

STATE OF DELAWARE



10-01-82-12-02

EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER ONE HUNDRED TWENTY-ONE

TO: LIEUTENANT GOVERNOR AND COUNCIL ON DEVELOPMENT FINANCE
RE: PUBLIC HEARING AND APPROVAL PROCEDURES FOR ISSUANCE
OF INDUSTRIAL DEVELOPMENT BONDS

WHEREAS, Section 103(k) of the Internal Revenue Code of 1954, as amended (the "Code"), provides that interest on an industrial development bond (as defined in Section 103(b) of the Code) issued after December 31, 1982 (other than certain refunding issues) will not be excludible from gross income unless such bond is issued as a part of an issue that has been approved by an applicable elected representative (of the governmental unit that issued the bond or on behalf of which such bond was issued) after a public hearing following reasonable public notice or by a voter referendum of such governmental unit; and,

WHEREAS, the economic development of the State will be hampered if the ability to issue industrial development bonds after December 31, 1982, is not maintained; and,

WHEREAS, in order to maintain the ability to issue industrial development bonds that will continue to qualify for tax-exempt treatment under the Code, it is necessary to establish

procedures that satisfy the public notice, public hearing, and approval requirements of Section 103(K) of the Code;

NOW, THEREFORE, I, PIERRE S. duPONT, IV, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Pursuant to Section 5007, Chapter 50, Title 29, Delaware Code, the Council on Development Finance is hereby delegated the authority and responsibility for conducting a public hearing following reasonable public notice prior to the issuance after December 31, 1982, by The Delaware Economic Development Authority of any industrial development bond within the meaning of Section 103 of the Code. The Council on Development Finance shall adopt such rules and procedures as it determines to be necessary or desirable in fulfilling the responsibilities hereby imposed upon it.

2. For purposes of Section 103(k) of the Code, the Lieutenant Governor of the State of Delaware is hereby delegated the authority and responsibility for approving, or withholding approval of, the issuance by The Delaware Economic Development Authority after December 31, 1982, of any industrial development bond within the meaning of Section 103 of the Code.

3. Notwithstanding the foregoing, compliance with this Executive Order shall not be required with respect to any obligation that is not subject to the public approval requirements of Section 103(k) of the Code.

APPROVED this 30th day of November
, 1982.



Governor

ATTEST:



Secretary of State

