CHAPTER 1 FORMERLY SENATE BILL NO. 19

AN ACT APPROPRIATING BOND PREMIUMS AND SPECIAL FUNDS OF THE STATE, REVERTING CERTAIN FUNDS OF THE STATE; DEPOSITING CERTAIN FUNDS OF THE STATE TO THE GENERAL FUND AND SPECIFYING CERTAIN CONDITIONS FOR THE EXPENDITURE OF CERTAIN FUNDS; AND AMENDING THE LAWS OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Deposit of Interest Earned on Special Funds to the General Fund. Notwithstanding any other provisions of the Delaware Code, Delaware Law or any other Act to the contrary, the sum of \$1,183,928.00 in interest earned from the accounts listed herein shall be transferred to appropriation 2009-10-02-11-8400 (Reductions) and deposited into the General Fund for Fiscal Year 2009:

Department, Agency, or Instrumentality	Appropriation Code	<u>Amount</u>
Delaware Economic Development Office		
Competitiveness Fund	2009-10-03-03-8120	\$219,868.00
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Department of State		
Special Operations Fund	2009-20-01-01-8601	\$27,624.00
Guaranty Fund	2009-20-04-01-8800	\$8,906.00
Regulatory	2009-20-15-01-8600	\$16,582.00
Department of Finance		
21st Century Funds	2009-25-01-01-8600	\$590,180.00
Resource Conservation Development	2009-25-01-01-8606	\$23.00
Department of Health and Social Services		
Weatherization/Utilities	2000 25 12 20 9011	¢1 <i>(25</i> 00
weatherization/Utilities	2009-35-12-30-8011	\$1,625.00
Department of Natural Resources and Environmental Control		
Community Environment Project	2009-40-01-01-8100	\$29,962.00
Penalty Fund	2009-40-01-01-8860	\$45,233.00
L&W Conservation Fund Interest	2009-40-06-04-8021	\$36,865.00
L&W Conservation Fund Interest	2009-40-06-04-8022	\$45,568.00
LWCF Earnings	2009-40-06-04-8023	\$2,325.00
Parks Endowment Interest	1996-40-06-04-8025	\$11,002.00
LWCB Project St	2009-40-06-04-8210	\$114,391.00
Under Ground Storage Tank Fees	2009-40-09-03-8600	\$10,131.00
Scrap Tire Holding	2009-40-09-03-8625	\$3,196.00
Above Ground Storage Tank Fees	2009-40-09-03-8845	\$12,606.00
Scrap Tire Cleanup	2009-40-09-03-9896	\$3,555.00
SARA III	2009-40-09-04-8700	\$4,286.00

Section 2. Deposit of Special Funds to the General Fund. Notwithstanding any other provisions of the Delaware Code, Delaware Law or any other Act to the contrary, the sum of \$3,578.00 in appropriation 2009-10-02-06-8000 (Advanced Planning Fund); \$25,000.00 in appropriation 2008-20-04-01-8800 (Guaranty Fund); \$363,756.00 in appropriation 2009-25-01-01-8600 (21st Century Fund); and \$1,921.00 in appropriation 2009-25-01-01-8606 (Resource, Conservation and Development) shall be transferred into appropriation 2009-10-02-11-8400 (Reductions) and deposited into the General Fund for Fiscal Year 2009.

<u>Section 3.</u> <u>Deposit of Special Funds to the General Fund – Regulatory Revolving Fund.</u> Notwithstanding the provisions of 18 Del. C. §305, the sum of \$101,100 from the Insurance Commissioner Regulatory Revolving Fund appropriation 2009-12-03-02-8600 shall be transferred into appropriation 2009-10-02-11-8400 (Reductions) and deposited into the General Fund for Fiscal Year 2009.

<u>Section 4.</u> <u>General Fund Reversions – Bond Premium.</u> Notwithstanding the provisions of any other State law, the State Treasurer hereby deauthorizes the remaining appropriation balances, not in excess of the balances listed below, from the following projects and authorizes the transfer of said funds into appropriation 2007-10-02-11-0200 (Reductions) or 2008-10-02-11-0200 (Reductions), wherever appropriate, for reversion to the General Fund during Fiscal Year 2009.

Department, Agency, or Instrumentality

Appropriation Code

Amount

Office of Management and Budget

	TOTAL	\$16,202,165.00
Minor Capital Improvement	2009-95-01-01-0893	\$1,348,815.00
Department of Education		
Delaware State University – MCI	2009-90-03-01-0899	\$5,000,000.00
Higher Education		
Beach Preservation	2009-40-07-03-0802	\$2,150,000.00
Environmental Control		
Department of Natural Resources and		
STARC Headquarters	2005-10-02-50-0886	\$2,096,350.00
Kids Minor Capital Improvement	2009-10-02-50-0810	\$307,000.00
DHSS Minor Capital Improvement	2009-10-02-50-0829	\$3,300,000.00
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Minor Capital Improvement	2009-10-02-50-0801	\$2,000,000.00

Section 5. Appropriation of Bond Premium. Notwithstanding the provisions of 29 Del. C. §7414(a), of the available premium from bonds or revenue notes sold after January 1, 2009, \$16,202,165.00 shall be used in the following amounts for the purposes listed below in order to fully fund projects whose appropriations balances are reverting to the General Fund pursuant to Section 4 of this Act:

Department, Agency, or Instrumentality	<u>Amount</u>
Office of Management and Budget	
Minor Capital Improvement	\$2,000,000.00
DHSS Minor Capital Improvement	\$3,300,000.00
Kids Minor Capital Improvement	\$307,000.00
STARC Headquarters	\$2,096,350.00
Department of Natural Resources and	
Environmental Control	
Beach Preservation	\$2,150,000.00
Higher Education	
Delaware State University – MCI	\$5,000,000.00
Department of Education	
Minor Capital Improvement	<u>1,348,815.00</u>

TOTAL \$16,202,165.00

<u>Section 6</u>. <u>General Fund Reversions – Bond Sale Accounts.</u> Notwithstanding the provisions of any other State law, the State Treasurer hereby deauthorizes the remaining appropriation balances, not in excess of the balances listed below, from the following projects and authorizes the transfer of said funds into appropriation 2007-10-02-11-0200 (Reductions) for reversion to the General Fund during Fiscal Year 2009.

Department, Agency, or Instrumentality	Appropriation Code	<u>Amount</u>
Higher Education		
Delaware Technical and Community College		
Excellence Through Technology	2009-90-04-01-0801	\$400,000.00
Asset Preservation	2009-90-04-01-0803	\$500,000.00
Owens Campus Improvements	2009-90-04-02-0803	\$500,000.00
Stanton/Wilmington Improvements	2009-90-04-05-0808	\$1,000,000.00
Terry Campus Improvements	2009-90-04-06-0802	\$200,000.00

\$2,600,000.00

TOTAL

Section 7. Appropriation of Special Funds. There is herby appropriated the sum of \$2,600,000 from Bond Sale accounts, all held by the State Treasurer, to the following department in the following amount for the project listed below in order to fully fund projects whose appropriations balances are reverting to the General Fund pursuant to Section 6 of this Act:

<u>Amount</u>
\$400,000.00
\$500,000.00
\$500,000.00
\$1,000,000.00
\$200,000.00

TOTAL \$2,600,000.00

<u>Section 8.</u> <u>General Fund Reversions.</u> Notwithstanding the provisions of any other State law, the State Treasurer hereby deauthorizes the remaining appropriation balances, not in excess of the balances listed below, from the following projects and authorizes the transfer of said funds into appropriation 2007-10-02-11-0200 (Reductions) or 2008-10-02-11-0200 (Reductions), wherever appropriate, for reversion to the General Fund during Fiscal Year 2009.

Department, Agency, or Instrumentality	Appropriation Code	<u>Amount</u>
Legislative		
Technology Equipment	2004-01-08-02-0801	\$21,502.56
Office of Management and Budget		
Advanced Planning Fund	2007-10-02-06-0800	\$165,000.00
Local Law Enforcement	2007-10-02-05-0813	\$91,075.32
Local Law Enforcement	2008-10-02-05-0813	\$578,957.50
HRYCI Kitchen	2008-10-02-50-0811	\$100,000.00
Firing Range	2006-10-02-50-0893	\$61,179.33
Delaware Economic Development Office		
Laurel Riverfront	2007-10-03-03-0837	\$101.17
Office of the State Treasurer		
GF Reversion Account	2002-12-05-03-0888	\$5,000.00
Department of State		
Veteran's Home Equipment	2007-20-09-01-0804	\$24,892.07
Department of Finance		
Drinking Water	2009-25-01-01-0801	\$1,650,000.00
Department of Natural Resources and		
Environmental Control		
Surface Water Task Force	2006-40-07-01-0803	\$2,930.19
Tax Ditches	2006-40-07-02-0802	\$100,000.00
Safety and Homeland Security		
Helicopter Lease	2009-45-01-01-0810	\$311,167.83
Twin Helicopter	2009-45-01-01-0811	\$204,069.72
Labor		
Network Upgrade	2007-60-01-10-0803	\$707.39

Server Consolidation 2007-60-01-10-0804 \$1,690.65

Agriculture

Conservation Reserve 2006-65-01-01-0608 \$46,238.95

TOTAL \$3,364,512.68

Section 9. Deposit of Special Project Funds to the General Fund. Notwithstanding any other provisions of the Delaware Code, Delaware Law or any other Act to the contrary, the sum of \$630,000 in appropriation 2005-40-07-04-8031 (CREP) shall be transferred into appropriation 2009-10-02-11-8400 (Reductions) and deposited into the General Fund for Fiscal Year 2009.

Section 10. Eden Support Center Property. The Department of Transportation acquired, by a legal takings action, 2.0283 acres +/- of the Christina School District's Eden Support Center Property located on Route 7 at Route 40. The Department will use the property to create a new intersection titled Eden Square Connector at Old Hamburg Road and is part of the Route 7 and 40 improvements. The construction for this intersection is scheduled to begin in 2009.

The Purchase Contract for 2.0283 acres amounted to \$643,800.00. The State Share for this amount is 60% or \$386,280.00. The Christina School District is hereby permitted to utilize the full amount of all takings from this transaction to temporarily cover the funding gap for Porter Road Elementary School Project by delay in access to the State funding portion appropriated in the Fiscal Year 2009 Capital Improvements Act under the K-12 School Construction Prioritization Fund (\$3,925,700). Once the K-12 School Prioritization funds become available the District shall reimburse the State the full \$386,280.00.

Section 11. <u>Sills/Moyer Education Foundation Inc.</u> Amend 75 Delaware Laws, Chapter 353, Section 84 by deleting subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

- (b) No state funds shall be disbursed by the City to the Sills/Moyer Education Foundation Inc. until the Foundation has provided, to the City's satisfaction, written proof of:
 - 1. Site control;
 - 2. All required building, land use and environmental permits;
 - 3. A detailed construction budget;
 - 4. Firm commitments for the balance of the financing necessary to ensure the completion of this construction project;
 - 5. The demonstrated ability of the Foundation to fund the on-going operating costs for this facility; and
 - 6. The City shall disburse all payments directly to project vendors and shall provide to the Director of the Office of Management and Budget and the Controller General quarterly expenditure reports with the first report due March 1, 2009.

<u>Section 12. Severability Clause.</u> If any section, part, phrase, or provision of this Act or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Act or the application thereof.

Approved January 29, 2009