plan.

14 **Section 92. Buck Road.** The Department is requested to refrain from issuing any entrance permit,
15 authorization or approval for use of any entrance way from New Castle County Tax Parcel Number 07-026.00-094
16 onto Buck Road, until such time as it also certifies by letter to the New Castle County Department of Land Use that
17 the developer's proposed entrance design conforms with the Department's subdivision requirements, pursuant to its
18 authority under 17 Del. C. § 146 and its related regulations, intended to protect public safety and maintain smooth
19 traffic flow. The government of New Castle County is also requested to solicit comments from and work with the
20 residents of surrounding communities, community organizations and state and local officials to address traffic safety
21 and other legitimate land use concerns about the proposed development, after the receipt of the Department's letter.
22 The design of the entrance on Buck Road for Greenville Center will include a sidewalk from the entrance to the
23 surrounding Greenville Manor Community on Ardleigh Drive.

24 **Section 93. Routes 141 and 48.** The Department is requested to refrain from issuing any permit,
25 authorization or approval for use of any new, additional, revised or modified entrances for New Castle County Tax
26 Parcel Numbers 07-032.20-003, 07-032.20-048 through and including 07-032.20-055, 07-032.20-057 and 07-032.30-
27 072 onto or from Route 141 or Route 48, until such time as the Department obtains, reviews and comments upon a
28 traffic operations analysis for the area, which among other elements addresses (1) the predicted levels of service on

1 intersections, roadways or the Tyler McConnell Bridge affected by the proposed development of these parcels, and (2)
2 the roadway improvements necessary to accommodate the development of these parcels, based upon the exploratory
3 development plans submitted to the New Castle County Department of Land Use by the developer, as required by the
4 County's Unified Development Code. To the extent that any submission of proposed development plans is
5 substantially different than the original exploratory development plans submitted to the County, the Department is
6 further requested to assess the impact of the new submission's traffic generation upon the local transportation network.
7 The scope of the assessment shall be at the reasonable discretion of the Department.

8 **Section 94. Red Light Safety Enforcement.** (a) The program shall continue to use recognized safety and
9 accident criteria in determining whether and where to add any new enforcement locations to this program. Prior to any
10 new locations, the incumbent state senator and representative for the districts in which such locations are proposed,
11 shall be notified prior to installation.

12 (b) To assure integrity and propriety, no person involved in the administration or enforcement of this program
13 shall own any interest or equity in the vendor used by the Department to support the administrative elements of the
14 program. Any such person with an ownership or equity interest in such vendor must divest from this ownership or
15 investment no later than 90 days after the effective date of this Act. This restriction applies to anyone with either
16 direct involvement in administering or enforcing this program and those in any supervisory capacity above such
17 persons.

18 **Section 95. Craft Training.** The Department is authorized to engage in up to two project procurements (one
19 in New Castle County and one in Kent County) utilizing the craft training and apprentice program called for in 29 Del.
20 C. § 6962(c), on an experimental basis. Any contractor that performs work in multiple trades on a road construction
21 project under the craft training experiment will have an apprenticeship in at least one, not all of the trades on the
22 project to comply with this experiment. Upon the completion of these experiments, the Department shall report to the
23 Joint Legislative Committee on the Capital Improvement Program with its assessment of the program including, but
24 not limited to, cost savings, project quality and worker safety.

25 **Section 96. Chestnut Hill Road Parcel.** The provisions of 17 Del. C. § 137 notwithstanding, the
26 Department is authorized to enter into agreements with other governmental agencies, either directly or in concert with
27 a private entity, regarding a Department-owned parcel known as NC227, Tax Parcel Number 11-003.30-027, on terms
28 the Secretary deems appropriate, for purposes of evaluating the costs and benefits of fuel cell technology from

1 environmental and economic development perspectives, which the General Assembly hereby finds is an appropriate
2 public purpose.

3 **Section 97. Rehabilitation of Public Streets, Industrial Parks.** In order to maintain a safe, attractive and
4 efficient network of public streets serving the State’s growing inventory of industrial parks, 78 Del. Laws c. 76, § 123
5 authorized the Department to spend sums not exceeding \$250,000 on a program to address this issue. The Department
6 shall prepare an inventory of all public streets within the State’s industrial parks. It shall further rank all of these
7 streets in the same manner that it prepares the annual program of roads eligible for the Paving and Rehabilitation
8 Program authorized elsewhere in this Act. The Secretary shall then distribute this list to all members of the General
9 Assembly, together with an estimate of the amounts necessary to address those public streets in this inventory most in
10 need of repair. If a member of the General Assembly elects to allocate funds from his/her CTF to repair any of these
11 public streets, the Secretary may draw on this appropriation to match those individual CTF dollars on the basis of one
12 dollar from this special account for every one dollar allocated by the member. The Secretary shall notify all members
13 of his intent to make such matching allocations, and shall require any member interested in participating to notify the
14 Department of his/her interest within 30 days from the date of such announcement. In the event that the sum of all
15 individual member requests exceeds the amounts authorized by this section, the Department shall prioritize the
16 industrial park streets to be improved on the basis of the ranking required by this section, and shall share its decisions
17 with all members of the General Assembly. For purposes of preparing this inventory and ranking, the Department is
18 authorized and directed to expend such sums as may be necessary from the accounts established for statewide paving
19 and rehabilitation activities. For purposes of eligibility, the industrial park public streets shall be limited to those
20 streets which meet department standards and are currently maintained by the Department.

21 **Section 98. Community Transportation Fund.** The Department will provide an annual financial report
22 regarding projects funded through CTF and will report to the Co-Chairs of the Joint Legislative Committee on the
23 Capital Improvement Program by June 30 of each fiscal year.

24 **Section 99. Weldin House.** WHEREAS, the State of Delaware, acting through the Department of
25 Transportation (hereinafter referred to as the "Grantee" or "DeIDOT") entered into an Permanent Conservation
26 Easement Agreement with Sycamore Development Group, LLC (hereinafter referred to as "Grantor") on December
27 22, 2005. This Permanent Conservation Easement Agreement (hereinafter referred to as the "Agreement") between the
28 Grantee and the Grantor was for the fee simple conveyance of a parcel of land in New Castle County of the State of

1 Delaware, identified as Tax Parcel Number 06-139.00-158. This parcel includes a building known as the Jacob Weldin
2 House, which is a historic landmark in a condition of disrepair and in need of significant restoration. Due to the
3 historic value of the parcel and the need for the building on the lot to be restored, title was conveyed to Grantor which
4 included a multitude of limitations and conditions that would be imposed upon the Grantor, including a Permanent
5 Conservation Easement Agreement that required Grantor to perform many delineated actions. It is noteworthy that the
6 Agreement required the Grantor to preserve and protect the conservation values of the property and to complete the
7 restoration and rehabilitation and renovation of the Jacob Weldin House in a timely manner. This Agreement expressly
8 allowed DeIDOT, as the Grantee of this parcel, to be able to take actions against the Grantor to enforce the Agreement
9 if a factual situation arose that would require such actions. DeIDOT is the only entity that is authorized pursuant to the
10 terms of this Agreement, after certain notice provisions are accomplished to bring an action at law or in equity in a
11 court to enforce the terms of the Agreement and to obtain temporary or permanent injunctions to require the
12 restoration of the Jacob Weldin House to its prior condition.

13 It is clear to anyone who looks upon the Jacob Weldin House, that almost no rehabilitation work has been
14 performed on the Jacob Weldin House, and that the Grantor has failed to meet its obligations as required by the
15 Agreement. As DeIDOT is the only entity that has standing to enforce the Agreement against Grantor, the General
16 Assembly hereby requests DeIDOT to immediately and timely take actions to enforce the Agreement against the
17 Grantor. DeIDOT is further requested to continue its on-going efforts to timely address the Grantor's requirement to
18 abide by the terms of the Agreement until Grantor has either fully fulfilled its obligation or until a court of law or
19 equity has ordered that the title to the Jacob Weldin House be returned to Grantee, due to the actions of the Grantor.

20 **Section 100. Route 1 Widening.** The Department is encouraged to consider all feasible and prudent options
21 with respect to access issues for the proposed widening of State Route 1 between State Route 273 and the Senator
22 William V. Roth Bridge, including but not limited to the provision of new ramps in the vicinity of Newtown Road.

23 **Section 101. Community Transportation Fund.** The Department shall continue to allow the funding of
24 state historical markers through the CTF. Said CTF-funded markers shall be placed either within the right-of-way, or
25 as close thereto as safety conditions will permit and shall be positioned to be as visible as possible from the roadway
26 consistent with applicable highway safety standards. State historical markers, regardless of placement, shall be exempt
27 from all county or local signage regulations, ordinances, fees or licenses. Existing historical markers shall be brought
28 into compliance with current standards only as they require replacement, in which case CTF funding may be used for

1 said replacement and, if necessary, repositioning consistent with current safety standards. If a marker must be
2 relocated or replaced as the result of a transportation road project, the cost of said relocation or replacement, as well as
3 the cost of upgrading of the marker to current safety standards shall be borne by the Department as an expense of the
4 project.

5 **Section 102. Research Programs.** ~~The~~ Section 1 Addendum of this Act ~~appropriates~~ makes various
6 appropriations to the Department.

7 (a) Of this amount, the Department shall fund a minimum amount of \$250,000 for the purposes of funding
8 research programs.

9 (b) Of this amount, \$62,500 shall be used for infrastructure research and forums through the University of
10 Delaware, Institute for Public Administration. An additional \$50,000 shall be allocated for the purposes set forth in
11 this section to be funded from eligible federal funds. These activities funded by this appropriation shall be approved by
12 the Secretary.

13 **Section 103. Private Easements.** (a) The General Assembly finds as follows:

- 14 1. Many Department projects require the relocation of utility lines, both above and below ground, to
15 accommodate the expansion or relocation of pavement and preserve the ability of utility companies to
16 access their facilities without undue disruption to the State's transportation network.
- 17 2. While many utility lines are located within existing rights-of-way, and an acceptable legal framework is
18 in place for such relocations, the transmission lines for public electric and/or gas utilities, regulated under
19 26 Del. C., are often located on adjacent private easements obtained by such utilities.
- 20 3. The relocation of such transmission lines from such easements complicates and delays the Department's
21 projects, due to the utility company's need to maintain a chain of private perpetual easements for
22 transmission lines under their financing schemes, and the difficulty of arranging for the shutdown of such
23 facilities on a schedule that also meets the Department's requirements for its projects. These difficulties
24 are not capable of being addressed in any practical way by reference to these company's own powers of
25 eminent domain under 26 Del. C., due to the inability to coordinate both sets of property acquisitions for
26 the Department and the utilities.
- 27 4. To address this situation effectively, the Department should be granted the authority to acquire all
28 property rights needed for coordinated use by both the Department and the public utilities when

1 conditions warrant, followed by the disposition of such portions of land needed for the continuation of
2 the private easements adjacent to the expanded state rights-of-way.

3 (b) Notwithstanding any other provision of the Delaware Code to the contrary, the Department is authorized
4 to acquire property rights, including but not limited to the exercise of eminent domain powers under 17 Del. C. § 137,
5 to include the acquisition of necessary real property rights needed for the relocation of public utilities impacted by a
6 Department project, when such utilities own adjacent private easements for the perpetual use of their transmission
7 lines. After having obtained all property rights for its project and the relocation of such transmission lines, the
8 Department is authorized to dispose of such portions of the property it acquires as needed for the continuation of the
9 private utility transmission easements held by the public utilities. To the extent feasible and practical, the disposition
10 shall be a like kind exchange of necessary rights to maintain a chain of private perpetual easements and may include
11 additional rights for which the party receiving the additional rights shall compensate the granting party accordingly.
12 Any such like kind exchange and compensation agreement may be on terms acceptable to the utility and the
13 Department. In the absence of such agreement, any condemnation actions exercising this authority shall be processed
14 in accordance with the procedures set forth in 10 Del. C. c. 61.

15 (c) The Department shall only use this provision for the following projects:

- 16 1. West Dover Connector
- 17 2. Bridge 1 - 159 on James Street over Christina River
- 18 3. Plantations and Cedar Grove Road
- 19 4. U.S. 9 Intersection at Sweet Briar Road
- 20 5. U.S. 9 Intersection at Fisher Road

21 **Section 104. EdgeMoor Gas Supply.** (a) The General Assembly notes the State of Delaware's continuing
22 support for the EdgeMoor Plant and its longstanding, significant contribution to Delaware's economy in the form of
23 employment and production of products, including the manufacture of titanium dioxide (a pigment used in many
24 applications including paint), and the continued and necessary supply of oxygen and nitrogen gases needed for the
25 production process at the EdgeMoor Plant. The General Assembly further acknowledges that the private utility
26 facilities, owned by Linde LLC and installed in 1963 under permit by the then-Delaware Highway Department, which
27 supplies the EdgeMoor Plant with such gases, face unique access and operational issues impacting the continued
28 accommodation of their pipelines within the Governor Printz Boulevard right-of-way, putting continued production at

1 and the several hundred jobs associated with the EdgeMoor Plant in question. Under 26 Del. C. c. 13, utility
2 corporations regulated by the Public Service Commission are entitled to the free, regulated use of the State's rights-of-
3 way for the placement of gas, water, wastewater, and oil transmission pipelines. However, independent providers who
4 are not so regulated may not use these rights-of-way for the longitudinal placement of their facilities or transmission
5 lines or similar underground conduits. These entities may only enter into use and occupancy agreements to cross such
6 rights-of-way. The General Assembly notes that such independent providers are often unable to make any reasonable
7 private arrangement for locating their facilities on private easements or arrangement for location on public lands,
8 unless a specific exception is created for this limited purpose within the State's rights-of-way.

9 (b) Notwithstanding any other provision of Delaware law, regulation, rule, or policy to the contrary, for as
10 long as the EdgeMoor Plant continues to engage in manufacturing operations requiring the supply from the in-place
11 oxygen and nitrogen pipelines, the Department is authorized to contract for the use of the State's rights-of-way with
12 Linde LLC, a private independent purveyor of industrial gases to the EdgeMoor Plant, or its successors or assigns,
13 subject at all times to the following terms and conditions:

- 14 (i) provisions for review and approval by the Department of the location and placement of all such
15 privately owned facilities in the State's rights-of-way, including but not limited to assuring compliance
16 with the Department's Utility Manual Regulation and the Underground Utility Damage Prevention and
17 Safety Act (26 Del. C. c. 8);
- 18 (ii) provisions to reflect the fact that all other necessary approvals and agreements for such purposes have
19 been or will be obtained from the appropriate State agencies, as well as any relevant municipality or
20 other political subdivision of the State;
- 21 (iii) provisions for an appropriate initial length of time for which the State's right-of-way will be used for
22 this purpose, similar to the franchise agreements the Department enters into with public utility
23 corporations, including any renewal terms thereof;
- 24 (iv) provisions to address the cost of future relocations of such privately owned facilities, if the right-of-
25 way is required for roadway purposes or by a public utility to be reconstructed, widened, or altered
26 during the term of the contract if efforts to find a reasonable and industry accepted alternative that does
27 not involve a relocation of the privately owned facilities cannot be found;

1 (v) provisions as needed to accommodate the New Castle County Sewer Interceptor project including (A)
2 provisions for the relocation of such privately owned facilities, within the State’s rights-of-way, if
3 efforts to find a reasonable and industry accepted alternative that does not involve a relocation of the
4 privately owned facilities cannot be found and (B) provisions for the prompt determination of a
5 reasonable and industry accepted alternative, including cost allocation and liability acknowledgement,
6 through an agreement between New Castle County and Linde LLC that is acceptable to the
7 Department of Transportation;

8 (vi) provisions for bonding or other acceptable forms of security for the eventual removal of such
9 facilities; (vii) provisions for the conversion of the contract to a standard franchise agreement with a
10 utility corporation regulated by the Public Service Commission, if these privately owned facilities are
11 ever acquired by such entity; and

12 (viii) provisions for compensating the State for the use of these rights-of-way, based on a fair market value
13 assessment. This compensation shall be calculated and expressed as a property lease payment. Any
14 such payments shall be deposited to the credit of the Transportation Trust Fund created in 2 Del. C.

15 **Section 105. Construction Manager/General Contractor Pilot.** The U.S. Department of Transportation is
16 encouraging states to explore procurement alternatives for transportation project delivery, through its Every Day
17 Counts Initiative, aimed at shortening the time frame required for project completion and reducing overall project
18 costs, while still providing quality assurance for the results. Therefore, the Department is hereby authorized to utilize
19 Construction Manager/General Contractor (“CM/GC”) procurement mechanisms, for up to six transportation
20 construction projects. “Construction Manager/General Contractor” is a project delivery method under which an owner
21 selects a General Contractor to provide consultation during the design of the project. After the project design is
22 completed, the General Contractor may submit a bid to perform the construction work. The owner evaluates the bid
23 and may decide to award the construction contract to the General Contractor, or advertise the construction contract to
24 be bid. CM/GC entities may be a single firm, a consortium, a joint venture, or a combination of entities. The use of
25 these experimental procurement approaches is further subject to the following conditions:

26 (a) The construction contract terms shall include provisions to pay prevailing wage rates as provided in 29 Del.
27 C. § 6960, or the applicable Federal prevailing wage rate, whichever is higher.

1 (b) The following additional provisions of 29 Del. C. c. 69 shall also be incorporated into these contracts: (1) §
2 6962(d)(4)a. (anti-pollution, conservation environmental measures); (2) § 6962(d)(7) (equal employment opportunity
3 assurances); and (3) § 6962(d)(8) (performance bonding requirements).

4 (c) Any such contracts shall conform to all applicable Federal laws and regulations concerning CM/GC
5 contracting, without regard to the source of funds.

6 (d) Any such contracts shall also be subject to the provisions of 17 Del. C. c. 8 (construction payments held in
7 trust for protection of subcontractors and suppliers).

8 (e) All other provisions of 29 Del. C. c. 69 shall not be applicable to these projects, except as referenced in this
9 section.

10 (f) The Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the Director of
11 OMB shall approve all projects subject to this section.

12 **Section 106. Collector-Distributor Road/Modification to Scarborough Road Interchange.** The
13 Department is hereby directed to take such actions and enter into such contracts as it deems necessary and appropriate
14 for the evaluation and assessment of a possible Collector-Distributor Road modification to the Scarborough Road
15 Interchange (the “C-D Road”), including but not limited to (1) a feasibility study designed to evaluate and assess
16 viability and implications of the C-D Road, (2) a toll study designed to ascertain the volume of traffic likely to utilize
17 the C-D Road and the prospects for generating toll revenues therefrom, and (3) a wetlands delineation to determine
18 whether or not any wetlands mitigation may be required in order to construct the C-D Road; provided, however, that
19 (a) the owner of the property occupied by The Dover Mall (the “Developer”) shall pay all of the costs to conduct the
20 aforesaid study, not to exceed \$250,000; (b) the Department shall conduct the feasibility study in consultation with the
21 Developer; and (c) upon completion of the aforesaid feasibility study, the Department shall report back to the Joint
22 Legislative Committee on the Capital Improvements Program regarding the feasibility of the C-D Road, before the
23 Department undertakes commencement of the aforesaid toll study and wetlands delineation.

1 **DEPARTMENT OF AGRICULTURE**

2 **Section 107. New Castle County Farmland Initiative.** Notwithstanding the provision of any law to the
3 contrary, 79 Del. Laws, c. 292 appropriated \$300,000 for the New Castle County Farmland Initiative. Said funding
4 shall be used to assist New Castle County to purchase conservation easements in the Port Penn Corridor.

5 **Section 108. Farmland Preservation.** ~~It is the intent of the General Assembly that \$3,000,000 of settlement~~
6 ~~funds, held in appropriation 29626, within Legal, Office of Attorney General (15-01-01) be appropriated for Farmland~~
7 ~~Preservation.~~ For the fiscal year ending June 30, ~~2016~~ 2017, \$600,000 of the \$3,000,000 allocated for Farmland
8 Preservation Funding may be utilized by the Aglands Preservation Foundation in accordance with the rules and
9 policies for the Delaware Young Farmer Program in accordance with 3 Del. C. c. 9. All remaining state-appropriated
10 funds shall be utilized by the Aglands Preservation Foundation to preserve eligible farms statewide through the
11 traditional farmland preservation program at its discretion in accordance with Aglands Foundation rules and policies.
12 Local jurisdiction funds committed to farmland preservation for Fiscal Year ~~2016~~ 2017 shall be spent to preserve
13 farmland only in the respective jurisdictions where the funds originate. Farms to be preserved shall be selected by the
14 local jurisdictions according to the jurisdictions selection criteria from eligible farms as listed by the Aglands
15 Preservation Foundation. Similarly, any funds provided by nongovernment organizations shall be spent according to
16 their selection criteria from eligible farms as listed by the Aglands Preservation Foundation.

1 **FIRE PREVENTION COMMISSION**

2 **Section 109. Hydraulic Rescue Tools Replacement.** It is the intent of the General Assembly that the funds
3 authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School, Newark, ~~Christiana, Five~~
4 ~~Points, Good Will, Wilmington Manor, Port Penn, Belvedere, Farmington, Leipsic, Little Creek, Magnolia, Marydel,~~
5 ~~Frankford, Greenwood, Gumboro, Laurel, Slaughter Beach and Roxana~~ Brandywine Hundred, Claymont, Odessa and
6 Middletown fire companies. Upon submitting the receipt of sale, each company will be reimbursed up to \$7,500 by
7 the Fire Prevention Commission, State Fire School (75-02-01).

1 **DELAWARE NATIONAL GUARD**

2 **Section 110. Delaware National Guard.** Notwithstanding 29 Del. C. c. 69 or any other statutory provision
3 to the contrary, the Delaware National Guard may use design/build project delivery methodology for the purpose of
4 constructing a Field Maintenance Shop at Dagsboro Readiness Center. To enable the pursuit of a design/build
5 methodology for this project, all provisions of 29 Del. C. c. 69 are hereby waived with the exception of § 6960 related
6 to prevailing wage.

7 **Section 111. Delaware National Guard Design/Build New Castle.** Notwithstanding 29 Del. C. c. 69 or
8 any other statutory provision to the contrary, the Delaware National Guard may use design/build project methodology
9 for the purpose of constructing a Combined Support Maintenance Shop at River Road Training Site in New Castle. To
10 enable the pursuit of a design/build methodology for this project, all provisions of 29 De. C. c. 69 are hereby waived
11 with the exception of § 6960 related to prevailing wage.

1 **DELAWARE STATE UNIVERSITY**

2 **Section 112. Convocation Center.** The Joint Legislative Committee on the Capital Improvement Program
3 accepts the Delaware Convocation Center Feasibility Study final report and recognizes the need for such a facility at
4 Delaware State University and in Central Delaware. The Committee will work towards exploring options for funding
5 the building of the facility in future fiscal years. In support of the continued development of the Convocation Center,
6 Delaware State University shall work with stakeholders comprised of local healthcare leaders in the planning of a
7 Health Institute to be incorporated within the Convocation Center.

1 **DELAWARE TECHNICAL COMMUNITY COLLEGE**

2 **Section 113. Collegewide Asset Preservation Program.** ~~The~~Section 1 Addendum of this Act ~~provides~~
3 ~~funds for~~ makes an appropriation to Delaware Technical Community College for the Collegewide Asset Preservation
4 program. This appropriation may be used for the acquisition of computer hardware and software.

DEPARTMENT OF EDUCATION

Section 114. School Building and Custodial Verification. By September 30 of each calendar year, each school district shall notify the Department of Education (Department) of its intended use for each school building and administrative office building. School districts shall notify the Department about changes in the use of such buildings to include the sale of property, closing of a building, lease of property to another agency and additions and renovations. The Department shall establish a standard reporting mechanism that school districts shall utilize to gather and submit required information.

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

Section 115. Land Donation for School Construction. Any land donated to a school district with an approved major capital improvement program shall be required to return to the State one-half of the state share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to keep the remaining one-half state share amount, as well as the full local share amount in accordance with the certificate of necessity.

Section 116. Minor Capital Improvements. It is the intent of the General Assembly that ~~the sum of~~ \$10,900,000 allocated funds authorized in the Section 1 Addendum of this Act be used for minor capital improvements to school buildings in the following amounts:

School District	Maximum State Share	Maximum Local Share	Total Cost
Appoquinimink	\$722,362	\$481,575	\$1,203,937
Brandywine	774,654	516,436	1,291,090
Special	18,040		18,040
Christina	1,149,988	766,659	1,916,647
Special	64,725		64,725
Colonial	711,684	474,456	1,186,140
Special	11,458		11,458
New Castle VoTech	564,242		564,242
Red Clay	1,180,923	787,282	1,968,205
Special	18,893		18,893
Caesar Rodney	514,364	342,909	857,273
Special	26,329		26,329
Capital	472,457	314,971	787,428
Special	24,988		24,988

1	Lake Forest	278,794	185,863	464,657
2	Milford	306,951	204,634	511,585
3	Polytech	145,296		145,296
4	Smyrna	386,084	257,389	643,473
5	Cape Henlopen	353,173	235,449	588,622
6	Special	29,986		29,986
7	Delmar	99,977	66,651	166,628
8	Indian River	710,221	473,481	1,183,702
9	Special	15,968		15,968
10	Laurel	159,217	106,145	265,362
11	Seaford	256,633	171,089	427,722
12	Sussex Technical	188,325		188,325
13	Woodbridge	174,356	116,237	290,593
14	Campus Community	49,976		49,976
15	Academia Antonia Alonso	26,938		26,938
16	Early College High School	15,724		15,724
17	First State Montessori	34,130		34,130
18	Academy of Dover	35,349		35,349
19	ASPIRA Academy	65,944		65,944
20	DAPSS	44,247		44,247
21	Delaware Military Academy	69,357		69,357
22	East Side Charter	50,951		50,951
23	Family Foundations	98,855		98,855
24	Gateway Charter	25,841		25,841
25	Kuumba Academy	56,558		56,558
26	Delaware College			
27	Prep Academy	24,744		24,744
28	M.O.T. Charter	105,925		105,925
29	Newark Charter	237,447		237,447
30	Odyssey Charter School	113,726		113,726

1	Positive Outcomes	15,359		15,359
2	Providence Creek	83,862		83,862
3	Sussex Academy of Arts	60,703		60,703
4	Thomas Edison	90,810		90,810
5	Prestige Academy	29,986		29,986
6	Wilmington Charter	118,480		118,480
7	Total to Schools	\$10,815,000	\$5,501,226	\$16,316,226
8	Vocational Equipment	85,000	56,667	141,667
9	TOTAL	\$10,900,000	\$5,557,893	\$16,457,893
10		<u>Maximum</u>	<u>Maximum</u>	
11	School District	State Share	Local Share	Total Cost
12	Appoquinimink	\$759,362	\$506,241	\$1,265,603
13	Brandywine	762,801	508,534	1,271,335
14	Special	18,902		18,902
15	Caesar Rodney	512,632	341,755	854,387
16	Special	26,219		26,219
17	Cape Henlopen	358,169	238,779	596,948
18	Special	33,536		33,536
19	Capital	458,413	305,609	764,022
20	Special	26,951		26,951
21	Christina	1,099,386	732,924	1,832,310
22	Special	64,390		64,390
23	Colonial	708,216	472,144	1,180,360
24	Special	10,244		10,244
25	Delmar	98,561	65,707	164,268
26	Indian River	734,411	489,607	1,224,018
27	Special	16,341		16,341
28	Lake Forest	277,609	185,073	462,682
29	Laurel	162,511	108,341	270,852
30	Milford	301,389	200,926	502,315
31	New Castle County VoTech	572,924		572,924
32	Polytech	145,609		145,609

	<u>Maximum</u>	<u>Maximum</u>	
<u>School District</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
3 <u>Red Clay</u>	1,165,679	777,119	1,942,798
4 <u>Special</u>	19,878		19,878
5 <u>Seaford</u>	254,121	169,414	423,535
6 <u>Smyrna</u>	382,901	255,267	638,168
7 <u>Sussex County Technical</u>	176,097		176,097
8 <u>Woodbridge</u>	180,438	120,292	300,730
9 <u>Academia Antonia Alonso</u>	39,024		39,024
10 <u>Academy of Dover Charter</u>	34,634		34,634
11 <u>Campus Community</u>	50,853		50,853
12 <u>Charter School of Wilmington</u>	118,536		118,536
13 <u>Delaware Academy of</u>			
14 <u>Public Safety and Security</u>	36,951		36,951
15 <u>Delaware College</u>			
16 <u>Preparatory Academy</u>	22,683		22,683
17 <u>Delaware Military Academy</u>	68,780		68,780
18 <u>Early College High School</u>			
19 <u>at Delaware State University</u>	25,488		25,488
20 <u>East Side Charter</u>	54,024		54,024
21 <u>Family Foundations</u>	96,585		96,585
22 <u>First State Montessori Academy</u>	39,634		39,634
23 <u>Gateway Lab</u>	25,854		25,854
24 <u>Kuumba Academy Charter</u>	78,536		78,536
25 <u>Las Americas ASPIRA Academy</u>	77,926		77,926
26 <u>M.O.T Charter</u>	123,536		123,536
27 <u>Newark Charter</u>	260,974		260,974
28 <u>Odyssey Charter</u>	141,585		141,585
29 <u>Positive Outcomes Charter</u>	15,366		15,366
30 <u>Prestige Academy</u>	27,317		27,317

1	<u>Providence Creek</u>			
2	Academy Charter	84,146		84,146
3	<u>Sussex Academy of Arts</u>			
4	and Sciences	72,439		72,439
5	Thomas A. Edison Charter	92,439		92,439
6	Total to Schools	\$10,915,000	\$5,477,732	\$16,392,732
7	Vocational Equipment	85,000	56,667	141,667
8	TOTAL	\$11,000,000	\$5,534,399	\$16,534,399

9 **Section 117. Dickinson High School.** Funding provided to the Red Clay School District for Equalization as
10 provided for in the Fiscal Year ~~2016~~ 2017 Annual Appropriations Act shall be contingent upon the following:

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

13 (b) The district is required to maintain the fencing between Dickinson High School and the community of
14 Montclare, keep the gate between the properties locked at all times (except by mutual agreement between the district
15 and the Montclare Civic Association), and provide, maintain and replace, if necessary, the Leland Cypress trees along
16 the fence line bordering the homes on Salem Drive.

17 **Section 118. School Construction Fund Transfers.** Notwithstanding any law or other provision to the
18 contrary, the Department, with the approval of the Director of the Office of Management and Budget (OMB) and
19 Controller General, may transfer funding between major capital construction projects within the respective school
20 districts. These transfers shall not authorize any changes in conditions or incur any obligations in excess of the
21 approved Certificate(s) of Necessity.

22 **Section 119. School District Financial Reviews.** It is the intent of the General Assembly that, for school
23 districts receiving funds appropriated in the Section 1 Addendum of this Act, should a school district financial position
24 report as required under 14 Del. C. § 1507 demonstrate less than one month of carryover, or if at any time during the
25 course of the fiscal year a school district is projected to not be able to satisfy its local payroll obligations, the Director
26 of OMB, in coordination with the Secretary of Education and Controller General, is authorized to conduct a
27 comprehensive review of the school district’s capital construction program.

28 **Section 120. School Construction Contractual Documents.** Effective January 1, 2007, all school districts
29 that receive state funds for major capital construction projects shall use standard bid and contract documents

1 developed by OMB, Facilities Management. School districts may enhance the standard bid and contract documents
2 with additional contractual or project-specific requirements, as long as the enhancements do not diminish and are not
3 in conflict with the provisions of the standard documents. The Department, in consultation with OMB, Facilities
4 Management, shall approve any modifications or changes to the provisions of the standard bid and contract
5 documents before a school district may use or enhance the modified documents.

6 **Section 121. Milford School District - Access Road.** To ensure that property owned by the Milford School
7 District is used in accordance with the priorities established by the Milford School District Board of Education, no
8 state agency or municipality shall use said district property for any type of additional access road without the approval
9 of the Milford School District Board of Education. If the Milford School District Board of Education does not
10 publicly endorse, by affirmative vote, the placement of an additional access road on district property, no state agency
11 or municipality shall be authorized to condemn such district property for said use.

12 **Section 122. Brandywine School District Conveyances.** The General Assembly hereby determines that it
13 is in the public interest to reclaim a portion of the 26.25 acre parcel of land at 3301 Green Street, Claymont, DE 19703
14 (New Castle County Tax Parcel ID Number 06-071.00-106) held by the Brandywine School District in order for the
15 State of Delaware to convey to the Brandywine Community Resource Council, Inc. (BCRC), a not for profit
16 corporation of the State of Delaware that operates the Claymont Community Center, a portion of said parcel (the CCC
17 Parcel). The General Assembly also hereby determines that it is in the public interest to reclaim the 0.38 acre parcel,
18 also at 3301 Green Street, Claymont, DE 19703 (New Castle County Tax Parcel ID Number 06-084.00-009) (the
19 Second CCC Parcel), in order for the State of Delaware to convey such parcel to BCRC. BCRC provides vital
20 services to the citizens of Delaware and occupies the CCC Parcel and the Second CCC Parcel exclusively. The
21 General Assembly recognizes that as a titled owner of the CCC Parcel and the Second CCC Parcel, BCRC will be
22 better able to serve the citizens of Delaware and be better positioned to receive grants, including facilities
23 improvement grants.

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

1 not exercise its right of first refusal, proceeds from the sale of said property shall be governed by the provisions 14
2 Del. C. § 1057(a)(15).

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

9 **Section 123. Claymont Community Center.** In connection with the transfer of property directed pursuant
10 to 77 Del. Laws, c. 329, § 135(b), the Brandywine Community Resource Council, Inc. (BCRC) shall be liable for the
11 payment of survey(s) and/or related transaction costs necessary to determine whether any portion of the land that was
12 conveyed pursuant to the above authority are portions of land originally acquired by the Department of Transportation
13 (DOT) for right-of-way purposes for the construction of Interstate 95. To the extent any survey confirms that any
14 portion of such lands are, in fact, owned by the DOT, and notwithstanding any provisions of 17 Del. C. § 137 to the
15 contrary, the DOT, after receiving any and all necessary approvals from the federal government or any agent thereof
16 for transfer of such land, is further authorized to execute any and all necessary deeds to convey said portions of land to
17 the BCRC and/or the Brandywine School District on the same terms and conditions as the Brandywine School
18 District's related conveyance to the BCRC pursuant to the above authority.

19 **Section 124. Cape Henlopen School District - Sussex Consortium.** Notwithstanding the provisions of any
20 other state law, the Sussex Consortium currently housed in the Fred Thomas Building will be relocated into the Lewes
21 School during Fiscal Year 2014 to accommodate space needs. District offices and Osher Lifelong Learning classes
22 will relocate from the Lewes School to the Fred Thomas Building. All necessary renovations to the Lewes School to
23 facilitate the relocation will be funded locally. The Lewes School will not be considered a 100 percent state funded
24 school, for the purpose of major capital projects, until Fiscal Year 2019.

25 **Section 125. Cape Henlopen School District - Sussex Consortium Classrooms.** ~~The Section 1 Addendum~~
26 ~~to of this Act includes an appropriation of \$1,132,000~~ makes an appropriation to add an additional 10 classrooms for
27 the Sussex Consortium as part of the construction of the new 720 student elementary school in the Cape Henlopen
28 School District. It is the intent of the Joint Legislative Committee on the Capital Improvement Program that

1 construction funding in future fiscal years for the additional 10 classrooms shall provide for completing the classrooms
2 consistent with the construction timetable for the new elementary school.

3 **Section 126. Smyrna School District Transfer.** The Smyrna School District, with the approval of the
4 Secretary of Education, Director of OMB and the Controller General, is authorized to transfer non-obligated major
5 capital improvement funds from the new Clayton Intermediate School project (Certificate of Necessity # - CN 0824A-
6 B) for district-wide capital improvements considered necessary for the safety, health and welfare of students and
7 technology upgrades. The funds would be used for repairs to the roofing systems at Smyrna Elementary School, John
8 Bassett Intermediate School and the Thomas D. Clayton Building and projects such as building security systems,
9 HVAC system upgrades and upgrades to the district's technology hardware and infrastructure system.

10 **Section 127. Laurel School District Transfer.** The Laurel School District, with the approval of the
11 Secretary of Education, Director of OMB and the Controller General, is authorized to transfer non-obligated major
12 capital improvement funds from the 1,400 student High School/Middle School Combined Facility project (Certificate
13 of Necessity # - CN 1216 A-B) for district-wide capital improvements considered necessary for the safety and welfare
14 of students. The funds would be used for improvement to and/or construction of the High School/Middle School
15 athletic facilities.

16 **Section 128. Laurel School District.** The Laurel School District, with the approval of the Secretary of
17 Education, Director of OMB and the Controller General, is authorized to transfer non-obligated major capital
18 improvement funds for the North Laurel Elementary School (CN 1216 E) and funds for the selective demolition of the
19 existing Laurel Middle School (CN 1216 F) herein referred to as the 1921 building for district-wide capital
20 improvements considered necessary for the educational enhancement of the district's learning environments as well as
21 for the preservation of the 1921 building. The transferred funds shall be used for the selective demolition of the non-
22 1921 section of the old Laurel Middle School; the demolition of the Field House; and exterior renovation of the 1921
23 section of the old Laurel Middle School (\$1,500,000 allocated for these renovations); and improvement to and/or
24 construction of the new 1,200 pupil Elementary School (Certificate of Necessity # - CN 1216 D). Any non-obligated
25 major capital improvement funds from these capital improvement projects may be used for the selective
26 demolition/selection preservation of the Paul Laurence Dunbar Elementary School.

27 **Section 129. Bond Verification.** All bonds issued, or herein before or herein authorized to be issued, by the
28 State are hereby determined to be within all debt and authorization limits of the State.

1 **Section 130. Inconsistency.** Insofar as the provisions of this Act are inconsistent with the provisions of
2 any general, special or local laws, or parts thereof, the provisions of this Act shall be controlling.

3 **Section 131. Severability.** If any section, part, phrase or provision of this Act or the application thereof be
4 held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section,
5 part, phrase, provision or application directly involved in the controversy in which such judgment shall have been
6 rendered and shall not affect or impair the validity of the remainder of this Act or the application thereof.

7 **Section 132. Effective Date.** This Act shall take effect in accordance with the provisions of state law.

SYNOPSIS

This Bill is the Fiscal Year 2017 Bond and Capital Improvements Act.

**Delaware Department of Transportation
FY2017 Capital Transportation Program
Appendix A**

	State Authorization	Federal Authorization	Other Funding	FY 2017 Authorization
ROAD SYSTEM				
Expressways				
I-95 and SR 141 Interchange, Ramps G and F Improvements		\$10,000,000		\$10,000,000
SR 141 and Commons Boulevard Intersection Improvements	\$9,000,000	5,000,000		14,000,000
Road A / SR 7 Improvements	200,000	800,000		1,000,000
U.S. 301 GARVEE Debt Service		10,984,713		10,984,713
Subtotal Expressways	\$9,200,000	\$26,784,713	\$0	\$35,984,713
Arterials				
SR 4 Christina Parkway, SR 2 Elkton Road to SR 896 South College Avenue Improvements	\$4,060,000	\$1,240,000		\$5,300,000
SR 299, SR 1 to Catherine Street Improvements	300,000	1,200,000		1,500,000
Walnut Street and East Front Street Improvements	5,000	20,000		25,000
SR 2 Elkton Road, Maryland State Line to Casho Mill Road Improvements	200,000	800,000		1,000,000
U.S. 40 and SR 72 Intersection Improvements	2,600,000	3,000,000		5,600,000
SR 1, Little Heaven Grade Separated Intersection		12,500,000	\$7,465	12,507,465
SR 1, South Frederica Grade Separated Intersection		6,000,000		6,000,000
U.S. 113, North/South Improvements	1,000,000			1,000,000
SR 26 Atlantic Avenue from Clarksville to Assawoman Canal Improvements		1,979,329		1,979,329
HSIP Projects	1,770,270	16,190,337		17,960,607
Corridor Capacity Preservation	1,000,000			1,000,000
Subtotal Arterials	\$10,935,270	\$42,929,666	\$7,465	\$53,872,401
Collectors				
Valley Road and Little Baltimore Road Intersection Improvements	\$50,000	\$200,000		\$250,000
Cedar Lane Road and Marl Pit Road Intersection Improvements	100,000			100,000
Camden Bypass, South Street to Rising Sun Road Improvements		960,000		960,000
Park Avenue Relocation		211,073		211,073
Subtotal Collectors	\$150,000	\$1,371,073	\$0	\$1,521,073
Locals				
Jamison Corner Road at Boyds Corner Road Improvement	\$4,300,000		\$3,000,000	\$7,300,000
Manor Avenue Sidewalk Improvements	200,000	\$800,000		1,000,000
Myrtle Avenue Sidewalk Improvements	200,000	800,000		1,000,000
Garasches Lane Enhancements	100,000	400,000		500,000
Recreational Trails		1,080,000	270,000	1,350,000
Subtotal Locals	\$4,800,000	\$3,080,000	\$3,270,000	\$11,150,000
Bridges				
Bridge Management Program	\$1,760,000	\$11,085,000		\$12,845,000
Bridge Preservation Program	14,368,720	37,663,029		52,031,749
Subtotal Bridges	\$16,128,720	\$48,748,029	\$0	\$64,876,749
Other				
Industrial Track Greenway	\$2,400,000	\$9,600,000		\$12,000,000
Transportation Alternatives	763,100	2,837,079		3,600,179
Paving and Rehabilitation	66,200,000	22,800,000		89,000,000
Bicycle, Pedestrian and Other Improvements	800,000	3,200,000		4,000,000
Signage and Pavement Markings	1,629,372	1,482,513		3,111,885
Materials and Minor Contracts	8,000,000			8,000,000
Rail Crossing Safety Program	369,589	1,242,111		1,611,700
Safety Improvement Program	244,444	4,676,196		4,920,640
Traffic Calming	150,000			150,000
Engineering and Contingency	27,540,000	18,000		27,558,000
Intersection Improvements	2,500,000	2,000,000	\$600,000	5,100,000
Subtotal Other	\$110,596,505	\$47,855,899	\$600,000	\$159,052,404
TOTAL ROAD SYSTEM	\$151,810,495	\$170,769,380	\$3,877,465	\$326,457,340
GRANTS AND ALLOCATIONS				
Municipal Street Aid	\$5,000,000			\$5,000,000
Community Transportation Fund	16,750,000			16,750,000
TOTAL GRANTS AND ALLOCATIONS	\$21,750,000	\$0	\$0	\$21,750,000
TRANSIT SYSTEM				
Transit Facilities	\$16,095,000	\$283,865		\$16,378,865
Transit Vehicles	6,426,736	13,075,660	\$553,973	20,056,369
Rail Preservation	4,177,442			4,177,442
TOTAL TRANSIT SYSTEM	\$26,699,178	\$13,359,525	\$553,973	\$40,612,676
SUPPORT SYSTEM				
Aeronautics	\$521,000	\$160,000		\$681,000
Planning	7,072,598	5,278,591		12,351,189
Information Technology	14,013,780	280,000		14,293,780
Heavy Equipment	10,000,000			10,000,000
Transportation Facilities	17,358,607			17,358,607
Transportation Management	1,600,000	7,760,000	\$90,000	9,450,000
TOTAL SUPPORT SYSTEM	\$50,565,985	\$13,478,591	\$90,000	\$64,134,576
GRAND TOTAL	\$250,825,658	\$197,607,496	\$4,521,438	\$452,954,592