

STATE OF DELAWARE



**EXECUTIVE DEPARTMENT
DOVER**

EXECUTIVE ORDER
NUMBER ONE HUNDRED TWENTY-FIVE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: FOREIGN TRADE ZONE

WHEREAS, the United States Foreign Trade Zone Act of 1934 as amended permits a "public corporation", which is defined to include a state, or any political subdivision or public agency thereof, to apply for and be granted the right to operate a foreign trade zone within the United States; and

WHEREAS, Chapter 75 of Title 6, Delaware Code, further authorizes public and private corporations to apply for and operate a foreign trade zone within the State of Delaware; and

WHEREAS, it is the intention of the State of Delaware to file an application with the United States Department of Commerce pursuant to the Foreign Trade Zone Act of 1934 as amended requesting the designation of a site at the Port of Wilmington and a site in and adjoining the Town of Wyoming, Delaware, as a foreign trade zone; and

WHEREAS, it is the determination of the Executive Department that the creation of one or more foreign trade zones within the State of Delaware will significantly and positively impact the economic vitality of the State generally and the immediate areas in which the zones are located; and

WHEREAS, the provisions of 29 Delaware Code § 5003(c)(4) delegate to the Delaware Development Office responsibility "To insure that all private and public development activities are carried out in conformity with state law."; and

WHEREAS, the Delaware Development Office is further charged with acting "... as the Governor's designated agency in the execution of such matters relating to its powers as he may request"; and

WHEREAS, it is deemed by the Governor to be necessary and proper that the Delaware Development Office and its Director undertake all responsibilities with respect to the creation, promotion and administration of such foreign trade zones as are established in Delaware, and that this be done in accordance with all applicable laws, regulations and orders, including the terms and conditions of this Order.

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

1. The Delaware Development Office is hereby designated as the public agency of the State responsible for making application to the United States Department of Commerce for the creation of one or more foreign trade zones within the State of Delaware pursuant to the Foreign Trade Zone Act of 1934 as amended, and Chapter 75, Title 6, Delaware Code.

2. Upon the designation of any site within the State of Delaware as a foreign trade zone pursuant to application by the Delaware Development Office, that Office shall establish, administer, operate and supervise each such site in accordance with all applicable laws, regulations and orders.

3. In exercising any power necessary and proper to carry out its responsibilities under applicable law, regulation or order, the Delaware Development Office shall have the power to delegate such powers to or contract with other political subdivisions, public agencies or private corporations or persons for their performance as authorized under 29 Delaware Code, Section 5005(9), and/or create a separate and distinct subdivision of the Delaware Development Office with express authority to exercise all or a portion of such powers pursuant to 29 Delaware Code Section 5005(8).

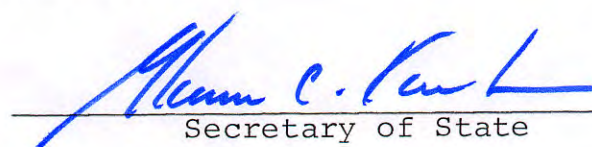
4. Except as otherwise directed by the General Assembly, the Director of the Delaware Development Office shall be responsible for administering all funds appropriated to or received by the State for or from the creation, operation and/or administration of any site designated as a foreign trade zone within the State of Delaware pursuant to application by the Office.

5. The Delaware Development Office and its Director shall have and exercise all power and authority necessary and appropriate to the carrying out of the duties and responsibilities delegated to it and/or him by this Order.

APPROVED this 23rd day of February, 1983.


Governor

ATTEST:


Secretary of State

