



**LAWS**  
**OF THE**  
**STATE OF DELAWARE**  
**ONE HUNDRED AND TWENTY-THIRD**  
**GENERAL ASSEMBLY**

**FIRST SESSION COMMENCED AND HELD AT DOVER**  
**On Tuesday, January 5, A. D.**  
**1965**

**SECOND SESSION COMMENCED AND HELD AT DOVER**  
**On Tuesday, February 1, A. D.**  
**1966**

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**VOLUME LV**

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**Printed by**  
**Milford Chronicle Publishing Company**  
**Milford, Delaware**



# LAWS OF DELAWARE

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## CHAPTER 1

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE 2, SECTION 15, OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO COMPENSATION, EXPENSES, AND ALLOWANCES OF MEMBERS OF THE GENERAL ASSEMBLY AND THE PRESIDENT OF THE SENATE.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 122nd General Assembly as follows:

**“AN ACT PROPOSING AN AMENDMENT TO ARTICLE 2, SECTION 15, OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO COMPENSATION, EXPENSES, AND ALLOWANCES OF MEMBERS OF THE GENERAL ASSEMBLY AND THE PRESIDENT OF THE SENATE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Section 15, Article 2, of the Constitution of the State of Delaware, is amended by striking the first paragraph thereof and inserting in lieu thereof a new paragraph to read:

The President of the Senate and the members of the General Assembly shall receive an annual salary of Four Thousand Five Hundred Dollars (\$4,500), payable quarterly. The members shall receive no other compensation for services as such members but shall be entitled to the usual expenses of transportation and the stationery allowance as provided by the Constitution and Laws of the State.”; AND



WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 122nd General Assembly, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective January 6, 1965.

## CHAPTER 2

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO," BEING CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 48, VOLUME 52, LAWS OF DELAWARE, PERMITTING ANNEXATION OF ADDITIONAL TERRITORY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. Chapter 203, Volume 25, Laws of Delaware, as amended by Chapter 48, Volume 52, Laws of Delaware, is hereby further amended by adding a new Section at the end thereof to be designated Section 3 (A).

Section 3 (A). In the event that it becomes feasible or necessary in the future for the Commissioners of Millsboro to enlarge its then existing limits and territory, such annexation accomplished in accordance with the following procedures shall be lawful:

(a) If five (5) or more property owners resident in a territory contiguous to the then limits and territory of the Town of Millsboro, by written petition with the signature of each such petitioner duly acknowledged, shall request the Commissioners of Millsboro to annex that certain territory in which they reside and own property, the President of the Commissioners of Millsboro shall appoint a committee composed of not less than three (3) of the elected members of the Commissioners of Millsboro to investigate the possibility of annexation. The petition presented to the Commissioners of Millsboro shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the Commissioners of Millsboro, by a majority vote of the elected members thereof, may, by resolution, propose that a committee, composed of not less than three (3) of the elected members of said Commissioners of Millsboro, be appointed by the President to

investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the Town of Millsboro.

(b) Not later than ninety (90) days following its appointment by the President of the Commissioners of Millsboro, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Commissioners of Millsboro. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town and to the territory proposed to be annexed and shall contain the committee's recommendations whether or not to proceed with the proposed annexations and the reasons therefor. In the event that the committee appointed by the President of the Commissioners of Millsboro concludes that the proposed annexation is advantageous both to the City and to the territory proposed to be annexed, within thirty (30) days after receiving the report, a second resolution shall then be passed by the Commissioners of Millsboro proposing to the property owners and residents of both the Town of Millsboro and the territory proposed to be annexed that the Commissioners of Millsboro proposes to annex certain territory contiguous to its then limits and territory. In the event that the committee appointed by the President of the Commissioners of Millsboro concludes that the proposed annexation is disadvantageous either to the Commissioners of Millsboro or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the committee, the resolution proposing to the property owners and residents of both the Town of Millsboro and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the Commissioners of Millsboro. If the resolution shall fail to receive the affirmative vote of two-thirds of the elected members of the Commissioners of Millsboro, the territory proposed to be annexed shall not again be considered for annexation for a period of one year from the date that the resolution failed to receive the required affirmative vote. The second resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the Commissioners of Millsboro setting forth the above information shall be printed

in a newspaper having a general circulation both in the Town of Millsboro and in the territory proposed to be annexed, or, at the discretion of the Commissioners of Millsboro the said resolution shall be posted in five (5) public places both in the Town of Millsboro and in the territory proposed to be annexed.

(c) Following the public hearing, but in no event later than thirty (30) days thereafter, a resolution shall then be passed by a majority of the Commissioners of Millsboro ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. The passage of this resolution shall *ipso facto* be considered the determination of the Commissioners of Millsboro to proceed with the matter of the proposed annexation.

(d) The notice of the time and place of holding the said Special Election shall be printed within thirty (30) days immediately preceding the date of the Special Election in at least two (2) issues of a newspaper having a general circulation both in the Town of Millsboro and in the territory proposed to be annexed, or, in the discretion of the Commissioners of Millsboro the said notice may be posted in five (5) public places both in the Town of Millsboro and in the territory proposed to be annexed, at least fifteen, (15) days prior to the date of the Special Election.

(e) At the Special Election, every property owner whether an individual, a partnership, or a corporation, both in the Town of Millsboro and in the territory proposed to be annexed, shall have one (1) vote for each One Hundred Dollars (\$100.00) of assessment as shown by the books of the Town of Millsboro in the case of Town property owners and by the records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed. Every citizen of either the Town of Millsboro or of the territory proposed to be annexed who is not a property owner shall have one (1) vote. In the case of property owned by a husband and wife jointly, the husband and wife shall each have one (1) vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person owns property both in the Town of Millsboro and in the

territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in the Town of Millsboro and in the territory proposed to be annexed but does not reside in either place, he may vote only in the Town and not in the territory proposed to be annexed. In the event that an individual holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual to vote at the said Special Election, a duly authenticated copy of the power of attorney shall be filed in the office of the Commissioners of Millsboro. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of said individual to vote in the Special Election.

(f) The Commissioners of Millsboro shall cause to be prepared, printed and have available a sufficient number of ballots not less than five (5) days prior to the date of the Special Election.

(g) The form of the ballot shall be as follows:

This ballot casts.....votes.

☐

For the proposed annexation.

☐

Against the proposed annexation.

(check one)

(h) The President of the Commissioners of Millsboro shall appoint three (3) persons to act as a Board of Special Election, at least one of whom must reside and own property in the Town of Millsboro, and at least one of whom must reside and own property in the territory proposed to be annexed or be a representative of an individual, partnership or corporation which owns property in the territory proposed to be annexed. One of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in the office of the Commissioners of Millsboro and the Board of Election shall have available, clearly marked two (2) ballot boxes. All ballots cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be deposited in one such ballot box, and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents or property owners of the Town of Millsboro shall be deposited in the other such ballot box. The

polling places shall be opened from 12:00 o'clock noon prevailing time until 7:00 o'clock P. M., prevailing time, on the date set for the special Election.

(i) Immediately upon the closing of the polling place, the Board of Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed annexation, and the number of void votes, and shall deliver the same to the Commissioners of Millsboro. The said certificate shall be filed with the papers of the Commissioners of Millsboro.

(j) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town of Millsboro and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Special Election. If a favorable vote for annexation shall have been cast, the Commissioners of Millsboro shall cause a description and a plot of the territory so annexed to be recorded in the office of the Recorder of Deeds for Sussex County in Georgetown, Delaware, but in no event shall such recording be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of the Town of Millsboro from the time of recording.

Approved January 29, 1965.

## CHAPTER 3

**AN ACT AUTHORIZING "THE TOWN OF SMYRNA" TO BORROW NOT IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF THE EXTENSION AND IMPROVEMENT OF THE WATER AND SEWER SYSTEMS, THE ELECTRICAL DISTRIBUTION SYSTEM AND THE STREETS OF THE TOWN OF SMYRNA.**

*Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met (two-thirds of all Members elected to each Branch of the Legislature concurring therein):*

Section 1. That the Town of Smyrna, a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of the Town of Smyrna a sum of money not in excess of Five Hundred Thousand Dollars (\$500,000.00) for the purpose of the extension and improvement of the water and sewer systems, the electrical distribution systems and the streets of the Town of Smyrna.

Section 2. That the Mayor and Council of the Town of Smyrna, for any one or more of the purposes set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the Town of Smyrna to an amount not exceeding in the aggregate the sum of Five Hundred Thousand Dollars (\$500,000.00) and that said bonds shall be known as Smyrna General Improvement Bonds, Series of 1965, the year in which the bonds are issued, the title of said bonds to state therein the purpose or purposes for which they are issued, but omitting from the title of said bonds any of the said authorized purpose or purposes for which the Mayor and Council decide to issue any of said bonds.

Section 3. That the said bonds shall be issued in one or more series, shall bear interest date or dates, shall mature at such time or times, not exceeding twenty-five (25) years from their respective dates, shall bear interest at such rate or rates

not exceeding four per centum per annum, shall be payable at such time or times and at such place or places and shall be in such denominations and shall contain such other provisions all as the Mayor and Council of the Town of Smyrna may duly provide by resolution and as shall be set forth in the said bonds.

The said bonds may be or may not be coupon bonds and may be registered or not registered as the Mayor or Council shall deem advisable. The bonds may be issued in serial form and with or without callable provision or provisions at par and at accrued interest, at such interest date or dates and upon the expiration of such period or periods of time thereafter, as the Mayor and Council may by resolution provided and as shall be set forth in the bonds and if the bonds contain any callable provision, the redemption shall be made upon such notice and in such manner and at such time or times as the Mayor and Council shall provide by resolution and as shall be set forth in the bonds. Interest on all bonds shall cease from the redemption date or the maturity date, as the case may be, and all other details and provisions of the bonds shall be provided by resolution of the Mayor and Council and as set forth in the bonds.

Section 4. That the Mayor and Council of the Town of Smyrna shall direct and effect the preparation and sale of the bonds which are authorized by this Act, at such time or times, at such price or prices, not less than par, and upon such terms as the Mayor and Council shall deem advisable and provide by resolution, and the moneys arising from the sale of such bonds shall be used for the carrying out of any one or more of the purposes for which the said bonds are issued, provided that the expenses of the bond issue may be paid from the moneys arising from the sale of the bonds.

Section 5. That the form of said bonds and the form of any coupons which may be attached thereto shall be as prescribed by resolution of the Mayor and Council and all such bonds shall be signed by the Mayor of The Town of Smyrna and by the Treasurer of the Town of Smyrna and shall be sealed with the corporate seal of the said municipal corporation and the said bonds shall be exempt from all state, county and municipal taxation. As the said bonds, and any coupons thereto



originally attached, shall be paid, the same shall be cancelled as the Mayor and Council may direct. Facsimile signatures of the Mayor of the Town of Smyrna and of the Treasurer of the Town of Smyrna may be imprinted upon any and all coupons that may be attached to the bonds, in lieu of the signatures of the said Mayor and of said Treasurer in their own original handwriting, but the bonds shall each be signed by the said Mayor and the said Treasurer in their own original handwriting.

Section 6. That the Mayor and Council of the Town of Smyrna are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest on said bonds while all or any of said bonds remain unpaid, and also to levy and raise by taxation from time to time such sum or sums of money as shall be needed to establish such sinking fund as the Mayor or Council may at their discretion authorize for the redemption of the said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise pay and redeem any or all of said bonds at or before their maturity, in accordance with the terms of said bonds. Taxes for interest on said bonds and for the payment of said bonds shall be levied and raised as taxes for general municipal purposes in the said Town are levied and raised, and shall be in addition to the taxes levied and raised for any and all other municipal purposes.

Section 7. That the bonds authorized by this Act may be issued at one time and in one series, or at different times in different series as the Mayor and Council may from time to time determine, and authority to issue and sell bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of bonds issued under this Act shall be Five Hundred Thousand Dollars (\$500,000.00). However, the authority to issue bonds under this Act shall terminate on December 31, 1966, and if any part of the bonds so authorized by this Act have not actually been issued by December 31, 1966, then all authority to issue the remaining bonds so authorized by this Act shall cease. The bonds authorized to be issued under this act shall be in addition to all present existing and outstanding

bonds of the Town of Smyrna and also in addition to any bonds which may hereafter be issued as a refunding of any or all of the present outstanding bonds of the Town of Smyrna.

Section 8. That the faith and credit of the Town of Smyrna are hereby pledged for the due payment of the interest and of the bonds that may be issued under the provisions of this Act.

Section 9. That before any bonds shall be issued under the provisions of this Act, the said bond issues shall be approved by a referendum vote of the qualified voters of the Town of Smyrna. Notice of the holding of such referendum election shall be authorized by resolution of the Mayor and Council, published once a week for at least three consecutive weeks in a newspaper published in the Town of Smyrna, and if there be none such then in a newspaper published elsewhere in Kent County, Delaware. Such notice shall set out in summary form the amount and the purpose or purposes of such bond issue, the date and place of the holding of such referendum election and the hours the polls will be open, and the polls shall be open at least five (5) hours.

At such referendum election every resident and also every non-resident taxable of said Town, of the age of twenty-one years or upwards, who has by the time of voting paid all town taxes theretofore assessed to him, and/or assessed against the property he owns at the time of the referendum election, shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar, of taxes paid by him according to the last town assessment and tax payment records preceding the referendum election. The Judge of the election shall note on the outside of each ballot, before he deposits the ballot in the ballot box, the number of votes to which each voter is entitled in accordance with the Town assessment and tax records.

In cases of jointly owned property, the votes of the owners of shares or interests therein shall be in accordance with their respective shares or interests, or if all owners of a property appear at the polls and so consent, all of the votes may be cast by the owner of any share or interest therein, except that the

spouse first voting may cast all the votes in reference to property held by husband and wife, as tenants by the entirety. If both husband and wife, holding property as tenants by the entirety, present themselves to vote at the same time, each shall have the right to vote one-half of the votes to which they are entitled as the joint owners of such property. Life tenants shall have the entire vote as to the property so held by them for life, and holders of remainder or other like interests only shall have no vote by reason thereof.

The Mayor and Council shall provide sufficient official ballots which shall have printed thereon "FOR BOND ISSUE" and "AGAINST BOND ISSUE". Each voter shall indicate his preference by making a clearly legible mark by pencil or in ink opposite the words showing his preference, or by merely striking out the alternative to which he is opposed, or by said mark of preference and also by striking out the alternative to which he is opposed. Any other writing and/or form of marking a ballot, except the number of votes noted thereon by the Judge, shall render such ballot void. No voting by proxy shall be permitted.

The Mayor and Council shall, prior to the date of the referendum, appoint one Judge and two tellers to pass upon the qualifications and number of votes of each voter and to conduct the referendum election, and a majority of the election officers so appointed who are present at the opening of the polls shall fill any vacancy among the election officers. A majority of the election officers shall be sufficient to decide the qualifications and the number of votes to which any voter is entitled. The Mayor and Council, prior to the date of the referendum election, shall designate either the Town Manager or other town employee familiar with the Town assessment and tax payment records to be present during the entire period of the election with the last Town assessment and tax payment records for the inspection of the election officers. The referendum election shall be held no sooner than thirty days after the approval of this Act by the Governor and may be held at such time thereafter as the Mayor and Council shall designate after first determining the need and entente of the present and probable future municipi-

pal requirements and after having first obtained such estimates of the probable cost of the same as the Mayor and Council deem necessary for their guidance.

The referendum election shall be held at such suitable place in the said Town as the Mayor and Council shall designate in such published note and the hours of the opening and closing of the polls may be so advertised either as Eastern Standard Time or as Daylight Saving Time, whichever may be in general use in the said Town as of the date selected for such referendum election. The Judge of the election shall, in the case of tie vote on the bond issue, cast the deciding ballot, otherwise such Judge of the election shall refrain from voting, but the election tellers may vote. The Mayor and Council may also appoint two or more clerks to assist the Judge and tellers. The election teller shall keep a separate tally sheet and their tally sheet shall be compared and must agree as to the total votes cast "FOR THE BOND ISSUE" and the total votes cast "AGAINST THE BOND ISSUE" and any difference between such tally sheets shall be resolved by the Judge of the election. Both tally sheets shall then be certified and signed as correct by at least two of the election officers and shall be delivered to the Mayor, or if he not be available, to the Secretary of Council, or if he not be available, to any other member of the Council immediately following the counting of the ballots, the comparison of the tally sheets and the certification that the same are in agreement.

The Mayor and Council shall at the next regular meeting after the election, or at a special meeting at the discretion of the Mayor and Council, duly receive the result of the referendum election and shall make such a part of the minutes of such regular or special meeting, whereupon if a majority of the votes cast were "FOR THE BOND ISSUE" this Act thereupon immediately shall become effective and the bonds herein provided may be issued and sold as in this Act provided, providing no bond shall be issued after December 31, 1966, under the authority of this Act, but if at such referendum election the majority of the votes cast were "AGAINST THE BOND ISSUE", then no bonds shall be issued nor shall any money be borrowed under the authority of this Act.

Section 10. That a statement appearing in the bonds, which may be issued lawfully under the provisions of this Act, to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence in favor of the lawful holder of any of said bonds that the terms and conditions of this Act have been fully met and complied with.

Approved February 2, 1965.

## CHAPTER 4

**AN ACT TO FURTHER AMEND CHAPTER 121, VOLUME 28, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 142, VOLUME 36, AND CHAPTER 4, VOLUME 51, LAWS OF DELAWARE, RELATING TO THE DATE OF, AND PROCEDURE IN, HEARING APPEALS BY THE BOARD OF ASSESSMENT FOR THE CITY OF WILMINGTON.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch concurring therein):*

Section 1. That Section 15 of Chapter 121, Volume 28, Laws of Delaware, as amended by Chapter 142, Volume 36, and Chapter 4, Volume 51, Laws of Delaware, be further amended by striking out all of Section 15 and inserting in lieu thereof the following Section to be known as Section 15.

Section 15. The board of assessment for the city shall also hear and determine all appeals respecting the assessments. The board shall sit at its office, or some other public and convenient place in the city for the purpose of hearing appeals from assessments. Beginning March 1 any person aggrieved by any assessment may appeal to the Board for relief under the following procedure:

The person desiring to make an appeal shall on or before the 15th day of March file written notice with the board on such forms as the Board may prescribe, and make available to such person upon request for the purpose of filing appeals, setting forth:

1. The assessment or assessments by which the person feels aggrieved;
2. The address to which the board shall mail notice of the time and place of hearing;
3. Such other information as the board may deem necessary to determine the appeal.

Beginning March 15 the board shall meet for the hearing of appeals and shall continue to meet for such purpose from time to time until all appeals have been heard and acted upon. All appeals shall be heard and acted upon not later than April 30. The board shall notify each person who has filed an appeal of the time and place of hearing of said appeal by depositing such notice in the mail addressed to such person at the address designated in the appeal not later than the 5th day preceding the day designated in the notice for such hearing. Any person who shall fail to appear for hearing at the time fixed shall be conclusively presumed to have abandoned his appeal. Upon appeals the board shall have power to alter any assessment, and shall also have the power to make additional assessments or alterations whether appeal has been filed or not, but where no appeal has been filed, proper notice of such additions or alterations shall be given to the owners or their agents whenever possible. The board in connection with the assessment shall have the power to determine and to do whatever may appertain to justice and right. No appeal shall be received or heard, or adjudication or appeal made, nor shall the assessment list be altered or added to after the 30th day of April; provided, however, that real estate not assessed prior to the first day of March may be assessed by the board at any time before the assessment roll is sent to the council, previous notice of such intended assessment, designating the time at which the same will be made, being given by the board, in writing, to the owner or owners, if he, she or they be absent from the city, then to the person or persons in possession of the premises.

Approved February 4, 1965.

## CHAPTER 5

**AN ACT TO AMEND § 8312, TITLE 9, DELAWARE CODE,  
AND § 8313 (a), TITLE 9, DELAWARE CODE, RELAT-  
ING TO THE DATE OF AND PROCEDURE IN HEAR-  
ING APPEALS BY THE BOARDS OF ASSESSMENT OF  
THE SEVERAL COUNTIES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 8312, Title 9, Delaware Code, is repealed and  
a new § 8312 enacted in lieu thereof to read as follows:

**§ 8312. Appeals and corrections upon completion of annual  
assessment**

(a) The Board of Assessment for New Castle County or its representatives shall sit in its office, or some other public and convenient place in New Castle County, during each secular day from March 15 to April 30 of each year, to hear appeals and make additions, alterations or corrections to the assessment. Any person desiring to make an appeal shall, during the period from March 1 to March 15, file written notice with the Board on such forms as the Board may prescribe and make available upon request, setting forth the assessment or assessments appealed from, the name and address to which the Board shall mail notice of the time and place of hearing, and such other information as the Board may require. The Board shall notify each person who has filed an appeal of the time and place of hearing of said appeal by depositing such notice in the mail addressed to the person and address designated in the notice of appeal not later than the 5th day preceding the day designated in the notice of such hearing. Failure of the appealing party to appear at the time and place fixed by the Board shall constitute the abandonment of the appeal.

(b) The Board of Assessment for Kent County or its representatives shall sit in its offices during each secular day from April 1 through April 15, of each year to hear appeals and make additions, alterations or corrections to the assessment.



(c) The Board of Assessment for Sussex County or its representatives shall sit in its offices during each secular day from February 15 through March 1 of each year to hear appeals and make additions, alterations or corrections to the assessment.

Section 2. § 8313 (a), Title 9, Delaware Code, is repealed and a new § 8313 (a) is enacted in lieu thereof to read as follows:

(a) Each Board of Assessment shall publish notices of the places where the assessments may be inspected together with a notice of the time and place of the sittings to hear appeals and make additions or corrections in regard to the assessments. The notices published by the Board of Assessment for New Castle County shall also state the time and place for filing written notices of appeal with the Board, as provided in § 8312 (a) of this chapter. Such notice shall appear at least once a week for two weeks in at least two newspapers in the case of Kent and Sussex Counties; and in at least four newspapers, one of which shall be published in the City of Wilmington, in the case of New Castle County. The Boards may use such other means as will best bring such notice to the attention of the parties or taxables interested.

Approved February 5, 1965.

## CHAPTER 6

**AN ACT TO AMEND CHAPTER 108, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF CAMDEN," BY ADDING A NEW AREA THERETO.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the Members elected to each House thereof, concurring therein):*

Section 1. Chapter 108, Volume 47, Laws of Delaware, be and is hereby amended by adding thereto a new section to be known as Section 1, Section (2) D. and which shall read as follows:

Section 1. Section (2) D. All that certain piece, parcel or tract of land now situated in North Murderkill Hundred, Kent County, State of Delaware, and being adjacent to the existing northeasterly corporate line of the Town of Camden, lying on the west side of U. S. Route 13, the dual highway which leads from Dover to Camden, being bounded on the east by said U. S. Route 13, on the southwest by the existing corporate line of the Town of Camden, on the west by lands of H. O. McGinnis, lands late of Evans Cook, lands of E. F. Jackson, lands of Mary L. Adams and lands of others, and on the north by lands of Faith Community Church, and being more particularly described as follows, to-wit: BEGINNING at the intersection of the west right of way line of U. S. Route 13 with the existing Northeasterly corporate line of the Town of Camden; thence running with the existing Northeasterly corporate line of the Town of Camden and crossing lands now or late of Leslie H. Clark North 44 degrees 19 minutes West 503.15 feet to a point in the westerly line of lands now or late of Leslie H. Clark at a corner for this parcel, for lands of W. O. Dawson and for lands of H. O. McGinnis; thence running with lands of H. O. McGinnis North 31 degrees 20 minutes East 15 feet; thence continuing with lands of H. O. McGinnis South 55 degrees 43 minutes East 180 feet; thence continuing with lands of H. O. McGinnis North 28 degrees 2 minutes East 255.85 feet; thence continuing with lands

of H. O. McGinnis North 61 degrees 43 minutes West 250 feet to a corner for this parcel and for lands of H. O. McGinnis in line of lands late of Evans Cook; thence running with lands late of Evans Cook, lands of E. F. Jackson and lands of others North 46 degrees 47 minutes East 267.4 feet to a corner for this parcel and for lands of others; thence running with lands of others North 42 degrees 58 minutes West 37.65 feet to a corner for this parcel and for lands of Mary L. Adams; thence running with lands of Mary L. Adams North 47 degrees 2 minutes East 23 feet to a point in line of lands of Mary L. Adams at a corner for this parcel and for lands of Faith Community Church; thence running with lands of Faith Community Church South 61 degrees East 497.53 feet to a corner for this parcel and for lands of Faith Community Church in the west right of way line of U. S. Route 13; thence running with said right of way line South 28 degrees 30 minutes West 683.45 feet to the place of beginning, and containing 5.925 acres of land, be the same more or less; in accordance with survey by Charles C. Brown, Registered Engineer-Surveyor, December 28, A. D. 1964.

No annexation shall be made under the foregoing provisions without first holding a referendum on the question and receiving a favorable vote thereon.

Approved February 8, 1965.

## CHAPTER 7

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO  
ARTICLE 2, SECTION 25, OF THE CONSTITUTION OF  
THE STATE OF DELAWARE RELATING TO ZONING  
IN SUSSEX COUNTY.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 122nd General Assembly as follows:

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 2,  
SECTION 25, OF THE CONSTITUTION OF THE STATE  
OF DELAWARE RELATING TO ZONING IN SUSSEX  
COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Article 2, § 25 of the Constitution of the State of Delaware is amended by inserting after the words "municipalities and the County of" in the second line thereof the words "Sussex and the County of", AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 122nd General Assembly, NOW, THEREFORE

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective February 24, 1965.

## CHAPTER 8

### **AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE 2, SECTION 25 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO ZONING IN KENT COUNTY.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 122nd General Assembly as follows:

### **AN ACT PROPOSING AN AMENDMENT TO ARTICLE 2, SECTION 25 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO ZONING IN KENT COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Article 2, § 25 of the Constitution of the State of Delaware is amended by inserting after the words "municipalities and the County of" in the second line thereof the words "Kent and the County of", AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 122nd General Assembly, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective February 24, 1965.

## CHAPTER 9

**AN ACT TO AMEND CHAPTER 143, VOLUME 36, LAWS OF  
DELAWARE, BEING AN ACT PROVIDING FOR THE  
COLLECTION OF TAXES AND ASSESSMENTS FOR  
THE CITY OF WILMINGTON.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members elected to each Branch thereof concurring therein):*

Section 1. That Chapter 143, Volume 36, Laws of Delaware, be amended by striking the first paragraphs of Section 3 thereof and substituting a new first paragraph of Section 3 as follows:

Section 3. The owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within one year from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price, the cost of any repairs which the purchaser may be required to make by the Mayor and Council of Wilmington through any of its agencies, and fifteen per cent in addition to such purchase price and cost of such repairs, together with all costs incurred in the cause, or if the purchaser or his legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the City of Wilmington, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns. Provided, however, that the provision relating to the cost of repairs which the purchaser may be required to make by the Mayor and Council through any of its agencies shall not apply in any cases of sales under this chapter prior to the effective date of this amendment.

Approved March 4, 1965.

## CHAPTER 10

**AN ACT APPROPRIATING MONEYS TO THE NEW CASTLE  
COUNTY DEPARTMENT OF ELECTIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of Twenty-six Thousand One Hundred and Eighty Dollars (\$26,180.00) is hereby appropriated to the New Castle County Department of Elections for the fiscal year ending June 30, 1965, and is to be used as follows:

Salaries—Board Members .....	\$ 780.00
Employees Wages and Salaries .....	5,000.00
Registration and Election Officers .....	850.00
Contractual Services .....	19,550.00
	<hr/>
	\$26,180.00

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware not otherwise appropriated.

Approved March 4, 1965.

## CHAPTER 11

**AN ACT TO AMEND SECTION 8304, TITLE 9, DELAWARE  
CODE, RELATING TO THE COUNTY ASSESSMENT  
WRITTEN STATEMENT LISTING PROPERTY, OWN-  
ERS, VALUE, TYPE, ETC.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 8304 (b) of Title 9, Delaware Code, is amended to read:

(b) In the case of Kent County, the statements required by this section shall be according to hundreds, and in the case of Sussex County, the statements required by this section shall be according to representative districts.

Approved March 4, 1965.



## CHAPTER 12

**AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT AMENDING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE."**

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. That Chapter 216, Volume 27, Laws of Delaware, as amended by Chapter 142, Volume 29, Laws of Delaware, is further amended by striking from Section 4 thereof the words "and the Inspectors of Election in each ward,".

Section 2. That Chapter 216, Volume 27, Laws of Delaware, as amended by Chapter 142, Volume 29; Chapter 125, Volume 35; and Chapter 239, Volume 46, Laws of Delaware, is further amended by striking out all of Section 5, following the first sentence, and substituting in lieu of the stricken provisions the following:

Any person desiring to become a candidate for the office of Mayor, the president of Council, a member of Council, the treasurer and the city clerk, shall file with City Council his name, designating the office for which he seeks to become a candidate, no later than 5:00 P. M., E. S. T., of the last Monday preceding the last Tuesday in March immediately preceding the election, and shall, at the same time, deposit with the City Council the sum of \$10.00 as a filing fee for use in defraying City Council's expenses of the election.

At any municipal election of the City of New Castle every person, male or female, the age of twenty-one years or above, who shall have been a resident of the City of New Castle for one year next preceding said election, shall be entitled to vote in the district in which he or she resides at the time of said election; provided, however, that no person shall vote whose name does not appear upon the last list of registered voters in the

City of New Castle as hereinafter provided. No one voter shall be permitted to vote for more candidates than there are offices to be filled at said election. In voting, the name of the candidate or candidate for whom such voter does not desire to vote shall be crossed out on the ballot voted. If any ballot be defaced or bear any identifying marks, or if the person voting has attempted to vote for more candidates than there are offices to be filled at said election, said ballot shall not be counted for any candidate for office.

The Department of Elections of New Castle County, shall furnish to the registration officers for the several districts of New Castle Hundred in the year of any General Election, when it furnishes the registration books as now provided by law, two separate and similar books in which the said registration officers shall register all persons who are entitled to be registered who reside in the City of New Castle. One of these registration books for the City of New Castle shall be returned by the registration officers of New Castle Hundred to the Department of Elections of New Castle County as the other registration books are returnable, and the other registration book shall be returned to the City Council within thirty days after the last day of registration. The registration officers shall be under the same regulations and liabilities for the registration of the citizens of the City of New Castle as for the general registration for the Hundred. The City Council shall sit as a Board of Registration the third and fourth Wednesday and Thursday evenings of March of each year in which a city election is to be held, between the hours of seven and nine o'clock, E. S. T., for the purpose of adding to the said list of registered voters any unregistered person who shall apply and who shall have, since the last preceding general registration, become qualified as a voter at the City election, and to transfer those registered voters who have moved from one district to another, and the City Council shall place the names of voters so registered or transferred by the Council on the books of registered voters for the several districts. The said registration books so turned over to the Council of New Castle, with the additions and transfers made by the Council as above provided for, shall in every year of election under this Charter be turned over by the City Council on the day of such election to the Election Boards appointed to hold such election.

The election in each district shall be held under the supervision of an Election Board which shall consist of one Inspector and two Judges of Election. In addition, each Board shall have two Clerks to assist in conducting the election. No more than a majority of such Board shall be of the same political party. The members of the Board and the Clerks shall be qualified voters of the City of New Castle and residents of the district in which they are appointed to serve. The members of such Boards and the Clerks shall be appointed by the City Council in open meeting on the last Tuesday in March immediately preceding the election. Notice of such meeting shall be published in a newspaper having general circulation in the City of New Castle not less than one week before the day thereof. Before entering upon duties, the members of the Election Boards shall swear and subscribe to the following oath before any person authorized by law to administer oaths:

I, ....., a resident of the ..... district of the City of New Castle, and a person qualified to vote at the municipal election of said City to be held on the ..... day of ....., A. D. ...., do hereby solemnly swear (or affirm) that I will truly and impartially conduct said municipal election in said district in accordance with law, and that I will cause a true return of said election to be made.

Sworn to (or affirmed) and subscribed before me, the undersigned, an officer authorized by law to administer oaths, this ..... day of ....., A. D. ....

.....  
(Title)

Should any member of an Election Board or Clerk die or become unable to perform his duties, at any time, in connection with the election, a successor shall be appointed by the City Council in open meeting.

Members of the Election Boards shall be Judges of the Election within their respective districts and shall decide upon the legality of the votes offered. It shall have the authority to subpoena persons, and officers of the City and any books, records

and papers relative to the determination of the validity of any votes or vote offered. The Election Boards shall keep a true and accurate list of persons voting and those offering to vote but refused the right to do so. If a majority of an Election Board is of the opinion that a person offering to vote is not qualified to do so, the Election Board shall receive the vote of such person but not count it, shall thereafter return it in a separate package to the City Council with the name of the person who sought to vote such ballot. So far as the same shall not be inconsistent with this Charter, Inspectors and Judges of Election of the City of New Castle shall have the same powers and authority conferred upon Inspectors and Judges of Election under the General Election Laws of State of Delaware.

The Pay for Members of the Election Boards and Clerks and all expenses of said elections, including rental for polling places shall be fixed by City Council and paid out of City funds.

The City Council shall supply to the Election Boards all ballots, ballot boxes, paper, pens, oaths, certificates, and other supplies necessary for conducting said election. All ballots shall be printed and contain the names of all persons who have filed as candidates as hereinbefore provided, together with the designation of the office for which he is a candidate. The names of all candidates for the same office shall be listed on the ballot in alphabetical order.

The City council shall determine the places for holding said election in the several districts and shall give notice of the time and places of holding said election by posting notice thereof in at least three of the most public places in each of the districts of the City at least a week before the day on which said election is to be held, and by publishing notice thereof one time at least a week in advance of said day in a newspaper having general circulation in the City of New Castle. On the day of election the Election Boards shall open the polls at 7:00 A. M., E. S. T., and close the same at 7:00 P. M., E. S. T.

Upon the closing of the polls as aforesaid, the Members of the Election Boards and Clerks for each district shall publicly read and count the votes cast and shall certify the result of the election to the City Council showing the number of votes cast for each candidate whose name appears on the ballot.

The Members of the Election Boards shall make out and sign four such certificates of election, one such certificate shall be placed in the ballot box and returned with it to the City Council as aforesaid and the Members of the Election Boards shall each retain one of said certificates.

All ballots cast and all records of the election together with ballot boxes and all unused supplies shall be delivered by the Election Boards to the City Council to be kept safely and produced as hereinafter provided.

On the evening following any such election, the City Council shall meet at 8:00 o'clock for the purpose of canvassing said election. All members of the Election Boards shall appear before it at that time and present the certificates of election retained by them. The City Council shall canvass the vote in all districts and after ascertaining which candidates have received the greatest number of votes and have been thereby elected to the various offices, shall make out, sign and deliver certificates of election to the successful candidates.

In the event of a tie vote for election to any office, the City Council by majority of all its members shall determine the tie.

Section 3. That Chapter 216, Volume 27, Laws of Delaware, as amended by Chapter 113, Volume 38; Chapter 172, Volume 40; Chapter 240, Volume 46, Laws of Delaware, is further amended by striking from the last sentence of the third paragraph of Section 19 the words "and also the sum necessary to be raised for the use of the public schools according to the computation laid before the Council by the Board of Education in accordance with the law." and inserting in place of the comma following the word "determined" in that sentence, a period; by striking from Section 19 the entire fourth, fifth and seventh paragraphs; and by striking from the last paragraph of Section 19 the entire last sentence.

Approved March 4, 1965.

## CHAPTER 13

**AN ACT PROPOSING AN AMENDMENT TO SECTION 29,  
ARTICLE IV, OF THE CONSTITUTION OF THE STATE  
OF DELAWARE, RELATING TO JUSTICES OF THE  
PEACE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. Section 29, Article IV of the Constitution of the State of Delaware, is amended by striking out all of said Section 29, Article IV as presently constituted and substituting in lieu thereof the following new Section 29, Article IV:

Section 29. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for six years. The qualifications of all Justices of the Peace who shall be appointed after the effective date of this amended section, shall be as directed by law.

# CHAPTER 14

## AN ACT TO AMEND SECTION 132, TITLE 17, DELAWARE CODE, RELATING TO THE GENERAL POWERS AND DUTIES OF THE STATE HIGHWAY DEPARTMENT.

WHEREAS, the State Highway Department maintains all major vehicular bridges in the State of Delaware except for the Van Buren Street Bridge over the Brandywine Creek; and  
NOW THEREFORE:

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 132, Title 17, Delaware Code, is amended by adding a new subparagraph to subsection (b) of that section:

(6) maintain the Van Buren Street Bridge over the Brandywine Creek.

Approved March 25, 1965.

Note: This act has been codified as §132, (b) (7), Title 17, Delaware Code.

## CHAPTER 15

**AN ACT TO AMEND SECTION 3302, TITLE 15, DELAWARE CODE, RELATING TO POLITICAL PARTY TITLES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 15, Section 3302, Delaware Code, is hereby amended by striking the period at the end of the fourth sentence of subsection (a) thereof and by inserting in lieu thereof the following words:

, and provided further that the Democratic Party and the Republican Party shall have exclusive use of such title and no other party shall use the word "Democratic" or "Republican" or any variation thereof in its title.

Approved March 26, 1965.



## CHAPTER 16

**AN ACT TO AMEND CHAPTER 20, TITLE 15, DELAWARE CODE, RELATING TO ELECTIONS TO PROVIDE FOR ADDITIONAL REGISTRATION DAYS AT THE DEPARTMENT OF ELECTIONS**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 20, Title 15, Delaware Code, is amended by deleting § 2001 (b) and inserting in lieu thereof a new § 2001 (b) to read as follows:

(b) The designated special days and the place and time for such special registration shall be set by the Department of Elections for each county.

Section 2. Chapter 20, Title 15, Delaware Code, is amended by deleting § 2002 and inserting in lieu thereof a new § 2002 to read as follows:

**§ 2002. Registration of Qualified Voters on Special Registration Days**

The Department of Elections for each county may designate one or more locations in each county, on the days designated pursuant to this chapter, at which locations the Auxiliary Registration Officers for each county shall have all powers and authority of local registration officers in their respective election districts, to register qualified electors who appear personally for the purpose of registering and whose names do not appear as qualified voters on the original permanent registration records for the proper election district, with the right of appeal and challenge in all cases, as in the case of local registration officers sitting in their respective local election districts during a supplementary registration as described in this title, and using the same registration records and supplies as are used by the local registration officers in their respective election districts in performing the like duties, provided, however, that in odd numbered years such registration shall be done only at the office of the Department of Elections.

Approved March 26, 1965.

## CHAPTER 17

**AN ACT RELATING TO THE COLLECTOR OF DELINQUENT COUNTY TAXES IN NEW CASTLE COUNTY.**

WHEREAS, the collection of delinquent taxes in New Castle County is at present handled by a separate office known as the Collector of "Delinquent taxes in New Castle County"; and

WHEREAS, it is desirable that the responsibility for the collection of all taxes be in the same individual; and

WHEREAS, with present modern equipment and practices, the collection of taxes by two separate individuals has become outmoded and the requested change will result in a more efficient procedure; NOW THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 8433, Title 9, Delaware Code, is repealed.

Section 2. Chapter 85, Title 9, Delaware Code, is repealed.

Section 3. § 8406 (a) (1) of Title 9, Delaware Code, is amended to read:

(1) New Castle County: one chief deputy, two assistant deputies, one assistant deputy for delinquent taxes, one clerk-senior for delinquent taxes, one bookkeeper accountant, three bookkeepers, two bookkeeper cashiers, one stenographer, two chief clerks, ten clerk-seniors.

Section 4. The Collector of Delinquent Taxes in New Castle County shall turn over to the County Treasurer and Receiver of Taxes for New Castle County, within sixty days of the effective date of this act, all monies collected by him not previously turned over and all of his records.

Section 5. Nothing in this act shall affect the bonds given pursuant to § 8503, Title 9, Delaware Code.

Approved March 26, 1965.

## CHAPTER 18

**AN ACT TO PRESCRIBE MINIMUM WAGES FOR EMPLOYEES AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 19, Delaware Code, is amended by adding a new chapter to read:

**CHAPTER 9. MINIMUM WAGE****§ 901. Definition of terms**

As used in this chapter:

(a) "Department" means the Department of Labor and Industrial Relations or its authorized representatives;

(b) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or check or bank convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by the regulations of the Department under this chapter;

(c) "Employ" means to suffer or permit to work;

(d) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(e) "Employee" includes any individual employed by an employer but shall not include:

(1) Any individual employed in agriculture;

(2) Any individual employed in domestic service in or about a private home;

(3) Any individual employed in a bona fide executive, administrative, or professional capacity; or as an outside commission paid salesman, not route driver, who customarily performs his services away from his employer's premises taking orders for goods or services;

(4) Any individual employed by the United States;

(5) Any individual engaged in the activities of an educational, charitable, religious, or non-profit organization where the employment relationship does not in fact exist or where the services are rendered to such organization gratuitously;

(6) Any individual employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee;

(f) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(g) "Gratuities" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.

#### § 902. Minimum wage rate

(a) Every employer shall pay wages at the rate of not less than \$1.00 an hour to every employee in any occupation except as may be otherwise provided under this chapter.

(b) Every employer of an employee engaged in any occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hiring purposes shall be entitled on application to the De-

partment to an allowance therefore in an amount that the Department shall determine by regulation to be necessary or appropriate to preserve or safeguard this minimum wage rate under this chapter.

### § 903. Powers of the Department

(a) The Department shall administer and enforce the provisions of this chapter.

(b) Upon ex parte application of the Department showing reasonable ground to believe that any provision of this chapter, or any regulation published thereunder, has been or is being violated, the Superior Court shall enter an order permitting the Department:

(1) To enter and inspect, after one day notice to the employer, the premises or place of business or employment and upon demand examine and copy wholly or partly any or all books, registers, payrolls, and other records that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any employee, including those required to be made, kept and preserved under this chapter, or any regulation published thereunder;

(2) To question any employer, employee or other person in the premises or place of business or employment;

(3) To require from any employer full and correct statements in writing, including sworn statements, upon forms prescribed or approved by the Department, with respect to the payment of wages, hours, names, addresses, and such other information pertaining to employees as the Department may deem necessary or appropriate;

(4) To investigate such facts, conditions, or matters as the Department may deem necessary or appropriate to determine whether any provision of this chapter, or any regulation published thereunder, has been or is being violated;

(5) To hold hearings, administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of

witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceeding before it, and in case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, the Superior Court, on application by the Department, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

(c) The Department may institute actions in the Superior Court for penalties for any violation of any provision of this chapter, or any regulation published thereunder.

(d) Nothing contained in this chapter shall be deemed a limitation on any power or authority of the Department under any other law of this State which may be otherwise applicable to administer or enforce the provisions of this chapter.

#### **§ 904. Regulations**

(a) The Department for any occupation shall have the power to make and revise or rescind such regulations, including the definition of terms, as it may deem necessary or appropriate to preserve or safeguard the minimum wage rate under this chapter, except that prior thereto the Department shall hold public hearing upon reasonable notice at which any person may be heard, and shall consult with the members of an advisory board representing the interests of employers, employees, and the public in equal numbers totaling not more than 9 in all. The members of the board shall serve at the pleasure of the Department and may be paid by it as compensation for their services a reasonable per diem, in accordance with such regulations as it may prescribe, for each day on which they attend a meeting of the board or for each day they spend in the work of the board, and may in addition be reimbursed for their necessary and reasonable traveling expenses. Such regulations may include, but are not limited to: regulations defining and governing outside salesmen, learners and apprentices, their number, proportion, and length of service; part-time pay; bonuses; overtime pay; special pay for special or extra work; permitted

charges to employees or allowances for board, lodging, apparel, or other facilities or services customarily furnished by employers to employees; allowances for gratuities; or allowances for such other special conditions or circumstances which may be usual in a particular employment relationship. Such regulations shall, except as may be otherwise provided by the Department, take effect upon publication.

(b) The Department shall have the power to make and revise or rescind such regulations as it may deem necessary or appropriate to administer or enforce the provisions of this chapter, and such regulations shall, except as may be otherwise provided by the Department, take effect upon publication.

#### **§ 905. Wage rate for handicapped workers**

For any occupation, the Department may provide by regulations, after public hearing upon reasonable notice at which any person may be heard, for the employment of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury at such wages lower than the minimum wage rate under this chapter as the Department may deem necessary or appropriate to avoid such hardship or prevent curtailment of opportunities for employment. No employee shall be employed at wages fixed pursuant to this section except under special license issued under the applicable regulations of the Department. Such regulations shall, except as may be otherwise provided by the Department, take effect upon publication.

#### **§ 906. Wage rate for learners and apprentices**

For any occupation, the Department may provide by regulations, after public hearing upon reasonable notice at which any person may be heard, for the employment of learners and apprentices at such wages lower than the minimum rate under this chapter as the Department may deem necessary or appropriate to prevent curtailment of opportunities for employment. No employee shall be employed at wages fixed pursuant to this section except under applicable regulations of the Department. Such regulations shall, except as may be otherwise provided by the Department, take effect upon publication.

**§ 907. Records of employers**

Every employer shall make, keep and preserve for a period of not less than three years in or about the premises or place of business or employment, a record of the name, address, and occupation of each employee, the rate of pay, and the amount paid each pay period to each employee, the hours worked each day and each work week by each employee, and such other information or records as the Department shall deem by regulation to be necessary or appropriate to administer or enforce the provisions of this chapter.

**§ 908. Posting of laws and regulations**

Every employer shall keep a summary of this chapter, approved by the Department, and of any applicable regulations published thereunder, or a summary thereof, approved by the Department, posted in a conspicuous and accessible location in or about the premises or place of employment and where employees normally pass. Employers shall be furnished copies thereof by the Department on request without charge.

**§ 909. Judicial review**

(a) Any interested person in any occupation for which any regulation has been published under the provisions of this chapter who has been or may be aggrieved thereby, may obtain a review thereof in the Superior Court by filing in such court within 20 days after notice that such regulation will affect his business operations or employment conditions or compensation a petition against the Department as defendant praying that the regulation be modified or revoked. Two copies of the petition shall be served upon the Department by registered mail. Facts determined by the Department, if supported by evidence, shall be conclusive upon the court. The court shall determine whether the person has been or may be aggrieved and whether the regulation is in accordance with law. If the court determines that the person has been or may be aggrieved and that the regulation is not in accordance with law, it shall remand the case to the Department with directions to modify or revoke the regulation.



(b) Proceedings in the Superior Court upon review taken under this section shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court at the instance of either party.

(c) The commencement of proceedings under this section shall not, unless specifically ordered by the Superior Court, operate as a stay of any regulation published under this chapter. The court shall not grant any stay of any regulation unless the person aggrieved shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event it is affirmed, of the amount by which the compensation the employees are entitled to receive under the regulation exceeds the compensation they actually receive while the stay is in effect.

#### **§ 910. Penalties for violation**

(a) Any employer who, under this chapter, hinders or delays the Department in the performance of its duties, or refuses to admit the Department to the premises or place of business or employment in violation of any court order; or fails to make, keep and preserve any books, registers, payrolls, or other records, or falsifies the same, or refuses to make the same accessible to the Department, or refuses to furnish a sworn statement of the same or any other information, or fails to post a summary of this chapter or of any applicable regulations published thereunder or summary thereof, or pays or agrees to pay wages at a rate less than the rate applicable, or otherwise violates any provision of this chapter, or any regulation published thereunder, shall be deemed in violation of this chapter and shall, upon conviction therefor, be fined not more than \$200.00 for each such violation.

(b) Any employer who discharges or in any other manner discriminates against any employee because he has made a complaint or given information to the Department relating to the provisions of this chapter; or because he has caused to be instituted or is about to be caused to be instituted any pro-

ceeding under this chapter; or because he has testified or is about to testify in any such proceeding, shall be deemed in violation of this chapter and shall, upon conviction thereof, be fined not more than \$1,000.00, for each violation.

#### **§ 911. Remedies of employees**

(a) Any employer who pays any employee less than the full amount of the wages to which he is entitled under this chapter, shall be liable to such employee in a civil action for the full amount of such wages less any amount actually paid to such employee by the employer, and for the costs of the action, necessary expenses of prosecution, and reasonable attorney's fees. Any agreement between such employee and the employer to work for less than the minimum wage rate under this chapter shall be no defense to such action.

(b) At the written request of any employee who is paid less than the full amount of the wages to which he is entitled under this chapter, the Department, if it determines that the claim is valid and enforceable, may take an assignment of the claim in trust for the assigning employee and may prosecute any legal action necessary for the full amount of such wages less any amount actually paid to such employee by the employer. The employer shall also be liable to pay the costs of the action, necessary expenses of prosecution, and reasonable attorney's fees. Expenses and attorney's fees shall be remitted by the Department to the State Treasurer.

#### **§ 912. Relation to other laws**

Any standards relating to minimum wages, maximum hours, overtime compensation or other working conditions in effect under any other law of this State on the effective date of this chapter, which are more favorable to employees than those applicable to such employees under this chapter, or regulations published thereunder, shall not be deemed to be amended, rescinded, or otherwise affected by this chapter but shall continue in full force and effect and may be enforced as provided by law; otherwise any such standards in effect under any other law of this State on the effective date of this chapter are specifically

superseded by standards established under this chapter; or regulations published thereunder, which are more favorable to such employees.

**§ 913. Right of collective bargaining**

Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the minimum wage rate under this chapter.

**§ 914. Short title**

This chapter shall be known as the "Minimum Wage Act of the State of Delaware".

Section 2. § 701, Title 19, Delaware Code, is repealed.

Section 3. The provisions of this act shall become effective 180 days after this act becomes law.

Approved March 30, 1965.

## CHAPTER 19

### AN ACT TO PROVIDE FOR THE PAYMENT OF WAGES AND TO ENFORCE THEIR COLLECTION.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 19, Delaware Code, is amended by adding a new Chapter to read:

#### CHAPTER 11. WAGE PAYMENT AND COLLECTION

##### § 1101. Definition of terms

(a) As used in this chapter:

(1) "Department" means the Department of Labor and Industrial Relations or its authorized representatives;

(2) "Wages" means compensation for labor or services rendered by an employee, whether the amount is fixed or determined on a time, task, piece, commission, or other basis of calculation;

(3) "Employer" means any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same employing any person;

(4) "Employee" means any person suffered or permitted to work by an employer under a contract of employment either made in Delaware or to be performed wholly or partly therein.

(5) "Check" means a draft drawn on a bank and payable on demand.

(b) For the purpose of this chapter the officers of a corporation and any agents having the management thereof who knowingly permit the corporation to violate the provisions of this chapter shall be deemed to be the employers of the employees of the corporation.

**§ 1102. Payment of wages on regular paydays**

(a) Every employer shall pay all wages due to his employees on regular paydays designated in advance by the employer, which shall be at least once during each calendar month and in lawful money of the United States or checks on banks convenient to the place of employment where suitable arrangements are made for cashing for the full amount of the wages due.

(b) The end of the pay period for which payment is made on a regular payday shall be no more than seven days before such regular payday, provided that if the regular payday falls on a non-work day, payment shall be made on the preceding workday.

(c) If an employee is for any reason not present on the regular payday, payment shall be made either by mail if requested by the employee or at the next regular workday that the employee is present.

**§ 1103. Employees separated from the payroll before regular paydays**

(a) Whenever an employee is discharged by an employer, the wages earned by the employee shall become due and payable in full by the employer at the time of discharge.

(b) Whenever an employee quits or resigns, the employer shall pay the wages earned by the employee no later than the next regular payday under this chapter, either through the usual pay channels or by mail, if requested by the employee, except that if the employee gives to the employer at least one pay period's notice of intention to quit, the employer shall pay all wages earned by the employee at the time of quitting.

(c) When work of any employee is suspended as a result of a labor dispute, or when an employee for any reason whatsoever is laid off, the employer shall pay in full to such employee not later than the next regular payday under this chapter, either

through the usual pay channels or by mail if requested by the employee, the wages earned by the employee at the time of suspension of work or layoff.

(d) If an employer, without any reasonable grounds for dispute, fails to pay an employee wages, as required under this chapter the employer shall, in addition, be liable to the employee for liquidated damages in the amount of 10 per cent of the unpaid wages for each day except Sunday and legal holidays upon which such failure continues after the day upon which payment is required or in an amount equal to the unpaid wages, whichever is smaller; except that, for the purpose of such liquidated damages, such failure to pay shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect to the employer if he is adjudicated bankrupt thereupon.

**§ 1104. Unconditional payment of wages conceded to be due**

(a) In case of a dispute over the amount of wages, the employer shall pay without condition and within the time set by this chapter, all wages or parts thereof, conceded by him to be due, leaving to the employee all remedies he might otherwise be entitled to, including those provided under this chapter, as to any balance claimed.

(b) The acceptance by an employee of a payment under this section shall not constitute a release as to the balance of his claim and any release required or obtained by an employer as a condition to payment shall be in violation of this chapter and shall be null and void.

**§ 1105. Prime contractor's responsibility for wage payments**

Whenever any person shall contract with another for the performance of any work which the contracting person has undertaken to perform, he shall become civilly liable to employees engaged in the performance of work under such contract for the payment of wages, exclusive of liquidated damages, as required under this chapter, whenever and to the extent that the employer of such employees fails to pay such wages, and the employer of such employees shall be liable to such person for any wages paid by him under this section.

**§ 1106. Deceased employees**

(a) In the event of the death of an employee the wages due him by an employer not in excess of \$300 may, upon proper demand, be paid in the absence of actual notice of the pendency of probate proceedings, without requiring letters testamentary or of administration in the following order of preference to decedent's:

(1) surviving children under 21 years of age, to the parent, guardian or other person having custody of such child, in equal shares;

(2) surviving spouse;

(3) surviving children 21 years of age and over, in equal shares;

(4) father and mother in equal shares, or survivor.

(b) Payments under this section shall be a release and discharge of the employer to the amount of such payment.

**§ 1107. Withholding of wages**

No employer may withhold or divert any portion of an employee's wages unless:

(a) the employer is required or empowered to do so by State or Federal law; or

(b) the deductions are for medical, surgical, or hospital care or service, without financial benefit to the employer and openly, clearly, and in due course recorded in the employer's books; or

(c) the employer has a signed authorization by the employee for deductions for a lawful purpose accruing to the benefit of the employee, except that the Department, upon finding that it is acting in the public interest, may, by regulation, prohibit such withholding or diverting for such purpose. If the Depart-

ment abuses its discretion and acts arbitrarily and without any reasonable ground, any aggrieved person may institute a civil action in the Superior Court to have such regulation declared null and void. The Department, in such action, shall not be liable for costs or fees of any nature.

**§ 1108. Duty of employer regarding notification, posting and records**

It shall be the duty of every employer of over three employees:

(a) To notify each employee in writing, at the time of hiring, of the rate of pay, and of the day, hour, and place of payment;

(b) To notify each employee in writing, or through a posted notice maintained in a place accessible to the employees and where they normally pass, of any change regarding rate of pay, and day, hour, and place of payment prior to the time of such change;

(c) To make available to each employee in writing, or through a posted notice maintained in a place accessible to the employees and where they normally pass, employment practices and policies with regard to vacation pay, sick leave, and comparable matters;

(d) To furnish to each employee at the time of payment a statement, either on the check or by a separate slip, showing the total number of hours worked for the pay period for which payment is made and the total amount of deductions, separately specified, which have been made from the wages due;

(e) To post and maintain in a place accessible to the employees and where they normally pass, a summary of this chapter to be supplied by the Department upon request without charge;

(f) To make, keep and preserve for a period of not less than three years, such records, including wage and hour records,



in or about the premises or place of business or employment, and make such reports therefrom to the Department, as it shall deem by regulation to be necessary or appropriate to administer or enforce the provisions of this chapter.

**§ 1109. Provisions of law may not be waived by agreement**

Except as provided in this chapter, no provision of this chapter may in any way be contravened or set aside by private agreement.

**§ 1110. Powers of the Department**

(a) The Department shall administer and enforce the provisions of this chapter.

(b) Upon ex parte application of the Department showing reasonable ground to believe that any provision of this chapter, or any regulation published thereunder, has been or is being violated, the Superior Court shall enter an Order permitting the Department:

(1) To enter and inspect, after one day notice to the employer, the premises or place of business or employment and upon demand examine and copy wholly or partly any or all books, registers, payrolls, and other records, including those required to be made, kept and preserved under this chapter, or any regulation published thereunder;

(2) To question any employer, employee or other person in the premises or place of business or employment;

(3) To require from any employer full and correct statements in writing, including sworn statements, upon forms prescribed or approved by the Department, with respect to the payment of wages, hours, names, addresses, and such other information pertaining to employees as the Department may deem necessary or appropriate;

(4) To investigate such facts, conditions, or matters as the Department may deem necessary or appropriate to determine whether any provision of this chapter, or any regulation published thereunder, has been or is being violated;

(5) To hold hearings, administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceeding before it, and in case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, the Superior Court, on application by the Department, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

(c) The Department may institute actions in the Superior Court for penalties for any violation of any provision of this chapter or any regulation published thereunder.

(d) Nothing contained in this chapter shall be deemed a limitation on any power or authority of the Department under any other law of this State which may be otherwise applicable to administer or enforce the provisions of this chapter.

#### **§1111. Penalties for violations**

(a) Any employer who violates any provision, or fails to comply with any requirement, of this chapter or any regulation published thereunder, shall be deemed in violation of this chapter and shall upon conviction therefor, be fined not more than \$200.00, for each such violation.

(b) Any employer who discharges or in any manner discriminates against any employee because he has made a complaint or given information to the Department relating to the provisions of this chapter, or because he has caused to be instituted, or is about to be caused to be instituted any proceeding under this chapter, or because he has testified or is about to testify in any such proceeding, shall be deemed in violation of this chapter and shall, upon conviction therefor, be fined not more than \$1,000.00 for each such violation.

#### **§ 1112. Remedies of employees**

(a) A civil action to recover unpaid wages and liquidated damages may be maintained in any court of competent juris-

diction by any one or more employees for and in behalf of himself or themselves, or such employee or employees may designate an agent or representative to maintain such action.

(b) Whenever the Department determines that wages, as required under this chapter, have not been paid and that such unpaid wages constitute a valid and enforceable claim, the Department shall, upon the written request of the employee take an assignment in trust for such wages and any claim for liquidated damages, without being bound by any of the technical rules respecting the validity of any such assignment, and may bring any legal action necessary to collect such claim. With the consent of the assigning employee at the time of the assignment, the Department shall have the power to settle and adjust any such claim to the same extent as might the assigning employee.

(c) The court in any action brought under this section shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow the costs of the action, the necessary expenses of prosecution, and reasonable attorney's fees, to be paid by the defendant. In the case of actions brought under this section by the Department, expenses and attorney's fees shall be remitted by the Department to the State Treasurer. The Department shall not be required to pay the filing fee or other costs of the action or fees of any nature or to file bond or other security of any nature in connection with such action or with proceedings supplementary thereto, or as a condition precedent to the availability to the Department of any process in aid of such action or proceedings. The Department shall have the power to join various claimants in one preferred claim or lien, and in case of suit to join them in one cause of action.

### **§ 1113. Regulations**

The Department shall have the power to make and revise or rescind such regulations as it may deem necessary or appropriate to administer or enforce the provisions of this chapter, and such regulations shall, except as may be otherwise provided by the Department, take effect upon publication.

§ 1114. Short title

Collection Act of the State of Delaware.”

This chapter shall be known as the “Wage Payment and

Section 2. The provisions of this Act shall become effective 180 days after this Act becomes law.

Approved March 30, 1965.

## CHAPTER 20

**AN ACT EFFECTING CERTAIN CHANGES IN THE ADMINISTRATION, COMPENSATION AND JURISDICTION OF JUSTICES OF THE PEACE AND THEIR COURTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 91, title 10, Delaware Code, is repealed, subject to the conditions contained herein. The instant repeal shall not become effective until 4 years after this Act becomes law. During this interim period, all Justices of the Peace heretofore appointed under and acting under chapter 91, title 10, Delaware Code, shall continue in their respective offices and in the performance of their respective duties and shall be entitled to the same fees and emoluments as heretofore existing until the expiration of their term of office.

It is expressly provided, however, that any Justice of the Peace serving in office at the time this Act becomes law may elect to relinquish the powers, duties, prerogatives and emoluments of his office as contained in chapter 91, title 10, Delaware Code, in favor of securing for the balance of his unexpired term, the powers, prerogatives, duties and emoluments of a Justice of the Peace appointed pursuant to section 2 of this Act. The election shall be made in writing and communicated to the Governor not sooner than 6 months after this Act becomes law, and shall become effective upon approval by the Governor.

Section 2. Upon this Act becoming law, all new Justices of the Peace, including holdover Justices appointed to new terms, shall be appointed pursuant to chapter 92, title 10, Delaware Code, enacted herein.

Section 3. There is enacted a new chapter 92, title 10, Delaware Code, to read:

## **CHAPTER 92. JUSTICES OF THE PEACE ORGANIZATION AND OPERATION**

### **§ 9201. Definitions**

As used in this chapter—

- (a) "Justices" means Justices of the Peace.
- (b) "Clerks" means clerks of the Justices of the Peace.
- (c) "Chief Justice" means Chief Justice of the Supreme Court.
- (d) "Rules" means Rules of the Justices of the Peace promulgated under Article IV, Section 13, of the Constitution.
- (e) "Deputy Administrator" means the Deputy Administrator appointed by the Chief Justice pursuant to section 126, title 10.

### **§ 9202. Administration and supervision of the Justice of the Peace**

(a) The several Justices of the Peace shall, unless otherwise provided herein, be administered and supervised in all respects pursuant to the provisions of Article IV, Section 13, of the Constitution and such Rules of the Justices of the Peace as shall be promulgated thereunder.

(b) The Justices shall have and exercise such jurisdiction, both criminal and civil, as shall be conferred upon them by law; and, in addition, all jurisdiction heretofore or hereafter conferred by law upon individual Justices of the Peace.

### § 9203. Number of Justices of the Peace in each county

In the counties of this state there shall be no more than the following number of Justices:

County	Justices
New Castle .....	21
Kent .....	10
Sussex .....	15

### § 9204. Place of holding courts

The Justices shall hold court in at least one place in Wilmington, 5 places in the remainder of New Castle County, 3 places in Kent County, and 5 places in Sussex County, and in such other places as from time to time shall be designated in the Rules.

### § 9205. Time of sitting for the Justices

Each of the places where court is held shall be open at such times as shall be provided by the Rules, provided, however, that in both Kent and Sussex Counties there shall be at least 1 Justice available at all times, and in New Castle County there shall be at least 2 Justices available at all times.

### § 9206. State-wide jurisdiction of justices

Each Justice shall serve in the County in which he resides, as he may be assigned from time to time by the Deputy Administrator, for such hours and length of time as may be established by the Rules. A Justice may, with his consent, be assigned to hold Court in any part of the State and for that purpose, his jurisdiction shall be considered as state-wide.

### § 9207. Bond upon entering office

Every Justice before entering upon his office, shall become bound to the State in the sum of \$1,000 with corporate surety. The form, terms and approval of such bond shall be as provided by the Rules. All bonds shall be filed in the office of the Clerk of the Supreme Court.

**§ 9208. Record of proceedings**

All dockets, records, writs, process and other papers shall be kept and arranged by the Clerk for filing in a convenient and proper order, so that any such docket, record, writ, process or other paper shall be readily and conveniently available for inspection.

**§ 9209. Salaries of Justices of the Peace**

Each Justice shall receive annually as compensation for his services the sum of \$8,000. They shall not receive any fees or emoluments in addition to their salaries, for discharging the duties of their offices, except as provided by law or by the Rules. They shall not engage in any occupation concerned with or growing out of the collection of any judgment rendered by a Justice of the Peace. They shall not engage in the private practice of law. They shall not hold any other State office or be employed by the State in any other capacity.

**§ 9210. Offices and court space**

(a) Each Justice shall be provided with such space as shall be necessary and appropriate to enable the Justice to properly carry out his duties at the locations designated for him to hold court.

(b) The cost of such space shall be paid by the State Treasurer in the manner to be prescribed by the State Budget Director.

(c) The Rules shall provide regulations with respect to the purchase of supplies and equipment, the presentation of invoices for the payment thereof, and for other necessary expenses of the Justice. Invoices for such expenses shall be paid by the State Treasurer when approved in the manner to be prescribed by the State Budget Director.



## **SUBCHAPTER II, OFFICERS AND EMPLOYEES**

### **§ 9220. Clerks; salary**

The Chief Justice shall appoint a Chief Clerk for each location where the Justices hold court, and such Deputy Clerks as may from time to time be necessary to assist the Justices in the discharge of their duties. Each Chief Clerk shall receive an annual salary of \$4,500, and each Deputy Clerk shall receive an annual salary of \$4,000. All clerks shall serve at the pleasure of the Chief Justice.

### **§ 9221. Division of clerks between political parties**

No more than a majority of the Clerks shall belong to the same major political party and the remainder shall belong to the other major political party.

### **§ 9222. Clerks' bond**

Each clerk of a Justice of the Peace shall, before entering upon his office, become bound to the State in the sum of \$1,000 with corporate surety. The form, terms and approval of such bond shall be as provided by the Rules. The bonds shall be filed in the office of the Clerk of the Supreme Court.

## **SUBCHAPTER III. DEPUTY ADMINISTRATOR**

### **§ Deputy Administrator**

The Deputy Administrator to the Chief Justice of the Supreme Court shall be responsible for the supervision of the Justices and for the efficient use of their personnel, subject, however, to the overall administrative authority of the Supreme Court, exercised pursuant to Article IV, Section 13 of the Constitution.

### **§ 9231. Duties of Deputy Administrator**

In addition to the duties imposed by this chapter and by section 126, Title 10, the Deputy Administrator shall:

(a) assign Justices to hold court in such places where, and at such times when, in his judgment, they are needed;

(b) determine the times for the taking of vacations for all Justices;

(c) collect and publish such statistics pertaining to the business of the Justices as he deems desirable;

(d) prepare and submit to the Budget Director, with the approval of the Chief Justice, a budget showing and enumerating the estimated salaries and expenses of operating the Justice of the Peace Courts for the ensuing fiscal year;

(e) negotiate on behalf of the State for the leasing and furnishing of suitable quarters for the sitting of the Justices throughout the State and to enter into appropriate agreements and leases for the same; and

(f) render to the Chief Justice of the Supreme Court an annual report, and such other reports as the Chief Justice may, from time to time, require.

Section 4. Section 9301, Title 10, Delaware Code, is amended by striking out the words and commas “, within their respective counties,” in the first and second lines thereof, and inserting in lieu thereof the words “throughout the State”.

Section 5. Section 9302, Title 10, Delaware Code, is repealed and the following new section is inserted in lieu thereof.

**§ 9302. Limitations on venue of Justices of the Peace; non-residents**

No civil action commenced by summons shall be brought or maintained before any Justice of the Peace against any resident of this state who does not reside within the same county in which said Justice is sitting. A civil action commenced by summons may be brought or maintained against a non-resident of this state in any county in which he may be served with process.

Section 6. Section 9303, Title 10, Delaware Code, is amended by striking out the words and commas, “, within their

respective counties," as said words and commas appear in paragraphs (a) and (b) thereof and inserting in lieu thereof in both places, the words "throughout the state".

Section 7. Section 9304, Title 10, Delaware Code, is amended by striking out the words "within their respective counties", and inserting in lieu thereof the words "throughout the State".

Section 8. Section 9305, Title 10, Delaware Code, is amended by striking out the words "of the county where the premises is situate".

Section 9. Section 9525, Title 10, Delaware Code, is amended by striking out the word "two" and substituting in its place the word "five".

Section 10. Section 9531, Title 10, Delaware Code, is amended as follows:

(a) In paragraph (a) thereof, by deleting the words "commissioner named by him" and substituting the words "Justice of the Peace sitting in the county in which the witness resides".

(b) In paragraph (c) thereof by deleting the word "commissioner" and substituting the words "the Justice of the Peace selected".

(c) In paragraph (d) thereof by deleting the word "commissioner" and substituting the words "the Justice of the Peace selected".

(d) In paragraph (e) thereof by deleting the word "commissioner" and substituting the words "the Justice of the Peace selected".

Section 11. Section 9532, Title 10, Delaware Code, is amended in paragraph (a) thereof by striking out the words "of said county" as they appear in the caption of the subpoena form and by striking out the words "for said County" as they appear in the body of said form.

Section 12. Section 9534, Title 10, Delaware Code, is amended by striking out the words "of said county" as they appear in the caption of the attachment form, and by striking out the words "for said county" as they appear in the body of said form.

Section 13. Section 9539, Title 10, Delaware Code, is amended by striking out the words "of the said county" as they appear in the caption of the distress warrant form and by striking out the words "for said county" as they appear in the body of said form.

Section 14. Section 9554, Title 10, Delaware Code, is amended by striking out the words "of the same county" as they appear in paragraph (a) thereof.

Section 15. Section 9555, Title 10, Delaware Code, is amended by striking out the words "of said county" and the words "for the said county" as they appear in paragraph (a) thereof, and by striking out the words "for the county aforesaid" as they appear in paragraph (c) thereof.

Section 16. Section 9565, Title 10, Delaware Code, is amended by striking out the words "of said county" as they appear in the caption of form of venditioni exponas, and by striking out the words "for the county aforesaid" wherever the same appear in the body of said form.

Section 17. Section 9569, Title 10, Delaware Code, is amended by inserting the word "court" after the word "Peace" in paragraph (a) thereof and striking out the words "provided for by the Levy Courts of the respective counties" in said paragraph.

Section 18. Section 9575, Title 10, Delaware Code, is amended by repeal of paragraph (d) thereof and the redesignation of paragraphs (e) and (f) as (d) and (e) respectively.

Section 19. Section 9584, Title 10, Delaware Code, is amended by striking out the words "of said county" as they appear in captions of each of the three scire facias form and by striking

out the words "for the county aforesaid" whenever the same appear after the words "justices of the peace" in the body of said form.

Section 20. Section 9586, Title 10, Delaware Code, is amended by striking out the words "of either county" as they appear in the second line of said section.

Section 21. Section 9591, Title 10, Delaware Code, is amended by striking out the words "of said county" as they appear in the caption of the form of writ of attachment and by striking out the words "for the county aforesaid" appearing in the body of said form.

Section 22. Section 9594, Title 10, Delaware Code, is amended by striking out the words "of said county" as they appear in the caption of the form of process and by striking out the words "for said county", as they appear in the body of said form.

Section 23. Section 9612, Title 10, Delaware Code, is amended by striking out the words "of said county" as they appear in the caption of the form of summons and by striking out the words "for the county aforesaid" as they appear in the body of said form.

Section 24. Section 9632, Title 10, Delaware Code, is amended by striking out the words "of the county".

Section 25. Section 9633, Title 10, Delaware Code, is amended by striking out the words "To any Constable of..... County" in the caption of said form and inserting in lieu thereof the words "To any Constable of the State of Delaware" and by striking out the words "for the county aforesaid" as they appear in the body of said form.

Section 26. Section 9637, Title 10, Delaware Code, is amended by striking out the words "of the said county" appearing in the caption of the form of warrant and by striking out the the words "for said county" as they appear in the body of said form.

Section 27. Section 9640, Title 10, Delaware Code, is amended by striking out the last sentence thereof.

Section 28. Section 9669, Title 10, Delaware Code, is amended as follows:

1. By striking out the words "of said county" as they appear in the caption of the form of warrant, and

2. By striking out the words " for said county" as they appear in the body of said form, and

3. By striking out the comma and words ", and also your own fees on this warrant".

Section 29. Section 9673, Title 10, Delaware Code, is amended by striking out the commas and words ", and the constable shall have the same fees for serving subpoena, or attachment of contempt, as prescribed by Chapters 87 and 89 of this Title".

Section 30. (a) Sections 9701, 9702 and 9703, Title 10 and Sections 5922 and 5923 of Title 11, Delaware Code, are repealed subject to the condition, however, that their instant repeal shall not become effective until 4 years after this Act becomes law. During this interim period, all Justices appointed under and acting pursuant to the terms of chapter 91, Title 10, Delaware Code, prior to its present repeal as set forth in Section 1 of this Act, and who have not elected to become subject to Section 2 of this Act, shall continue to apply the provisions of Section 9701, 9702 and 9703, Title 10, Delaware Code and Sections 5922 and 5923, Title 11, Delaware Code, as the same existed prior to this repeal. All fees, charges or costs assessed pursuant to the provisions of Section 9701, 9702 and 9703, Title 10, Delaware Code and Sections 5922 and 5923, Title 11, Delaware Code, but uncollected at the time said sections become fully repealed as set forth above, shall continue to be valid and enforceable claims for the benefit of any person for whose services or compensation they were originally assessed.

- (b) All Justices of the Peace appointed under and pursuant to the provisions of Chapter 92, Title 10, Delaware Code,

enacted herein, shall, from the time of their appointment, be bound by the provisions of chapter 98, Title 10, Delaware Code, hereinafter enacted.

Section 31. There is enacted a new chapter 98, Title 10, Delaware Code, to read:

## CHAPTER 98—COSTS

### § 9801 Rates

(a) All costs in proceedings before Justices of the Peace shall be at the following rates:

- |  |        |
|--|--------|
| (1) For docketing all civil cases .....  | \$5.00 |
| In addition to the above:  |        |
| For conducting a trial of a contested case..                                       | 2.50   |
| For issuing process or attachment in lieu<br>of summons .....                      | 9.50   |
| For issuance of fieri facies attachment or<br>alias .....                          | 3.00   |
| For entry of judgment on obligation and<br>and warrant .....                       | 2.00   |
| For preparation of docket entries or full<br>copy of records, duly certified ..... | 3.00   |
| (2) For docketing all criminal cases .....   | 5.00   |
| In addition to the above:  |        |
| For conducting a trial or accepting a plea<br>in a criminal case .....             | 2.50   |
| For preparation of commitment papers,<br>each commitment .....                     | 2.00   |
| For preparation of bail bonds, each bond   | 2.00   |

### § 9802. Duties with respect to costs; limitations on fees

All costs collected shall be for the use of the State unless otherwise specifically provided by statute or rules of the Court. The Justice shall tax the costs for each service specified by section 9801 of this title or by the Rules of the Justice of the Peace. No other fee or cost shall be allowed and no mileage shall be

allowed unless it is expressly given by statute. In no case shall costs be charged for a service not performed; and every office or person receiving a fee, shall, upon demand, give a receipt specifying the item of service represented by said fee.

**§ 9803. Violations and penalty**

(a) Whoever knowingly receives any greater or less fee or cost than is allowed for the services specified, or who refuses to give a receipt or adds any item not specified by Statute or Rules of the Justices of the Peace, shall be fined not more than \$500.

(b) The Superior Court shall have jurisdiction of offenses under this section.

Section 32. There is hereby appropriated the sum of \$200,000 to defray the costs of salaries and expenses of Justices of the Peace appointed pursuant to section 2 of this Act, for the fiscal year beginning July 1, 1965 and ending June 30, 1966. The funds appropriated hereunder shall be deemed a supplementary appropriation and shall be paid by the State Treasurer out of the general fund from funds not otherwise appropriated therefrom.

Section 33. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Approved March 31, 1965.



## CHAPTER 21

**AN ACT TO AMEND TITLE 10, DELAWARE CODE, BY ENACTING A NEW CHAPTER RELATING TO CONSTABLES FOR JUSTICE OF THE PEACE COURTS**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 10, Delaware Code, is amended by enacting a new chapter to read:

**CHAPTER 28. CONSTABLES FOR JUSTICES OF THE PEACE****§ 2801. Appointment**

The Chief Justice of the Supreme Court, in accordance with the Rules of the Justice of the Peace Courts, shall appoint such numbers of Justice of the Peace Constables as shall be necessary to handle all process of the Justices of the Peace appointed pursuant to chapter 92 of this title.

**§ 2802. Political affiliation**

No more than a majority of the constables appointed pursuant to this chapter shall belong to the same major political party and the remainder shall belong to the other major political party.

**§ 2803. Duties; exclusive authority**

(a) The Justices of the Peace constables appointed pursuant to this chapter shall handle all process of the Justices of the Peace appointed pursuant to chapter 92 of this title.

(b) Notwithstanding the provisions of any other law, no constables appointed by any authority in this state shall be authorized to execute orders, warrants and other process directed to him by a Justice of the Peace appointed pursuant to chapter 92 of this title, unless the constable has been appointed pursuant to this chapter.

**§ 2804. Salary and term; mileage**

(a) Constables appointed pursuant to this chapter shall receive an annual salary of \$4,000 and shall serve at the pleasure of the Chief Justice of the Supreme Court.

All monies collected by Justice of the Peace constables for fines, fees or forfeitures, including but not limited to those imposed by chapter 97 of this title, shall be for the use of the State of Delaware.

(b) In addition to his salary, each constable shall be entitled to charge, as additional compensation, mileage at the rate of 10 cents per mile for each mile necessarily traveled by him in the necessary discharge of his duties as constable. The total charge for mileage thus compiled in each case shall be charged as costs in the case and turned over to the constable when collected.

**§ 2805. Location and assignment**

(a) In the counties of this state there shall be at least the following number of constables:

New Castle .....	8
Kent .....	3
Sussex .....	5

(b) The constables shall be assigned in accordance with the Rules of the Justice of the Peace Courts as promulgated pursuant to Article IV, Section 13, of the Constitution.

**§ 2806. Bonds**

Every Justice of the Peace constable, before entering upon his office, shall become bound to the State in the sum of \$1,000 with corporate surety. The form, terms and approval of such bonds shall be as provided by the Rules of the Justice of the Peace Courts. All such bonds shall be filed in the Office of the Clerk of the Supreme Court.

**§ 2807. Residence requirements**

Every Justice of the Peace constable appointed pursuant to the provisions of section 2801 of this title, shall reside in the county for which he is appointed and shall have resided there 6 months next preceeding his appointment. If any constable removes from the place where he is required by law to reside, his office shall thereupon become vacant.

**§ 2808. Jurisdiction**

The jurisdiction of the Justice of the Peace constables appointed under section 2801 of this title, shall extend throughout the State and said constables shall have all the powers and duties recited in section 2723 of this title.

Section 2. There is appropriated the sum of \$22,000 to defray the costs of salaries of constables for Justices of the Peace Courts appointed pursuant to Section 1 of this Act for the fiscal year beginning July 1, 1965 and ending June 30, 1966. The funds appropriated hereunder shall be deemed a supplementary appropriation and shall be paid by the State Treasurer out of the general fund from funds not otherwise appropriated therefrom.

Approved March 31, 1965.

## CHAPTER 22

**AN ACT TRANSFERRING MONEY FROM THE CAPITAL INVESTMENT FUND TO THE STATE HIGHWAY DEPARTMENT FOR MOSQUITO CONTROL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby transferred and appropriated out of the Capital Investment Fund, existing pursuant to chapter 62, title 29, Delaware Code, to the State Highway Department Two Million Dollars (\$2,000,000) for the purpose of mosquito control.

Section 2. The monies herein appropriated shall be utilized by the State Highway Department to initiate a permanent mosquito control program. The funds hereby appropriated and transferred shall be used solely for ditching, impounding, filling, draining and those other expenses incident thereto. No funds herein appropriated shall be expended for spraying, fogging, or expenses incident thereto.

Section 3. The State Highway Department shall consult with the Board of Game and Fish Commissioners, the Commission of Shell Fisheries and the State Park Commission, in treating lands under their control.

Section 4. The Budget Commission shall transfer, from time to time, from the Capital Investment Fund, to the State Highway Department, upon requisition by the department, such sums as may be needed by the department for the purposes of this act.

Section 5. The funds herein transferred and appropriated from the Capital Investment Fund shall remain available for use until June 30, 1967 at which time any funds unexpended for the purposes of this act shall revert to the Capital Investment Fund.

Approved April 1, 1965.

## CHAPTER 23

**AN ACT MAKING AN APPROPRIATION TO THE ATTORNEY GENERAL FOR SERVICES RENDERED TO THE STATE OF DELAWARE IN THE CASE OF LONGORIA V. STATE OF DELAWARE BY MURRAY M. SCHWARTZ, ESQ.**

WHEREAS, it was necessary for the office of the Attorney General to retain Murray M. Schwartz, Esq. to represent the State of Delaware in the case of Longoria V. State of Delaware before the Supreme Court of the United States; and

WHEREAS, this case has been concluded and a bill presented in the amount of \$1,420.00, Now, therefore,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Attorney General of the State of Delaware the sum of \$1,420.00 to be paid to Murray M. Schwartz, Esq. for services rendered to the State of Delaware in the case of Longoria V. State of Delaware.

Section 2. This Act is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved April 1, 1965.

## CHAPTER 24

**AN ACT TO AMEND CHAPTER 28, TITLE 31, DELAWARE CODE, RELATING TO THE STATE WELFARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SYMRNA.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Sections 2832 and 2833, Title 31, Delaware Code, are hereby repealed and a new Section 2832 enacted and inserted in lieu thereof to read as follows:

**§ 2832. Financing of home maintenance; other expenses**

(a) One-half the cost of the operation and maintenance of the home and the care and support of its inmates shall be a charge against the counties of the State, apportioned according to the number of inmates from each county.

(b) All funds of the Home shall be under the custody of the State Treasurer and all the provisions of Part VI, Title 29, Delaware Code, including Budget Requests and expenditure of funds shall apply.

(c) The Board shall annually, on the date required to file Budget requests pursuant to said Title 29, submit to the Levy Court of each county an estimate of the cost and expenses chargeable against such county for the next fiscal year. The Levy Court of each county shall include the amount of the estimate in the taxes levied for that year, and the same shall be credited by the Treasurer of the county to the State Treasurer. In the event the General Assembly should decrease the appropriation to the Home for that year below the request made by the Board in the Budget Request pursuant to subsection (b), the Board shall immediately thereafter submit to the Levy Court of each county a revised estimate of the cost and expenses chargeable against such county for the next fiscal year and the Treasurer of the County shall reduce the amount to be credited to the State Treasurer accordingly.

(d) The General Assembly shall annually appropriate such sums for the maintenance of the home and the care and support of its inmates as it shall determine, one-half of which shall be paid from the General Fund of the State and one-half of which shall be paid by the counties.

(e) Not later than the fifth day of each month of the fiscal year the Treasurer for each county shall pay to the State Treasurer one-twelfth of the revised annual estimate of the cost and expenses chargeable against such county as set forth in subsection (c). At the close of the fiscal year any such funds unexpended and unencumbered shall be returned to the counties by the State Treasurer in the same proportion as such counties paid during the fiscal year. The Board shall, at the close of each month, furnish the Treasurer of each county with a detailed, minute and accurate account of the cost and expenses of the Home during the month.

Section 2. This Act shall become effective July 1, 1965.

Approved April 1, 1965.

## CHAPTER 25

**AN ACT TO AMEND TITLE 7, DELAWARE CODE, SECTION 703, RELATING TO OPEN SEASON FOR GAME.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 7, Delaware Code, Section 703 is amended by striking the words "November 1 to January 31," between the words "Racoon:" and "next following" and inserting September 1 to March 31", in lieu thereof.

Approved April 1, 1965.



## CHAPTER 26

**AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE, RELATING TO ELIGIBILITY FOR PENSIONS BY GIVING CREDIT FOR PRIOR SERVICE AS A MEMORIAL BRIDGE POLICEMAN.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 8323, Title 11, Delaware Code, is amended by adding a new sub-section to read as follows:

(d) Any former or present member of the State Highway Police, State Police, or any successor or substitute therefore who shall have been a member of the Delaware Memorial Bridge Police before the establishment of the Delaware River and Bay Authority, shall receive full credit for the time served in each Delaware Memorial Bridge Police in computing the number of years' service required to receive pension benefits provided in sub-section (a) of this section.

Approved April 5, 1965.

## CHAPTER 27

**AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE FUNDS FOR THE OBSERVANCE OF RETURN DAY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Sussex County may appropriate and to pay funds to Sussex County Return Day, Inc., a Delaware Corporation, to defray the costs of the observance of Return Day at Georgetown.

Approved April 5, 1965.

Note: This act has been codified as § 6134, Title 29, Delaware Code.

CHAPTER 28

**AN ACT TO AMEND SECTIONS 501 AND 502, TITLE I OF  
THE DELAWARE CODE BY ADDING RETURN DAY  
AS A HALF HOLIDAY IN SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 501, Title I, of the Delaware Code, is amended by striking the words following the word "Saturdays"; and substituting in lieu thereof the following:

"the day of the General Election as it biennially occurs; and in Sussex County, Return Day, the second day after the General Election, after 12:00 noon."

Section 2. Section 502, Title I of the Delaware Code, is amended by inserting after the words "or the proceedings of any court or judge" the words "or Board of Canvass".

Approved April 5, 1965.

## CHAPTER 29

**AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE. RELATING TO DOGS RUNNING AT LARGE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1702, Chapter 17, Title 7, Delaware Code, is amended by adding a new sub-section (d) to read as follows:

(d) In New Castle County, no dog shall be permitted to run at large in any district or zone classified residential in whole or in part under regulations adopted pursuant to Chapter 26, Title 9, Delaware Code, or in any residential area, locality, or development, within any district or zone, unless such dog is accompanied by the owner or custodian and under his reasonable control.

Approved April 5, 1965.

## CHAPTER 30

**AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO BORROW ON THE CREDIT OF THE COUNTY A SUM OF MONEY NOT EXCEEDING 8,000 DOLLARS TO BE EXPENDED FOR THE ACQUISITION OF ADDITIONAL EQUIPMENT AND FURNISHINGS FOR THE COURT ROOM IN THE KENT COUNTY COURT HOUSE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Kent County is hereby authorized to acquire additional equipment and furnishings for the court room in the Kent County Court House.

Section 2. The Levy Court is hereby authorized to borrow upon the faith and credit of Kent County, a sum not exceeding Eight Thousand (\$8,000.00) Dollars to be expended in the acquisition of additional equipment and furnishings for the court room in the Kent County Court House, and to fund any indebtedness incurred for such purposes, and for the purpose of securing the payment of such sum, to issue bonds in such denominations and at such rate of interest not exceeding five per centum per annum, as the Levy Court may deem expedient. The issuance of such bonds shall not be subject to any debt limitation contained in any law.

Section 3. Bonds issued pursuant to this Act shall be authorized by a resolution passed by the Levy Court. The bonds shall mature in annual installments in amounts and at such times determined by the Levy Court and set forth in said resolution. The first such installment shall be payable not more than one year after the date of the bonds and the last such installment shall be payable not later than twenty years after the date of such bonds. Interest on the bonds shall be payable semi-monthly in each year. Bonds issued pursuant to this Act shall be negotiable instruments and shall be bonds payable to bearer with coupons attached for the payment of interest to bearer, but provision may be made for the registration of such bonds as to principal only or as to both principal and interest. Such bonds may be made

subject to redemption prior to their respective maturities with or without premium.

Section 4. The bonds shall be prepared under the supervision of the Levy Court and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, and shall be under the seal used by said Levy Court. A facsimile of the signature of each officer may be engraved or printed on the bonds; provided, however, that at least one such officer shall sign the bonds manually. A facsimile of the signature of the Receiver of Taxes and County Treasurer shall be engraved or printed on each coupon or interest warrant. It shall be the duty of the officers named to execute said bonds when directed by the Levy Court so to do, and it shall be the duty of the Receiver of Taxes and County Treasurer and of the Levy Court to keep a record of said bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

Section 5. The bonds shall be exempt from all state, county, municipal and other taxation, and the purchaser thereof shall not be obliged to see to or in any manner be responsible for the application of the purchase money; the bonds may be of such form and may contain such provisions as will not conflict with the provisions hereof.

Section 6. The Levy Court shall determine when the bonds or any number thereof may be sold. The bonds shall be sold by the Levy Court at public sale, for not less than par and accrued interest, under such terms, conditions and regulations as the issuing officers may prescribe after notice of such sale published at least ten days before the date of sale in at least one newspaper published in Kent County. Said bonds may be issued and

sold as part of a consolidated issue of bonds of Kent County and the bonds need not be separately identified. The resolution authorizing the issuance of the bonds may be combined with the resolution authorizing the consolidated issue.

Section 7. The bonds, principal and interest, shall be payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, out of money from time to time appropriated for that purpose by the Levy Court; and the Levy Court is directed to pay the interest on the bonds to said Farmers Bank when and as the respective installments mature. The Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall mature and become due and payable, shall in like manner provide for a sum equal to the aggregate of said bonds so maturing, which amount shall be set apart by the Receiver of Taxes and County Treasurer to be applied to the payment of interest on said bonds and the redemption thereof as they mature.

Section 8. All money received from the sale of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited in the Farmers Bank aforesaid to the Credit of the Levy Court in a separate account, and payment therefrom shall be made by the Levy Court by a special warrant upon which shall be printed or endorsed "Kent County Court House Addition." If, for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on such bonds. Such account may be combined with other accounts with the same title in which are deposited proceeds of bond issues for the purpose of constructing an addition to the Kent County Court House.

Approved April 5, 1965.

## CHAPTER 31

**AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO BORROW ON THE CREDIT OF THE COUNTY A SUM OF MONEY NOT EXCEEDING 120,000 DOLLARS TO BE EXPENDED FOR THE RETAINING OF OUTSIDE ASSESSORS TO ASSESS REAL PROPERTY IN THE COUNTY AND TO CONTRACT THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Kent County is hereby authorized to retain outside Assessors to assess real property in the County and to contract therefor.

Section 2. The Levy Court is hereby authorized to borrow upon the faith and credit of Kent County, a sum not exceeding One Hundred Twenty Thousand (\$120,000.00) Dollars to be expended in the retaining of outside Assessors to assess real property in the County and to contract therefor, and to fund any indebtedness incurred for such purpose, and for the purpose of securing the payment of such sum, to issue bonds in such denominations and at such rate of interest not exceeding five per centum per annum, as the Levy Court may deem expedient. The issuance of such bonds shall not be subject to any debt limitation prescribed by any law.

Section 3. Bonds issued pursuant to this Act shall be authorized by a resolution passed by the Levy Court. The bonds shall mature in annual installments in amounts and at times determined by the Levy Court and set forth in said resolution. The first such installment shall be payable not more than one year after the date of the bonds and the last such installment shall be payable not later than twenty years after the date of said bonds. Interest on the bonds shall be payable semi-annually in each year. Bonds issued pursuant to this Act shall be negotiable instruments and shall be bonds payable to bearer with coupons attached for the payment of interest to bearer, but provision may be made for the registration of such bonds as to principal only or as to both principal and interest. Such bonds



may be made subject to redemption prior to their respective maturities with or without premium.

Section 4. The bonds shall be prepared under the supervision of the Levy Court and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, and shall be under the seal used by said Levy Court. A facsimile of the signature of each such officer may be engraved or printed on the bonds; provided, however, that at least one such officer shall sign the bonds manually. A facsimile of the signature of the Receiver of Taxes and County Treasurer shall be engraved or printed on each coupon or each interest warrant. It shall be the duty of the officers named to execute said bonds when directed by the Levy Court so to do, and it shall be the duty of the Receiver of Taxes and County Treasurer and of the Levy Court to keep a record of said bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

Section 5. The bonds shall be exempt from all state, county, municipal and other taxation, and the purchaser thereof shall not be obliged to see to or in any manner be responsible for the application of the purchase money; the bonds may be of such form and may contain such provisions as will not conflict with the provisions hereof.

Section 6. The Levy Court shall determine when the bonds or any number thereof may be sold. The bonds shall be sold by the Levy Court at public sale, for not less than par and accrued interest, under such terms, conditions and regulations as the issuing officers may prescribe after notice of such sale published at least ten days before the date of sale in at least one newspaper published in Kent County. Said bonds may be issued and

sold as part of a consolidated issue of bonds of Kent County and the bonds need not be separately identified. The resolution authorizing the issuance of the bonds may be combined with the resolution authorizing the consolidated issue.

Section 7. The bonds, principal and interest, shall be payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, out of money from time to time appropriated for that purpose by the Levy Court; and the Levy Court is directed to pay the interest on the bonds to said Farmers Bank when and as the respective installments mature. The Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall mature and become due and payable, shall in like manner provide for a sum equal to the aggregate of said bonds so maturing, which amount shall be set apart by the Receiver of Taxes and County Treasurer to be applied to the payment of interest on said bonds and the redemption thereof as they mature.

Section 8. All money received from the sale of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited in the Farmers Bank aforesaid to the Credit of the Levy Court in a separate account, and payment therefrom shall be made by the Levy Court by a special warrant upon which shall be printed or endorsed "Kent County Outside Assessment". If, for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on such bonds.

Approved April 5, 1965.

## CHAPTER 32

**AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO BORROW ON THE CREDIT OF THE COUNTY A SUM OF MONEY NOT EXCEEDING 27,000 DOLLARS TO BE EXPENDED FOR THE ACQUISITION OF EQUIPMENT FOR THE BOARD OF ASSESSORS, RECEIVER OF TAXES AND COUNTY TREASURER AND FAMILY COURT, INCLUDING ADDRESSOGRAPH MACHINES.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. The Levy Court of Kent County is hereby authorized to acquire equipment for the Board of Assessors, Receiver of Taxes and County Treasurer and Family Court, including addressograph machines, and other mechanical equipment.

Section 2. The Levy Court of Kent County is hereby authorized to borrow upon the faith and credit of Kent County, a sum not exceeding Twenty-seven Thousand (\$27,000.00) Dollars to be expended in the acquisition of equipment for the Board of Assessors, Receiver of Taxes and County Treasurer and Family Court, including addressograph machines, and other mechanical equipment, and to fund any indebtedness incurred for such purpose, and for the purpose of securing the payment of such sum, to issue bonds in such denomination and at such rate of interest not exceeding five per centum per annum, as the Levy Court may deem expedient. The issuance of such bonds shall not be subject to any debt limitation contained in any law.

Section 3. Bonds issued pursuant to this Act shall be authorized by a resolution passed by the Levy Court. The bonds shall mature in annual installments in amounts and at the times determined by the Levy Court and set forth in said resolution. The first such installment shall be payable not more than one year after the date of the bonds and the last such installment shall be payable not later than twenty years after

the date of said bonds. Interest on the bonds shall be payable semi-annually in each year. Bonds issued pursuant to this Act shall be negotiable instruments and shall be bonds payable to bearer with coupons attached for the payment of interest to bearer, but provision may be made for the registration of such bonds as to principal only or as to both principal and interest. Such bonds may be made subject to redemption prior to their respective maturities with or without premium.

Section 4. The bonds shall be prepared under the supervision of the Levy Court and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County and shall be under the seal used by said Levy Court. A facsimile of the signature of each such officer may be engraved or printed on the bonds; provided, however, that at least one such officer shall sign the bonds manually. A facsimile of the signature of the Receiver of Taxes and County Treasurer shall be engraved or printed on each coupon or interest warrant. It shall be the duty of the officers named to execute said bonds when directed by the Levy Court so to do, and it shall be the duty of the Receiver of Taxes and County Treasurer and of the Levy Court to keep a record of said bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signatures or such facsimiles shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

Section 5. The bonds shall be exempt from all state, county, municipal and other taxation, and the purchaser thereof shall not be obliged to see to or in any manner be responsible for the application of the purchase money; the bonds may be of such form and may contain such provisions as will not conflict with the provisions hereof.

Section 6. The Levy Court shall determine when the bonds or any number thereof may be sold. The bonds shall be

sold by the Levy Court at public sale, for not less than par and accrued interest, under such terms, conditions and regulations as the issuing officers may prescribe after notice of such sale published at least ten days before the date of sale in at least one newspaper published in Kent County. Said bonds may be issued and sold as part of a consolidated issue of bonds of Kent County and the bonds need not be separately identified. The resolution authorizing the issuance of the bonds may be combined with the resolution authorizing the consolidated issue.

Section 7. The bonds, principal and interest, shall be payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, out of money from time to time appropriated for that purpose by the Levy Court; and the Levy Court is directed to pay the interest on the bonds to said Farmers Bank when and as the respective installments mature. The Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall mature and become due and payable, shall in like manner provide for a sum equal to the aggregate of said bonds so maturing, which amount shall be set apart by the Receiver of Taxes and County Treasurer to be applied to the payment of interest on said bonds and the redemption thereof as they mature.

Section 8. All money received from the sale of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited in the Farmers Bank aforesaid to the Credit of the Levy Court in a separate account, and payment therefrom shall be made by the Levy Court by a special warrant upon which shall be printed or endorsed "Kent County Equipment". If, for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on such bonds.

Approved April 15, 1965.

## CHAPTER 33

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE BOARD OF EDUCATION.**

*Be it enacted by the General Assembly of the State  
Delaware:*

Section 1. The sum of six thousand three hundred dollars (\$6,300.00) is appropriated to the State Board of Education to be used for salaries and wages of teachers in the Home-bound Program for the balance of the fiscal year ending June 30, 1965.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved April 15, 1965.

## CHAPTER 34

**AN ACT TO AMEND SECTION 5503, CHAPTER 55, TITLE 29,  
DELAWARE CODE, RELATING TO THE METHOD OF  
AUTHORIZING MONTHLY PENSION BENEFITS.**

*Be it enacted by the General Assembly of the State  
Delaware:*

Section 1. Section 5503, Title 29, Delaware Code, is here-repealed and a new section enacted and inserted in lieu thereof to read as follows:

**§ 5503. Inclusion of pensions in agency budgets; method of  
pension payment**

(a) Each Department or agency of the State that shall come within the provisions of this chapter shall, at the time of drafting the budget, include the names and addresses of the employees who might be eligible for retirement during the period covered in the budget.

(b) The payroll of pensioners shall be maintained and signed by the State Treasurer in the same manner generally as required of agencies for the payrolls of employees. The pension benefits of this chapter shall be paid monthly, but shall otherwise be made in the same way and by the same proceedings as salaries are paid for active employees, except only as otherwise provided in this chapter.

Approved April 19, 1965.

## CHAPTER 35

**AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN  
STATE OWNED LANDS IN SUSSEX COUNTY NOW BE-  
ING USED BY THE STATE HIGHWAY DEPARTMENT.**

*Be it enacted by the General Assembly of the State  
Delaware:*

Section 1. The following described real estate owned by the State of Delaware located in Sussex County is authorized to be conveyed from the use of the State Highway Department to the use of the State Park Commission:

"All that certain tract, piece or parcel of land situated in Sussex County, State of Delaware, known as Holt's Borrow Pit, more particularly described as follows, to wit:

Beginning at a point, being the northeast corner of lands of Asher Holt and on the northwest side of lands of Elisha Hudson, N73°-52'-00"W, 1,466.68 feet to a point; thence along lands of Clarence Holt, N13°-06'-30"E, 1,320.02 feet to a creosoted post; thence along Indian River, S64°-43'-00"E, 794 feet to a point; thence continuing along said Indian River, S87°-54'-00"E, 412.08 feet to the point and place of beginning. Be the contents thereof what they may."

Approved April 19, 1965.



## CHAPTER 36

**AN ACT TO ADOPT THE UNIFORM DECEPTIVE TRADE PRACTICES ACT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 6, Delaware Code, is amended by adding thereto a new chapter as follows:

**CHAPTER 14. DECEPTIVE TRADE PRACTICES****§ 1401. Definitions**

As used in this chapter, unless the context otherwise requires:

(a) "article" means a product as distinguished from its trademark, label, or distinctive dress in packaging;

(b) "certification mark" means a mark used in connection with the goods or services of a person other than the certifier to indicate geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services or to indicate that the work or labor on the goods or services was performed by members of a union or other organization;

(c) "collective mark" means a mark used by members of a cooperative, association, or other collective group or organization to identify goods or services and distinguish them from those of others, or to indicate membership in the collective group or organization;

(d) "mark" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement;

(e) "person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or

more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

(f) "service mark" means a mark used by a person to identify services and to distinguish them from the services of others;

(g) "trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others;

(h) "trade name" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement used by a person to identify his business, vocation, or occupation and distinguish it from the business, vocation, or occupation of others.

#### **§ 1402. Deceptive Trade Practices**

(a) A person engages in a deceptive trade practice when, in the course of his business, vocation, or occupation, he:

- (1) passes off goods or services as those of another;
- (2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) uses deceptive representations or designations of geographic origin in connection with goods or services;
- (5) represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;

(6) represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;

(7) represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(8) disparages the goods, services, or business of another by false or misleading representation of fact;

(9) advertises goods or services with intent not to sell them as advertised;

(10) advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of, price reductions; or

(12) engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

(b) In order to prevail in an action under this chapter, a complainant need not prove competition between the parties or actual confusion or misunderstanding.

(c) This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

#### § 1403. Remedies

(a) A person likely to be damaged by a deceptive trade practice of another may be granted an injunction against it under the principles of equity and on terms that the court considers reasonable. Proof of monetary damage, loss of profits, or intent to deceive is not required. Relief granted for the copying of an article shall be limited to the prevention of confusion or misunderstanding as to source.

(b) The court in exceptional cases may award reasonable attorneys' fees to the prevailing party. Costs or attorneys' fees may be assessed against a defendant only if the court finds that he has wilfully engaged in a deceptive trade practice.

(c) The relief provided in this section is in addition to remedies otherwise available against the same conduct under the common law or other statutes of this state.

#### § 1404. Application

(a) This chapter does not apply to:

(1) conduct in compliance with the orders or rules of, or a statute administered by, a federal, state, or local governmental agency;

(2) publishers, broadcasters, printers, or other persons engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast, or reproduce material without knowledge of its deceptive character; or

(3) actions or appeals pending on the effective date of this chapter.

(b) Subsections 1402 (a) (2) and 1402 (a) (3) do not apply to the use of a service mark, trademark, certification mark, collective mark, trade name, or other trade identification that was used and not abandoned before the effective date of this chapter if the use was in good faith and is otherwise lawful except for this chapter.

#### § 1405. Uniformity of Interpretation

This chapter shall be construed to effectuate its general purpose to make uniform the law of those states which enact it.

#### § 1406. Short Title

This chapter may be cited as the Uniform Deceptive Trade Practices Act.

**§ 1407. Severability**

If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Approved April 19, 1965.

Note: This act has been codified as Subchapter III, Chapter 25, Title 6, Delaware Code.

## CHAPTER 37

**AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$110,230,550.00 FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965" BY TRANSFERRING CERTAIN AMOUNTS THEREIN.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Chapter 291, Volume 54, Laws of Delaware, as amended, is hereby further amended by reducing the amount appropriated to the Budget Director for "Other Personal Services" by \$947.81 and by increasing the amount appropriated to the Budget Director for "Wages and Salaries of Employees" by \$947.81.

Approved April 19, 1965.

CHAPTER 38

**AN ACT TO AMEND SECTION 2501, TITLE 10, DELAWARE CODE, RELATING TO CONSOLIDATION OF THE OFFICES OF THE REGISTER IN CHANCERY AND CLERK OF THE ORPHANS COURT.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Section 2501, Title 10, Delaware Code, is amended to read as follows:

**§ 2501. Consolidation of Offices**

The offices of Register in Chancery and Clerk of the Orphans' Court, shall be held by one person in each county and shall appear as one office on the ballots or voting machines at any election held to fill said office.

Approved April 22, 1965.

## CHAPTER 39

**AN ACT TO AMEND SECTION 2502, TITLE 10, DELAWARE CODE, RELATING TO COMPENSATION OF REGISTERS IN CHANCERY AND, CLERKS OF THE ORPHANS COURT**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Section 2502, Title 10, Delaware Code, is amended to read as follows:

**§ 2502. Same; compensation**

The Registers in Chancery and Clerks of the Orphans' Court in the respective counties shall receive the annual salaries listed below:

- (1) In New Castle County, \$9,000.
- (2) In Kent County, \$4,800.
- (3) In Sussex County, \$4,800.

Approved April 22, 1965.



## CHAPTER 40

**AN ACT TO AMEND AN ACT BEING CHAPTER 42 OF VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING, AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" BY PERMITTING CERTAIN PERSONS TO VOTE AND BY EXEMPTING CERTAIN PERSONS FROM BEING ASSESSED A CAPITATION TAX.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Section 7 (c), Chapter 42, Volume 53, Laws of Delaware, as amended, is further amended by adding at the end of said Section the following:

Those persons desiring to vote in the annual election and who have attained the age of seventy (70) years and to whom neither a City capitation tax nor a City property tax was assessed for the year immediately preceding the annual election and who have been residents of the City of Seaford for at least six (6) months prior to the date of the annual election shall register in the Municipal Building of the City of Seaford with the City Manager at least thirty (30) days prior to the date of said annual election in order to be entitled to vote. The City Manager shall deliver to the Vice-President of the City Council at least twenty (20) days prior to the date of said annual election a list alphabetically arranged, dated and duly certified of the persons who so registered who had attained the age of seventy (70) years and to whom neither a City capitation tax nor a City property tax was assessed for the year immediately preceding the annual election and who have been residents of the City of Seaford for at least six (6) months prior to the date of the annual election; PROVIDED, HOWEVER, that a person who has attained the age of seventy (70) years and who fulfills the other requirements shall not be required to register more than once.

Section 2. Section 25 (c), Chapter 42, Volume 53, Laws of Delaware, as amended, is further amended by striking out all of said Section and inserting in lieu thereof the following:

It shall be the duty of the Tax Assessor of the City of Seaford duly appointed to assess a capitation tax upon each citizen above the age of twenty-one years, resident within the limits of the City Council; PROVIDED, HOWEVER, that the Tax Assessor shall assess no capitation tax upon any citizen resident within the corporate limits of the City of Seaford who attains the age of seventy (70) years on or before March 1 of the year in which the tax is assessed.

Approved April 22, 1965.

CHAPTER 41

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD", BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, BY PERMITTING THE IMPOSITION OF A COLLECTION CHARGE ON DELINQUENT TAXES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Section 27 (c), Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by adding at the end thereof, the following:

In effecting collection of any delinquent tax, the City Council may impose a collection charge not to exceed Eighteen per cent (18%) of the amount of the tax, and any interest or penalty imposed thereon.

Approved April 22, 1965.

## CHAPTER 42

**AN ACT TO INCREASE THE SALARY OF THE SUPERINTENDENT OF THE PUBLIC BUILDING COMMISSION FOR THE CITY OF WILMINGTON AND FOR NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Section 1607 (a), Chapter 16, Title 9, Delaware Code, is amended by deleting in the third line thereof the figures "\$7,500" and by inserting in lieu thereof the figures "\$8,500".

Approved April 22, 1965.

## CHAPTER 43

**AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$110,230,550.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$200,000.00 FOR THE PROPOSED AMENDMENTS".**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by creating an "Emergency Fund for Boilers" (Administration by State Budget Commission) in the amount of \$200,000.00.

Section 2. This Act is a supplementary appropriation Act for the fiscal year commencing July 1, 1964 in the amount of \$200,000.00 and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved April 22, 1965.

## CHAPTER 44

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO  
ARTICLE V, SECTION 2, OF THE CONSTITUTION OF  
THE STATE OF DELAWARE.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 122nd General Assembly as follows:

**"AN ACT TO AMEND ARTICLE FIVE, SECTION 2, OF THE  
CONSTITUTION OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. § 2 Article Five of the Constitution of the State of Delaware is amended by striking out the word "male" as the same appears in the first sentence thereof."; AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 122nd General Assembly, NOW, THEREFORE

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein:)*

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective April 14, 1965.

CHAPTER 45

**AN ACT TO AMEND CHAPTER 28, TITLE 31, DELAWARE CODE, BY CHANGING THE NAME OF "STATE WELFARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA" TO "DELAWARE HOME AND HOSPITAL FOR CHRONICALLY ILL AT SMYRNA".**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Chapter 28, Title 31, Delaware Code, is amended by striking the title in its entirety and inserting a new title to read as follows:

"Delaware Home and Hospital for the Chronically Ill at Smyrna".

Section 2. Chapter 28, Title 31, Delaware Code, is amended by striking the words "State Welfare Home and Hospital for the Chronically Ill at Smyrna" where they appear in said chapter and inserting in lieu thereof the words "Delaware Home and Hospital for the Chronically Ill at Smyrna".

Approved May 3, 1965.

## CHAPTER 46

**AN ACT TO AMEND TITLE 6, DELAWARE CODE TO PROTECT THE CONSUMER AGAINST FRAUDULENT AND DECEPTIVE MERCHANDISING PRACTICES.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Chapter 25, Title 6, Delaware Code, is amended by adding thereto the following new subchapter:

**SUBCHAPTER II. CONSUMER FRAUD****§ 2511. Definitions**

As used in this subchapter, unless the context otherwise requires —

(a) "Advertisement" means the attempt by publication, dissemination, solicitation or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise;

(b) "Merchandise" means any objects, wares, goods, commodities, intangibles, real estate or services;

(c) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

(d) "Sale" means any sale, offer for sale, or attempt to sell any merchandise for cash or on credit.

**§ 2512. Purpose; construction**

The purpose of this subchapter shall be to protect consumers and legitimate business enterprises from unfair or deceptive merchandising practices in the conduct of any trade



or commerce in part or wholly within this State. It is the intent of the General Assembly that such practices be swiftly stopped and that this subchapter shall be liberally construed and applied to promote its underlying purposes and policies.

**§ 2513. Unlawful practice**

(a) The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice.

(b) This section shall not apply —

(1) to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or

(2) to any advertisement or merchandising practice which is subject to and complies with the rules and regulations of and the statutes administered by the Federal Trade Commission; or

(3) to matters subject to the jurisdiction of the Public Service Commission or of the Insurance Commissioner of this State.

**§ 2514. Attorney General's investigative demand; things demanded**

(a) Whenever the Attorney General has reason to believe that a person has engaged in, is engaging in, or is about to engage in, any practice declared by this subchapter to be unlawful, he may, pursuant to an order of any Judge of the Su-

perior Court or of the Chancellor or Vice Chancellor, prior to the institution of a civil or criminal proceeding against such person, issue and cause to be served upon such person, an investigative demand requiring such person to —

(1) file a statement or report in writing under oath on such forms as the Attorney General may prescribe as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person;

(2) answer oral interrogatories at such places and times as the Attorney General may reasonably specify as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person; and

(3) produce the original or copy of any advertisement, merchandise or sample thereof, record, book, document, tabulation, map, chart, photograph, report, memorandum, communication, mechanical transcription, account or paper as the Attorney General may specify in his demand.

#### § 2515. Contents of demand

Each Attorney General's investigative demand shall be in writing and shall —

(a) state the nature of the conduct constituting the alleged violation of this subchapter which is under investigation and the provision of law applicable thereto;

(b) describe the class or classes of material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(c) prescribe a return date which will provide a reasonable time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(d) identify the custodian to whom such material shall be made available or the official before whom such oral exam-

ination shall take place or with whom such written reports shall be filed.

#### **§ 2516. Limitations on the demand**

No such demand shall —

(a) contain any requirement which would be held to be unreasonable if contained in a subpoena issued by a court of this State in aid of a grand jury investigation of an alleged violation of this subchapter; or

(b) require the production of any evidence which would be privileged from disclosure if demanded by a subpoena issued by a court of this State in aid of a grand jury investigation of an alleged violation of this subchapter.

#### **§ 2517. Issuance of protective order**

On motion promptly made by a person who receives such a demand from the Attorney General, the Judge who authorized the issuance of the investigative demand, if available, and if not, another member of his court, upon notice and good cause shown, may make any order which it deems appropriate and just to protect the person from an improper demand from the Attorney General.

#### **§ 2518. Impounding evidence**

Pursuant to an order of the Court of Chancery, the Attorney General may impound the original or copy of any document or other material produced in accordance with this section, which material shall be retained in the possession of such custodian and under such circumstances as the court may designate until the completion of all proceedings in connection with which the same is produced.

#### **§ 2519. Service of demand**

Service of any demand by the Attorney General hereunder shall be made personally within this State, if the person can be

found herein; but if such service cannot be made, substituted service may be made in the following manner:

- (1) personal service outside of this State; or
- (2) the mailing by registered mail to the last known place of business, residence or abode within or without this State of the person to whom such demand is directed; or
- (3) as to any person other than a natural person in the manner provided in Title 8 and in the manner provided in the Rules of the Court of Chancery; or
- (4) such service as the Court may direct in lieu of personal service within this State.

**§ 2520. Failure to respond; order; penalties**

If any person fails to respond to any investigative demand issued by the Attorney General hereunder, the Attorney General may, after due notice, apply to the Court of Chancery for an order, and the Court of Chancery, after a hearing on said application, may enter an order —

- (1) requiring said person to respond to the demand;
- (2) grant injunctive relief restraining any act or practice declared by this subchapter to be unlawful;
- (3) vacating, annulling or suspending the corporate charter of a corporation created by or under the laws of this State or revoking or suspending the certificate of authority to do business in this State of a foreign corporation or revoking or suspending any other licenses, permits or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice; and
- (4) granting such other relief as may be required to obtain compliance with the Attorney General's investigative demand.

**§ 2521. Cease and desist agreements**

At any time prior to institution of a suit against a person for violation of Section 2513 of this Title, the Attorney General may enter a cease and desist agreement with any person who is alleged to have engaged in, or be about to engage in an activity declared by this subchapter to be unlawful providing for the immediate discontinuance of all practices set forth in the agreement, and for such other action deemed necessary to correct the results of such practices. No proceeding shall be instituted thereafter by the Attorney General on the specific activities covered by such an agreement unless the agreement shall have been breached or violated.

**§ 2522. Proceedings in the Court of Chancery**

Whenever it appears to the Attorney General that a person has engaged in, is engaging in, or is about to engage in practices declared by this subchapter to be unlawful, he may institute an action in the Court of Chancery to enjoin such person from engaging in or continuing such practices or doing any acts in furtherance thereof. The complaint shall state the nature of the conduct constituting a violation of this subchapter and the relief sought thereunder. Service shall be obtained in accordance with Section 2514 or this Title. Such action shall be brought in the Court of Chancery of any county in which the alleged unlawful practice has been or is to be partially or completely performed.

**§ 2523. Restraining orders; injunctions**

In actions filed under this subchapter, the Court of Chancery after a hearing may grant relief by issuing temporary restraining orders, preliminary or permanent injunctions, and such other relief as may be necessary to prevent any person from engaging in activities declared by this subchapter to be unlawful or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice declared to be unlawful by this subchapter. Unless otherwise specified in this subchapter, the procedure for all such proceedings shall be as

provided in the Rules of Procedure of the Court of Chancery or as established by the usual practice and procedure in said Court.

**§ 2524. Appointment of receiver; powers; damages; administration of estate; jurisdiction**

(a) If it should appear to the Court of Chancery after a hearing, that a receiver should be appointed in cases of substantial and wilful violations of the provisions of this subchapter, the Court may appoint such a receiver.

(b) The receiver shall have the power to sue for, collect, receive and take into his possession, all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, documents, papers, choses in action, bills, notes and property of every description, acquired by means of any practice declared to be unlawful by this subchapter, including property with which such property has been mingled if it cannot be identified in kind because of such commingling, and to sell, convey, and assign the same and hold and dispose of the proceeds thereof under the direction of the Court.

(c) Any person who has suffered damages as a result of the use or employment of any such unlawful acts or practices and submits proof to the satisfaction of the Court that he has in fact been damaged may participate with general creditors in the distribution of the assets to the extent he has sustained out-of-pocket losses.

(d) The receiver shall settle the estate and distribute the assets under the direction of the Court.

(e) The Court shall have jurisdiction of all questions arising in such proceedings and may make such orders and judgments therein as may be required.

**§ 2525. Savings clause for private claims against persons who acquired property by unlawful practices**

Subject to an order of the Court terminating the business affairs of any person after receivership proceedings held pur-

suant to this subchapter, the provisions of this subchapter shall not bar any claim against any person who has acquired any money or property, real or personal, by means of any acts or practices declared by this subchapter to be unlawful.

**§ 2526. Costs**

In any action brought under the provisions of this subchapter in which any person is found to have engaged in or be about to engage in a practice declared by this subchapter to be unlawful, the Court may in its discretion entitle the Attorney General to recover costs for the use of the State.

**§ 2527. Severability**

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this subchapter which can be given effect without the invalid provisions or application, and to this end the provisions of this subchapter are severable.

Approved May 3, 1965.

## CHAPTER 47

**AN ACT TO AMEND CHAPTER 219 OF VOLUME 54, LAWS OF DELAWARE, MAKING A SUPPLEMENTARY APPROPRIATION TO NEW CASTLE HISTORIC BUILDINGS COMMISSION.**

*Be it enacted by the General Assembly of the State Delaware:*

Chapter 219, Volume 54, Laws of Delaware, as amended, is further amended as follows:

Section 1. The New Castle Historic Buildings Commission be and it hereby is authorized to expend from the sum of \$35,000.00 allocated by Chapter 219, Volume 54, Laws of Delaware, for the restoration of the West Wing of the Court House Building, so much of that sum as may be necessary to complete the restoration of the East Wing of the Court House Building. The remainder of the funds allocated for the restoration of the West Wing, not expended for the completion of the East Wing, shall be applied toward the restoration of the West Wing of the Court House Building.

Section 2. Any funds not expended for the purpose of the restoration of the Court House Building and Arsenal Building, appropriated by Chapter 219 of Volume 54, as amended, shall revert to the State of Delaware on June 30, 1966.

Approved May 3, 1965.



CHAPTER 48

**AN ACT TO AMEND CHAPTER 130, VOLUME 54, LAWS OF  
DELAWARE, ENTITLED "AN ACT MAKING A SUPPLE-  
MENTARY APPROPRIATION TO THE STATE HIGH-  
WAY DEPARTMENT".**

*Be it enacted by the General Assembly of the State  
Delaware:*

Section 1. Chapter 130, Volume 54, Laws of Delaware, is amended by adding the words:

"equipping, landscaping, construction of parking and sewer disposal facilities," after the words "and for the design" and before the words "inspection and construction of buildings" in Section 1 of said act.

Approved May 3, 1965.

## CHAPTER 49

**AN ACT TO REGULATE SUBDIVISION AND LAND DEVELOPMENT IN NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Part II, Title 9, Delaware Code, is amended by inserting therein a new chapter to be known as Chapter 28 to read as follows:

**CHAPTER 28. SUBDIVISION AND LAND DEVELOPMENT****§ 2801. Definitions**

As used in this chapter, unless otherwise expressly stated:

(a) "Commission" means Regional Planning Commission of New Castle County;

(b) "County" means New Castle County;

(c) "District" means Regional Planning District of New Castle County, which comprises all that portion of the County not included within the corporate limits of any city or town, unless any territory within such corporate limits is included upon request made by the governing body or authority of any such city or town;

(d) "Levy Court" means Levy Court of New Castle County;

(e) "Plan" means the map, plat, or other document verbally or graphically illustrating or describing a plan of subdivision or land development;

(f) "Recorder of Deeds" means Recorder of Deeds in and for New Castle County;

(g) "Regulations" means land subdivision regulations;

(h) "Structure" means any man-made object having an ascertainable stationary location on land or in water, whether or not affixed to the land;

(i) "Subdivide" means the subdivision of land as defined herein, or any act directed toward the present or future subdivision of land;

(j) "Subdivider" means any person, or agent thereof, who undertakes the subdivision of land; or any successor to the rights of said person in said land;

(k) "Subdivision" means

(1) the division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or plat or a description by metes and bounds, into two or more lots, tracts, parcels or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership or of building development, exempting, however, the division of land for agricultural purposes into parcels of more than ten acres not involving any new streets or easements of access, divisions of property by testamentary or interstate provisions, or divisions of property upon court order;

(2) the division or allocation of land for the opening, widening or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage or other public facilities.

## **§ 2802. Power to regulate**

In order to provide for the orderly growth and development of the County, to promote the health, safety, prosperity, and the general welfare of the present and future inhabitants of the County, to insure the conservation of property values and natural resources, including the protection of the County's agricultural lands, water resources, and industrial potential, and

to afford adequate provisions for public utilities, water supply, drainage, sanitation, vehicular access, education and recreational facilities, parkland and open space, among other and related activities, the Commission is authorized and empowered to regulate the subdivision of all land in the County not within the corporate limits of any city or town.

**§ 2803. Land subdivision regulations**

In order to carry out the provisions of this chapter, the Commission shall adopt and administer regulations in accordance with the following procedures:

(a) Within one year from the enactment of this chapter, the Commission shall propose regulations pursuant to the purposes specified in this chapter, and shall hold at least one public meeting, notice of which shall have been given by publication at least 15 days before said meeting in a newspaper of general circulation in the County. Copies of the proposed regulations shall be available to the public without charge at a place or places stated in said notice. Within 120 days after said meeting, the Commission may adopt the regulations as proposed or may make any amendment, change or addition thereto, except that prior to the adoption thereof the same procedures shall be followed.

(b) Prior to the adoption by the Commission of any subsequent amendment, change or addition to said regulations, the same procedures shall be followed.

(c) No regulation adopted by the Commission shall become effective unless and until approved by Levy Court.

**§ 2804. Content of land subdivision regulations**

Any regulations adopted and approved under this chapter shall include, but not be limited to, the following provisions:

(a) Varying procedures for insuring the processing of land subdivision plans, within a reasonable period of time, relative to the number of lots or parcels and the extent of improvements required.

(b) Procedures for insuring that the arrangement of the lots or parcels of land or improvements thereon shall conform to the existing zoning at the time of recordation and that streets, or rights-of-way, bordering or within subdivided land shall be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, that adequate easements or rights-of-way shall be provided for drainage and utilities, that reservations of areas designed for their use as public grounds shall be of suitable size and location for their designated uses, that sufficient and suitable monuments shall be required, that land which is subject to constituting a menace to safety, health or general welfare shall be made safe for the purpose for which subdivided, and that adequate provision for water supply is made.

(c) Procedures for encouraging and promoting flexibility and ingenuity in the layout and design of subdivisions and land development, and for encouraging practices which are in accordance with contemporary and evolving principles of site planning and development.

#### **§ 2805. Issuance of building and occupancy permits**

(a) No building permit shall be issued for the erection of any building or for the construction of any improvement or structure on any part of any land which has been subdivided after the adoption of regulations under this chapter, and no street, right-of-way, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except pursuant to an approval received for the land subdivision in accordance with the regulations adopted under this chapter.

(b) No occupancy permit shall be issued for such building, improvement or structure, or land thereunder, except upon a determination of full compliance with the land subdivision approval.

#### **§ 2806. Selling before approval; penalty; civil suits**

(a) No street, sanitary sewer, storm sewer, water main, or other improvements shall be constructed, opened, or dedicated

for public use or for the common use of occupants of buildings abutting thereon, and no part of any land which has been subdivided after the adoption of regulations under this chapter, shall be sold, transferred or conveyed, except pursuant to an approval received for the land subdivision in accordance with the regulations adopted under this chapter.

(b) Whoever violates any provision of subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$200 or imprisoned not more than 30 days, or both. Each lot or parcel so transferred or sold and each improvement so constructed, opened or dedicated shall be deemed a separate violation, and each and every day during which such violation continues shall be deemed a separate violation. The Superior Court shall have exclusive jurisdiction of offenses under this section.

(c) The Levy Court or any owner of real estate affected by such violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or otherwise correct such violation.

#### **§ 2807. Recording unapproved plans; penalty**

(a) The Recorder of Deeds within the County shall not receive for filing any plan of land or any plan showing an arrangement of lots or parcels of lands, streets, easements, or rights-of-way that may be intentionally or otherwise, whether immediate or in the future, for the transfer, conveyance, or lease of subdivided lands, unless and until, in accordance with the regulations adopted under this chapter, said plan shall have been submitted to and approved by the Commission and by Levy Court and each such approval shall have been endorsed in writing on said plan by the Chairman or the Executive Director of the Commission and by the President of the Levy Court.

(b) Any plan received by the Recorder of Deeds for filing or recording without the approval of the Commission and Levy Court endorsed thereon, shall be null and void and without

legal effect and shall, upon application of the Commission or Levy Court, to the Superior Court, be expunged from the records of the Recorder of Deeds.

(c) Whoever causes any plan to be filed or recorded contrary to the provisions of this chapter shall be fined not less than \$100 and not more than \$500. The Superior Court shall have exclusive original jurisdiction of offenses under this section.

**§ 2808. Improvements private until dedicated**

The approval of a plan by the Commission and by Levy Court shall, when recorded, be deemed and taken as acceptance of the intended dedication of the streets, grounds or other improvements appearing thereon to the public use by the appropriate governmental body or agency. The approval of a plan shall not impose any duty or obligation upon Levy Court or any other public agency to improve, repair, or maintain the streets, grounds or other improvements appearing on the plan.

**§ 2809. Approved plan to be recorded**

The subdivider shall, within 120 days after the approval of a plan, record such plan in the office of the Recorder of Deeds. If such plan is not recorded within said time, the approval shall expire.

**§ 2810. Schedule of fees**

The Commission shall establish a uniform schedule of fees to be paid by the subdivider and to be proportioned to the cost of processing a subdivision submitted for review and approval of the Commission. No schedule established by the Commission shall become effective unless and until approved by Levy Court.

**§ 2811. Effect of approved plan on official map**

After a plan has been approved and recorded as provided under this chapter, all public streets and public grounds on

such plan shall be, and become, a part of the official map of the County without public hearing.

**§ 2812. Effect upon other laws**

All laws inconsistent herewith are hereby repealed to the extent of such inconsistency. The passage of this Act shall not invalidate any resolutions or regulations adopted under prior laws.

Approved May 4, 1965.

Note: This chapter has been codified as Chapter 29, Title 9, Delaware Code.



## CHAPTER 50

**AN ACT TO AMEND PART II, TITLE 16, DELAWARE CODE,  
BEING REGULATORY PROVISIONS CONCERNING  
PUBLIC HEALTH, TO PROVIDE FOR THE MANDA-  
TORY REPORTING BY PHYSICIANS AND INSTITU-  
TIONS OF CERTAIN PHYSICAL ABUSE OF CHILDREN,  
AND THE PENALTY FOR FAILURE TO MAKE SUCH  
REPORTS.**

*Be it enacted by the General Assembly of the State  
Delaware:*

Section 1. That Part II, Title 16, Delaware Code, entitled "Regulatory Provisions Concerning Public Health", be and the same is hereby amended by adding thereto the following new chapter:

**CHAPTER 10. MANDATORY REPORTING BY PHYSICIANS  
AND INSTITUTIONS OF CERTAIN PHYSICAL  
ABUSE OF CHILDREN**

**§ 1001. Purpose**

The purpose of this Chapter is to provide for the protection of children who have had physical injury inflicted upon them or who have been so severely neglected that their health is in jeopardy and who may be threatened by the conduct of those responsible for their care and protection.

**§ 1002. Reports by physicians and institutions**

Any physician, including any licensed doctor of medicine, licensed osteopathic physician, intern and resident, having reasonable and just cause to believe that a child under the age of eighteen (18) years brought to him or coming before him for examination, care or treatment has had serious physical injury or injuries inflicted upon him other than by accidental means by a parent or other person responsible for his care, shall report or cause reports to be made in accordance with the provisions of this Chapter; provided that when the attendance of a phy-

sician with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institution he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made in accordance with the provisions of this Chapter.

#### **§ 1003. Nature and content of report; to whom made**

A written report shall be made to the Family Court of the County where such child resides. Such report shall be made not later than three (3) days, Saturdays and Sundays excepted, after the discovery of the injury which is being reported. The report may be made in writing or by telephone, but a report by telephone shall be confirmed by a written report within one (1) week. Such report shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries (including any evidence of previous injuries), and any other information that the physician believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Upon receipt of such report, the Family Court may, in its discretion, refer the matter to a probation officer, any institution receiving state aid or any other welfare agency as any Judge of the Family Court directs.

#### **§ 1004. Immunity from liability**

Anyone participating in good faith in the making of a report pursuant to this Chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

#### **§ 1005. Evidence not privileged**

Neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report pursuant to this Chapter.

**§ 1006. Penalty for violations**

Anyone knowingly and willingly violating the provisions of this Chapter shall be subject to the penalties provided in Section 113, Title 16, Delaware Code.

Approved May 6, 1965.

## CHAPTER 51

**AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE BLIND FOR DIRECT PAYMENTS TO THE NEEDY BLIND OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. There is hereby appropriated to the Delaware Commission for the Blind the sum of Ten Thousand Dollars (\$10,000) for the fiscal year beginning July 1, 1964, and ending June 30, 1965, to be used as direct financial aid to the needy blind of the State of Delaware. Any funds not used for this specific purpose by June 30, 1965, shall revert to the General Fund of the State of Delaware.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved May 6, 1965.

## CHAPTER 52

AN ACT AMENDING CHAPTER 331, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE; APPROPRIATING MONEY FOR SAID PURPOSE; AUTHORIZING THE FINANCING OF SUCH ENLARGEMENT AND IMPROVEMENT BY THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE AND BY CONTRIBUTIONS FROM CERTAIN SCHOOL DISTRICTS, AND THE CITY OF WILMINGTON, DEFINING SCHOOL DISTRICTS; AUTHORIZING THE ISSUANCE OF BONDS OF CERTAIN SCHOOL DISTRICTS AND THE CITY OF WILMINGTON, FOR THE PURPOSE OF RAISING MONEY TO MAKE SUCH CONTRIBUTIONS; AND AUTHORIZING THE ACCEPTANCE OF FEDERAL FUNDS FOR BUILDING PURPOSES AND CREATING LOCAL SCHOOL BUILDING COMMISSIONS", BY AUTHORIZING THE LAUREL SPECIAL SCHOOL DISTRICT TO REPLACE A ROOF ON THE JUNIOR-SENIOR HIGH SCHOOL BUILDING.

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch concurring therein) :*

Section 1. Chapter 331, Volume 53, Laws of Delaware, is amended by adding a new section at the end thereof to read:

Section 39. The Laurel Special School District is authorized to expend from the sums made available to such District in Section 13 of this Act, the sum of \$16,000.00 for the purpose of replacing the roof on the Junior-Senior High School building together with the removal and replacement of rotted joists and sheathing, the replacement of flashings and other expenses necessary to a proper and thorough roof installation, including incidental expenses such as architect fees and advertising for bids, provided such work shall be completed by December 31, 1965 and further provided that any unused portion of the funds authorized to be expended by this Section shall revert in accordance with law on that date. The authorization provided in

this Section shall not be limited by or subject to the restrictions set forth in Sections 14, 16, 17, 18, and 19 of this Chapter.

Approved May 10, 1965.

## CHAPTER 53

**AN ACT TO AMEND CHAPTER 5 OF TITLE 1 OF THE DELAWARE CODE RELATING TO LEGAL HOLIDAYS.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Title 1 of the Delaware Code, is amended by striking Section 502 and inserting in lieu thereof the following:

**§ 502. Validity of acts, transactions, legal procedures, etc.**

(a) No contract made, instrument executed, or act done on any of the legal holidays designated in Section 501 of this Title shall be thereby rendered invalid, and nothing in that Section shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons, confession, judgment, order or decree, or other legal process whatever, or the proceedings of any court or judge on any of such holidays.

(b) Any bank or trust company may, at its option, either close or remain open for business on the legal holidays designated in Section 501 of this Title. As to any bank or trust company electing to remain open on any of such holidays, such day or days shall not constitute a holiday within the meaning of the provisions of the negotiable instrument law or any other law of this state and such bank or trust company shall incur no liability by reason of remaining open on such holiday. If any bank or trust company elects to close on any of such holidays, any act authorized, required or permitted to be performed at or by such bank or trust company may be performed on the next succeeding banking day (as the same is defined in Section 291 of Title 6) and no liability or loss of rights of any kind shall result from remaining closed notwithstanding the provisions of any law of this state to the contrary. The provisions of this Section shall not operate to invalidate or prohibit the doing on any of such holidays of any act by any person or bank or trust company, and nothing in any laws of this state shall, in any manner whatsoever, affect the validity or render void or voidable the payment, certification or acceptance of a check or any other

negotiable instrument or any other transaction by any person or bank or trust company, because done or performed during any of such holidays, notwithstanding the provisions of any other law of this state to the contrary.

(c) For the purpose of this Section, each branch or office of a bank shall be deemed a separate bank.

Approved May 11, 1965.



## CHAPTER 54

**AN ACT TO AMEND CHAPTER 9 OF TITLE 5 OF THE DELAWARE CODE RELATING TO REGULATIONS GOVERNING BUSINESS OF BANKS AND TRUST COMPANIES.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Title 5 of the Delaware Code, is amended by striking Section 925 and inserting in lieu thereof the following:

**§ 925. Collection, payment and dishonor of demand items; revocation of credit**

In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at or through the bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next banking day (as the same is defined in Section 291 of Title 6) after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the books of the receiving bank, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, non-payment or revocation; provided that such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next banking day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented, credit for which is revoked as authorized by this Section, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this Section, is entitled to the refund of, or credit for, the amount of the item.

For the purposes of this section: (1) an item received by a bank on a day other than its banking day, or received on a banking day after its regular banking hours or during after-

noon or evening periods when it has opened, reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next banking day; (2) the term "credit" includes payment, remittance, advice of credit, or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the making of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers; and (3) each branch or office of a bank shall be deemed a separate bank.

Approved May 11, 1965.

## CHAPTER 55

**AN ACT TO AMEND CHAPTER 1, TITLE 6, OF THE DELAWARE CODE, RELATING TO NEGOTIABLE INSTRUMENTS.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Section 172(2) of Title 6 of the Delaware Code, is amended by striking the semi-colon at the end thereof, inserting a comma in its place and adding the following:

except that, where payable at a bank, presentment must be made during its banking day.

Section 2. Title 6 of the Delaware Code, is amended by striking Section 185 thereof and inserting in lieu thereof the following:

**§ 185. Time of Maturity**

Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. When the day of maturity of an instrument falls on a holiday and the instrument is payable by or at a bank or branch or office thereof which is open for the transaction of business on such holiday, the holder of the instrument may at his option present the same for payment at said bank or branch or office thereof by or at which the same is payable on such holiday or on the next succeeding banking day. An instrument payable on demand is not to be presented for payment on a Sunday or holiday but is to be presented for payment on the next succeeding business day except that where such instrument is payable by or at a bank or any branch or office thereof which is open for the transaction of business on a holiday, the holder of such instrument may at his option present the same for payment at said bank or branch or office thereof on such holiday or the next succeeding banking day.

Section 3. Section 246 of Title 6 is amended by striking the last sentence as the same appears therein.

Section 4. Section 291 of Title 6 of the Delaware Code, is amended by adding thereto a new definition reading as follows:

“Banking day” means that part of any day, including legal holidays, on which a bank is open to the public for carrying on substantially all of its banking functions.

Section 5. Title 6 of the Delaware Code, is amended by striking Section 294 thereof and inserting the following:

**§ 294. Time, how computed; when the last day falls on holiday**

Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day; except that where such act is to be done by or at a bank, the act may be done on the next succeeding banking day.

Approved May 11, 1965.

CHAPTER 56

**AN ACT TO AMEND CHAPTER 86, TITLE 9, DELAWARE CODE, RELATING TO COLLECTION OF TAXES.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. § 8604, Chapter 86, Title 9, Delaware Code, is repealed and a new § 8604 is inserted in lieu thereof to read as follows:

**§ 8604. No abatement of taxes; penalty for late payment**

The Receiver of Taxes and County Treasurer of each county shall allow no abatement or discount upon any tax required to be collected by them, and shall after the thirtieth day of September in the year in which the tax duplicate shall be delivered to them, add to taxes to be paid thereafter a penalty of one percent per month until the same shall be paid.

Approved May 13, 1965.

## CHAPTER 57

**AN ACT TO AMEND CHAPTER 80, TITLE 9, DELAWARE CODE, RELATING TO COUNTY TAX RATE.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Subsection (b) of § 8002, Title 9, Delaware Code, is repealed and a new subsection (b) is inserted in lieu thereof to read as follows:

(b) The tax rate for Kent and Sussex Counties shall not exceed the sum of 50 cents on each \$100 of assessed valuation. The tax rate for New Castle County shall not exceed the sum of 55 cents on each \$100 of assessed valuation.

Approved May 13, 1965.

CHAPTER 58

**AN ACT TO REPEAL SECTION 4317, TITLE 9, DELAWARE CODE, ENTITLED "DEDUCTION ON ACCOUNT OF SOCIAL SECURITY PAYMENTS; DUTY TO REPORT PAYMENTS".**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Section 4317, Title 9, Delaware Code, is hereby repealed.

Approved May 13, 1965.

## CHAPTER 59

**AN ACT TO AMEND SECTION 4302, TITLE 9, DELAWARE CODE, RELATING TO THE DEFINITION OF COVERED EMPLOYEE UNDER THE PENSION FOR KENT COUNTY EMPLOYEES.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Section 4302, Title 9, Delaware Code, is amended by adding the words "unless the said employee is an elected official".

Approved May 13, 1965.



CHAPTER 60

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE  
CODE, RELATING TO STATE EMPLOYEES' PENSION  
PLAN.**

*Be it enacted by the General Assembly of the State  
Delaware:*

Section 1. § 5501, Title 29, Delaware Code, is amended by adding thereto the words "or elected official" after the words "covered employee means an employee" and before the words "who shall be in covered" as they appear in the second line of said section.

Section 2. § 5508, Title 29, Delaware Code, is amended by striking the last two sentences of the first paragraph.

Approved May 13, 1965.

CHAPTER 61

**AN ACT TO AMEND CHAPTER 51, TITLE 31, DELAWARE  
CODE RELATING TO THE YOUTH SERVICES COM-  
MISSION.**

*Be it enacted by the General Assembly of the State  
Delaware:*

Section 1. Section 5103 (a) Title 31, Delaware Code, is  
amended to read:

(a) The Commission shall be managed by 9 members who  
shall be appointed by the Governor.

Approved May 14, 1965.

CHAPTER 62

**AN ACT TO AMEND CHAPTER 67, TITLE 16, DELAWARE CODE, BY PROVIDING FOR POLICE DUTIES AT ALL FIRE COMPANY FUNCTIONS.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. § 6701, Chapter 67, Title 16, Delaware Code, is hereby amended by striking subsection (a) in its entirety and enacting in lieu thereof a new subsection (a) as follows:

(a) Any duly organized fire company or sub-station (outside the City of Wilmington) may provide for the appointment of three of its members to perform police duties at fires, fire drills and any emergencies or functions covered by the fire company for a term to be fixed by the fire company.

Approved May 14, 1965.

## CHAPTER 63

**AN ACT TO AMEND SECTION 6520, TITLE 29, DELAWARE CODE, RELATING TO ADVANCES TO STATE AGENCIES.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Section 6520, Title 29, Delaware Code, is hereby amended by striking the period at the end of subsection (a) and by inserting in lieu thereof the following:

for each of its departments or divisions for which specific appropriation has been set forth in the Budget Appropriation Act, or sums not exceeding a total of \$2,000.00 for the agency, whichever is the larger figure.

Approved May 14, 1965.

## CHAPTER 64

### **AN ACT TO AMEND SECTION 1708, TITLE 18, DELAWARE CODE BY INCREASING MAXIMUM BENEFITS AS TO AMOUNT AND DURATION PAYABLE BY ANY MUTUAL BENEFIT ASSOCIATION.**

*Be it enacted by the General Assembly of the State Delaware:*

Section 1. Chapter 17, Title 18, Delaware Code, is hereby amended by striking Section 1708 and inserting in lieu thereof a new Section 1708 to read as follows:

#### **§ 1708. Limitations on benefits**

No certificate of membership issued by any mutual benefit association shall provide for death benefits in excess of \$7,500, or sickness or accident disability benefits in excess of \$100 per week. No association shall issue more than one of each of the above type of certificate of membership to any one person.

Approved May 14, 1965.

## CHAPTER 65

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, PROVIDING FOR LICENSE FEES FOR REAL ESTATE BROKERS AND AGENTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2301, Title 30, Delaware Code, is amended by striking therefrom the paragraph commencing "Real estate agent" and inserting in lieu thereof the following:

Real estate broker, \$75. "Real estate broker" includes every person certified as such by the Delaware Real Estate Commission and engaged in the real estate business.

Real estate salesmen, \$20. "Real estate salesmen" includes every person certified as such by the Delaware Real Estate Commission and engaged in the real estate business.

Approved May 14, 1965.

CHAPTER 66

**AN ACT TO AMEND CHAPTER 43, TITLE 29, DELAWARE CODE, RELATING TO NOTARIES PUBLIC.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 43, Title 29, Delaware Code, is amended by adding thereto a new section to read:

**§ 4312. Commission; signature of Governor; seal**

(a) The Commission appointing a notary public shall be in such form as the Secretary of State shall designate; shall be executed with the signature of the Governor or with a facsimile signature of the Governor, which may be engraved, printed, or stamped thereon and shall be signed by the Secretary of State.

(b) The Commission shall have placed thereon the impression of the Great Seal of the State, or a facsimile of the Great Seal shall be engraved or printed thereon.

Approved May 14, 1965.

## CHAPTER 67

**AN ACT TO AMEND SECTION 4946 (c), TITLE 15, DELAWARE CODE, RELATING TO DISQUALIFICATION BECAUSE OF BRIBERY; DETERMINATION OF CHALLENGE IN ELECTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 4946 (c), Title 15, Delaware Code, is amended to read:

(c) In order to enable the election officers to carry into effect the provisions of this section, the Department of Elections of each county shall cause to be prepared not less than 15 blank forms of the oath or affirmation provided for in this section, and shall cause said oaths to be delivered to each Inspector in each of the election districts of his County at the time provided in Section 4515 of this Title.

Approved May 14, 1965.



## CHAPTER 68

### AN ACT TO AMEND TITLE 3, DELAWARE CODE, BY ADDING THERETO CHAPTER 16 RELATING TO GRAIN TESTING DEVICES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 3, Delaware Code, is hereby amended by adding thereto Chapter 16 as follows:

#### CHAPTER 16. GRAIN TESTING DEVICES

##### § 1601. Definitions

As used in this Act "Board" means the State Board of Agriculture. "Devices" means Grain Moisture Testing Devices.

##### § 1602. Registration and approval

(a) All grain moisture testing devices shall be registered with the Board on forms supplied by the Board. The devices used in buying grain shall be required to pass such inspections at any time as the Board may determine; provided, however, that such inspection shall be made at the dealer's place of business. Upon approval, they shall bear a seal of approval permitting their use.

(b) Devices not meeting approval of the Board shall be removed from service and repaired.

##### § 1603. Installation and operation

(a) The devices shall be installed in such a position that there are no vibrations of indicating dials. Devices with moving parts shall be properly oiled and all devices shall be kept relatively free of dust and dirt.

(b) The devices shall be operated according to the manufacturers instructions or by instructions issued by the Board.

**§ 1604. Licensed operator of devices; qualifications; fee; renewal of license**

Every person engaged in the business of buying grain shall have licensed operators of moisture testing devices. A licensed operator shall be required to furnish satisfactory evidence of good character and pass an examination conducted by the Board or its agents on the operation of the device. Upon approval and payment of a fee of \$2.00, the Board shall issue a license to the applicant for one calendar year. The license shall be renewed annually without further examination, if the duties have been performed satisfactorily and upon payment of the fee of \$2.00. The license shall be posted in full view of the public.

**§ 1605. Violations and penalties**

Whoever violates any of the provisions of this Act shall be fined not more than \$10.00 for the first violation and not less than \$25.00 nor more than \$100.00 for each subsequent violation.

**§ 1606. Enforcement; administrative rules and regulations**

The State Board of Agriculture may enforce the provisions of this Act and prescribe and enforce administrative rules, regulations, and definitions and standards which shall be in harmony with the provisions of this Act.

Approved May 14, 1965.

CHAPTER 69

**AN ACT TO AMEND SECTION 1912, TITLE 14, DELAWARE CODE, BY REQUIRING A REFERENDUM BEFORE IMPOSITION OF A SCHOOL CAPITATION TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1912, Title 14, Delaware Code, is hereby amended by striking out the period at the end thereof, and by enacting and inserting in lieu thereof the following:

”, provided that such school capitation tax is approved by the voters of the district in the same manner as required by this Chapter for the levy of taxes upon the assessed value of real estate.”

Section 2. Nothing contained herein shall affect the validity of any school capitation tax levied prior to the enactment of this Act and such school capitation tax may be continued at the same or a reduced rate without the approval of the voters, the provisions of this Act notwithstanding.

Approved May 14, 1965.

## CHAPTER 70

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, TO ESTABLISH THE PROCEDURE AND FORM FOR THE PRINTING OF BALLOTS FOR USE IN THE ANNUAL ELECTION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein:)*

Section 1. Section 7(b), Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section 7(b) and inserting in lieu thereof the following:

(b) The Commissioners shall cause to be printed sufficient ballots in order for each qualified voter of the City to vote at the annual election. Each such ballot shall be designated "Official Ballot" and shall contain the names of all candidates who have been nominated in accordance with the provisions of this Charter and are qualified to serve, designating the office for which each is a candidate and said ballots shall be delivered to the Election Board appointed pursuant to the provisions of this Charter. No ballots to be used for voting at the annual election shall be available for distribution to any person to the time of his or her actually presenting himself for the purpose of voting; provided, however, that the Election Board shall have available for distribution five (5) days prior to the date of the annual election sample ballots marked or defaced in such a manner that they cannot be used at the election. Only those ballots prepared in accordance with the provisions of this Section shall be used at the annual election.

Approved May 14, 1965.

## CHAPTER 71

**AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED BY TAXATION OF REAL ESTATE.**

*Be it enacted by the General Assembly of the State Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. Section 29 (a) 30, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking all of said Section 29 (a) 30 and inserting in lieu thereof the following:

Section 29 (a) 30. To levy and collect taxes for any and all municipal purposes upon all real estate within the City, except lands belonging to the City. Provided, however, that the amount to be raised from the taxation of real estate shall not exceed in any one year the sum of Four Hundred Seventy-five Thousand Dollars (\$475,000.00). There shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness, whether hereinbefore or hereafter incurred.

Approved May 14, 1965.

## CHAPTER 72

**AN ACT MAKING APPROPRIATIONS FROM THE CAPITAL INVESTMENT FUND TO THE STATE PARK COMMISSION TO CONSTRUCT A RECREATION AREA.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Seventy-Five Thousand Dollars (\$75,000.00) is hereby appropriated from the Capital Investment Fund to the State Park Commission for the purpose of constructing a recreation area on Holts Landing on Indian River, Baltimore Hundred, Sussex County, Delaware.

Section 2. The funds appropriated shall be used as follows:

Capital Improvement:

Reclaiming Land

Facilities and Land Improvements

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\$75,000.00

Section 3. Any of the monies appropriated herein which shall remain unexpended on June 30, 1967 shall revert to the Fund from which they are herein appropriated.

Approved May 18, 1965.

## CHAPTER 73

**AN ACT MAKING APPROPRIATIONS FROM THE GENERAL FUND TO THE STATE PARK COMMISSION TO MAINTAIN A RECREATION AREA.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Fifteen Thousand Dollars (\$15,000) is hereby appropriated from the General Fund of the State of Delaware, from funds not otherwise appropriated, to the State Park Commission for the purpose of providing maintenance, for a period of one year only, for a recreation area on Holts Landing on Indian River, Baltimore Hundred, Sussex County, Delaware.

Section 2. The funds appropriated shall be used as follows:

Operations:

Salaries and wages of employees	\$ 7,200.00
Contractual Services	2,800.00
Supplies and Materials	1,000.00
Capital Outlay	4,000.00
	<hr/>
	\$15,000.00

Section 3. Any of the monies appropriated herein which shall remain unexpended on June 30, 1967 shall revert to the Fund from which they are herein appropriated.

Approved May 18, 1965.

## CHAPTER 74

**AN ACT TO REPEAL SECTION 1730 AND SECTION 1731,  
TITLE 15, DELAWARE CODE, RELATING TO ISSU-  
ANCE OF VOTER IDENTIFICATION CARD AND THE  
DEFACING AND MISUSE OF VOTER IDENTIFICATION  
CARD.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 1730, Title 15, Delaware Code, is repealed.

Section 2. § 1731, Title 15, Delaware Code, is repealed.

Approved May 20, 1965.



## CHAPTER 75

### **AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE NEW CASTLE SPECIAL SCHOOL DISTRICT FOR THE INSTALLATION OF SIDEWALKS.**

WHEREAS, the sum of \$4,200.00 previously appropriated for sidewalks at the Castle Hills School in the New Castle Special School District had been left unspent; and

WHEREAS, it became necessary that this fund revert in accordance with certain legislation; and

WHEREAS, the amount of \$2,520 was deposited in the Bond Account of the State in 1963, and the balance in the amount of \$1,680 was returned to the local district and deposited in the Debt Service Account; and

**NOW THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$2,520 is hereby appropriated to the New Castle Special School District to be used for the installation of sidewalks at the Castle Hills School.

Section 2. The New Castle Special School District is authorized and directed to release the sum of \$1,680 from the Debt Service Account to be used for the installation of sidewalks at the Castle Hills School.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved May 20, 1965.

## CHAPTER 76

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DELAWARE STATE HOSPITAL FOR THE SUR-  
PLUS FOOD FOR NEEDY FAMILIES PROGRAM.**

WHEREAS, there has been an increase of approximately twenty per cent (20%) in the number of eligible persons receiving surplus food during the first six months of the current fiscal year over the corresponding period in the prior fiscal year; and

NOW THEREFORE:

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Seven Thousand Dollars (\$7,000) is appropriated to the Surplus Food for Needy Families Program of the Delaware State Hospital for the fiscal year beginning July 1, 1964 as follows:

Salaries	\$ 5,000.
Travel	100.
Contractual Services	1,600.
Capital Outlay	300.
<hr/>	
Total	\$ 7,000.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved May 20, 1965.

## CHAPTER 77

**AN ACT TO AMEND CHAPTER 25, PART II, TITLE 7, DELAWARE CODE, RELATING TO LOBSTERS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein):*

Section 1. § 2501, Chapter 25, Part II, Title 7, Delaware Code, is repealed.

Section 2. Chapter 25, Part II, Title 7, Delaware Code, is amended by inserting therein the following Sections to read as follows:

**§ 2501. Taking of lobsters; season; device used; limit**

(a) No person shall catch and take, or attempt to catch and take, lobster from the waters of this State in any manner whatsoever between the first day of September in each year and the last day of April thence next ensuing, or between the hours of two o'clock P. M. of every Saturday and twelve o'clock midnight of the Sunday next ensuing.

(b) No person shall catch and take or attempt to catch and take lobster from the waters aforesaid by means of any device other than a lobster pot or trap, or set; use or fish in said waters at one time more than 50 such lobster pots or traps, or to connect together by means of a trawl line or in any manner, or at any time, two or more of said lobster pots.

**§ 2502. Legal size limits; spawning lobsters; violations and penalty**

No person shall take in any manner whatsoever from the public waters of this State, including the waters of the Atlantic Ocean within three nautical miles of the coast line, or have in his possession any lobster measuring less than 3-1/8 inches measured from the rear end of the eye socket along a line parallel

to the center line of the body shell to the rear of the body shell, or any spawning lobster.

No person shall take, possess, sell, possess for sale, or offer for sale, any lobster measuring less than 3-1/8 inches as specified in this Section, whether caught within the jurisdictional limits of this State or otherwise.

Whoever violates the provisions of this Section, shall be fined not more than \$5 for each lobster taken, possessed, sold, possessed for sale or offered for sale, or imprisoned not more than 15 days for each such offense.

#### **§ 2503. Taking of lobsters by non-residents or aliens**

Lobsters of any kind shall not be taken, by any non-resident of this State or alien, from the waters of this State at any time or in any way.

#### **§ 2504. Violations and penalties**

Whoever violates any of the provisions of this Chapter, unless otherwise specifically provided shall be fined not less than \$20 and costs for each offense and failing to pay forthwith any such fine, together with the costs of prosecution, unless an appeal be taken, shall be imprisoned for not more than 30 days, unless the fine and costs are sooner paid. For any violation by an alien or non-resident of this State, the minimum fine for each offense shall be \$50, together with the costs of prosecution.

Approved May 20, 1965.

Note: The first 2 paragraphs of § 2502 have been codified as § 2502 (a) and (b), respectfully. The last paragraph of § 2502 has been codified as § 2504 (a), title 7, Delaware Code.

## CHAPTER 78

### AN ACT TO AMEND CHAPTER 17, TITLE 15, DELAWARE CODE, RELATING TO REGISTRATION PROCEDURE.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1741, Chapter 17, Title 15, Delaware Code, is repealed and a new § 1741 is inserted in lieu thereof to read as follows:

**§ 1741. Transfer of registration upon moving from one election district to another within a county; procedure; application**

(a) Any duly registered voter in this State who has moved to a new residence in the same County may apply for the transfer of his registration records to his new election district in the manner following:

(1) Such registered voter may apply in writing or in person on any regular business day, except between the third Saturday in October and Election Day in the year of a general election, to the Department of Elections for the County in which he resides, for an application form to be provided by the Department.

(2) Such registered voter may apply to the designated registration place in his new election district whenever registrations are therein being taken.

(b) Upon receipt of a duly signed application, the Department of Elections shall cause the signature thereon to be compared with the original registration records of the applicant and if such signature appears to be the same as the original, the change shall be noted on the original and duplicate registration records of the voter and the voter's records transferred to the proper book for the registered voter's new election district. If the Department is not satisfied that such signature appears to be the same as the original signature, the voter shall be noticed

to appear in the office of the Department to answer under oath such questions as may be deemed necessary. If the voter fails to appear as noticed, no such transfer shall be made. If it shall be determined that the applicant had not previously registered, his application shall be treated as an application for registration.

(c) If a person makes application for someone other than himself, he shall give the name and address of such registered voter for whom application is made and shall sign an appropriate form declaring that he is requesting that a transfer form be forwarded to the registered voter. It shall be the duty of the Department of Elections of the County in which the registrant resides to mail to him a form to be completed and returned to the Department. Upon receipt of the executed form, the signature thereon shall be compared with the original signature. If the Department is satisfied that the signature appears to be the same as the original signature, the Department shall make the change of address on all records, shall transfer the voter's records to the new district, and shall notify the registrant within ten days of the change. If the Department is not satisfied that such signature appears to be the same as the original signature, the voter shall be noticed to appear in the office of the Department to answer under oath such questions as may be deemed necessary. If the voter fails to appear as noticed, no such transfer shall be made.

Section 2. § 1742, Chapter 17, Title 15, Delaware Code, is repealed and a new § 1742 is inserted in lieu thereof to read as follows:

**§ 1742. Transfer of registration upon moving from one County to another; procedure; application.**

(a) If any person, having been previously registered in any election district in this State, shall by his removal therefrom have attained a legal residence, as required by the Constitution of this State, in any other County of this State, such person must register anew as a qualified voter in such other County. Such application for registration may be filed with the registration officers for the election district in which the person applying for registration shall then reside or with the

Department of Elections for the County in which the applicant shall then reside. Applications shall be made at such time or times as the registration officers or Department shall sit for the purpose of registration.

(b) Upon the receipt of such application for registration, the Department of Elections shall within three days thereafter mail a copy of the application to the Department for the County wherein the applicant formerly resided, and such Department, upon receipt of such application, shall cause the registration record of such applicant to be removed from the registration records for the election district in which he formerly resided and to be cancelled.

Section 3. § 1743, Chapter 17, Title 15, Delaware Code, is repealed.

Section 4. § 1751, Chapter 17, Title 15, Delaware Code, is repealed and a new § 1751 is inserted in lieu thereof to read as follows:

**§ 1751. Transfer and change of party designation; procedure**

A duly registered voter may apply in person or by written notice to the Department of Elections for the County in which he resides, at any time before the fourth Saturday of July in the year of a general election or to the registration officers in his election district on the fourth Saturday of July in the year of a general election, for application to change his party designation upon his registration record. The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and returned by mail or delivered to the office of the Department. An appropriately addressed envelope shall be supplied by the Department for return of the executed application. Upon receipt of the executed application, the Department shall cause the signature to be compared with the original registration record of such applicant, and if such signature appears to be the same, such change of affiliation shall be made on the original and duplicate records and the applicant shall be immediately notified by mail of the change so made. If the Department is not satisfied as to the signature on the applica-

tion, the applicant shall be noticed by mail to appear at the office of the Department to answer under oath such questions as may be deemed necessary. If he applicant fails to appear as noticed, no such change of affiliation shall be made. If the application is made to the registration officers, they shall forward the completed form of the applicant to the Department at the same time as they forward oher registration records at the close of registration, and the Department shall cause appropriate notations thereof to be made upon the applicant's original and duplicate permanent registration records and shall notify the Commissioner who shall make appropriate changes in his records.

Approved May 20, 1965.



## CHAPTER 79

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MILLSBORO" BEING CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, AS AMENDED BY PERMITTING THE COMMISSIONERS OF MILLSBORO RELATIVE TO THE POWER OF THE COMMISSIONERS TO BORROW MONEY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members elected to each House thereof concurring therein):*

Section 1. Chapter 203, Volume 25, Laws of Delaware, as amended, is hereby further amended by inserting a new Section to be known as Section 26A as follows:

Section 26A. The Commissioners of Millsboro shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of the Town of Millsboro, the sum or sums of, not exceeding at any one time the total amount of Fifty Thousand Dollars (\$50,000.00), with interest not to exceed Four per cent (4%) per annum on any unpaid principal balance to carry out any lawful purpose within the corporate powers of the Corporation. Said Commissioners may secure said sum or sums of money so borrowed by issuing promissory notes of the Town of Millsboro, duly authorized by resolution of the said Commissioners, and signed by the President of The Commissioners of Millsboro and attested by the Secretary, with the corporate seal of the Town affixed. No officer or Commissioner shall be personally liable for the payment of such notes because it is signed by them as officers of the Commissioners of Millsboro and is authorized by the resolution of The Commissioners; PROVIDED HOWEVER, that any sum of money borrowed on the faith and credit of The Commissioners of Millsboro, as aforesaid, shall be paid out of the general fund of The Commissioners of Millsboro at the minimum rate of Ten per cent (10%) per fiscal year and shall be completely paid at the end of Ten (10) fiscal years following the first fiscal year which said money was borrowed with interest thereon.

Approved May 20, 1965.

## CHAPTER 80

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO "EDUCATION" BY REDEFINING THE APPLICATION OF CHAPTER 14.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1403, Title 14, Delaware Code, is amended by denoting the present section as Subsection "a".

Section 2. Section 1403, Title 14, Delaware Code, is amended by adding a new subsection after Subsection (a) thereof to be known as Subsection (b) to read as follows:

"(b) If a teacher holding a temporary certificate who has been in the employ of the terminating board for 10 consecutive years immediately preceding any action commenced under this Chapter, the provisions of Sections 1410, 1411, 1412, 1413 and 1414 of this Title shall apply. This Subsection shall not apply after June 30, 1975."

Approved May 20, 1965.

## CHAPTER 81

**AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF  
\$122,707,827.00 FOR THE EXPENSE OF THE STATE  
GOVERNMENT FOR THE FISCAL YEAR ENDING  
JUNE 30, 1966.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The several amounts named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the agencies named herein, are appropriated and authorized to be paid out of the Treasury of this State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the limitations of this Act and to the provisions of Part VI, Title 29, Delaware Code, as amended or qualified by this Act. All parts or portions of the several sums appropriated by this Act which, on the first day of July, 1966, shall not have been paid out of the State Treasury, shall revert to the General Funds; provided, however, that no funds shall revert which are encumbered pursuant to Section 6521, Title 29, Delaware Code.

The several amounts hereby appropriated are as follows:

AGENCIES	Year Ending June 30, 1966
<b>LEGISLATIVE AND ELECTIONS</b>	
GENERAL ASSEMBLY	
Salaries—House Members .....	157,500.00
Salaries—Senate Members .....	81,000.00
Total.....	238,500.00
<b>LEGISLATIVE REFERENCE BUREAU</b>	
Salary of Director .....	7,600.00
Wages and Salaries of Employees .....	9,000.00
Travel .....	500.00
Contractual Services .....	1,400.00

Supplies and Materials .....	500.00
Capital Outlay .....	1,300.00
Total.....	20,300.00
COMMISSION ON MODERNIZATION OF STATE LAWS	
Travel .....	100.00
Contractual Services .....	100.00
Total.....	200.00
DELAWARE CODE REVISION COMMISSION	
Salaries of Commissioners .....	4,800.00
Total.....	4,800.00
DELAWARE COMMISSION ON INTERSTATE COOPERATION	
Travel	
Legislative Travel Only .....	7,500.00
Other Travel .....	1,000.00
Contractual Services	
Delaware River Basin Advisory Committee	19,500.00
For the purpose of Northeast Regional Conference .....	500.00
Other Contractual Services .....	4,800.00
Total.....	33,300.00
STATE ELECTION COMMISSIONER	
Wages and Salaries of Employees .....	14,500.00
Contractual Services .....	7,500.00
Supplies and Materials .....	3,500.00
Total.....	25,500.00
NEW CASTLE COUNTY DEPARTMENT OF ELECTIONS	
Salaries of Board Members .....	15,500.00
Salaries of Extra Employees .....	5,000.00

Wages and Salaries of Employees .....	57,700.00
Personal Services .....	6,000.00
Travel .....	600.00
Contractual Services .....	20,000.00
Supplies and Materials .....	2,500.00
Capital Outlay .....	800.00
<b>Total.....</b>	<b>108,100.00</b>

## KENT COUNTY

## DEPARTMENT OF ELECTIONS

Salaries of Board Members .....	8,500.00
Wages and Salaries of Employees .....	8,500.00
Travel .....	100.00
Contractual Services .....	1,628.00
Supplies and Materials .....	200.00
Capital Outlay .....	100.00
<b>Total.....</b>	<b>19,028.00</b>

## SUSSEX COUNTY

## DEPARTMENT OF ELECTIONS

Salaries of Board Members .....	8,500.00
Wages and Salaries of Employees .....	16,100.00
Redistricting expense (Subject to approval of the Budget Commission) .....	5,000.00
Personal Services .....	1,680.00
Travel .....	250.00
Contractual Services .....	5,185.00
Supplies and Materials .....	900.00
Capital Outlay .....	285.00
<b>Total.....</b>	<b>37,900.00</b>

**TOTAL LEGISLATIVE AND ELECTIONS      487,628.00**

## EXECUTIVE AND FINANCIAL

## GOVERNOR

Salary of Governor .....	25,000.00
Wages and Salaries of Employees .....	60,200.00

## Travel

Governor's Conference .....	750.00
Other Travel .....	7,250.00
Contractual Services .....	4,300.00
Supplies and Materials .....	1,700.00
Capital Outlay .....	1,000.00
Contingent Expense .....	4,000.00

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Total..... 104,200.00

## LIEUTENANT GOVERNOR

Salary of Lieutenant Governor .....	4,500.00
Wages and Salaries of Employees .....	3,000.00
Travel	
Other than Legislative .....	1,200.00
Supplies .....	100.00

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Total..... 8,800.00

## SECRETARY OF STATE

Salary of Secretary of State .....	11,000.00
Salary of Assistant Secretary of State .....	8,000.00
Wages and Salaries of Employees .....	127,150.00
Travel .....	3,000.00
Contractual Service	
Magistrate Bonds .....	400.00
Printing and Binding Session Laws .....	30,000.00
Dissolution Account .....	10,000.00
Other Contractual Services .....	18,400.00
Supplies and Materials	
Departmental Supplies .....	54,400.00
Other Supplies and Materials .....	600.00
Capital Outlay .....	750.00

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Total..... 263,700.00

## STATE TREASURER

Salary of Treasurer .....	9,000.00
Salary of Deputy Treasurer .....	8,000.00
Wages and Salaries of Employees .....	64,000.00
Travel .....	800.00

Contractual Services	
I. B. M. Accounting Machine Cont. ....	8,000.00
Other Contractual Services .....	36,800.00
Supplies and Materials .....	2,100.00
Capital Outlay .....	500.00
Lost and Outdated Checks .....	2,500.00
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Total.....	131,700.00
BUDGET DIRECTOR	
Salary of Budget Director .....	14,300.00
Salary of Deputy Budget Director .....	10,500.00
Wages and Salaries of Employees .....	137,200.00
Personal Services .....	15,000.00
Travel .....	1,800.00
Contractual Services .....	62,100.00
Supplies and Materials .....	10,000.00
Capital Outlay .....	4,000.00
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Total.....	254,900.00
AUDITOR OF ACCOUNTS	
Salary of Auditor .....	9,000.00
Salary of Deputy Auditor .....	8,000.00
Wages and Salaries of Employees .....	81,620.00
Personal Services .....	35,000.00
Travel.....	
Mileage within State .....	2,000.00
Common Carrier, Meals and Lodging .....	400.00
Contractual Services .....	2,775.00
Supplies and Materials .....	3,850.00
Capital Outlay .....	4,200.00
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Total.....	146,845.00
BOND ISSUING OFFICERS	
Expense of Issuing Bonds .....	30,000.00
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Total.....	30,000.00
STATE TAX DEPARTMENT	
Salaries of Board Members .....	3,000.00
Salary of Commissioner .....	11,000.00

Salary of Deputy Tax Commissioner .....	8,000.00
Salary of Social Security Officer .....	7,200.00
Wages and Salaries of Employees .....	656,000.00
Travel	
Social Security Division .....	900.00
Other Travel	
Mileage within State .....	3,600.00
Common Carrier, Meals and Lodging...	1,000.00
Contractual Services	
Social Security Division .....	400.00
Other Contractual Services .....	126,000.00
Supplies and Materials	
Social Security Division .....	700.00
Other Supplies and Materials .....	19,100.00
Capital Outlay	
Social Security Division .....	500.00
Other Capital Outlay .....	3,700.00
Income Tax Adm. Account (Section 1195, Title 30, Delaware Code) .....	25,000.00
<b>Total.....</b>	<b>866,100.00</b>

## REVENUE COLLECTOR

Salary of Revenue Collector .....	2,500.00
Travel .....	425.00
Supplies and Materials .....	75.00
<b>Total.....</b>	<b>3,000.00</b>

## DELAWARE STATE

## DEVELOPMENT DEPARTMENT

Salary of Director .....	8,000.00
Wages and Salaries of Employees .....	31,000.00
Personal Services .....	500.00
Travel	
Mileage within State .....	3,500.00
Common Carrier, Meals and Lodging .....	2,500.00
Contractual Services .....	29,200.00
Supplies and Materials .....	8,000.00
Capital Outlay .....	1,000.00
<b>Total.....</b>	<b>83,700.00</b>



## STATE PLANNING OFFICE

Salary of Director .....	16,800.00
Wages and Salaries of Employees .....	70,000.00
Travel	
State Planning Council .....	500.00
Other Travel .....	3,500.00
Contractual Services .....	27,000.00
Supplies and Materials	
State Planning Council .....	250.00
Other Supplies and Materials .....	5,000.00
Capital Outlay .....	5,000.00
Total.....	127,550.00

TOTAL EXECUTIVE AND FINANCIAL .... 2,020,495.00

## JUDICIAL AND LEGAL

## SUPREME COURT

Salary of Chief Justice .....	22,500.00
Salary of Associate Justices .....	44,000.00
Wages and Salaries of Employees .....	30,000.00
Travel .....	2,000.00
Cantractual Services .....	8,150.00
Supplies and Materials .....	3,850.00
Capital Outlay .....	3,000.00
Total .....	113,500.00

## COURT OF CHANCERY

Salary of Chancellor .....	20,500.00
Salaries of Vice-Chancellors .....	40,000.00
Chancellor for Reporting .....	200.00
Wages and Salaries of Employees .....	41,600.00
Travel .....	2,300.00
Contractual Services	
Chancellor's Report .....	5,750.00
Other Contractual Services .....	1,250.00
Supplies and Materials .....	2,400.00
Capital Outlay .....	1,200.00
Total.....	115,200.00

## SUPERIOR COURT

Salary of President Judge .....	20,500.00
Salaries of Associate Judges .....	120,000.00
Kent Res. Judge for Reporting .....	200.00
Wages and Salaries of Employees .....	114,000.00
Personal Services .....	700.00
Travel .....	8,000.00
Contractual Services	
Judge's Report .....	5,750.00
Other Contractual Services .....	2,000.00
Supplies and Materials .....	4,500.00
Capital Outlay .....	2,500.00
Total.....	278,150.00

## COMMON PLEAS COURT

## KENT COUNTY

Salary of Judge .....	17,500.00
Total.....	17,500.00

## COMMON PLEAS COURT

## SUSSEX COUNTY

Salary of Judge .....	17,500.00
Total.....	17,500.00

## FAMILY COURT FOR

## NEW CASTLE COUNTY

Salaries of Judges .....	52,500.00
Salary of Director .....	10,500.00
Wages and Salaries of Employees .....	250,000.00
Personal Services	
Masters .....	1,000.00
Travel .....	1,000.00
Contractual Services .....	3,500.00
Supplies and Materials .....	2,150.00
Capital Outlay .....	1,000.00
Total.....	321,650.00

FAMILY COURT FOR  
KENT AND SUSSEX COUNTY

Salaries of Judges .....	35,000.00
Wages and Salaries of Employees .....	90,000.00
Total.....	125,000.00

NEW CASTLE COUNTY LAW LIBRARY

Wages and Salaries of Employees .....	4,200.00
Contractual Services .....	1,550.00
Supplies and Materials .....	50.00
Capital Outlay .....	8,000.00
Total.....	13,800.00

STATE LAW LIBRARY IN KENT COUNTY

Wages and Salaries of Employees .....	6,400.00
Contractual Services .....	1,800.00
Supplies and Materials .....	150.00
Capital Outlay .....	7,000.00
Total.....	15,350.00

SUSSEX COUNTY LAW LIBRARY

Wages and Salaries of Employees .....	400.00
Contractual Services .....	750.00
Supplies and Materials .....	25.00
Capital Outlay .....	5,000.00
Total.....	6,175.00

ATTORNEY GENERAL

Salary of Attorney General .....	11,000.00
Salary of Administrative Assistant .....	12,000.00
Salary of Chief Deputy .....	8,500.00
Salaries of County Deputies (3) .....	22,500.00
Salaries of County Assistant Deputies (5) .....	35,000.00
Salaries of Tax Deputies (2) .....	14,000.00
Salaries of State Detectives (3) .....	10,500.00
Salaries and Wages of Employees .....	54,000.00
Personal Services .....	1,800.00

Travel .....	5,000.00
Contractual Services .....	13,000.00
Supplies and Materials .....	6,700.00
Capital Outlay .....	4,300.00
Total.....	198,300.00

## BOARD OF POST MORTEM EXAMINERS

Salary of Medical Examiner .....	18,500.00
Salaries of Assistant Medical Examiners (2).....	13,100.00
Salary of Administrative Assistant .....	6,300.00
Wages and Salaries of Employees .....	13,000.00
Personal Services .....	9,400.00
Travel	
Mileage within State .....	1,500.00
Common Carrier, Meals and Lodging .....	500.00
Contractual Services .....	4,500.00
Supplies and Materials .....	2,500.00
Capital Outlay .....	8,500.00
Total.....	77,800.00

## PUBLIC DEFENDER

Salary of Public Defender .....	10,000.00
Wages and Salaries of Employees .....	28,000.00
Personal Services	
Lawyers .....	30,000.00
Court Reporters .....	3,000.00
Travel .....	1,000.00
Contractual Services .....	5,300.00
Supplies and Materials .....	2,000.00
Capital Outlay .....	3,000.00
Total.....	82,300.00

## COUNCIL ON ADMINISTRATION OF JUSTICE

Travel .....	200.00
Contractual Services .....	300.00
Total.....	500.00

## CHIEF JUSTICE—

## SUPERVISION OF JUSTICE OF PEACE

Salary of Deputy Administrator .....	15,00.00
Wages and Salaries of Employees .....	3,900.00
Travel .....	1,000.00
Contractual Services .....	2,800.00
Supplies and Materials .....	500.00
Total.....	23,200.00

TOTAL JUDICIAL AND LEGAL ..... 1,405,925.00

## PROFESSIONAL AND OCCUPATIONAL BOARDS

## STATE BOARD OF ACCOUNTANCY

Salaries of Board Members .....	500.00
Wages and Salaries of Employees .....	1,300.00
Travel .....	500.00
Contractual Services .....	2,030.00
Supplies and Materials .....	155.00
Total.....	4,485.00

## BOARD OF EXAMINERS

## AND REGISTRATION OF ARCHITECTS

Wages and Salaries of Employees .....	1,800.00
Travel .....	250.00
Contractual Services .....	700.00
Supplies and Materials .....	100.00
Capital Outlay .....	50.00
Total.....	2,900.00

## STATE BOARD OF BARBER EXAMINERS

Salaries of Board Members .....	700.00
Salary of Secretary .....	200.00
Travel .....	300.00
Contractual Services .....	400.00
Supplies and Material .....	85.00
Total.....	1,685.00

## BOARD OF CHIROPODY EXAMINERS

Salaries of Board Members .....	160.00
Travel .....	30.00
Contractual Services .....	95.00
Supplies and Materials .....	65.00
Total.....	350.00

STATE BOARD OF CHIROPRACTIC  
EXAMINERS

Salaries of Board Members .....	150.00
Travel .....	50.00
Contractual Services .....	55.00
Supplies and Materials .....	45.00
Total.....	300.00

## BOARD OF COSMETOLOGY

Salaries of Board Members .....	1,500.00
Salary of Secretary .....	2,300.00
Personal Services .....	800.00
Travel .....	900.00
Contractual Services .....	1,200.00
Supplies and Materials .....	450.00
Capital Outlay .....	220.00
Total.....	7,370.00

## STATE BOARD OF DENTAL EXAMINERS

Salaries of Board Members .....	540.00
Wages and Salaries of Employees .....	300.00
Travel .....	300.00
Contractual Services .....	280.00
Supplies and Materials .....	80.00
Total.....	1,500.00

STATE BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS

Salary of Secretary .....	4,100.00
Wages and Salaries of Employees .....	400.00

Personal Services .....	300.00
Travel .....	1,200.00
Contractual Services .....	4,005.00
Supplies and Materials .....	750.00
Capital Outlay .....	400.00
<b>Total.....</b>	<b>11,155.00</b>

## MEDICAL COUNCIL OF DELAWARE

Salaries of Board Members .....	2,500.00
Wages and Salaries of Employees .....	6,000.00
Personal Services .....	100.00
Travel .....	2,200.00
Contractual Services .....	850.00
Supplies and Materials .....	1,050.00
<b>Total.....</b>	<b>12,700.00</b>

## DELAWARE BOARD OF NURSING

Salaries of Board Members .....	600.00
Salary of Secretary .....	6,300.00
Wages and Salaries of Employees .....	3,800.00
Personal Services	
Hearing Contingency .....	500.00
Travel .....	800.00
Contractual Services .....	3,750.00
Supplies and Materials .....	200.00
Capital Outlay .....	100.00
<b>Total.....</b>	<b>16,050.00</b>

STATE BOARD OF EXAMINERS  
IN OPTOMETRY

Salaries of Board Members .....	105.00
Travel .....	75.00
Contractual Services .....	45.00
<b>Total.....</b>	<b>225.00</b>

## STATE BOARD OF PHARMACY

Salaries of Board Members .....	1,500.00
Personal Services .....	2,500.00

Travel .....	2,000.00
Contractual Services .....	900.00
Supplies and Materials .....	150.00
Capital Outlay .....	50.00
Total.....	7,100.00

STATE EXAMINING BOARD  
OF PHYSICAL THERAPISTS

Contractual Services .....	77.00
Supplies and Materials .....	10.00
Total.....	87.00

STATE BOARD OF EXAMINERS  
OF PSYCHOLOGISTS

Personal Services .....	50.00
Travel .....	100.00
Contractual Services .....	225.00
Supplies and Materials .....	75.00
Capital Outlay .....	50.00
Total.....	500.00

DELAWARE REAL ESTATE COMMISSION

Salaries of Board Members .....	1,080.00
Wages and Salaries of Employees .....	2,000.00
Travel .....	100.00
Contractual Services .....	767.00
Supplies and Materials .....	253.00
Capital Outlay .....	200.00
Total.....	4,400.00

STATE BOARD OF EXAMINERS  
OF UNDERTAKERS

Salaries of Board Members .....	160.00
Wages and Salaries of Employees .....	240.00
Contractual Services .....	200.00
Supplies and Materials .....	100.00
Total.....	700.00



## STATE BOARD OF VETERINARY EXAMINERS

Wages and Salaries of Employees .....	150.00
Personal Services .....	25.00
Travel .....	25.00
Total.....	200.00

## TOTAL PROFESSIONAL AND OCCUPATIONAL BOARDS .....

71,707.00

## REGULATORY BOARDS AND AGENCIES

## ALCOHOLIC BEVERAGE CONTROL COMMISSION

Salaries of Board Members .....	3,000.00
Salary of Secretary .....	9,000.00
Wages and Salaries of Employees .....	100,000.00
Professional Services	
Lawyers .....	5,000.00
Court Reporters .....	3,000.00
Travel .....	7,000.00
Contractual Services .....	14,275.00
Supplies and Materials .....	3,800.00
Capital Outlay .....	4,000.00
Total.....	149,075.00

## STATE ATHLETIC COMMISSION

Salaries of Board Members .....	900.00
Wages and Salaries of Employees .....	150.00
Travel .....	65.00
Contractual Services .....	35.00
Total.....	1,150.00

## STATE BANK COMMISSION

Salaries of Board Members .....	240.00
Salary of Bank Commissioner .....	12,500.00
Wages and Salaries of Employees .....	43,300.00
Personal Services .....	250.00
Travel	
Mileage within State .....	2,100.00
Common Carrier, Meals and Lodging .....	1,000.00

Contractual Services .....	2,300.00
Supplies and Materials .....	900.00
Capital Outlay .....	1,000.00
Total.....	63,590.00

## BINGO CONTROL COMMISSION

Salaries of Board Members .....	1,500.00
Wages and Salaries of Employees .....	10,200.00
Travel .....	3,300.00
Contractual Services .....	500.00
Supplies and Materials .....	100.00
Total.....	15,600.00

## BOARD OF BOILER RULES

Salary of Chief Inspector .....	6,800.00
Wages and Salaries of Employees .....	17,000.00
Travel .....	3,300.00
Contractual Services .....	2,500.00
Supplies and Materials .....	750.00
Capital Outlay .....	300.00
Total.....	30,650.00

## STATE FIRE PREVENTION COMMISSION—

## OFFICE OF STATE FIRE MARSHAL

Salary of Fire Marshal .....	6,000.00
Salaries of Deputies Marshals (3) .....	15,000.00
Wages and Salaries of Employees .....	6,800.00
Personal Services .....	100.00
Travel	
Mileage within State .....	250.00
Common Carrier, Meals and Lodging .....	500.00
Contractual Services .....	3,600.00
Supplies and Materials .....	5,200.00
Capital Outlay .....	3,500.00
Fire Prevention Conference .....	750.00
Total.....	41,700.00

STATE FIRE PREVENTION COMMISSION—  
DELAWARE STATE FIRE SCHOOL

Salary of Director .....	6,000.00
Wages and Salaries of Employees .....	5,000.00
Personal Services .....	2,000.00
Travel .....	5,700.00
Contractual Services .....	3,900.00
Supplies and Materials .....	2,500.00
Capital Outlay .....	4,800.00
Total.....	29,900.00

STATE HUMAN RELATIONS COMMISSION

Salary of Executive Commission .....	3,600.00
Wages and Salaries of Employees .....	3,000.00
Personal Services .....	1,000.00
Travel	
Mileage within State .....	800.00
Common Carrier, Meals and Lodging .....	200.00
Contractual Services .....	3,000.00
Supplies and Materials .....	600.00
Capital Outlay .....	400.00
Total.....	12,600.00

STATE INSURANCE COMMISSIONER

Salary of Commissioner .....	9,000.00
Salary of Deputy .....	8,000.00
Salary of Actuary .....	3,500.00
Salary of Rating Analyst .....	7,500.00
Wages and Salaries of Employees .....	28,500.00
Personal Services .....	3,000.00
Travel	
Mileage within State .....	1,600.00
Common Carrier, Meals and Lodging .....	1,000.00
Contractual Services	
Insurance Premiums .....	245,000.00
Other Contractual Services .....	6,300.00
Supplies and Materials .....	1,200.00
Capital Outlay .....	1,000.00
Total.....	315,600.00

## PUBLIC SERVICE COMMISSION

Salaries of Board Members .....	13,500.00
Wages and Salaries of Employees .....	39,900.00
Personal Services	
Lawyer .....	7,200.00
Accountant .....	4,000.00
Court Reporter .....	3,000.00
Travel	
Mileage within State .....	1,200.00
Common Carrier, Meals and Lodging .....	2,000.00
Contractual Services .....	5,000.00
Supplies and Materials .....	3,200.00
Capital Outlay .....	2,600.00
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Total.....	81,600.00

## DELAWARE HARNESS RACING COMMISSION

Salaries of Board Members .....	3.00
Salary of Executive Secretary .....	6,000.00
Wages and Salaries of Employees .....	3,600.00
Travel .....	5,000.00
Contractual Services .....	3,500.00
Supplies and Materials .....	750.00
Capital Outlay .....	1,000.00
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Total.....	19,853.00

## DELAWARE RACING COMMISSION

Salaries of Board Members .....	4.00
Wages and Salaries of Employees .....	2,400.00
Travel .....	800.00
Contractual Services .....	2,896.00
Supplies and Materials .....	50.00
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Total.....	6,150.00

TOTAL REGULATORY BOARDS AND  
AGENCIES .....

767,468.00

## DEFENSE

## DELAWARE NATIONAL GUARD

Salary of Adjutant General .....	11,000.00
Wages and Salaries of Employees .....	65,500.00
Travel	
Mileage within State .....	1,700.00
Common Carrier, Meals and Lodging .....	2,600.00
Contractual Services .....	92,000.00
Supplies and Materials	
Uniform Allowances—Officers .....	24,000.00
Other Supplies and Materials .....	24,000.00
Capital Outlay .....	10,000.00
Unit Fund Allowance .....	15,000.00
Total.....	245,800.00

## DEPARTMENT OF CIVIL DEFENSE

Salary of Director (Total \$9,000.00 — State \$4,500.0, Other Sources \$4,500.00) .....	4,500.00
Wages and Salaries of Employees .....	27,000.00
Personal Services .....	500.00
Travel	
Mileage within State .....	100.00
Common Carrier, Meals and Lodging .....	800.00
Contractual Services .....	7,000.00
Supplies and Materials .....	4,000.00
Capital Outlay .....	9,000.00
Total.....	52,900.00

TOTAL DEFENSE ..... 298,700.00

## LABOR

STATE DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS

Salary of Executive Secretary .....	8,000.00
Salary of Chief Safety Inspector .....	7,000.00
Salary of Static and Prevailing Wage .....	7,000.00
Salary of FEP Inspector .....	7,000.00
Salaries of Inspectors (3) .....	15,600.00

Wages and Salaries of Employees .....	23,400.00
Travel	
Mileage within State .....	2,500.00
Common Carrier, Meals and Lodging .....	2,000.00
Contractual Services .....	12,770.00
Supplies and Materials .....	2,400.00
Capital Outlay .....	1,800.00
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Total.....	89,470.00

APPRENTICESHIP AND TRAINING  
COUNCIL

Salaries of Board Members .....	1,440.00
Salary of Director .....	6,800.00
Wages and Salaries of Employees .....	3,500.00
Travel .....	500.00
Contractual Services .....	460.00
Supplies and Materials .....	200.00
Capital Outlay .....	300.00
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Total.....	13,200.00

INDUSTRIAL ACCIDENT BOARD

Salaries of Board Members .....	15,000.00
Salary of Secretary .....	6,000.00
Wages and Salaries of Employees .....	10,600.00
Personal Services	
Legal Fees .....	4,500.00
Court Reporting .....	5,000.00
Travel	
Mileage within State .....	2,100.00
Common Carrier, Meals and Lodging .....	300.00
Contractual Services .....	4,500.00
Supplies and Materials .....	1,300.00
Capital Outlay .....	300.00
	<hr/>

Total.....	49,600.00
TOTAL LABOR .....	152,270.00

## CULTURAL, HISTORIC AND RECREATIONAL

## PUBLIC ARCHIVES COMMISSION

Salary of Archivist .....	10,000.00
Wages and Salaries of Employees .....	72,400.00
Travel .....	1,000.00
Contractual Services .....	4,790.00
Supplies and Materials .....	7,000.00
Capital Outlay	
Historic Markers .....	1,000.00
Other Capital Outlay .....	4,800.00
Total.....	100,990.00

## STATE MUSEUM

Wages and Salaries of Employees .....	27,150.00
Personal Services .....	500.00
Travel .....	300.00
Contractual Services .....	1,650.00
Supplies and Materials .....	1,150.00
Capital Outlay .....	3,000.00
Total.....	33,750.00

## JOHN DICKINSON MANSION

Wages and Salaries of Employees .....	15,000.00
Contractual Services .....	1,150.00
Supplies and Materials .....	600.00
Capital Outlay .....	1,100.00
Total.....	17,850.00

## FORT CHRISTINA MONUMENT

Wages and Salaries of Employees .....	6,800.00
Contractual Services .....	3,240.00
Supplies and Materials .....	400.00
Total.....	10,440.00

## OLD SUSSEX COUNTY COURTHOUSE

Contractual Services .....	600.00
Total.....	600.00

## PORTRAIT COMMISSION

Travel .....	25.00
Contractual Services .....	155.00
Supplies and Materials .....	20.00
Capital Outlay .....	800.00
Total.....	1,000.00

## LEWES MEMORIAL COMMISSION

Wages and Salaries of Employees .....	8,700.00
Travel .....	100.00
Contractual Services .....	1,300.00
Supplies and Materials .....	300.00
Capital Outlay .....	300.00
Total.....	10,700.00

## NEW CASTLE HISTORIC BUILDINGS COMMISSION

Wages and Salaries of Employees .....	6,500.00
Contractual Services .....	3,000.00
Supplies and Materials .....	500.00
Capital Outlay .....	500.00
Total.....	10,500.00

## DELAWARE DAY COMMISSION

Contractual Services .....	450.00
Total.....	450.00

## DELAWARE ARCHAEOLOGICAL BOARD

Salary of Archaeologist .....	7,500.00
Wages and Salaries of Employees .....	6,600.00
Travel .....	400.00
Contractual Services .....	3,275.00
Supplies and Materials .....	600.00
Capital Outlay .....	1,700.00
Total.....	20,075.00



## LIBRARY COMMISSION

## FOR THE STATE OF DELAWARE

Salary of Librarian (Total \$9,000.00—State \$8,000.00—Other \$1,000.00) .....	8,000.00
Wages and Salaries of Employees .....	44,000.00
Travel .....	400.00
Contractual Services .....	1,290.00
Supplies and Materials .....	1,900.00
Capital Outlay .....	4,000.00
Total.....	59,590.00

## STATE PARK COMMISSION

Salary of Director .....	7,800.00
Salary of Superintendent—Trap Pond .....	5,000.00
Salary of Superintendent—Lums Pond .....	4,500.00
Salary of Superintendent—Fort Delaware .....	4,500.00
Salary of Superintendent—Brandywine Springs .....	4,500.00
Wages and Salaries of Employees.....	35,500.00
Travel .....	400.00
Contractual Services .....	17,650.00
Supplies and Materials .....	8,100.00
Capital Outlay .....	10,200.00
Total.....	98,150.00

## CAPE HENLOPEN STATE PARK—

## STATE PARK COMMISSION

Salary of Superintendent.....	7,000.00
Wages and Salaries of Employees .....	38,000.00
Personal Services .....	1,200.00
Travel .....	300.00
Contractual Services .....	20,000.00
Supplies and Materials .....	10,000.00
Capital Outlay .....	38,000.00
Total.....	114,500.00

TOTAL CULTURAL, HISTORIC AND RECREATIONAL .....	478,595.00
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## STATE PROPERTIES

## CUSTODIAN

Salaries of Custodian .....	9,000.00
Wages and Salaries of Employees .....	206,400.00
Contractual Services .....	130,000.00
Supplies and Materials .....	34,000.00
Capital Outlay .....	6,000.00
Total.....	385,400.00

TOTAL STATE PROPERTIES ..... 385,400.00

## HEALTH AND WELFARE

STATE BOARD OF HEALTH—  
ADMINISTRATION

Salary of Executive Secretary .....	19,000.00
Contingency Salary—Sanitary Engineer and Bacteriologist .....	19,000.00
Wages and Salaries of Employees .....	434,000.00
Travel .....	4,300.00
Contractual Services	
School Examination Fees .....	25,000.00
Other Contractual Services .....	49,000.00
Contract with New Jersey Department of Health for Virus Laboratory Services .....	6,000.00
Phenylketonuria Project (Total \$12,000—All or part of this contingency may be expended in the event that funds of the United States Federal Government are not forth coming) .....	12,000.00
Measles Vaccine Program (Total \$20,000—All or Part of this contingency may be expended in the event that funds of the United States Federal Government are not forth coming) .....	20,000.00
Supplies and Materials	
Poliomyelitis Vaccine .....	14,700.00
Glasses—Division of Optometry .....	2,000.00
Other Supplies and Materials .....	23,300.00
Capital Outlay .....	18,000.00
Total.....	646,300.00

STATE BOARD OF HEALTH—  
CRIPPLED CHILDREN

Wages and Salaries of Employees .....	130,000.00
Personal Services .....	2,000.00
Travel .....	300.00
Contractual Services .....	5,000.00
Supplies and Materials .....	500.00
Total.....	137,800.00

STATE BOARD OF HEALTH—  
CANCER, HEART AND  
CHRONIC DISEASE CONTROL

Wages and Salaries of Employees .....	70,800.00
Personal Services .....	3,000.00
Travel .....	350.00
Contractual Services .....	4,000.00
Supplies and Materials .....	600.00
Capital Outlay .....	800.00
Total.....	79,550.00

EMILY P. BISSELL HOSPITAL

Salary of Superintendent .....	12,800.00
Salaries of Instructors .....	4,500.00
Wages and Salaries of Employees .....	615,000.00
Personal Services .....	30,000.00
Travel .....	3,000.00
Contractual Services .....	80,000.00
Supplies and Materials .....	160,700.00
Capital Outlay .....	35,000.00
Total.....	941,000.00

WATER POLLUTION COMMISSION

Salary of Director (Total \$13,300.00 — State \$8,300.00 Other \$5,000.00) .....	8,300.00
Contingency Salary for Sanitary Chemist .....	7,000.00
Wages and Salaries of Employees .....	45,000.00
Travel .....	900.00
Contractual Services .....	4,000.00

Supplies and Materials .....	3,100.00
Capital Outlay .....	2,000.00
Total.....	70,300.00

## AIR POLLUTION COMMISSION

Salary of Supervisor .....	9,900.00
Wages and Salaries of Employees .....	3,300.00
Travel .....	600.00
Contractual Services .....	1,150.00
Supplies and Materials .....	1,100.00
Capital Outlay .....	6,000.00
Total.....	22,050.00

DEPARTMENT OF MENTAL HEALTH—  
ADMINISTRATION

Salary of Commissioner (Total \$27,100.00 — State \$23,100.00—Other \$4,000.00) .....	23,100.00
Salary of Business Administrator (State and all other Sources .....	13,000.00
Salary of Personnel Director (State and all other sources) .....	7,200.00
Salary of Administrative Assistant (State and all other Sources .....	8,000.00
Wages and Salaries of Employees .....	37,800.00
Travel	
Mileage within State .....	750.00
Common Carrier, Meals and Lodging .....	1,000.00
Contractual Services .....	7,000.00
Supplies and Materials .....	2,600.00
Capital Outlay .....	2,500.00
Total.....	102,950.00

DEPARTMENT OF MENTAL HEALTH—  
DELAWARE STATE HOSPITAL

Salary of Superintendent (Total \$21,000.00 — State \$18,000.00 Other \$3,000.00) .....	18,000.00
Salary of Research and Training .....	35,000.00
Wages and Salaries of Employees .....	2,127,000.00

Personal Services .....	31,000.00
Travel	
Mileage within State .....	1,000.00
Common Carrier, Meals and Lodging .....	500.00
Contractual Services .....	160,000.00
Supplies and Materials .....	490,000.00
Capital Outlay .....	25,000.00
Total.....	2,887,500.00

DEPARTMENT OF MENTAL HEALTH—  
MENTAL HYGIENE CLINIC

Salary of Director (State and all other sources)	21,000.00
Salary of Child Psychiatrist .....	18,000.00
Wages and Salaries of Employees .....	134,000.00
Personal Services .....	4,500.00
Travel	
Mileage within State .....	450.00
Common Carrier, Meals and Lodging .....	550.00
Contractual Services .....	7,500.00
Supplies and Materials .....	7,300.00
Capital Outlay .....	4,500.00
Total.....	197,800.00

DEPARTMENT OF MENTAL HEALTH—  
GOVERNOR BACON HEALTH CENTER

Salary of Superintendent (State and all other sources) .....	21,000.00
Salaries of Teachers—Handicapped Children ....	76,500.00
Wages and Salaries of Employees .....	689,000.00
Personal Services .....	9,500.00
Travel	
Mileage within State .....	200.00
Common Carrier, Meals and Lodging .....	500.00
Contractual Services .....	77,000.00
Supplies and Materials	
Handicapped Children .....	5,500.00
Other Supplies and Materials .....	130,000.00
Capital Outlay .....	10,000.00
Total.....	1,019,200.00

DEPARTMENT OF MENTAL HEALTH—  
HOSPITAL FOR THE MENTALLY RETARDED

Salary of Superintendent (State and all other sources) .....	21,000.00
Salary of Assistant Superintendent (State and all other sources) .....	15,000.00
Salary of Psychologist .....	9,400.00
Salaries of Teachers—Handicapped Children ....	16,100.00
Salaries of Teachers—Trainable Children .....	37,350.00
Wages and Salaries of Employees .....	850,000.00
Personal Services .....	20,000.00
Travel	
Mileage within State .....	100.00
Common Carrier, Meals and Lodging .....	400.00
Contractual Services .....	87,000.00
Supplies and Materials	
Handicapped Children .....	2,000.00
Trainable Children .....	2,000.00
Other Supplies and Materials .....	236,000.00
Capital Outlay .....	27,000.00
Total.....	1,323,350.00

DEPARTMENT OF MENTAL HEALTH—  
DAYTIME CARE CENTERS

Salary of Director (State and all other sources)	12,000.00
Wages and Salaries of Employees .....	88,000.00
Travel	
Mileage within State .....	3,400.00
Common Carrier, Meals and Lodging .....	300.00
Contractual Services .....	11,800.00
Supplies and Materials .....	13,800.00
Capital Outlay .....	10,200.00
Total.....	139,500.00

DEPARTMENT OF MENTAL HEALTH—  
SURPLUS FOOD FOR NEEDY PROGRAM

Wages and Salaries of Employees .....	30,000.00
Travel .....	700.00
Contractual Services .....	17,560.00

Supplies and Materials .....	4,900.00
Capital Outlay .....	2,300.00
Total.....	55,460.00

## STATE WELFARE HOME

Salaries of Board Members .....	480.00
Salary of Medical Director (State and all other sources) .....	16,000.00
Salary of Administrative Director (State and all other sources) .....	8,000.00
Salary of Business Administrator (State and all other sources) .....	7,500.00
Salary of Personnel Director (State and all other sources) .....	6,000.00
Wages and Salaries of Employees .....	1,220,000.00
Personal Services .....	20,680.00
Travel .....	625.00
Contractual Services .....	113,300.00
Supplies and Materials .....	470,000.00
Capital Outlay .....	65,000.00
Total.....	1,927,585.00

## STATE WELFARE HOME—

## DIVISION OF THE AGING

Salary of Director .....	8,500.00
Wages and Salaries of Employees .....	3,500.00
Travel .....	
Mileage within State .....	500.00
Common Carrier, Meals and Lodging .....	500.00
Contractual Services .....	800.00
Supplies and Materials .....	500.00
Capital Outlay .....	300.00
Total.....	14,600.00

## DELAWARE COMMISSION ON

## CHILDREN AND YOUTH

Salary of Executive Secretary .....	4,800.00
Wages and Salaries of Employees .....	1,500.00

Travel .....	600.00
Contractual Services .....	1,000.00
Supplies and Materials .....	1,300.00
Capital Outlay .....	100.00
Total.....	9,000.00

## DELAWARE COMMISSION FOR THE BLIND

Salary of Director (Total \$12,000.00—State \$5,000.00—Other \$7,000.00) .....	74,000.00
Wages and Salaries of Employees .....	74,000.00
Personal Services .....	4,000.00
Travel	
Mileage within State .....	2,500.00
Common Carrier, Meals and Lodging .....	500.00
Contractual Services	
Library Services .....	6,000.00
Education Services .....	65,000.00
Other Contractual Services .....	16,000.00
Supplies and Materials	
Vocational Training .....	14,000.00
Other Supplies and Materials .....	8,000.00
Capital Outlay .....	12,000.00
Assistance Grants .....	180,000.00
Total.....	337,000.00

## DEPARTMENT OF PUBLIC WELFARE

Salary of Director (Total \$13,000.00 — State \$6,000.00 Other \$7,000.00) .....	6,000.00
Wages and Salaries of Employees .....	554,000.00
Personal Services .....	1,500.00
Travel	
Mileage within State .....	3,000.00
Common Carrier, Meals and Lodging .....	1,000.00
Contractual Services .....	60,000.00
Supplies and Materials .....	16,000.00
Capital Outlay .....	12,000.00
Reimbursement to Counties .....	640,000.00
Old Age Assistance Grants .....	220,000.00
Medical Care .....	130,000.00



Aid to Disabled Grants .....	138,000.00
Aid and Service to Needy Families .....	635,000.00
Direct Care—Child Welfare Service .....	700,000.00
Aid to Medically Indigent .....	140,000.00
Total.....	3,256,500.00

TOTAL HEALTH AND WELFARE ..... 13,167,445.00

## REHABILITATION

### DEPARTMENT OF CORRECTIONS

Salaries of Board Members .....	4,500.00
Salary of Director .....	16,000.00
Salary of Director of Institutions .....	12,000.00
Salary of Director of Field Services .....	10,000.00
Salary of Business Administrator .....	7,500.00
Salaries of Parole Officers (15) .....	100,000.00
Wages and Salaries of Employees .....	920,500.00
Personal Service	
Payments to Inmates .....	21,000.00
Other Personal Services .....	12,500.00
Travel	
Mileage within State .....	10,800.00
Common Carrier, Meals and Lodging .....	1,200.00
Contractual Services	
Hospital Services .....	10,000.00
Other Contractual Services .....	121,500.00
Supplies and Materials .....	295,950.00
Capital Outlay .....	40,000.00
Total.....	1,583,450.00

### YOUTH SERVICES COMMISSION

Salary of Director .....	13,000.00
Salary of Business Administrator .....	8,300.00
Salary of Superintendent—Bridge House .....	6,500.00
Salary of Superintendent—Ferris School .....	9,300.00
Salary of Superintendent—Woods Haven .....	9,600.00
Salary of Director of Program, Preventive and After Care .....	9,300.00

Wages and Salaries of Employees .....	525,700.00
Personal Services .....	16,200.00
Travel	
Mileage within State .....	2,200.00
Common Carrier, Meals and Lodging .....	2,000.00
Contractual Services .....	53,000.00
Supplies and Materials .....	103,500.00
Capital Outlay .....	43,300.00
Total.....	801,900.00

## BOARD OF PAROLE

Salaries of Board Members .....	1,200.00
Salary of Secretary .....	5,700.00
Wages and Salaries of Employees .....	9,900.00
Travel .....	1,800.00
Contractual Services .....	700.00
Supplies and Materials .....	200.00
Capital Outlay .....	300.00
Total.....	19,800.00

## BOARD OF PARDONS

Salary of Lieutenant Governor .....	144.00
Personal Services .....	96.00
Travel .....	100.00
Total .....	340.00

TOTAL REHABILITATION ..... 2,405,490.00

## AGRICULTURE, FORESTRY AND CONSERVATION

## STATE BOARD OF AGRICULTURE

Salaries of Board Members .....	1,950.00
Salary of Secretary .....	7,500.00
Wages and Salaries of Employees .....	194,300.00
Personal Services .....	32,100.00
Travel	
Mileage within State .....	4,200.00
Common Carrier, Meals and Lodging (State and all other sources) .....	1,000.00

Contractual Services	
U.S.D.A. Market News .....	2,500.00
Other Contractual Services .....	11,000.00
Supplies and Materials .....	17,000.00
Capital Outlay .....	18,500.00

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Total.....	285,050.00
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STATE BOARD OF AGRICULTURE—  
WEIGHTS AND MEASURES

Salary of Director .....	7,500.00
Wages and Salaries of Employees .....	36,800.00
Personal Services .....	500.00
Travel .....	800.00
Contractual Services .....	1,500.00
Supplies and Materials .....	4,000.00
Capital Outlay .....	8,100.00

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Total.....	58,700.00
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DELAWARE SOIL AND WATER  
CONSERVATION COMMISSION

Salary of State Drainage Engineer .....	10,000.00
Salary of Assistant Drainage Engineer .....	8,000.00
Wages and Salaries of Employees .....	18,000.00
Travel .....	4,500.00
Contractual Services	
Highway Crossing .....	100,000.00
Other Contractual Services .....	1,900.00
Supplies and Materials .....	300.00
Capital Outlay	
Conservation Books .....	500.00
Other Capital Outlay .....	400.00

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Total.....	143,600.00
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STATE POULTRY COMMISSION

Salary of Executive Secretary .....	2,000.00
Wages and Salaries of Employees .....	1,400.00
Travel .....	600.00
Contractual Services .....	10,550.00

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Total.....	14,550.00
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STATE FORESTRY DEPARTMENT—  
ADMINISTRATION

Salary of State Forester (Total \$8,700.00—State \$4,300.00 Other Sources \$4,400.00) .....	4,300.00
Wages and Salaries of Employees .....	50,000.00
Personal Services .....	500.00
Travel	
Mileage within State .....	50.00
Common Carrier, Meals and Lodging .....	500.00
Contractual Services .....	6,000.00
Supplies and Materials .....	4,600.00
Capital Outlay .....	7,700.00
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Total.....	73,650.00

STATE FORESTRY DEPARTMENT—  
SPECIAL FIRE PROTECTION AND EXTINCTION

Wages and Salaries of Employees .....	11,000.00
Personal Services .....	1,000.00
Travel .....	35.00
Contractual Services .....	1,900.00
Supplies and Materials .....	1,065.00
Capital Outlay .....	2,000.00
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Total.....	17,000.00

DELAWARE GAME AND FISH COMMISSION

Salaries of Board Members .....	900.00
Salary of Director (Total \$9,800.00 State \$6,000.00 Other sources \$3,800.00) .....	6,000.00
Wages and Salaries of Employees .....	52,000.00
Personel Services .....	700.00
Travel .....	975.00
Contractual Services .....	12,700.00
Supplies and Materials .....	12,700.00
Capital Outlay .....	3,600.00
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Total.....	89,575.00

DELAWARE COMMISSION OF  
SHELL FISHERIES

Salary of Executive Secretary .....	5,000.00
Wages and Salaries of Employees .....	59,900.00
Travel .....	1,500.00
Contractual Services	
Research .....	10,000.00
Other Contractual Services .....	9,700.00
Supplies and Materials .....	9,600.00
Capital Outlay .....	2,500.00
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Total.....	98,200.00

ATLANTIC STATES  
MARINE FISHERIES COMMISSION

Travel .....	200.00
Contractual Services .....	1,500.00
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Total.....	1,700.00

DELAWARE GEOLOGICAL COMMISSION

Salary of Executive Secretary .....	7,500.00
Wages and Salaries of Employees .....	30,000.00
Travel .....	1,000.00
Contractual Services .....	35,250.00
Supplies and Materials .....	1,700.00
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Total.....	75,450.00

TOTAL AGRICULTURE, FORESTRY AND CONSERVATION .....	857,475.00
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HIGHWAYS, POLICE, ETC.

STATE HIGHWAY DEPARTMENT—  
CONTROLLER'S OFFICE

Salary of Controller (Total \$15,000.00 — State \$15,000.00—Other, none) .....	15,000.00
Wages and Salaries of Employees .....	141,000.00
Personal Services .....	5,000.00
Travel .....	4,900.00

Contractual Services .....	54,000.00
Supplies and Materials .....	6,000.00
Capital Outlay .....	3,000.00
Social Security Contribution (Administered by State Treasurer) .....	220,000.00
Total.....	448,900.00

STATE HIGHWAY DEPARTMENT—  
ENGINEERING DIVISION

Salary of Director of Operations (Total \$21,000.00 —State \$21,000.00—Other, None) .....	21,000.00
Salary of Secretary to Director and Commission (Total \$9,700.00—State \$9,700.00—Other, none) .....	9,700.00
Salary of Chief Engineer (Total \$17,500 State \$17,500.00—Other, none) .....	17,500.00
Salary of Assistant Chief Engineer (Total \$15,- 000.00—State \$15,000.00—Other, none) .....	15,000.00
Salary of Assistant Chief Engineer (Total \$15,- 000.00—State \$15,000.00—Other, none) .....	15,000.00
Salary of New Castle County Engineer (Total \$11,460.00—State \$11,460.00—Other, none) ....	11,460.00
Salary of Kent County Engineer (Total \$11,460.00 —State \$11,460.00—Other, none) .....	11,460.00
Salary of Sussex County Engineer (Total \$11,- 460.00—State \$11,460.00—Other, none) .....	11,460.00
Salary of Utilities Engineer (Total \$10,800.00 —State \$10,800.00—Other, none) .....	10,800.00
Salary of Materials, Research Engineer (Total \$11,460.00—State \$11,460.00—Other, none) .....	11,460.00
Salary of Chief, Plans and Design Section (Total \$11,460.00—State \$11,460.00—Other, none) .....	11,460.00
Wages and Salaries of Employees .....	3,361,700.00
Wages and Salaries for Snow Removal .....	100,000.00
Personal Services	
Lawyers .....	12,000.00
Other Personal Services .....	36,000.00
Travel	
Mileage within State .....	500.00
Common Carrier .....	3,000.00
Meals .....	5,000.00

Lodging .....	2,000.00
Other .....	250.00
Contractual Services	
Snow Removal Contracts .....	150,000.00
Resurfacing Contracts .....	1,300,000.00
Other Contractual Services .....	494,000.00
Supplies and Materials .....	1,289,000.00
Capital Outlay .....	595,000.00
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Total.....	7,494,750.00

## STATE HIGHWAY DEPARTMENT—

## MOTOR VEHICLE DIVISION

Salary of Commissioner .....	11,000.00
Salary of Wilmington Lane Manager .....	6,600.00
Salary of Rural New Castle County Lane Manager .....	5,600.00
Salary of Kent County Lane Manager .....	5,600.00
Salary of Sussex County Lane Manager .....	5,600.00
Wages and Salaries of Employees .....	542,450.00
Personal Services .....	500.00
Travel .....	800.00
Contractual Services	
AAMVA Convention .....	2,500.00
Other Contractual Services .....	92,500.00
Supplies and Materials .....	154,100.00
Capital Outlay .....	13,500.00
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Total.....	840,750.00

## STATE HIGHWAY DEPARTMENT—

## SAFETY RESPONSIBILITY DIVISION

Salary of Director .....	6,600.00
Wages and Salaries of Employees .....	17,000.00
Travel .....	500.00
Contractual Services .....	1,600.00
Supplies and Materials .....	1,000.00
Capital Outlay .....	300.00
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Total.....	27,000.00

STATE HIGHWAY DEPARTMENT—  
MOTOR FUEL TAX DIVISION

Salary of Director .....	7,100.00
Wages and Salaries of Employees .....	25,800.00
Personal Services .....	150.00
Travel .....	3,500.00
Contractual Services .....	4,000.00
Supplies and Materials .....	1,800.00
Capital Outlay .....	3,950.00
Total.....	46,300.00

STATE HIGHWAY DEPARTMENT—  
STATE POLICE DIVISION

Salary of Superintendent .....	14,000.00
Salary of Director of Operations .....	12,300.00
Wages and Salaries of Employees .....	1,723,700.00
Personal Services .....	3,500.00
Travel .....	13,000.00
Contractual Services .....	122,700.00
Supplies and Materials .....	163,000.00
Capital Outlay .....	92,000.00
Pension Fund Contribution .....	31,000.00
Total.....	2,175,200.00

STATE HIGHWAY DEPARTMENT—  
COMMUNICATIONS DIVISION

Wages and Salaries of Employees .....	60,500.00
Travel .....	750.00
Contractual Services .....	5,000.00
Supplies and Materials .....	18,000.00
Capital Outlay .....	10,500.00
Total.....	94,750.00

STATE HIGHWAY DEPARTMENT—  
MOSQUITO CONTROL DIVISION

Salary of Superintendent .....	8,500.00
Wages and Salaries of Employees .....	101,000.00
Travel .....	600.00



Contractual Services .....	119,000.00
Supplies and Materials .....	42,000.00
Capital Outlay .....	12,000.00
Total.....	283,100.00

TOTAL HIGHWAYS, POLICE, ETC. .... 11,410,750.00

### DEBT SERVICE

#### STATE OBLIGATIONS

Redemption .....	18,438,900.00
Interest .....	7,532,548.00
Total.....	25,971,448.00

#### COUNTY OBLIGATIONS

Redemptions .....	80,000.00
Interest .....	5,532.00
Total.....	85,532.00

TOTAL DEBT SERVICE ..... 26,056,980.00

### PENSIONS AND SOCIAL SECURITY

#### STATE EMPLOYEES PENSION PLAN—

##### STATE TREASURER

Wages and Salaries of Employees .....	7,000.00
Travel .....	200.00
Contractual Services .....	1,000.00
Supplies and Materials .....	350.00
Capital Outlay .....	1,000.00
Benefits .....	2,500,000.00
Survivor's Pension—Spouse .....	200,000.00
Total.....	2,709,550.00

#### STATE JUDICIARY RETIREMENT FUND

Contributions .....	30,500.00
Total.....	30,500.00

ELECTED OFFICIALS—SPOUSE BENEFITS	
Benefits .....	2,000.00
Total.....	2,000.00
STATE POLICE RETIREMENT FUND	
Personal Services .....	350.00
Supplies and Materials .....	150.00
Contributions	
Regular Pensions .....	315,757.00
Survivors Pensions .....	58,607.00
Total.....	374,864.00
PARAPLEGIC VETERANS' PENSIONS	
Benefits .....	6,600.00
Total.....	6,600.00
RETIRED AND DISABLED TEACHERS' PENSIONS	
Benefits .....	220,000.00
Total.....	220,000.00
STATE SHARE—SOCIAL SECURITY	
Contributions .....	2,105,000.00
Total.....	2,105,000.00
TOTAL PENSIONS AND SOCIAL SECURITY	5,448,514.00
GRANTS-IN-AID	
MUNICIPALITIES	
Street Improvement Aid Funds .....	1,200,000.00
Total.....	1,200,000.00
PENINSULA HORTICULTURAL SOCIETY	
Contractual Services .....	900.00
Total.....	900.00

CROP IMPROVEMENT ASSOCIATION	
Contractual Services .....	800.00
Total.....	800.00
TOTAL GRANTS-IN-AID .....	1,201,700.00
CONTINGENCY FUND (Administered by State Budget Commission)	
Emergency Fund Only .....	100,000.00
Boiler and Roof Repair .....	50,000.00
Fire Damage .....	100,000.00
Beach Operations (to be transferred to State Highway Department or State Park Commission	50,000.00
School Construction Audits ("pre" and "post" audits) .....	50,000.00
Total.....	350,000.00
TOTAL CONTINGENCY FUND .....	350,000.00
TOTAL AGENCIES, GRANTS-IN-AID .....	66,966,542.00

## EDUCATION

UNIVERSITY OF DELAWARE	
General Aid Grant .....	6,328,430.00
Diagnostic Poultry Service .....	10,000.00
General Scholarships .....	37,500.00
Aid to Needy Students (Sections 5520, 5524—Title 14, Delaware Code) .....	57,000.00
Teaching Scholarships (Section 5502, Title 14, Delaware Code) .....	50,000.00
Scholarship Fund (Section 5501, Title 14, Delaware Code) .....	50,000.00
Total.....	6,532,930.00
DELAWARE STATE COLLEGE	
Wages and Salaries of Employees .....	483,110.00
Personal Services .....	5,500.00

Travel .....	3,000.00
Contractual Services .....	104,500.00
Supplies and Materials .....	79,500.00
Capital Outlay .....	56,700.00
Scholarships (Section 6510, Title 14, Delaware Code) .....	50,000.00
<b>Total.....</b>	<b>782,310.00</b>

## STATE BOARD OF EDUCATION

## Division 1.—SALARIES

A. Board Members .....	2,700.00
Superintendent (Total \$18,300.00—State \$17,800.00—Other \$500.00) .....	17,800.00
B. Assistant Superintendents (2)	
1. Business and Administrative Services .....	14,340.00
2. Instructional Services and Secondary Education .....	14,340.00
C. Directors (5)	
1. Research and Publications .....	13,340.00
2. Child Development, Guidance and Pupil Personnel Services .....	12,860.00
3. Teacher Certification and Standards .....	13,340.00
4. School Plant Planning .....	12,840.00
5. Elementary Education .....	10,140.00
D. Supervisors	
a. with program (14)	
1. Art .....	10,880.00
2. Music .....	10,880.00
3. Physical Education .....	10,880.00
4. Lunch Program .....	10,880.00
5. Transportation .....	9,680.00
6. Science (Total \$11,840.00 — State \$5,920.00—Other \$5,920.00) .....	5,920.00
7. Mathematics (Total \$11,360.00 — State \$5,680.00—Other \$5,680.00) ..	5,680.00
8. Foreign Language (Total \$10,680.00 —State \$5,340.00—Other \$5,340.00..	5,340.00
9. Adult Education and Foreign Born .....	9,440.00
10. English (Total \$9,800.00 — State \$4,900.00 Other \$4,900.00) .....	4,900.00

11. Library .....	10,680.00
12. High School Extension Program ....	8,800.00
13. Maintenance of School Plants .....	9,360.00
14. Social Studies (Total \$10,080.00 — State \$5,040.00 Other \$5,040.00) ....	5,040.00
b. without programs (11)	
1. Research and Publications .....	11,440.00
2. Reading Elementary (11 months) (Total \$10,046.00 — State \$5,023.00 —Other \$5,023.00) .....	5,023.00
3. Reading Elementary (11 months) (Total \$10,046.00 — State \$5,023.00 Other \$5,023.00) .....	5,023.00
4. Rural Elementary (11 months) .....	9,606.00
5. Driver Education and Safety .....	10,080.00
6. Transportation .....	9,760.00
7. Special Schools and Physically Han- dicapped .....	10,960.00
8. Certification .....	9,280.00
9. Business—Accounting .....	9,280.00
10. Testing .....	10,960.00
11. Special Classes .....	11,440.00
H. Teachers	
1. Music—Rural Schools .....	7,500.00
2. Driver Education (36) .....	230,800.00
3. A. I. Du Pont Institute .....	5,800.00
4. Attendance Officers (4) .....	29,040.00
5. Psychologists (10) .....	70,400.00
6. Speech and Hearnig (10) .....	63,630.00
7. Coordinators (2) .....	15,960.00
8. Homebound .....	55,000.00
9. Substitutes in Districts .....	310,000.00
I. Clerical .....	184,872.00
J. Janitorial .....	5,000.00
O. Others	
1. E.D.P. Programer (Total \$5,760.00— State \$1,440.00 Other \$4,320.00—to be paid in accordance with Section 1305 (a) and (b), Title 14, Delaware Code) .....	1,440.00
2. Bus Driver and Attendants .....	110,000.00

3. Coordinator—Data Processing (Total \$5,760.00—State \$1,440.00—Other \$4,320.00—to be paid in accordance with Section 1305 (a) and (b), Title 14, Delaware Code) .....	1,440.00
4. Coordinator—State and Federal (Total \$5,760.00 — State \$1,440.00—Other \$4,320.00—to be paid in accordance with Section 1305 (a) and (b), Title 14, Delaware Code .....	1,440.00
5. Audio Visual (Total \$5,760.00—State, none—Other \$5,760.00—to be paid in accordance with Section 1305 (a) and (b), Title 14, Delaware Code) .....	_____
<b>TOTAL SALARIES .....</b>	<b>1,425,234.00</b>
<b>Division II.</b>	
<b>Travel</b>	
Reimbursement to Parents .....	25,000.00
Mileage within State .....	25,000.00
Common Carrier, Meals and Lodging .....	5,000.00
<b>Contractual Services</b>	
Tuition—Deaf Program .....	160,000.00
Transportation—Bus Contracts .....	2,070,000.00
Evening School .....	80,000.00
All Other Contractual Services .....	82,000.00
Supplies and Materials .....	45,000.00
<b>Capital Outlay</b>	
Films .....	15,000.00
All Other Capital Outlay .....	20,000.00
Scholarship Fund (S.B. 23A.) .....	75,000.00
Governor's Committee on Employment of Handicapped .....	500.00
<b>TOTAL NON-SALARY .....</b>	<b>2,602,500.00</b>
<b>TOTAL STATE BOARD OF EDUCATION ....</b>	<b>4,027,734.00</b>

STATE BOARD OF EDUCATION—  
EDUCATIONAL DIVISION

Division I.—SALARIES

B. Assistant Superintendents (1)	
1. Vocational Education (Total \$13,860.00 State \$6,930.00—Other \$6,930.00) ..	6,930.00
D. Supervisors	
a. with program (6)	
1. Home Economics (Total \$10,880.00 State \$5,440.00—Other \$5,440.00) ..	5,440.00
2. Agriculture (Total \$11,160.00—State \$5,580.00—Other \$5,580.00) .....	5,580.00
3. Trades, Industry and Teacher Train- ing (Total \$11,360.00—State \$5,680.- 00—Other \$5,680.00) .....	5,680.00
4. Distributive Education (Total \$11,- 360.00—State \$5,680.00—Other \$5,- 680.00) .....	5,680.00
5. Foreman Training (Total \$9,300.00 —State \$4,650.00—Other \$4,650.00)	4,650.00
6. Apprentice Training (Total \$10,- 520.00—State \$5,260.00—Other \$5,- 260.00) .....	5,260.00
b. without programs (1)	
1. Planning and Vocational-Technical Research (Total \$11,440.00 — State \$5,720.00—Other \$5,720.00) .....	5,720.00
H. Teachers	
1. Fire School .....	3,000.00
2. Vocational Programs .....	40,000.00
I. Clerical .....	14,110.00
O. Others	
1. Manpower Development (Total \$11,- 000.00—State, none—Other \$11,000- 00—to be paid in accordance with Section 1305 (a) and (b), Title 14, Delaware Code .....	
TOTAL SALARIES .....	102,050.00
Division II.	
Travel	
Mileage within State .....	3,000.00

Common Carrier, Meals and Lodging .....	1,000.00
Contractual Services .....	2,000.00
Supplies and Materials .....	5,000.00
Capital Outlay .....	1,600.00
<b>TOTAL NON-SALARIES .....</b>	<b>12,600.00</b>
<b>TOTAL STATE BOARD OF VOCATIONAL ED- UCATION—EDUCATIONAL DIVISION .....</b>	<b>114,650.00</b>
STATE BOARD OF VOCATIONAL EDUCATION— REHABILITATION DIVISION	
Personal Services .....	22,000.00
Travel .....	7,000.00
Contractual Services	
Case Service .....	185,000.00
Other Contractual Services .....	7,000.00
Supplies and Materials .....	2,000.00
<b>TOTAL STATE BOARD OF VOCATIONAL ED- UCATION—REHABILITATION DIVISION ..</b>	<b>223,000.00</b>

## SPECIAL SCHOOL DISTRICTS

		For School Year 1965-66
CAESAR RODNEY		
Division I.—SALARIES		
A. Chief School Officer .....		11,880.00
E. Principals ..... 5 .....		51,580.00
F. Part-time Principals ..... 1 .....		7,150.00
G. Administrative Assistants .. 1 .....		10,860.00
Total Administrative Salaries .....		81,470.00
H. Teachers .....140 .....		868,630.00
I. Clerical ..... 8 .....		38,400.00
J. Janitorial ..... 22 .....		101,600.00
K. Health ..... 3½ .....		19,800.00
L. Cafeteria ..... 5 .....		19,900.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....146 .....		113,150.00
Vocational Education ..... 1 .....		1,550.00
B. Capital Outlay		
General Education .....146 .....		14,600.00



Vocational Education .....	1 .....	200.00
Total.....		1,259,300.00

## CAESAR RODNEY TRAINABLE SCHOOL

(Administered by Caesar Rodney)

## Division 1.—SALARIES

H. Teachers .....	7 .....	39,600.00
I. Clerical .....	PT .....	1,000.00
K. Health .....	PT .....	1,400.00
M. Attendants and Aides .....	4 .....	10,400.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	7 .....	5,425.00
B. Capital Outlay		
General Education .....	7 .....	700.00

Total.....	58,525.00
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## CLAYMONT

## Division 1.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	4 .....	41,680.00
F. Vice-principals .....	1 .....	9,380.00
F. Administrative Assistants ..	1 .....	11,060.00

Total Administrative Salaries.....	74,960.00
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H. Teachers .....	118 .....	785,200.00
I. Clerical .....	8 .....	38,300.00
J. Janitorial .....	22 .....	103,950.00
K. Health .....	3 .....	17,400.00
L. Cafeteria .....	5 .....	20,000.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	123 .....	95,325.00
B. Capital Outlay		
General Education .....	123 .....	12,300.00

Total.....	1,147,435.00
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## DOVER

## Division 1.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	6 .....	62,740.00
F. Vice-principals .....	1 .....	9,860.00
G. Administrative Assistants ..	1 .....	11,060.00

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Total Administrative Salaries..... 96,500.00

H. Teachers .....	181 .....	1,136,270.00
I. Clerical .....	11 .....	51,500.00
J. Janitorial .....	25 .....	117,950.00
K. Health .....	4½ .....	23,600.00
L. Cafeteria .....	5 .....	19,900.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	188 .....	145,700.00
B. Capital Outlay		
General Education .....	188 .....	18,800.00

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Total..... 1,610,220.00

## ALEXIS I. DuPONT

## Division 1.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	2 .....	20,560.00
F. (1) Part-time Principals ..	2 .....	15,750.00
F. (2) Vice-Principals .....	1 .....	15,750.00
G. Administrative Assistants..	1 .....	10,660.00

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Total Administrative Salaries..... 68,450.00

H. Teachers .....	81 .....	551,800.00
I. Clerical .....	6 .....	27,368.00
J. Janitorial .....	18 .....	78,900.00
K. Health .....	2½ .....	12,500.00
L. Cafeteria .....	5 .....	19,850.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	86 .....	66,650.00
B. Capital Outlay		

General Education .....	86 .....	8,600.00
Total.....		834,118.00

## GEORGETOWN

## Division 1.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2 .....	21,040.00

Total Administrative Salaries.....		32,420.00
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H. Teachers .....	67 .....	434,360.00
I. Clerical .....	5 .....	23,108.00
J. Janitorial .....	10 .....	47,400.00
K. Health .....	2 .....	11,200.00
L. Cafeteria .....	1 .....	3,450.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	69 .....	53,475.00
B. Capital Outlay		
General Education .....	69 .....	6,900.00

Total.....		612,313.00
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## HARRINGTON

## Division 1.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2 .....	21,120.00
F. Part-time Principals .....	1 .....	7,000.00

Total Administrative Salaries.....		39,500.00
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H. Teachers .....	52 .....	340,560.00
I. Clerical .....	4 .....	19,600.00
J. Janitorial .....	10 .....	46,900.00
K. Health .....	1½.....	8,100.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	55 .....	42,625.00
Vocational Education .....	2 .....	3,100.00
B. Capital Outlay		
General Education .....	55 .....	5,500.00

Vocational Education .....	2 .....	400.00
Total.....		510,185.00

## LAUREL

## Division 1.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	4 .....	40,800.00
F. Vice-principals .....	1 .....	8,800.00
G. Administrative Assistants ..	1 .....	11,060.00

Total Administrative Salaries.....	73,100.00
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H. Teachers .....	87 .....	585,340.00
I. Clerical .....	6 .....	28,900.00
J. Janitorial .....	17 .....	81,200.00
K. Health .....	21½.....	13,400.00
L. Cafeteria .....	2 .....	7,800.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	92 .....	71,300.00
Vocational Education .....	1 .....	1,550.00

## B. Capital Outlay

General Education .....	92 .....	9,200.00
Vocational Education .....	1 .....	200.00

Total.....	871,990.00
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## LEWES

## Division 1.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	2 .....	21,120.00
F. Part-time Principals .....	1 .....	7,600.00

Total Adminstrative Salaries.....	40,580.00
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H. Teachers .....	54 .....	367,840.00
I. Clerical .....	4 .....	18,700.00
J. Janitorial .....	10 .....	45,700.00
K. Health .....	11½.....	8,500.00
L. Cafeteria .....	2 .....	7,800.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	57 .....	44,175.00
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## B. Capital Outlay

General Education .....	57 .....	5,700.00
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Total.....		538,995.00
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## MILFORD

## Division 1.—SALARIES

A. Chief School Officer .....		11,880.00
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E. Principals .....	5 .....	48,940.00
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G. Administrative Assistants ..	1 .....	11,060.00
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Total Administrative Salaries.....		71,880.00
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H. Teachers .....	123 .....	788,860.00
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I. Clerical .....	8 .....	35,900.00
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J. Janitorial .....	24 .....	110,550.00
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K. Health .....	3 .....	17,000.00
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L. Cafeteria .....	5 .....	18,250.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	128 .....	99,200.00
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Vocational Education .....	1 .....	1,550.00
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## B. Capital Outlay

General Education .....	128 .....	12,800.00
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Vocational Education .....	1 .....	200.00
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Total.....		1,156,190.00
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## MOUNT PLEASANT

## Division 1.—SALARIES

A. Chief School Officer .....		12,360.00
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E. Principals .....	6 .....	63,040.00
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F. Vice-principals .....	1 .....	9,280.00
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G. Administrative Assistants ..	1 .....	11,060.00
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Total Administrative Salaries.....		95,740.00
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H. Teachers .....	222 .....	1,518,960.00
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I. Clerical .....	13 .....	61,700.00
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J. Janitorial .....	34 .....	141,200.00
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K. Health .....	7 .....	38,400.00
L. Cafeteria .....	7 .....	29,100.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	229 .....	177,475.00
Vocational Education .....	1 .....	1,550.00

## B. Capital Outlay

General Education .....	229 .....	22,900.00
Vocational Education .....	1 .....	200.00

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Total..... 2,087,225.00

## NEW CASTLE

## Division 1.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	7 .....	74,080.00
F. Vice-principals .....	2 .....	19,720.00
G. Administrative Assistants ..	1 .....	11,060.00

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Total Administrative Salaries..... 116,740.00

H. Teachers .....	237 .....	1,518,100.00
I. Clerical .....	14 .....	68,000.00
J. Janitorial .....	31 .....	129,700.00
K. Health .....	7 .....	36,800.00
L. Cafeteria .....	7 .....	25,500.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	246 .....	190,650.00
Vocational Education .....	1 .....	1,550.00

## B. Capital Outlay

General Education .....	246 .....	24,600.00
Vocational Eductaion .....	1 .....	200.00

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Total..... 2,111,840.00

## NEWARK

## Division 1.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	13 .....	137,840.00
F. Vice-principals .....	2 .....	19,520.00

G. Administrative Assistants .. 2 .....	22,600.00
Total Administrative Salaries.....	191,840.00
H. Teachers .....420 .....	2,745,960.00
I. Clerical ..... 23 .....	102,047.00
J. Janitorial ..... 61 .....	261,100.00
K. Health ..... 10 $\frac{1}{2}$ .....	57,300.00
L. Cafeteria ..... 13 .....	50,250.00
M. Attendants and Aides ..... 1 .....	2,600.00
Division II.—OTHER COSTS	
A. All Other Costs	
General Education .....435 .....	337,125.00
Vocational Education ..... 2 .....	3,100.00
B. Capital Outlay	
General Education .....435 .....	43,500.00
Vocational Education ..... 2 .....	400.00
Total.....	3,795,222.00

## REHOBOTH

## Division 1.—SALARIES

A. Chief School Officer .....	11,340.00
F. Part-time Principals ..... 2 .....	17,390.00

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Total Administrative Salaries..... 28,730.00

H. Teachers ..... 20 .....	139,600.00
I. Clerical ..... 2 .....	10,400.00
J. Janitorial ..... 5 .....	23,100.00
K. Health ..... 1 .....	5,800.00
L. Cafeteria ..... 1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs	
General Education ..... 22 .....	17,050.00
B. Capital Outlay	
General Education ..... 22 .....	2,200.00

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Total..... 230,780.00

## SEAFORD

## Division 1.—SALARIES

A. Chief School Officer .....	12,840.00
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E. Principals .....	5 .....	51,620.00
F. Vice-principals .....	1 .....	9,660.00
G. Administrative Assistants .....	1 .....	11,060.00
Total Administrative Salaries.....		85,180.00
H. Teachers .....	133 .....	873,880.00
I. Clerical .....	8 .....	38,600.00
J. Janitorial .....	22 .....	105,600.00
K. Health .....	3 $\frac{1}{2}$ .....	19,600.00
L. Cafeteria .....	5 .....	19,550.00
M. Attendants and Aides .....	1 .....	2,800.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	139 .....	107,725.00
B. Capital Outlay		
General Education .....	139 .....	13,900.00
Total.....		1,266,835.00

## SMYRNA

## Division 1.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	4 .....	40,560.00
G. Administrative Assistants ..	1 .....	10,460.00
Total Administrative Assistants.....		63,380.00
H. Teachers .....	98 .....	632,000.00
I. Clerical .....	7 .....	33,400.00
J. Janitorial .....	18 .....	82,200.00
K. Health .....	3 .....	16,600.00
L. Cafeteria .....	6 .....	22,300.00
M. Attendants and Aides .....	1 .....	2,800.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	102 .....	79,050.00
B. Capital Outlay		
General Education .....	102 .....	10,200.00
Total.....		941,930.00

TOTAL SPECIAL SCHOOL DISTRICTS ..... 19,033,103.00  
 LOCAL SCHOOL DISTRICTS



## GUNNING BEDFORD, JR. SCHOOL NO. 53

## Division 1.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	2 .....	20,240.00

Total Administrative Salaries.....		32,100.00
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H. Teachers .....	42 .....	265,600.00
I. Clerical .....	3 .....	15,000.00
J. Janitorial .....	12 .....	54,800.00
K. Health .....	1½ .....	7,500.00
L. Cafeteria .....	3 .....	11,250.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	44 .....	34,100.00
B. Capital Outlay		
General Education .....	44 .....	4,400.00

Total.....		424,750.00
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## HENRY C. CONRAD SCHOOL NO. 131

## Division 1.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	1 .....	11,060.00
F. Vice-principals .....	1 .....	9,660.00

Total Administrative Salaries.....		32,580.00
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H. Teachers .....	58 .....	382,740.00
I. Clerical .....	4 .....	19,300.00
J. Janitorial .....	8 .....	32,880.00
K. Health .....	1½ .....	8,000.00
L. Cafeteria .....	1 .....	3,750.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	60 .....	46,500.00
Vocational Education .....	1 .....	1,550.00
B. Capital Outlay		
General Education .....	60 .....	6,000.00
Vocational Education .....	1 .....	200.00

Total.....		533,500.00
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## JOHN DICKINSON NO. 133

## Division 1.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	1 .....	10,880.00
F. Vice-principals .....	1 .....	9,860.00

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Total Administrative Salaries..... 32,620.00

H. Teachers .....	67 .....	440,660.00
I. Clerical .....	5 .....	23,300.00
J. Janitorial .....	11½.....	49,600.00
K. Helath .....	2 .....	9,600.00
L. Cafeteria .....	1 .....	4,200.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	69 .....	53,475.00
B. Capital Outlay		
General Education .....	69 .....	6,900.00

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Total..... 620,355.00

## ALFRED I. DuPONT SCHOOL NO. 7

## Division 1.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	8 .....	87,940.00
F. Part-time Principals .....	1 .....	9,660.00
G. Administrative Assistants ..	2 .....	22,200.00

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Total Administrative Salaries..... 132,640.00

H. Teachers .....	294 .....	1,953,400.00
I. Clerical .....	17 .....	78,683.00
J. Janitorial .....	58 .....	263,600.00
K. Health .....	7½.....	45,100.00
L. Cafeteria .....	9 .....	34,150.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	303 .....	234,825.00
B. Capital Outlay		
General Education .....	303 .....	30,300.00

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Total..... 2,772,698.00

## C. W. BUSH TRAINABLE SCHOOL

(Administered by Alfred I. DuPont)

## Division 1.—SALARIES

E. Principals .....	1 .....	8,400.00
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Total Administrative Salaries.....		8,400.00
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H. Teachers .....	7 .....	45,600.00
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I. Clerical .....	PT .....	1,500.00
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J. Janitorial .....	1 .....	4,600.00
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K. Health .....	PT .....	1,600.00
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M. Attendants and Aides .....	6 .....	16,200.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	8 .....	6,200.00
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## B. Capital Outlay

General Education .....	8 .....	800.00
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## MARSHALLTON SCHOOL NO.77

## Division 1.—SALARIES

A. Chief School Officer .....		12,360.00
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E. Principals .....	4 .....	41,200.00
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G. Administrative Assistants ..	1 .....	10,580.00
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Total Administrative Salaries.....		64,140.00
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H. Teachers .....	116 .....	774,000.00
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I. Clerical .....	7 .....	33,100.00
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J. Janitorial .....	18 .....	84,950.00
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K. Health .....	3 .....	16,000.00
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L. Cafeteria .....	5 .....	18,650.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	120 .....	93,000.00
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## B. Capital Outlay

General Education .....	120 .....	12,000.00
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Total.....		1,095,840.00
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## MIDDLETOWN SCHOOL NO. 60

## Division 1.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2	21,320.00

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Total Administrative Salaries .....		32,700.00
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H. Teachers .....	51	319,600.00
I. Clerical .....	4	19,600.00
J. Janitorial .....	9	39,025.00
K. Health .....	1½	8,000.00
L. Cafeteria .....	1	4,500.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	53	41,073.00
Vocational Education .....	1	1,550.00

## B. Capital Outlay

General Education .....	53	5,300.00
Vocational Education .....	1	200.00

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Total.....		471,548.00
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## NEWPORT SCHOOL NO. 21

## Division 1.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	2	22,140.00

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Total Administrative Salaries.....		34,500.00
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H. Teachers .....	69	453,800.00
I. Clerical .....	5	23,800.00
J. Janitorial .....	8	37,250.00
K. Health .....	2	10,800.00
L. Cafeteria .....	1	3,900.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	71	55,025.00
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## B. Capital Outlay

General Education .....	71	7,100.00
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Total.....		626,175.00
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## OAK GROVE SCHOOL NO. 130

## Division 1.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	3 .....	30,720.00
G. Administrative Assistants ..	1 .....	11,060.00

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Total Administrative Salaries.....		54,140.00
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Teachers .....	75 .....	478,400.00
I. Clerical .....	6 .....	25,817.00
J. Janitorial .....	11 .....	52,500.00
K. Health .....	2 .....	10,800.00
L. Cafeteria .....	2 .....	8,250.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	78 .....	60,450.00
B. Capital Outlay		
General Education .....	78 .....	7,800.00

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Total.....		698,157.00
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## ODESSA SCHOOL NO. 61

## Division 1.—SALARIES

A. Chief School Officer .....		7,300.00
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Total Administrative Salaries.....		7,300.00
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H. Teachers .....	4 .....	27,200.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	1 .....	4,200.00
K. Health .....	PT .....	1,000.00
Cafeteria .....	1 .....	3,600.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	5 .....	3,875.00
B. Capital Outlay		
General Education .....	5 .....	500.00

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Total.....		48,675.00
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## RICHARDSON PARK SCHOOL NO. 20

## Division 1.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	1	8,400.00

Total Administrative Salaries.....		19,780.00
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H. Teachers .....	42	261,800.00
I. Clerical .....	3	13,900.00
J. Janitorial .....	6	28,300.00
K. Health .....	1	5,800.00
L. Cafeteria .....	1	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	43	33,325.00
B. Capital Outlay		
General Education .....	43	4,300.00

Total.....		371,105.00
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## DE LA WARR NO. 47

## Division 1.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	7	70,760.00
F. Vice-principals .....	1	9,860.00
G. Administrative Assistants ..	1	11,060.00

Total Administrative Salaries.....		104,520.00
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H. Teachers .....	190	1,228,880.00
I. Clerical .....	11	50,500.00
J. Janitorial .....	28	121,600.00
K. Health .....	41½	27,000.00
L. Cafeteria .....	7	27,000.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	198	153,450.00
Vocational Education .....	1	1,550.00
B. Capital Outlay		
General Education .....	198	19,800.00
Vocational Education .....	1	200.00

Total.....		1,734,500.00
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## JOHN G. LEACH

(Administered by De La Warr No. 47)

## Division 1.—SALARIES

E. Principals .....	1 .....	8,490.00
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Total Administrative Salaries.....		8,490.00
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H. Teachers .....	8 .....	47,400.00
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I. Clerical .....	1 .....	4,217.00
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J. Janitorial .....	1 .....	4,450.00
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K. Health .....	1 .....	5,800.00
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M. Attendants and Aides ....	8 .....	17,225.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	8 .....	6,200.00
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## B. Capital Outlay

General Education .....	8 .....	800.00
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Total.....		94,582.00
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## STANTON SCHOOL NO. 38

## Division 1.—SALARIES

A. Chief School Officer .....		12,360.00
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E. Principals .....	4 .....	43,140.00
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F. Vice-principals .....	1 .....	9,380.00
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G. Administrative Assistants ..	1 .....	11,060.00
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Total Administrative Salaries.....		75,940.00
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H. Teachers .....	135 .....	869,800.00
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I. Clerical .....	8 .....	37,300.00
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J. Janitorial .....	17½ .....	81,300.00
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K. Health .....	3½ .....	19,500.00
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L. Cafeteria .....	5 .....	20,150.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	140 .....	108,500.00
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## B. Capital Outlay

General Education .....	140 .....	14,000.00
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Total.....		1,226,490.00
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## STANTON TRAINABLE

(Administered by Stanton No. 38)

## Division 1.—SALARIES

E. Principals .....	1 .....	9,760.00
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Total Administrative Salaries.....		9,760.00
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H. Teachers .....	12 .....	69,200.00
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I. Clerical .....	1 .....	3,600.00
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J. Janitorial .....	PT .....	1,400.00
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K. Health .....	PT .....	2,600.00
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M. Attendants and Aides .....	1 .....	1,000.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	13 .....	10,075.00
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## B. Capital Outlay

General Education .....	13 .....	1,300.00
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Total.....		98,935.00
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## TOWNSEND SCHOOL NO. 81

## Division 1.—SALARIES

A. Chief School Officer .....		10,860.00
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Total Administrative Salaries.....		10,860.00
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H. Teachers .....	16 .....	98,200.00
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I. Clerical .....	1 .....	4,900.00
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J. Janitorial .....	2 .....	9,300.00
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K. Health .....	1 .....	4,200.00
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L. Cafeteria .....	1 .....	3,900.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	16 .....	12,400.00
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B. Capital Outlay .....	16 .....	1,600.00
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Total.....		145,360.00
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## MIDDLETOWN NO. 120

## Division 1.—SALARIES

A. Chief School Officer .....		11,840.00
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E. Principals .....	1 .....	8,940.00
Total Administrative Salaries.....		20,780.00
H. Teachers .....	29 .....	195,480.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	5 .....	23,500.00
K. Health .....	1 .....	6,200.00
L. Cafeteria .....	1 .....	5,100.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	30 .....	23,250.00
Vocational Education .....	1 .....	1,550.00
B. Capital Outlay		
General Education .....	30 .....	3,000.00
Vocational Education .....	1 .....	200.00
Total.....		289,460.00

## FELTON SCHOOL NO. 54

## Division I.—SALARIES

A. Chief School Officer .....	11,840.00
E. Principals ..... 2 .....	19,560.00

Total Administrative Salaries.....	31,400.00
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H. Teachers .....	36 .....	228,720.00
I. Clerical .....	3 .....	14,700.00
J. Janitorial .....	6 .....	27,000.00
K. Health .....	1 .....	5,600.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	38 .....	29,450.00
Vocational Education .....	1 .....	1,550.00

## B. Capital Outlay

General Education .....	38 .....	3,800.00
Vocational Education .....	1 .....	200.00

Total.....	346,320.00
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## FREDERICA SCHOOL NO. 32

## Division 1.—SALARIES

A. Chief School Officer .....	8,900.00
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Total Administrative Salaries.....	8,900.00
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H. Teachers .....	12	67,700.00
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I. Clerical .....	1	3,500.00
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J. Janitorial .....	2	9,400.00
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K. Health .....	1	2,400.00
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L. Cafeteria .....	1	3,600.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	12	9,300.00
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## B. Capital Outlay

General Education .....	12	1,200.00
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Total.....	106,000.00
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## HARTLY SCHOOL NO. 96

## Division 1.—SALARIES

A. Chief School Officer .....	9,660.00
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Total Administrative Salaries.....	9,660.00
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H. Teachers .....	12	75,600.00
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I. Clerical .....	1	4,600.00
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J. Janitorial .....	1	4,700.00
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K. Health .....	PT	2,400.00
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L. Cafeteria .....	1	3,750.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	12	9,300.00
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## B. Capital Outlay

General Education .....	12	1,200.00
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Total.....	111,210.00
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## HOUSTON SCHOOL NO. 125

## Division 1.—SALARIES

A. Chief School Officer .....	7,900.00
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Total Administrative Salaries.....	7,900.00
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H. Teachers .....	3	16,600.00
I. Clerical .....	PT	1,000.00
J. Janitorial .....	1	4,900.00
K. Health .....	PT	800.00
L. Cafeteria .....	1	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	4	3,100.00
B. Capital Outlay		
General Education .....	4	400.00
Total.....		38,600.00

## MAGNOLIA SCHOOL NO. 50

## Division 1.—SALARIES

A. Chief School Officer .....		7,400.00
Total Administrative Salaries.....		7,400.00
H. Teachers .....	8	48,300.00
I. Clerical .....	1	1,500.00
J. Janitorial .....	1	4,100.00
K. Health .....	1	1,800.00
L. Cafeteria .....	1	3,000.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	9	6,975.00
B. Capital Outlay		
General Education .....	9	900.00
Total.....		73,975.00

## WILLIAM W. M. HENRY SCHOOL NO. 133

## Division 1.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	1	10,280.00
F. Vice-principals .....	1	9,660.00
Total Administrative Salaries.....		31,800.00
H. (1) Teachers .....	34	223,860.00
H. (2) Teachers—Vocational	2	13,600.00
I. Clerical .....	3	12,800.00

J.	Janitorial .....	9	.....	42,900.00
K.	Health .....	1	.....	4,400.00
L.	Cafeteria .....	1	.....	5,700.00
Division II.—OTHER COSTS				
A.	All Other Costs			
	General Education .....	36	.....	27,900.00
	Vocational Education .....	3	.....	6,200.00
B.	Capital Outlay			
	General Education .....	36	.....	3,600.00
	Vocational Education .....	4	.....	800.00
Total.....				373,560.00

## BRIDGEVILLE SCHOOL NO. 90

## Division 1.—SALARIES

A.	Chief School Officer .....			11,840.00
E.	Principals .....	1	.....	9,880.00
Total Administrative Salaries.....				21,720.00
H.	Teachers .....	31	.....	206,600.00
I.	Clerical .....	3	.....	13,800.00
J.	Janitorial .....	6	.....	27,700.00
K.	Health .....	1	.....	4,200.00
L.	Cafeteria .....	1	.....	4,500.00
Division II.—OTHER COSTS				
A.	All Other Costs			
	General Education .....	32	.....	24,800.00
B.	Capital Outlay			
	General Education .....	32	.....	3,200.00
Total.....				306,520.00

## BLADES SCHOOL NO. 172

## Division 1.—SALARIES

A.	Chief School Officer .....			7,900.00
Total Administrative Salaries.....				7,900.00
H.	Teachers .....	3	.....	22,400.00
I.	Clerical .....	PT	.....	1,000.00
J.	Janitorial .....	1	.....	4,700.00
K.	Health .....	PT	.....	800.00

L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	4 .....	3,100.00
B. Capital Outlay		
General Education .....	4 .....	400.00
Total.....		44,200.00

## JOHN M. CLAYTON SCHOOL NO. 97

Division I.—SALARIES		
A. Chief School Officer .....		11,360.00
E. Principals .....	1 .....	9,880.00
Total Administrative Salaries.....		21,240.00
H. Teachers .....	26 .....	171,200.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	6 .....	29,000.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	1 .....	3,600.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	27 .....	20,925.00
B. Capital Outlay		
General Education .....	27 .....	2,700.00
Total.....		264,865.00

## DELMAR SCHOOL NO. 163

Division I.—SALARIES		
A. Chief School Officer .....		11,360.00
F. Part-time Principals .....	1 .....	7,750.00
Total Administrative Salaries.....		19,110.00
H. Teachers .....	28 .....	186,400.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	7 .....	32,250.00
K. Health .....	1 .....	4,000.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	29 .....	22,475.00

B. Capital Outlay		
General Education .....	29 .....	2,900.00
Total.....		281,435.00

## ELLENDALE SCHOOL NO. 125

## Division 1.—SALARIES

A. Chief School Officer .....		8,400.00
Total Administrative Salaries.....		8,400.00
H. Teachers .....	5 .....	31,000.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	1 .....	4,900.00
K. Health .....	PT .....	1,200.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	6 .....	4,650.00
B. Capital Outlay		
General Education .....	6 .....	600.00
Total.....		55,650.00

## GREENWOOD SCHOOL NO. 91

## Division 1.—SALARIES

A. Chief School Officer .....		10,880.00
E. Principals .....	1 .....	10,080.00
Total Adminstrative Salaries.....		20,960.00
H. Teachers .....	28 .....	173,760.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	6 .....	28,300.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	29 .....	22,475.00
Vocational Education .....	2 .....	3,100.00
B. Capital Outlay		
General Education .....	29 .....	2,900.00

Vocational Education .....	2 .....	400.00
Total.....		271,995.00

## GUMBORO SCHOOL NO. 37

## Division 1.—SALARIES

A. Chief School Officer .....	7,300.00
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Total Administrative Salaries.....	7,300.00

H. Teachers .....	3 .....	19,200.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	1 .....	3,600.00
K. Health .....	PT .....	800.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	4 .....	3,100.00
B. Capital Outlay		
General Education .....	4 .....	400.00
Total.....		39,300.00

## LINCOLN SCHOOL NO. 3

## Division 1.—SALARIES

A. Chief School Officer .....	7,900.00
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Total Administrative Salaries.....	7,900.00

H. Teachers .....	4 .....	27,400.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	1 .....	4,600.00
K. Health .....	PT .....	1,000.00
L. Cafeteria .....	1 .....	3,450.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	5 .....	3,875.00
B. Capital Outlay		
General Education .....	5 .....	500.00
Total.....		49,725.00

## LORD BALTIMORE SCHOOL NO. 28

## Division 1.—SALARIES

A. Chief School Officer .....	10,035.00
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Total Administrative Salaries .....	10,035.00
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H. Teachers .....	21	140,600.00
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I. Clerical .....	2	10,500.00
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J. Janitorial .....	5	22,885.00
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K. Health .....	1	5,800.00
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L. Cafeteria .....	1	5,100.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	21	16,275.00
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## B. Capital Outlay

General Education .....	21	2,100.00
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Total.....	213,295.00
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## MILLSBORO SCHOOL NO. 23

## Division 1.—SALARIES

A. Chief School Officer .....	11,360.00
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E. Principals .....	2	19,400.00
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Total Administrative Salaries.....	30,760.00
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H. Teachers .....	36	222,400.00
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I. Clerical .....	3	15,000.00
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J. Janitorial .....	6	28,100.00
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K. Health .....	1	3,600.00
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L. Cafeteria .....	1	3,900.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	38	29,450.00
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## B. Capital Outlay

General Education .....	38	3,800.00
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Total.....	337,010.00
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## MILTON SCHOOL NO. 8

## Division 1.—SALARIES

A. Chief School Officer .....	11,360.00
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E. Principals .....	1 .....	9,800.00
Total Administrative Salaries.....		21,160.00
H. Teachers .....	31 .....	212,400.00
I. Clerical .....	3 .....	15,300.00
J. Janitorial .....	6 .....	28,800.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	32 .....	24,800.00
B. Capital Outlay		
General Education .....	32 .....	3,200.00
Total.....		315,360.00

## SELBYVILLE SCHOOL NO. 32

## Division 1.—SALARIES

A. Chief School Officer .....		10,860.00
Total Administrative Salaries.....		10,860.00
H. Teachers .....	22 .....	138,900.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	5 .....	23,300.00
K. Health .....	1 .....	4,800.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	22 .....	17,050.00
B. Capital Outlay		
General Education .....	22 .....	2,200.00
Total.....		211,410.00

## BRIDGEVILLE SCHOOL NO. 220

## Division 1.—SALARIES

A. Chief School Officer .....		9,600.00
Total Administrative Salaries.....		9,600.00
H. Teachers .....	15 .....	95,200.00
I. Clerical .....	1 .....	4,600.00

J. Janitorial .....	2 .....	9,100.00
K. Health .....	1 .....	4,200.00
L. Cafeteria .....	1 .....	4,350.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	15 .....	11,625.00
B. Capital Outlay		
General Education .....	15 .....	1,500.00
Total.....		140,235.00

## FRANKFORD SCHOOL NO. 206

## Division 1.—SALARIES

A. Chief School Officer .....		10,360.00
Total Administrative Salaries.....		10,360.00
H. Teachers .....	11 .....	73,600.00
I. Clerical .....	PT .....	1,800.00
J. Janitorial .....	2 .....	9,400.00
K. Health .....	PT .....	2,200.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	11 .....	8,525.00
B. Capital Outlay		
General Education .....	11 .....	1,100.00
Total.....		110,885.00

## WILLIAM C. JASON SCHOOL NO. 192

## Division 1.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2 .....	20,840.00
Total Administrative Salaries.....		32,220.00
H. (1) Teachers .....	57 .....	344,300.00
H. (2) Teachers—Vocational ..	7 .....	46,960.00
I. Clerical .....	5 .....	21,000.00
J. Janitorial .....	10 .....	46,500.00
K. Health .....	2 .....	9,600.00
L. Cafeteria .....	1 .....	4,500.00

## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	59	44,175.00
Vocational Education .....	9	19,375.00

## B. Capital Outlay

General Education .....	59	5,900.00
Vocational Education .....	9	2,500.00

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Total..... 577,030.00

## MILLSBORO SCHOOL NO. 204

## Division 1.—SALARIES

A. Chief School Officer .....	10,380.00
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Total Administrative Salaries..... 10,380.00

H. Teachers .....	15	97,600.00
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I. Clerical .....	1	4,600.00
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J. Janitorial .....	2	8,900.00
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K. Health .....	1	5,800.00
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L. Cafeteria .....	1	4,050.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	15	11,625.00
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## B. Capital Outlay

General Education .....	15	1,500.00
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Total..... 144,455.00

## SELBYVILLE SCHOOL NO. 210

## Division 1.—SALARIES

A. Chief School Officer .....	8,400.00
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Total Administrative Salaries .....

H. Teachers .....	9	57,800.00
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I. Clerical .....	PT	1,800.00
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J. Janitorial .....	2	9,200.00
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K. Health .....	PT	2,000.00
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L. Cafeteria .....	1	3,750.00
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## Division II.—OTHER COSTS

## A. All Other Costs

General Education .....	10	7,750.00
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B. Capital Outlay		
General Education .....	10 .....	1,000.00
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	Total.....	91,700.00

## 1-2-3 TEACHER SCHOOL

## Division 1.—SALARIES

H. Teachers .....	32 .....	207,600.00
I. Clerical .....	PT .....	4,100.00
J. Janitorial .....	PT.....	10,150.00
K. Health .....	PT .....	6,400.00
L. Cafeteria .....	1 .....	2,786.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	32 .....	24,800.00
B. Capital Outlay		
General Education .....	32 .....	3,200.00
		<hr/>
	Total.....	259,036.00

## ELLENDALE NO. 195

## Division 1.—SALARIES

E. Principals .....	1 .....	500.00
		<hr/>
Total Administrative Salaries.....		500.00
H. Teachers .....	4 .....	26,800.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	PT .....	1,000.00
K. Health .....	PT .....	800.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	4 .....	3,100.00
B. Capital Outlay		
General Education .....	4 .....	400.00
		<hr/>
	Total.....	33,600.00

## SLAUGHTER NECK NO. 193

## Division 1.—SALARIES

E. Principals .....	1 .....	500.00
Total Administrative Salaries.....		500.00

H. Teachers .....	3	26,000.00
I. Clerical .....	PT	1,000.00
J. Janitorial .....	PT	1,650.00
K. Health .....	PT	800.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	4	3,100.00
B. Capital Outlay		
General Education .....	4	400.00
Total.....		33,450.00

## REHOBOTH NO. 200

## Division 1.—SALARIES

E. Principals .....	1	500.00
Total Administrative Salaries.....		500.00
H. Teachers .....	3	26,000.00
I. Clerical .....	PT	1,000.00
J. Janitorial .....	1	3,350.00
K. Health .....	PT	800.00
L. Cafeteria .....	1	3,450.00
Division II.—OTHER COSTS		
A. All Other Costs		
General Education .....	4	3,100.00
B. Capital Outlay		
General Education .....	4	400.00
Total.....		38,600.00

## KENTON NO. 9

## Division 1.—SALARIES

E. Principals .....	1	500.00
Total Administrative Salaries.....		500.00
H. Teachers .....	3	25,800.00
I. Clerical .....	PT	1,000.00
J. Janitorial .....	PT	1,500.00
K. Health .....	PT	800.00
L. Cafeteria .....	1	3,343.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	4 .....	3,100.00
B. Capital Outlay		
General Education .....	4 .....	400.00
	Total.....	36,443.00

## MILTON NO. 196

## Division 1.—SALARIES

E. Principals .....	1 .....	500.00
	Total Administrative Salaries.....	500.00

H. Teachers .....	4 .....	32,500.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	PT .....	700.00
K. Health .....	PT .....	1,000.00
L. Cafeteria .....	1 .....	3,150.00

## Division II.—OTHER COSTS

A. All Other Costs		
General Education .....	5 .....	3,875.00
B. Capital Outlay .....	5 .....	500.00
	Total.....	43,225.00

## SUSSEX COUNTY

## VOCATIONAL TECHNICAL CENTER

## Division 1.—SALARIES

A. Chief School Officer .....		10,140.00
	Total Administrative Salaries.....	10,140.00

H. Teachers—Vocational		
Education .....	20 .....	146,280.00
I. Clerical .....	1 .....	5,800.00
J. Janitorial .....	4 .....	16,650.00
K. Health .....	1 .....	4,200.00
L. Cafeteria .....	1 .....	3,000.00

## Division II.—OTHER COSTS

A. All Other Costs		
Vocational Education .....	20 .....	46,500.00

B. Capital Outlay		
Vocational Education .....	20 .....	6,000.00
Total.....		238,570.00
TOTAL LOCAL SCHOOL DISTRICTS .....		16,524,689.00

## WILMINGTON BOARD OF EDUCATION

## Division 1.—SALARIES

A. Superintendent .....		12,840.00
B. Assistant Superintendents (2)		
1. Business and Administrative Services .....		13,360.00
2. Instructional Services .....		13,840.00
C. Directors (3)		
1. Research .....		12,840.00
2. Child Development and Guidance ....		12,360.00
3. Personnel and Child Accounting ....		12,360.00
D. Supervisors—with programs (14)		
1. School Lunch .....	12 months	10,360.00
2. Maintenance and Plant Operations .....	12 months	10,760.00
3. Library .....	10 months	8,967.00
4. Art .....	10 months	8,967.00
5. Music .....	10 months	8,967.00
6. Special Education .....	10 months	8,967.00
7. Physical Education .....	10 months	9,367.00
8. English .....	10 months	8,967.00
9. Social Science .....	10 months	9,367.00
10. Business Education .....	10 months	8,567.00
11. Home Economics .....	10 months	8,567.00
12. Science .....	10 months	9,367.00
13. Mathematics .....	10 months	9,367.00
14. Foreign Language .....	10 months	8,967.00
E. Principals (18) .....		194,100.00
F. Vice-principals (3) .....		28,620.00
G. Administrative Assistants (2)		
1. Secondary Education .....		11,540.00
2. Elementary Education .....		11,060.00
Total Administrative Salaries .....		452,444.00
H. Teachers		
1. General Education .....	644 .....	4,319,200.00

2. Vocational Education .... 27 .....	202,200.00
3. Visiting Teachers ..... 3 .....	22,000.00
4. Psychologists ..... 5 .....	39,200.00
5. Speech and Hearing ..... 5 .....	37,000.00
6. Homebound Instruction .....	4,000.00
I. Clerical (54) .....	264,000.00
J. Janitorial (107) .....	485,350.00
K. Health (25) .....	129,700.00
L. Cafeteria (17) .....	63,375.00
M. Trainable Attendants (6) .....	16,400.00
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Total Division I—SALARIES.....	6,034,869.00
Division II.—OTHER COSTS	
All Other Costs	
General Education .....665 .....	515,375.00
Vocational Education ..... 29 .....	67,425.00
B. Capital Outlay	
General Education .....665 .....	66,500.00
Vocational Education ..... 29 .....	8,700.00
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TOTAL WILMINGTON BOARD OF EDUCATION .....	6,692,869.00
EDUCATIONAL CONTINGENCY FUNDS	
A. Public Education—Growth and Up- grading (Administered by Budget Director) .....	1,800,000.00
B. Night High School—Growth (Admin- istered by Budget Commission) .....	10,000.00
TOTAL EDUCATION .....	55,741,285.00
GRAND TOTAL	
AGENCIES, EDUCATION, ETC .....	122,707,827.00

Section 2. Of the sum appropriated to the State Tax Department pursuant to Section 1. of this Act, \$25,000.00 thereof shall be paid from the Capital Investment Fund.

Section 3. If the estimated revenue of the State proves to be insufficient for the payment of the several appropriations



provided for by the General Assembly, resulting in casual deficiencies of revenue for the fiscal year aforesaid, the Governor is authorized to issue revenue anticipation notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the State Treasurer and the Secretary of State, deem necessary to meet and to pay any part or all of said appropriations.

(1) The revenue anticipation notes or certificates shall be numbered consecutively in such denominations and in such form as the Commission provided for under the provisions of subsection (5) of this Section shall determine.

(2) They shall be payable at any period not exceeding one (1) year from date of the issuance thereof.

(3) They shall be redeemable at the Farmers Bank of Dover on the date of their maturity.

(4) They shall be signed by the Governor, the Secretary of State and the State Treasurer and shall have the State Seal affixed.

(5) The Governor, Secretary of State and State Treasurer shall constitute a Commission to negotiate and arrange for the sale or disposition of the revenue anticipation notes or certificates of indebtedness.

(6) The faith and credit of the State of Delaware is pledged for the payment of the principal and interest of the revenue anticipation notes or certificates of indebtedness which shall be exempt from taxation for any purpose by this State.

(7) All expense incident to the advertising, preparing, issuing and delivering of the revenue anticipation notes or certificates, principals and interest thereon shall be paid by the State Treasurer. There is appropriated such sums as may be necessary to pay costs, principals and interest of such revenue anticipation notes or certificates.

Section 4. All monies received by the State Treasurer from the sale of the revenue anticipation notes or certificates of indebtedness shall be specially pledged and appropriated to

and for the payment of the several appropriations in whole or in part.

Section 5. In the case of any school consolidation as defined in Section 1108 and 1109, Title 14, Delaware Code, it shall be lawful for the State Budget Director to transfer the unexpended balance, or any part thereof of any appropriation for the closed district to the appropriation of the district with which any such closed district is consolidated.

Section 6. Any amount of money derived from the income from the State School Funds shall, for the purpose of this Act, be considered as received by the State Treasurer and thereupon act to reduce to that extent the total amount to be paid by the General Fund of this State for the purpose of meeting the expense incurred in accordance with appropriations provided in Section 1. of this Act.

Section 7. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by the Congress of the United States, the State Board of Vocational Education is hereby directed and empowered to prescribe to the Board of Public Education in Wilmington, to each of the Boards of Education of Special School districts, to each of the several Boards of School Trustees and to the Boards of Trustees of any University or College supported by State Funds, the amount necessary to be allocated by said respective Boards to comply with the purpose and intent of said educational acts which require the matching of funds.

The amounts of funds received from the United States Government by the State Board for Vocational Education shall not be paid to the several boards and districts, hereinbefore mentioned as reimbursements to such boards and/or districts for expenditures incurred in accordance with the provisions of the Delaware State Plan for vocational education, but rather shall be treated as a return of monies advanced by the State for vocational education and paid to the State Treasurer and by him deposited to the credit of the General Fund.

Section 8. The sums appropriated to the schools as "unit costs" shall be used for all school costs except salaries, debt

service, "Capital Outlay" and transportation of pupils to and from the regular sessions of school as provided for in the appropriation to the State Board of Education for this purpose.

Section 9. In the event that any school district shall have more certified units of pupils based on the actual enrollment for September 30, 1965, than the number of units from which appropriation is made in this Act, such district is hereby authorized and empowered:

(a) To employ an additional number of teachers, on State Funds not to exceed the difference between the number of certified units of pupils as of September 30, 1965, and the number of units of pupils for which teachers are provided by Section 1. of this Act. Such "additional number of teachers" shall not be allowed for "vocational units" except if the pupils on which such units are based shall be in attendance in the principal building of the Sussex County Vocational-Technical School, the Kent County Vocational-Technical, the Jason, Henry and Redding Comprehensive High Schools and the Howard and Brown School in Wilmington.

(b) To employ an additional number of clerical, health and custodial employees, not to exceed the difference between the number of such employees to which the district would be entitled in accordance with rules and regulations of the State Budget Director, and based on the number of certified pupils units in the district on September 30, 1965 and the number of such employees provided for the district by Section 1. of this Act.

(c) In the event that any school district shall have fewer certified units of pupils based on the actual enrollment for September 30, 1965, than the number of units for which appropriation is made in this Act, such district's appropriation may be reduced by the State Budget Director to comply with the number of units based on the actual enrollment for September 30, 1965.

Section 10. The State Board of Education and the State Board of Vocational Education shall employ no persons except those whose salary or wages are paid wholly or in part

from the funds appropriated by this Act. Except for casual or part-time "Teachers", "Clerical" or "Janitorial" employees, all persons employed by the State Board of Education or the State Board of Vocational Education and paid wholly or in part from the funds appropriated by this Act and allocated in the line item under the headings "Assistant Superintendents", "Directors", "Supervisors with programs)", "Assistant Supervisors (without programs)", "Teachers", "Clerical" and "Janitorial" shall be paid in accordance with the salary schedules for these classifications set forth in Chapter 13, Title 14, Delaware Code; provided, however, that no employee shall be paid a salary during the fiscal year covered by this Act which is lower than the salary such employee received during the fiscal year ending June 30, 1965, except in the event such employee is reduced in classification or in months employed.

Section 11. No full-time employee of the State of Delaware whose salary is paid wholly or in part by the State of Delaware shall receive any additional stipend for the purchase of food, or be supplied with food, or be reimbursed for food that was consumed during normal working hours within the State. Provided, however, that this Section shall not apply to employees of State agencies who regularly receive wages in kind in addition to their salaries.

Section 12. Transfer of any funds appropriated by this Act shall be subject to the authority and limitations set forth in Part VI, Title 29, Delaware Code; provided, however, that no funds may be transferred into salaries or wages and salaries from non-salary appropriations nor shall any funds be transferred from salaries to non-salary appropriations. No funds may be transferred into a line-item salary appropriation for a specific position from any emergency or contingency fund, except to the extent authorized in Section 13 of this Act, and to maintain the salary schedules set forth for school employees in Chapter 13, Title 14, Delaware Code, nor shall any funds be transferred into wages and salaries from any emergency or contingency fund.

Section 13. Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is designated in a line item in Section 1. of this Act shall receive

total compensation, whether in wages, salary, wages in kind or food allotment, bonus or overtime from the funds of such public sources as the State, Federal departments or agencies, counties or the internal funds of the agencies of the State in excess of the total amount specified in such line-item. In the event that such employee shall receive compensation from such other public sources in excess of that specified in the line-item, the amount of the appropriation from the General Fund of the States as set forth in line-item shall be reduced by the amount of the excess received from such other sources. In the event the "All Others" part of a line-item salary is made up entirely of Federal Aid monies, and further in the event that such federal aid monies should not be forth coming to the extent indicated, the Budget Director shall have the power to increase the State appropriation to the extent necessary to provide the "Total Salary" indicated in the line-item.

Section 14. No full-time employee of the State of Delaware whose salary is paid in whole or part from state funds shall receive a salary increase in excess of \$300.00 during the fiscal year for which money is appropriated by this Act, except:

(a) Employees whose salaries are set by statute or by line-item in this Act,

(b) Employees of any agency which receives funds from salaries or wages from Federal departments or agencies and has established, prior to July 1, 1965 a comprehensive employee salary classifications schedule for all or part of the employees of the agency.

(c) Employee of any agency who is promoted from one existing job classification as established prior to July 1, 1965, to another existing job classification as existing prior to July 1, 1965.

Section 15. Nothing contained in Titles 14 and 30, Delaware Code, shall be construed as authorizing appropriations or expenditures of General Funds monies during the fiscal year ending June 30, 1966 in excess or other than the amounts set forth in this Act and as may be authorized in Supplementary Appropriation Acts enacted by the 123rd General Assembly.

Approved May 24, 1965.

## CHAPTER 82

**AN ACT TO AMEND CHAPTER 5, CHAPTER 7, CHAPTER 9, AND CHAPTER 11, TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 5, Title 4, Delaware Code, is amended by striking § 516 and inserting in lieu thereof a new § 516 to read as follows:

**§ 516. Hotel, restaurant, club or store; consumption off premises**

Any person in charge of a hotel, restaurant, club or store (other than a grocery, delicatessen or cigar store), whether owner, lessee or manager, and recognized as such by the commission, may apply for a license to purchase from the commission or through the commission, as provided in Section 702 of this Title, but not otherwise, and to keep and sell and deliver on the premises only spirits, wine or beer by the bottle or half bottle only, but not for consumption on the premises where sold, or in any dependency thereof. All bottles so sold shall be delivered to the purchaser and shall be removed from the premises where sold with the seals of such bottles unbroken.

Section 2. Chapter 5, Title 4, Delaware Code, is amended by striking § 531 and inserting in lieu thereof a new § 531 to read as follows:

**§ 531. Necessity of license**

Sale of draft beer in half barrel or quarter barrel containers to be kept in stock for personal use but not for purpose of resale may be made to any individual holder of a license authorizing him to purchase such draft beer for stock.

Section 3. Chapter 5, Title 4, Delaware Code, is amended by striking § 532 and inserting in lieu thereof a new § 532 to read as follows:

### § 532. Qualifications and application

(a) No license to purchase draft beer in half barrel or quarter barrel containers to be kept in stock for personal use shall be granted other than to an individual in his personal name. Any temperate individual of more than 21 years of age may apply for a license entitling him to purchase draft beer in half barrel or quarter barrel containers to be kept in stock for personal use.

(b) The application shall be made on a blank furnished by the Commission and signed by the applicant before two witnesses, who shall certify as to the age and as to the temperate habits of the applicant. The application shall give the name, age, occupation and residence of the applicant and shall be accompanied by the amount of the tax payable upon the granting of the license.

Section 4. § 555, Chapter 5, Title 4, Delaware Code, is amended by striking subsection (h) and inserting in lieu thereof a new subsection (h) to read as follows:

(h) For a license to sell alcoholic liquor from a hotel, restaurant or store, not for consumption on the premises the license fee shall be \$225, except as provided in subsection (a) of this Section.

Section 5. § 555, Chapter 5, Title 4, Delaware Code, is amended by striking subsection (j) and inserting in lieu thereof a new subsection (j) to read as follows:

(j) For a license to purchase draft beer in half barrel or quarter barrel containers for his or her personal use and for the personal use of his or her family and guests, but not for sale, the license fee shall be \$5.00.

Section 6. Chapter 7, Title 4, Delaware Code, is amended by striking § 703 and inserting in lieu thereof a new § 703 to read as follows:

### § 703. Sale by Commission at store

The Commission may sell at its store or stores, and deliver

to any person authorized under this Title to purchase, alcoholic liquors.

Section 7. § 714, Chapter 7, Title 4, Delaware Code, is repealed.

Section 8. § 724, Chapter 7, Title 4, Delaware Code, is amended by striking subsection (2) and inserting in lieu thereof a new subsection (2) to read as follows:

(2) Directly from the establishment of a holder of a license to sell and to deliver such alcoholic liquor to the establishment of a like holder of a license to sell, or to the residence in this State of any person who is the holder of a license to purchase draft beer in half barrel or quarter barrel containers to be kept in stock for his or her personal use and who has not been convicted for selling alcoholic liquor without a license.

Section 9. § 724, Chapter 7, Title 4, Delaware Code, is amended by striking subsection (4) and inserting in lieu thereof a new subsection (4) to read as follows:

(4) An individual who is transporting alcoholic liquor for his personal use or the use of his family or guests.

Section 10. § 906, Chapter 9, Title 4, Delaware Code, is amended by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as follows:

(b) In any trial for an offense under this Section, the burden shall be upon the defendant to prove that the taxes provided by Section 581 of this Title have been paid. Nothing in this Section shall apply to any alcoholic liquor purchased from a legal source and being transported by the purchaser.

Section 11. § 1101, Chapter 11, Title 4, Delaware Code, is amended by striking § 1101 and inserting in lieu thereof a new § 1101 to read as follows:

**§ 1101. Peddled or illegally transported liquor**

(a) Wherever alcoholic liquor is being peddled in this State, or whenever any alcoholic liquor is transported in this



State, unaccompanied by a license to transport such alcoholic liquor, or unaccompanied by a way bill as provided in Section 726 (c) of this Title, any police officer of the State or subdivision thereof or any inspector of the Commission may seize such alcoholic liquor, as well as the receptacle or receptacles containing the same, and hand them over to the Commission which shall keep them in its custody until the court has disposed of them by a judgment.

(b) The provisions of this Section shall not at any time or in any instance apply to an individual who is the holder of a license to purchase a stock of draft beer in half barrel or quarter barrel containers for personal use and is transporting for his own personal use from his home after delivery has been made thereto by an importer.

Section 12. § 1102, Chapter 11, Title 4, Delaware Code, is amended by striking § 1102 and inserting in lieu thereof a new § 1102 to read as follows:

**§ 1102. Shipments to unauthorized portions of State; other illegal sales or shipments**

(a) Any officer or inspector of the Commission so authorized, may seize, without a warrant, any alcoholic liquor, as well as any receptacle containing it, shipped into a municipality or part of this State in which a prohibitory law is in force, or whose competent authority has decided, in the manner set forth in Section 102 of this Title, that any license or any certain kind of license shall not be granted, unless each parcel containing such alcoholic liquor is clearly and visibly addressed to the bona fide purchaser. The fact that such parcel is so addressed shall not, however, prevent the seizure of the alcoholic liquor and of the receptacle containing it if such alcoholic liquor is shipped or sold contrary to any provision of this Title.

(b) The alcoholic liquor seized as well as the receptacles containing it shall be handed over to the Commission, which shall keep them in its custody until the court has disposed of them by a judgement.

(c) The provisions of this Section shall not apply to an individual, the holder of a license to purchase a stock of draft beer in half barrel or quarter barrel containers for personal use, who having said license then with him, is personally transporting for his own personal use such draft beer.

Approved May 24, 1965.

## CHAPTER 83

**AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2301, Title 19, Delaware Code, defining "Death" in paragraph five thereof, is amended by striking the semicolon after the word "employment", inserting in lieu thereof a comma, and adding the following:

provided that if death shall occur beyond 285 weeks after the accident, the Board may consider such death as a cause for compensation when the Board has a medical history on the case resulting from the payment of compensation for the injury which is alleged to have caused the death;

Section 2. § 2323, Title 19, Delaware Code, is amended by striking in the fourth line the words "in writing" between the words "given" and "to", by inserting in the fifth line the words "or to the Board" after the word "carrier" and adding a period after the word "Board", and by adding a new sentence at the end thereof to read as follows:

Notice that medical aid was employed as aforesaid shall be given within 30 days thereafter to the employer or its insurance carrier in writing.

Section 3. § 2331, Title 19, Delaware Code, is repealed and a new § 2331 is inserted in lieu thereof to read as follows:

**§ 2331. Burial expenses where death results from injury**

If death results from the injury, the employer shall pay the reasonable burial expenses of an injured employee, not exceeding \$700, but without deduction of any amount theretofore paid for compensation or medical expense, except that any bill for reasonable funeral expenses resulting from the death of an injured employee contracted for in an amount in excess of \$700 may be approved by the Industrial Accident Board.

Section 4. §2124, Title 19, Delaware Code, is amended by striking the second sentence and inserting in lieu thereof a new sentence to read as follows:

The physician shall be allowed a reasonable fee subject to the approval of the Board, which fee shall be taxed as costs.

Approved May 24, 1965.

## CHAPTER 84

**AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING, BY INCREASING THE TAX ON PARI-MUTUEL AND TOTALIZATOR POOLS AND BY INCREASING THE LICENSEE'S COMMISSION ON PARI-MUTUEL AND TOTALIZATOR POOLS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 365, Chapter 3, Title 28, Delaware Code, is amended by striking in the second line thereof the figures "4-1/2" and inserting in lieu thereof the figures "5-1/2".

Section 2. § 366 (a), Chapter 3, Title 28, Delaware Code, is amended by striking in the third line thereof the figure "3" and inserting in lieu thereof the figure "4".

Section 3. § 366 (d), Chapter 3, Title 28, Delaware Code, is amended by striking in the second line thereof the figures "4-1/2" and inserting in lieu thereof the figures "5-1/2".

Approved May 26, 1965.

## CHAPTER 85

**AN ACT PROVIDING FOR THE REORGANIZATION OF THE  
GOVERNMENT OF NEW CASTLE COUNTY AND  
AMENDING AND REPEALING EXISTING LAWS PER-  
TAINING THERETO.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Part II, Title 9, Delaware Code, is amended by inserting therein a new Chapter 11 to read as follows:

## CHAPTER 11

## COUNTY EXECUTIVE AND COUNTY COUNCIL

## SUBCHAPTER I.

**POWERS OF THE GOVERNMENT OF  
NEW CASTLE COUNTY****§ 1101. General powers**

The Government of New Castle County as established by this Chapter shall have and shall assume all powers which, under the Constitution of the State of Delaware, it would be competent for the General Assembly to grant by specific enumeration and which are not denied by Statute, including but not limited to any powers heretofore conferred by the General Assembly upon New Castle County or upon the Levy Court of New Castle County or upon the Levy Court Commissioners of New Castle County or upon the officers or employees of New Castle County, or upon counties generally or upon Levy Court Commissioners generally. This grant of power includes the power to fix the tax rate upon the assessed valuation of all real property in New Castle County subject to assessment by the County. This grant of power does not include the power to enact private or civil law concerning civil relationships except as incident to the exercise of an expressly granted power and does not include the power to define and provide for the punishment of felonies.

**§ 1102. Transfer of functions**

(a) The term "local service function" as used in this Chapter shall mean a local governmental service or a group of closely allied governmental services performed by New Castle County or by a municipality within New Castle County for its inhabitants and for which, under constitutional and statutory provisions and judicial interpretations, the County or any municipality as distinguished from the State has a primary responsibility for provision and financing. Without in any way limiting the foregoing, the following are examples of local service functions: (1) planning and zoning including subdivision regulations; (2) adoption and enforcement of ordinances and regulations for the protection of persons and property from hazards in the use, occupancy, condition, alteration, maintenance, repair, sanitation, removal and demolition of buildings and structures or any parts thereof and grounds appurtenant thereto, in the operation of equipment therein, and of out-door signs including but not limited to zoning ordinances and regulations thereunder, building codes and regulations thereunder, plumbing codes and regulations thereunder or other such codes; (3) programs for redevelopment, low rent housing and urban renewal; (4) parks and park related activities and recreational programs; (5) police protection; (6) fire protection; (7) public works including but not limited to maintenance and operation of sanitary and storm sewers, drainage systems, sewage disposal facilities, refuse disposal facilities, including trash and garbage collection disposal; (8) lighting of streets, roads, alleys, and other public places, maintenance and operation of water supply system; (9) library services.

(b) The term "municipality" as used in this Chapter shall mean any municipal corporation located within New Castle County and incorporated pursuant to law by the General Assembly of the State of Delaware which performs for its residents any local service function and pays the cost thereof out of its own revenue sources.

(c) Responsibility for a local service function or a distinct activity or portion thereof exercised by a municipality located within New Castle County, may be transferred to the County by the concurring affirmative action in the form of an

ordinance of the County Council of New Castle County and of the governing body of the municipality concerned. Responsibility for a local service function or a distance activity or portion thereof not exercised by New Castle County or by a municipality located within New Castle County as of the effective date of this act, or exercised by New Castle County as of the effective date of this act, may be transferred to a municipality located within New Castle County by the concurring affirmative action in the form of an ordinance of the County Council of New Castle County and of the governing body of the municipality concerned.

(d) The expression of official action transferring a local service function shall make explicit: (1) the nature of the local service function transferred; (2) the effective date of such transfer; (3) the manner in which affected employees engaged in the performance of the function will be transferred, reassigned or otherwise treated; (4) the manner in which real property, facilities, equipment or other personal property required in the exercise of the function are to be transferred, sold or otherwise treated; (5) the method of financing to be used in the exercise of the function received; (6) other legal, financial, and administrative arrangements necessary to effect transfer in an orderly and equitable manner.

#### **§ 1103. Exercise of powers**

All powers of the government of New Castle County shall be carried into execution as provided by this Title or by other law of this State or if this Title or other law of this State makes no such provision, as provided by ordinance or resolution of the County Council of New Castle County.

### **SUBCHAPTER II. COUNTY EXECUTIVE**

#### **§ 1111. Election and term**

(a) At the first general election in November following the enactment of this Chapter, and each fourth year thereafter, a County Executive shall be elected at large from New Castle County, except that if such first general election is in a non-presidential election year, then the County Executive thus elect-



ed shall serve a term of two years and thereafter shall be elected each fourth year in a presidential election year. He shall take office on the first Tuesday in January following his election. He shall serve no more than two consecutive terms of four years each, not counting any partial terms he may serve as a result of vacancy in the office of County Executive or as a result of his election to a term of two years as aforesaid. Following any two consecutive four year terms served by the County Executive, he may again hold the office provided that a four year term has intervened since he last held the office.

(b) The County Executive shall be the chief executive officer of the County. He shall be responsible to the people of the County for the executive and administrative work of the County. He shall be recognized as the head of the County government for all ceremonial purposes, the purposes of military law, and the acceptance of service of civil process.

#### **§ 1112. Qualifications**

The County Executive shall be a citizen of the United States, a qualified elector of New Castle County, and shall have been a resident of New Castle County for at least five years immediately preceding his election. Removal from the County as a resident shall be construed as vacating the office of County Executive. He shall be no less than 27 years old when elected to the office of County Executive.

#### **§ 1113. Compensation**

The salary of the person first elected to the office of County Executive shall be a minimum of \$17,500.00 per year. The salary may be changed by ordinance, but shall not be decreased below \$17,500 per year. No ordinance changing such salary shall become effective until the date of commencement of the term of the County Executive following the term in which the salary was changed and provided the effective date follows the change of salary by not less than six months.

#### **§ 1114. Vacancy in office**

Whenever a vacancy occurs in the office of County Executive by reason of death, resignation, removal from office or other

cause, the President of the County Council shall serve as County Executive until the latter office is filled as a result of an election. If a vacancy in the office of County Executive occurs more than 30 days prior to the date of a primary election in which County officers are nominated, the vacancy shall be filled for the remainder of the term in the next succeeding general election and the County Executive elected in this manner shall take office on the first Tuesday following his election. If a vacancy in the office of County Executive occurs less than 30 days prior to the date of a primary election in which County officers are nominated, the vacancy shall be filled for the remainder of the term by the President of the County Council. If the President of the County Council becomes County Executive, his office as Councilman shall become vacant.

#### **§ 1115. Absence or disability**

During the temporary absence or disability of the County Executive, the Chief Administrative Officer shall act as County Executive and may sign contracts or other legal papers or instruments which the County Executive is authorized to sign. The County Executive shall designate in writing a head of a County department who shall act as County Executive during the temporary absence or disability of both the County Executive and the Chief Administrative Officer. The Acting County Executive may sign contracts or other legal papers or instruments which the County Executive is authorized to sign.

#### **§ 1116. Powers and duties**

(a) The County Executive shall see that the duties and responsibilities of the executive and administrative agencies of the County are properly performed and that the work of the County offices, departments, and agencies is properly coordinated.

(b) The County Executive shall see that the laws of the State required to be administered by the County, the provisions of this Title, ordinances, and regulations of the County are enforced.

(c) The County Executive shall make appointments to positions for which he has appointing authority and to other

positions for which no appointing authority is prescribed.

(d) The County Executive, except as otherwise provided in this Title, shall remove or suspend at his pleasure any person whom he may appoint to a position of trust or emolument.

(e) The County Executive shall receive and examine complaints made against any officer or employee for neglect of duty or malfeasance in office.

(f) The County Executive shall have full authority to examine the books, papers, records, accounts, moneys, securities and property of the County in the possession of all offices, departments, or boards which he supervises, and may in his discretion delegate such authority to one or more competent persons.

(g) The County Executive shall require the fiscal officers of the County to make such special audits, investigations, or examinations as he may deem appropriate.

(h) The County Executive shall require of officers, departments, or agencies under his supervision the submission of any reports he deems appropriate.

(i) The County Executive shall sign all contracts, bonds, or other instruments requiring the assent of the County, except those which other officers are authorized by this Title or by the County Council under this Title, to sign.

(j) The County Executive shall administer oaths necessary or appropriate for the performance of his duties.

(k) The County Executive shall prepare and submit to the County Council and execute after adoption the annual budget, capital program, and capital budget.

(l) The County Executive shall exercise such other powers and perform such other duties as may be prescribed by ordinance or by law.

**§ 1117. Performance of functions by contract**

Whenever in this Title any function or duty is assigned to any officer, department or board for performance, such officer, department or board may perform such function by contract to the extent authorized in writing by the County Executive.

**§ 1118. Civil Defense**

The County Executive shall by rule provide for the organization and performance of such civil defense functions as shall from time to time be performed by the County.

**§ 1119. Communications between County Executive and County Council**

The County Executive orally or in writing may present messages, information, recommendations to the County Council.

**§ 1120. Power to appoint Chief Administrative Officer and Department Directors**

(a) The County Executive shall appoint a Chief Administrative Officer who shall serve at the pleasure of the County Executive. The Chief Administrative Officer shall be qualified by education, training and experience for the duties to be performed by him.

(b) The County Executive, with the advice and consent of the County Council, shall appoint the Directors of the executive Departments of Finance, Planning, Development and Licensing, Public Works, Police, and Parks and Recreation, who shall serve at the pleasure of the County Executive.

**§ 1121. Powers and duties of Chief Administrative Officer**

(a) The Chief Administrative Officer shall assist the County Executive in carrying out his duties and responsibilities and, subject to the policies and directives of the County Executive, shall have general supervision over the executive and administrative agencies of the County.

(b) The Chief Administrative Officer on behalf of the County Executive shall prepare the annual operating budget, capital program, and capital budget as provided by this chapter. He shall supervise the execution of the budgets. He shall prepare reports and information concerning the status of the financial and other affairs of the County which will keep the County Executive, County Council, and the public informed as to all offices, departments, and agencies receiving appropriations from the County Treasury.

### **SUBCHAPTER III. BUDGETING**

#### **§ 1131. Separate budgeting for local service functions performed by the County outside of the limits of municipalities**

(a) The Chief Administrative Officer and the County Executive in the preparation of the annual operating budget shall divide and segregate in a separate budget, entitled Local Service Function Budget, all expenditures for the performance of local service functions which are not performed by the County within the limits of any municipality. The Chief Administrative Officer and the County Executive in the preparation of the Local Service Function Budget shall specify separately the total appropriation required for the performance of each local service function which is not performed by the County within the limits of any municipality. The County Executive in estimating the revenues which will be necessary for the payment of the cost of each such local service function shall not include in the estimate any estimated revenues to be derived from ad valorem taxation of real property within any municipality which performs such function independently for its residents and pays the cost thereof out of its own revenue sources.

(b) The County Executive shall submit to the County Council a proposed revenue ordinance which will achieve sufficient revenues to balance the total operating budget including the Local Service Function Budget. The County Executive in the preparation of the proposed revenue ordinance shall not, and the County Council and the County Executive in the enactment of the annual revenue ordinance shall not, impose ad valorem taxation on real property within any municipality to pay the cost

of any local service function if such function is performed by the municipality for its residents and the cost thereof is paid out of municipal revenues.

(c) The provisions of subsections (a) and (b) shall not be applicable (1) in any instance where a municipality initiates the performance of or exercises responsibility for a local service function or a distinct activity or portion thereof not previously exercised by the municipality as of the effective date of this act without the affirmative action in the form of an ordinance of the County Council of New Castle County, and (2) to the cost of operation by the County of park and recreational facilities which are not local in nature and which serve the metropolitan area.

(d) The Chief Administrative Officer and the County Executive in the preparation of the annual operating budget shall divide and segregate in a separate budget entitled General Operating Budget all expenditures not properly allocable to the Local Service Function Budget. The County Council in estimating the revenues which will be necessary for the payment of these expenditures shall include the estimated revenues to be derived from ad valorem taxation of real property within the County.

(e) The County Executive in the preparation of the proposed revenue ordinance and the County Council and the County Executive in the enactment of the annual revenue ordinance shall uniformly impose ad valorem taxation on real property within the County to pay the cost of the General Operating Budget.

**§ 1132. Preparation of the annual operating budget; distribution of budget requests; completed forms; preliminary budget; preliminary budget hearings; operating budget; distribution of operating budget**

(a) The Chief Administrative Officer shall annually, not later than the first day of January, distribute budget request forms to the County Council and for each office, department, board, or agency which is receiving or seeking to receive an ap-

propriation from the County Council payable from any operating fund of the County.

(b) The County Council and the head of each office, department, board or agency shall enter upon such forms requests for appropriations for the ensuing year and such supporting information as the Chief Administrative Officer shall have specified. All completed forms shall be delivered to the Chief Administrative Officer not later than the fifteenth day of February.

(c) The Chief Administrative Officer shall prepare a preliminary budget for the consideration of the County Executive. The preliminary budget shall include all budget requests, the recommendations of the Chief Administrative Officer with respect to each request, an estimate of the receipts from each source of revenue, and a statement of the total estimated income and the total recommended expenditures for each operating fund.

(d) The County Executive shall review the preliminary budget and may hold hearings thereupon at which the head of each office, department or board may be given an opportunity to be heard with respect to his requests. The Chief Administrative Officer shall thereupon prepare the operating budget as directed by the County Executive. The operating budget shall be presented to the County Council by the County Executive together with a budget message outlining his reasons for the requested appropriations and shall be accompanied by proposed revenue and operating budget ordinances to give effect to the budget as presented. If the estimated revenue from existing sources is deemed by the County Executive to be insufficient to balance the budget, he shall recommend revenues sufficient to achieve a balanced budget.

(e) The proposed ordinance for the operating budget shall provide appropriations in a lump sum under the following classes for each office, department, or board to which appropriations are made: (1) personal services of officers and employees; (2) contractual services; (3) materials and supplies; (4) equipment; (5) improvements of an estimated life of less than 10 years; (6) debt services; (7) such other general classes as the County Executive or the County Council may annually establish.

(f) The operating budget and the proposed revenue and operating budget ordinances shall be submitted to the County Council not later than the first day of April. Sufficient copies of the operating budget shall be supplied by the County Executive to the Clerk of the County Council for distribution to members of the County Council and to interested citizens.

**§ 1133. Administration and enforcement of the operating budget ordinance; adoption of operating budget; allocations and allotments; approval of allocations and allotments; revisions; liability**

(a) The adoption of the operating budget ordinance shall constitute an appropriation of the sums specified therein for the purpose and from the funds indicated. Such appropriation shall be considered valid only for the year for which made, and any part of such appropriation which is not encumbered or expended shall lapse at the end of the year.

(b) Following the adoption of the operating budget ordinance, the Chief Administrative Officer shall determine, with the approval of the County Executive, such allocation or allotment procedures as he shall deem appropriate for a proper administration of the budget. The head of each office, department, or board shall submit to the Chief Administrative Officer such work programs and requests for allocations and allotments as he deems appropriate for the most efficient and effective operation of his office, department or board.

(c) The approval of such allocations and allotments, in the amounts submitted or in amended amounts approved by the County Executive, shall constitute budgetary allocations and allotments which shall be binding upon such office, department, or board and the Department of Finance shall not approve nor issue any requisition, purchase order, voucher, or check that is not in accordance with such allocation or allotment.

(d) The allocations and allotments herein provided may be altered at the direction of the County Executive. The County Executive shall direct appropriate revisions in allocations and allotments to keep expenditures within the revenues received or anticipated.



(e) The Director of Finance and his surety shall be liable for any money withdrawn from any operating fund other than in accordance with the operating budget ordinance and the allocations and allotments approved under the foregoing procedure.

**§ 1134. Preparation of the capital program and the capital budget; preparation by Chief Administrative Officer; recommendation by County Executive; action by County Council**

(a) The Chief Administrative Officer shall annually prepare a capital program and a capital budget under the direction of the County Executive. In the course of the preparation of the capital program, the Chief Administrative Officer shall confer with the Department of Planning and the Planning Board with a view to ascertaining that the proposed capital program is in accordance with the comprehensive development plan prepared by the Department of Planning.

(b) No later than the first day of April of each year, the County Executive shall recommend to the County Council a capital program for the ensuing six years and a capital budget for the ensuing year. Not later than the date upon which he submits the capital program to the County Council, the County Executive shall submit it to the Planning Board for its review and recommendations to the County Council.

(c) The proposed capital program and the proposed capital budget shall have such content and be in such form as to enable action to be taken thereupon the County Council as required by this title.

(d) The County Executive in the preparation of the Capital Budget shall not include in the revenue estimates any estimated revenues to be derived from ad valorem taxation of real property within a municipality for any capital expenditure including debt service which is related to the performance by the County of a local service function which is performed by the municipality for its own residents and for which the cost is paid out of municipal revenues. The County Council in the adoption of the Capital Budget by ordinance shall not impose

ad valorem taxation on real property within a municipality for the payment of the cost of any capital expenditure including debt service which is related to the performance by the County of a local service function which is performed by the municipality for its own residents and for which the cost is paid out of municipal revenues. The provisions of this subsection shall not be applicable to capital expenditures including debt service for the acquisition by the County of park and recreational facilities which are not local in nature and which serve the metropolitan area.

(e) The County Executive and the County Council in the adoption of a Capital Budget by ordinance shall uniformly impose ad valorem taxation on real property within the County for the payment of the cost of any capital expenditure including debt service which is not related to the performance by the County of a local service function which is performed by a municipality for its own residents and for which the cost is paid out of municipal revenues.

#### **§ 1135. Administration of the capital budget**

The Chief Administrative Officer under the supervision of the County Executive, shall be responsible for the administration of the capital budget as adopted by ordinance. To this end, he shall cause each office, department or board to take necessary action to provide for the prompt and efficient execution of the capital budget.

#### **§ 1136. Fiscal year**

The fiscal year of the County shall commence on July 1 of each year and conclude upon June 30 of the following year.

#### **§ 1137. Encumbrance defined**

For the purpose of this title, the term "encumbrance" shall mean a commitment for expenditure of an appropriation evidenced by a valid purchase order for specific supplies, material, work or services from a designated vendor.

### **SUBCHAPTER IV. COUNTY COUNCIL**

#### **§ 1141. Number and Term**

(a) The County Council shall consist of seven members. Six of the members shall be elected from councilmanic districts.

The seventh member shall be elected at large from New Castle County and shall serve as President of the County Council. Unless otherwise provided by law, councilmen shall serve a term of four years, or until their successors have been elected and take office. A councilman shall take office on the first Tuesday in January following his election.

(b) The Levy Court of New Castle County and the office of Levy Court Commissioner of New Castle County, including the offices of the incumbents, are abolished as of the first Tuesday of January, 1967. The two Levy Court Commissioners whose terms would not have otherwise expired on the first Tuesday of January, 1967, shall become members at large of the County Council until the expiration of the term for which each originally was elected as Levy Court Commissioner, i.e., the first Tuesday of January, 1969 and the first Tuesday of January, 1971, respectively, so that on the first Tuesday of January, 1967, there shall be nine members of the County Council, and on the first Tuesday of January, 1969, there shall be eight members of the County Council, and on the first Tuesday of January, 1971, there shall be seven members of the County Council. In case of death or resignation of said incumbent members, or their successors, prior to the expiration of the terms as aforesaid, the Governor shall appoint some suitable person of the same political party having the qualifications previously required of a Levy Court Commissioner, pursuant to the provisions of Section 9, Article III, of the Constitution of this State. For any purpose for which a majority vote or five-sevenths vote is required by this title during the time that the County Council shall be composed of more than seven members, the number so required shall be five and six respectively.

#### § 1142. Qualifications

Councilmen shall be citizens of the United States and qualified electors of the County. They shall be residents of the district from which they are elected or, in the event of redistricting, of the district as adjusted for at least one year prior to their election. Councilmen must not be less than 24 years old when elected to office. The County Council shall be the judge of the qualifications of its members.

**§ 1143. Prohibitions**

Except where authorized by law, no Councilman shall hold any other county office or employment by the County government during the term for which he was elected to the County Council. No former Councilman shall hold any compensated appointed County office or employment until one year after the expiration of the term for which he was elected to the County Council.

**§ 1144. Salary**

The annual salary of Councilmen shall be \$7,000 until changed by ordinance, except that no increase shall be effective during the current term of the members enacting such ordinance and no change shall be made during the final six months of the term of any member. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office. Expenses for travel within New Castle County shall not be paid.

**§ 1145. President of the County Council; President pro-tempore**

(a) At the first general election in November following the enactment of this chapter, and each fourth year thereafter, a President of the County Council shall be elected at large from New Castle County, except that if such first general election is in a non-presidential election year, then the President of the County Council thus elected shall serve a term of two years and thereafter shall be elected each fourth year in a presidential election year. The President of the County Council shall preside over meetings of the County Council and shall have the same rights and duties including the right to vote and speak therein as other members.

(b) The County Council shall elect by majority vote from among its members a President pro-tempore of the County Council who shall, during the absence of the President or a vacancy in the office, assume its rights and duties.

### § 1146. Powers of County Council

All legislative powers of the County shall be vested in the County Council, except as otherwise provided by this title or other laws of the State of Delaware, and the County Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the County by law.

### § 1147. Vacancies

(a) The office of a Councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) The office of a Councilman shall be deemed to have been forfeited should the incumbent at any time during his term of office: (1) lack any qualifications for the office prescribed by this subchapter or other law of the State, including residence in the district from which he was elected; (2) violate any express prohibition of this title or (3) be convicted of a crime involving moral turpitude.

(c) When a vacancy occurs in the office of Councilman, the County Council shall certify that a vacancy exists. If a vacancy occurs more than 30 days prior to the date of a primary election in which County officers are nominated, the vacancy shall be filled for the remainder of the term in the next succeeding general election and the Councilman elected in this manner shall take office on the first Tuesday following his election.

(d) If a vacancy in the office of Councilman occurs less than 30 days prior to the date of a primary election in which County officers are nominated or pending the election of a Councilman to fill a vacancy under subsection (c), the County Council, by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy for the remainder of the term. If the County Council fails to fill a vacancy within 30 days following the occurrence thereof, the Department of Elections shall call a special election to fill the vacancy for the remainder of the term, the special election to be held not sooner than 60 days and not later than 120 days following occurrence of the vacancy.

**§ 1148. Clerk of County Council**

The County Council shall appoint a Clerk of County Council who shall keep the journal of its proceedings, and perform such other duties as are assigned to him by this title or by the County Council. The County Council may provide for employees to serve in the office of the Clerk of County Council.

**§ 1149. Investigations; refusal to obey; penalties**

(a) The County Council may make investigations into the affairs of the County and the conduct of any County department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of pertinent evidence of any kind. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the County Council shall be guilty of a misdemeanor and punishable in accordance with a schedule of fines and imprisonment established by the County Council. In no event shall a fine exceed \$500 and an imprisonment shall not exceed one year. Any combination of fines and imprisonment shall not exceed both \$500 and one year.

(b) The Superior Court shall have exclusive original jurisdiction over offenses under this section.

**§ 1150. Procedure**

(a) The County Council shall meet regularly at least twice in each month at 8:00 P. M. The place and dates of regular meetings and the places of special meetings shall be established by the County Council as a part of the rules of procedure adopted for the conduct of its meetings. Special meetings may be held on call of the President of County Council or of a majority of the members of the County Council in accordance with rules adopted as a part of the rules of procedure of the County Council. All meetings shall be public. Official County business transacted by the County Council shall be in the public meetings.

(b) The County Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings which shall be a public record.

(c) Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. A majority of all members of the County Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the County Council. No action of the County Council, except as otherwise provided in this title, shall be valid or binding unless adopted with the concurrence of a majority of all the members of the County Council.

#### **§ 1151. Action required by ordinance**

All actions of the County Council which shall have the force of law shall be by ordinance.

#### **§ 1152. Ordinances generally**

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance, except those relating to the budget or appropriation of funds and those relating to the adoption or revision of the County Code shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The County of New Castle hereby ordains". Any ordinance which repeals or amends an existing ordinance or part of the County Code shall set out in full that part of the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics.

(b) An ordinance may be introduced by any member at any regular or special meeting of the County Council. Upon introduction of any ordinance, the Clerk of County Council shall distribute a copy to each Councilman and to the County Executive; shall file a reasonable number of copies in the office of the Clerk of County Council and such other public places as the County Council may designate; shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon by the County Council and shall pro-

duce a sufficient number of copies thereof to meet reasonable demands therefor by interested citizens and others who may be affected by such ordinance. The public hearing shall follow the publication by at least one week; may be held separately or in connection with a regular or special County Council meeting and may be adjourned from time to time, and all persons interested shall have a reasonable opportunity to be heard. The County Council may make rules governing the holding of public hearings. After the public hearing the County Council may adopt the ordinance with or without amendments or reject it, but if it is amended as to any matter of substance which is not embraced within the title of the ordinance, the County Council may not adopt it until the ordinance or its amended sections have been subjected to all of the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the Clerk of County Council shall number the ordinance and have it published again, together with a notice of its adoption.

(c) Except as otherwise provided in this title, every adopted ordinance shall become effective at the expiration of 30 days after adoption unless the ordinance itself stipulates a different date.

(d) As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the County: (1) the ordinance or the title thereof; (2) the places where copies of the ordinances have been filed, the times when they are available for public inspection, and the place and the cost at which copies may be procured.

### **§ 1153. Procedure for amendments to Zoning Code**

(a) All amendments to the Zoning Code shall be by ordinance. Not more than 3 days after the introduction of an ordinance amending the Zoning Code, the County Council shall refer it to the Department of Planning and the Planning Board for recommendation.

(b) Within 45 days thereafter the Department of Planning and the Planning Board shall deliver its recommendation to the County Council who shall again publish the ordinance and



establish a time and place at which a public hearing shall be held, provided that the County Council may by its rules and regulations require persons interested in the proposed ordinance to give it advance notice of intent to be heard thereupon. Upon the failure of the Department of Planning and the Planning Board to deliver its recommendation to the County Council within 45 days, the County Council may proceed as aforesaid.

**§ 1154. Procedure for adoption of official map**

(a) At the time of the presentation of the proposed official map or amendments thereto, an ordinance shall be introduced into the County Council for adoption of such map or amendment thereto.

(b) Not less than 30 days prior to the adoption of the ordinance, the County Council shall have given notice to the owner of any property affected by any line of a proposed street or any change in the line of any existing street. Such notice shall be by registered mail to the owner of record at his last known address and by publication in a newspaper of general circulation in the County.

(c) Prior to the adoption of the official map, the County Council shall advise the State Highway Department of any proposed new street, or of the proposed change in the lines of any existing street. The County Council shall not proceed with the adoption of the ordinance until the State Highway Department has approved the proposed new street or changes in the lines in existing streets, provided that the approval of the State Highway Department shall be presumed should the County Council have received no communication to the contrary within 30 days of submission of the proposed new street or change in the lines of existing streets to the State Highway Department.

**§ 1155. Consideration and adoption of the annual operating budget ordinance**

(a) The County Council, upon receipt of the operating budget, shall immediately publish a notice in a newspaper of general circulation in the County, setting forth:

(1) A summary of the estimated revenues and expenditure.

(2) The detail of recommended new sources of revenue or increased rates of existing taxes, licenses, fees or other revenue.

(3) That copies of the budget are available at the office of the Clerk of County Council.

(4) The date, time, and place at which the County Council will commence its public hearings upon the proposed budget, which shall not be less than 10 days after the date of publication of such notice.

(b) The County Council, upon conclusion of its public hearings but not later than the first day of June, shall enact the operating budget ordinance. The County Council may increase, decrease, or delete any item of appropriation recommended by the County Executive, and may add new items of appropriation.

(c) No amendment to the operating budget ordinance shall increase the aggregate of authorized expenditures to an amount greater than the estimate of revenue for the corresponding period.

(d) The County Council in the adoption of the annual operating budget ordinance shall divide and segregate in a separate budget, entitled Local Service Function Budget, all expenditures for the performance of local service functions which are not performed within the limits of any municipality. The County Council in the adoption of the Local Service Function Budget shall specify separately the total appropriation required for the performance of each local service function which is not performed within the limits of any municipality. The County Council in estimating the revenues which will be necessary for the payment of the cost of each such local service function shall not include in the estimate any estimated revenues to be derived from ad valorem taxation of real property within any municipality which performs such function independently for its residents and pays the cost thereof out

of its own revenue sources. The provisions of this subsection shall not be applicable (1) in any instance where a municipality initiates the performance of or exercises responsibility for a local service function or a distinct activity or portion thereof not previously exercised by the municipality as of the effective date of this act without the affirmative action in the form of an ordinance of the County Council of New Castle County, and (2) to the cost of operation by the County of park and recreational facilities which are not local in nature and which serve the metropolitan area.

(e) The County Council in the adoption of the annual operating budget ordinance shall divide and segregate in a separate budget, entitled General Operating Budget, all expenditures not properly allocable to the Local Service Function Budget. The County Council in estimating the revenues which will be necessary for the payment of these expenditures shall include the estimated revenues to be derived from ad valorem taxation of real property within the County.

#### § 1156. Submission of Ordinance to County Executive

(a) No ordinance shall be considered as officially adopted until it has secured the signature of the County Executive or has become effective without the signature of the County Executive as provided in this section.

(b) Every ordinance approved by the County Council shall be signed by the President of the County Council and presented forthwith to the County Executive.

(c) If the County Executive approves an ordinance presented to him, he shall sign it and return it to the Clerk of the County Council and the ordinance shall take effect in 30 days unless a different effective date is specified in the ordinance.

(d) If the County Executive disapproves an ordinance presented to him, he shall return it to the Clerk of County Council with his objections stated in writing and the Clerk of County Council shall present the same with such objections to the County Council at its next regular meeting, and such

objections shall be entered upon the journal of the County Council. The County Council may, within 30 days thereafter, reconsider the same; if after such reconsideration five-sevenths of all the members of the County Council shall vote to pass the ordinance, the same shall take effect notwithstanding the objections of the County Executive, unless a greater number of members are necessary according to the provisions of this subchapter for the original passages of the ordinance, in which case unless as many members as are requisite for the original passage of the ordinance shall vote to pass the ordinance, it shall not take effect. If any ordinance shall not be returned by the County Executive to the office of the Clerk of County Council within ten calendar days after it shall have been presented to him, or if such ordinance shall be returned after the ten day period without the County Executive's approval, the same shall take effect in like manner as if the County Executive had approved and signed it.

(e) The County Executive may disapprove or reduce any item or items of appropriation in any ordinance except for the following:

(1) Items prescribing salaries established by State law or prescribed by this title.

(2) Items appropriating funds for the purpose of auditing or investigating any part or all of the executive or administrative agencies of the County.

(3) Items for payment of principal and interest on the public debt.

(4) Items relating to the internal operating expenses of the County Council.

(f) Subject to the foregoing exceptions, the approved part or parts of any ordinance making appropriations shall become a law, and the part or parts disapproved, or the item or items reduced, shall not become law unless passed by the County Council over the veto of the County Executive as provided in the provisions of this Chapter applicable to the veto of an ordinance.

**§ 1157. Emergency ordinances**

To meet a public emergency affecting life, health, property or the public peace, the County Council may adopt emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except to issue emergency notes as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five-seventh of the members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon its adoption or at such later time as it may specify. Every emergency ordinance except one made for the issuance of emergency notes shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**§ 1158. Budget of revenues**

(a) The County Council, at the meeting at which the annual operating budget ordinance is adopted and within the limits of its power and subject to other provisions of this title, shall ordain such taxes and other revenue measures as will yield sufficient revenue, which, together with any available surplus, will balance the budget.

(b) Revenues shall be estimated only upon the basis of the cash receipts anticipated for the fiscal year.

(c) The estimated yield from each item of revenue and of the amounts of surplus to be used in the balancing of the

budget shall be certified to the County Council by the County Executive.

(d) The annual operating budget ordinance shall not become effective until the County Council shall have adopted revenue measures which together with the available surplus shall in the opinion of the County Executive be estimated to yield sums at least sufficient to balance the proposed expenditures. The Department of Finance shall not approve any expenditure under any portion of an annual operating budget ordinance until such balancing shall have been provided.

(e) The government of New Castle County in the enactment of the annual revenue ordinance or in the enactment of other revenue measures shall not impose ad valorem taxation on real property within any municipality to pay the cost of any local service function if such function is performed by the municipality for its residents and the cost thereof is paid out of municipal revenues. The provisions of this subsection shall not be applicable (1) in any instance where a municipality initiates the performance of or exercises responsibility for a local service function or a distinct activity or portion thereof not previously exercised by the municipality as of the effective date of this act without the affirmative action in the form of an ordinance of the County Council of New Castle County, and (2) to the cost of operation by the County of park and recreational facilities which are not local in nature and which serve the metropolitan area.

(f) The government of New Castle County in the enactment of the annual revenue ordinance or in the enactment of other revenue measures shall uniformly impose ad valorem taxation on real property within the County and pay the cost of the General Operating Budget.

#### **§ 1159. The capital program and capital budget**

(a) The County Council shall approve a capital program and adopt a capital budget before it ordains the annual operating budget.

(b) The capital program shall detail all permanent physical improvements including the acquisition of real estate that

are planned to be financed in whole or in part from funds that are or may become subject to control or appropriation by the County Council during each of the ensuing six years. For each separate project there shall be shown the amount and the source of money that has been expended or encumbered, or is to be expended or encumbered before the next fiscal year, and also the amount and the sources of money planned to be expended during each of the ensuing six years.

(c) The County Council may not amend the capital program as submitted to it by the County Executive until it has received from the County Executive his recommendations with respect to the proposed amendment. The County Council shall not be bound by such recommendations and may act without them if they are not received within 15 days from the date they are requested.

(d) The capital budget ordinance shall show in detail the capital expenditures to be made or incurred in accordance with the capital program during the next year from funds subject to the control of appropriation of the County Council. The amounts budgeted shall constitute appropriations from the funds indicated when available.

(e) Amendments to the capital budget ordinance must conform to the pertinent portions of the capital program in its original or amended form.

(f) The County Council in the adoption of the Capital Budget Ordinance shall not include in the revenue estimates any estimated revenues to be derived from ad valorem taxation of real property within a municipality for any capital expenditure including debt service which is related to the performance by the County of a local service function which is performed by the municipality for its own residents and for which the cost is paid out of municipal revenues. The County Council in the adoption of the Capital Budget Ordinance shall not impose ad valorem taxation on real property within a municipality for the payment of the cost of any capital expenditure including debt service which is related to the performance by the County of a local service function which is performed by the municipality for its own residents and for which the cost

is paid out of municipal revenues. The provisions of this subsection shall not be applicable (1) in any instance where a municipality initiates the performance of or exercises responsibility for a local service function or a distinct activity or portion thereof not previously exercised by the municipality as of the effective date of this act without the affirmative action in the form of an ordinance of the County Council of New Castle County, and (2) to capital expenditures including debt service for the acquisition by the County of park and recreational facilities which are not local in nature and which serve the metropolitan area.

(g) The County Council in the adoption of a Capital Budget by ordinance shall uniformly impose ad valorem taxation on real property within the County for the payment of the cost of any capital expenditure including debt service which is not related to the performance by the County of a local service function which is performed by a municipality for its own residents and for which the cost is paid out of municipal revenue.

#### **§ 1160. Unrestricted use of present revenues**

(a) There shall be no restriction on the right of the government of New Castle County to use the proceeds derived from ad valorem taxation of real property within the County, including real property within municipalities, at the tax rate imposed by the Levy Court of New Castle County as of July 1, 1965, for any purpose including the payment of the cost of services included in the Local Service Function Budget.

(b) The provisions of Section 1131, Section 1134 (d), Section 1155 (d) and (e), Section 1158 (e) and (f), and Section 1159 (f) and (g) of this chapter shall be subject to the provisions of subsection (a).

#### **§ 1161. Authentication, recording, codification, and reproduction of ordinances**

(a) The Clerk of County Council shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the County Council.



(b) Within three years after the commencement of the system of government provided herein, and at least every ten years thereafter, the County Council shall provide for the preparation of a general codification of all County ordinances having the force and effect of continuing law. The general codification shall be adopted by the County Council by ordinance and shall be published promptly in bound or loose-leaf form, together with pertinent provisions of the Delaware Code and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware applicable to New Castle County, and such codes of technical regulations and other rules and regulations as the County Council may specify. This compilation shall be known and cited officially as the New Castle County Code. Copies of the County Code shall be furnished to County officers, departments and boards, placed in libraries and public offices for free public reference, and made available for purchase by other persons at a reasonable price fixed by the County Council.

(c) The County Council shall cause each ordinance having the force and effect of law and each amendment to State law affecting the County to be reproduced promptly following its adoption; and the reproduced ordinances, and the amendments to State law shall be distributed or sold to any person at reasonable prices to be fixed by the County Council. Subsequent to the publication of the first New Castle County Code, the ordinances and the amendments to State law shall be printed or reproduced in substantially the same style as the County Code currently in effect and shall be suitable in form for integration therein. The County Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware or the codes of technical regulations included in the County Code.

#### **§ 1162. Adoption of pay plans**

(a) All persons employed by the County or by any of its boards, whether as officers or otherwise, and paid either in part or in whole from appropriations made by the County Council, except those whose compensation is fixed by State law, shall

be compensated only in accordance with pay plans adopted by the County Council.

(b) Not more than 15 days after receipt from the County Executive of any recommendation of measures for the establishment or amendment of pay plan or portions thereof for persons in the classified service, the President of County Council shall introduce an ordinance for the adoption of such recommendations. Not later than 60 days after the receipt of such recommendations, the County Council shall adopt them as submitted or in such amended form as the County Council shall provide. Should the County Council fail to act upon such recommendations within such 60 day period, its approval shall be presumed and the recommended pay plan or amendment there-to shall become effective as recommended.

(c) The pay of all persons not in the classified service and whose compensation is not fixed by State law shall be upon the basis of a pay plan recommended by the County Executive and adopted by ordinance.

#### § 1163. Creation of debt

(a) The County Council shall exercise all powers heretofore vested in the Levy Court of New Castle County in connection with the creation of debt; provided, however, that the County Council shall not have authority to create or to authorize the creating of any long-term debt for the following purposes: (1) the payment of any operating expenses; (2) the payment of any judgment resulting from the failure of the County to pay any item of operating expense; (3) the payment for any equipment or any public improvement of a normal life of less than ten years. The foregoing limitations shall not apply should the County Council unanimously declare the existence of an emergency due to public calamity.

(b) The County Council may authorize the Director of Finance to issue bonds or certificates of indebtedness to finance assessable public improvements in the manner provided by law.

(c) The County Council, subject to such limitations as may be imposed by the Constitution or laws of the State of

Delaware, may borrow in any fiscal year in the anticipation of the collection of taxes or other revenue budgeted for such year, and for any purposes for which such taxes are levied, such sums as shall not be in excess of 50% of the amount of uncollected taxes of such fiscal year.

**§ 1164. Councilmanic districts; boundaries**

The Boundaries of the seven councilmanic district shall be as follows:

**District 1**

(Wilmington)

The boundaries of the first councilmanic district in the City of Wilmington shall comprise all of the First and Second General Assembly Senatorial Districts, as described in 54 Del. Laws, Ch. 361.

**District 2**

(Wilmington)

The boundaries of the second councilmanic district in the City of Wilmington shall comprise all of the Third and Fourth General Assembly Senatorial Districts, as described in 54 Del. Laws, Ch. 361.

**District 3**

The boundaries of the third councilmanic district shall comprise all of the Fifth and Sixth General Assembly Senatorial Districts, as described in 54 Del. Laws, Ch. 361.

**District 4**

The boundaries of the fourth councilmanic district shall comprise all of the Seventh and Eighth General Assembly Senatorial Districts, as described in 54 Del. Laws, Ch. 361.

**District 5**

The boundaries of the fifth councilmanic district shall comprise all of the Ninth and Tenth General Assembly Senatorial Districts as described in 54 Del. Laws, Ch. 361.

### District 6

The boundaries of the sixth councilmanic district shall comprise all of the Eleventh and Twelfth General Assembly Senatorial Districts, as described in 54 Del. Laws, Ch. 361.

### District 7

The boundaries of the seventh councilmanic district shall comprise all of New Castle County.

### § 1165. Redistricting after each census

(a) It shall be the mandatory duty of the County Council to redistrict New Castle County into seven councilmanic districts, including one district comprising all of New Castle County for the election of the President of the County Council, after each regular United States decennial census. To accomplish the redistricting the County Council shall, by January 1, 1974, or earlier if official census figures for census tracts are made available, and every tenth year thereafter, appoint seven qualified voters of the County who shall comprise a Redistricting Commission. The members of the Redistricting Commission shall be appointed one from each of the Councilmanic districts of the County and shall not be employed by the County in any other capacity. No more than four of the members shall be affiliated with the same political party. By April 1, 1974, and every tenth year thereafter, the Redistricting Commission shall file with the Clerk of County Council a report containing a recommended plan for adjusting the councilmanic district boundaries of districts 1 through 6 to comply with the following specifications:

(1) Each district shall contain contiguous territory.

(2) Each district shall contain as nearly as possible the same number of inhabitants and no district shall deviate in population more than 15% from the average population for all districts, the average to be obtained by dividing the number 6 into the total population of the County according to the last census.

(b) The report of the Redistricting Commission shall include a map and a description of the councilmanic districts

recommended and shall be in the form of a proposed ordinance. Once filed with the Clerk of County Council the report shall be treated as an ordinance introduced by a member of the County Council.

(c) The procedure for the County Council's consideration of the report shall be the same as for other ordinances, provided that a map and a description of the proposed districts shall be published in addition to the other requirements for publication connected with enacting ordinances.

(d) The County Council shall adopt a redistricting ordinance at least 60 days after the report of the Redistricting Commission has been filed with the Clerk of County Council. If a redistricting ordinance has not been adopted by the County Council and approved by the County Executive within 60 days of filing the report by the Redistricting Commission, the redistricting plan as submitted by the Redistricting Commission shall become effective as if it had been adopted by County Council and approved by the County Executive.

(e) The term of any councilman, which does not otherwise terminate on the first Tuesday in January following the election of councilmen immediately following the adoption of a redistricting ordinance pursuant to this section, shall terminate on such date if the boundary of the district from which the councilman is elected shall have been affected by the ordinance.

#### **§ 1166. Election of County Executive and County Councilmen**

(a) The County Executive first elected in accordance with the provisions of this title shall be elected in the first general election in November after the enactment of this chapter and shall serve until the first Tuesday in January, 1969. Thereafter, County Executives shall serve a term of four years and shall be elected in even numbered and presidential election years.

(b) In order to stagger the term of the County Councilmen, the Councilmanic Districts are divided into two categories. One category shall consist of Councilmanic Districts 1, 3, 5 and

7, and the second category shall consist of Councilmanic Districts 2, 4 and 6.

(c) The first Councilmen elected after the enactment of this chapter in Councilmanic Districts 1, 3, 5 and 7 shall be elected in the first general election held in November and shall serve until the first Tuesday in January, 1969. Councilmen subsequently elected to those first elected to Districts 1, 3, 5 and 7 shall serve a term of four years and shall be elected in even numbered and presidential election years.

(d) The first Councilmen elected after the enactment of this chapter in Councilmanic Districts 2, 4 and 6 shall serve until the first Tuesday in January, 1971. Councilmen subsequently elected in Districts 2, 4 and 6 shall serve a term of four years and shall be elected in even numbered and non-presidential election years.

(e) All citizens qualified by the Constitution and laws of the State of Delaware to vote in the County and who satisfy the requirements for registration prescribed by law shall be qualified to vote for members of the County Council and for the County Executive.

(f) Except as otherwise provided by this chapter, the provisions of the election laws of the State of Delaware shall apply to elections held under this chapter. All elections provided for by this chapter shall be conducted by the election authorities authorized to hold elections under the election laws of the State of Delaware.

(g) The nomination of persons to be candidates in the general elections for County Executive and County Councilmen shall be governed by the election laws of the State of Delaware.

#### **§ 1167. Creation of departments and agencies**

The County Council, by ordinance, may establish departments, offices or agencies of the County in addition to those created by this title and may prescribe the functions of all departments, offices and agencies, except that no function pre-

scribed by this title to a particular department, office or agency may be discontinued or, unless this title specifically so provides, assigned to any other.

## **SUBCHAPTER V. GENERAL PROVISIONS**

### **§ 1181. Bonding of officers and employees**

(a) Prior to the entry of any officers of the County upon the duties of their offices, the Department of Finance shall procure at the expense of the County, corporate surety bonds, conditioned for the faithful performance of their respective duties in such penal sums as shall be fixed by the County Council but the amount shall not in any case be less than \$15,000.

(b) Within six months of the organization of the Department of Finance, the Director of Finance shall recommend through the County Executive to the County Council the amounts in which fidelity bonds shall be procured for the faithful performance of duties of all officers and employees of the County government, either generally or by categories. In the performance of this responsibility, the Department of Finance may recommend blanket bonds covering individual fidelity or may recommend comprehensive coverage for all or for groups of employees on an occurrence basis.

### **§ 1182. Personal financial interest**

Any County officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the County or in the sale of any land, material, supplies or services to the County or to a contractor supplying the County, shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such a contract or sale. Any County officer or employee who wilfully conceals such a substantial financial interest or wilfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale

to the County shall render the contract voidable by the County Executive or the County Council.

**§ 1183. Prohibitions and penalties**

(a) The following prohibitions shall be applicable:

(1) No person shall be appointed to or removed from or in any way favored or discriminated against with respect to, any County position or appointive County administrative office because of race or color or national origin or political or religious opinions or affiliations.

(2) No person shall wilfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this title or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions or of the rules and regulations made thereunder.

(3) No person who seeks appointment or promotion with respect to any County position or appointive County Administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(b) Any person who by himself or with others wilfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one year or both. Any person convicted under this section shall be ineligible, for a period of five years thereafter, to hold any County office or position and, if he is an officer or employee of the County, he shall immediately forfeit his office or position. The Superior Court shall have exclusive original jurisdiction over offenses under this section.

**§ 1184. Public right of inspection of public records**

County records, the disclosure of which would invade a person's right of privacy, hinder law enforcement, endanger the



public safety, or breach a legally recognized duty of confidence, or the non-disclosure of which is legally privileged, or which have been prepared for or by the County Attorney for use in actions or proceedings to which the County is or may be a party, shall not be available for public inspection. Except as herein provided, all other County records shall be open for public inspection but the officer, department, board or commission or other governmental agency of the County having the care and custody of such records may make reasonable regulations governing the time, place and manner of their inspection and for purposes of archival preservation, copies of County Records may be substituted in lieu of original records.

Section 2. Part II, Title 9, Delaware Code, is amended by inserting therein a new Chapter 13 to read as follows:

## **CHAPTER 13. COUNTY DEPARTMENTS**

### **SUBCHAPTER I. DEPARTMENT OF FINANCE**

#### **§ 1301. Functions**

The Department of Finance, headed by a Director of Finance who shall be qualified for the position by education, training and experience, shall perform the following functions:

(1) The Department shall assess all property subject to taxation by the County and maintain appropriate records.

(2) The Department shall prepare tax rolls and bills, including those required by any municipality or school district or special district lying within or partially within the Country if so authorized by law or such districts.

(3) The Department shall collect all taxes, license and permit fees, and other moneys which may be due to or receivable by the County, or any of its offices, departments, or boards; provided that the Director of Finance may, by rule, authorize the receipt of moneys directly by offices, departments, or boards, or may assign employees of departments to make such collections.

(4) The Department shall collect when directed by or authorized by law, all taxes, license and permit fees, and other moneys which may be receivable by the State, or by any public office, department, or board not subject to the provisions of this title.

(5) The Department shall institute proceedings for the sale of taxable property upon which taxes are not paid within the period prescribed by law.

(6) The Department shall prepare the necessary assessment rolls for assessable public improvements, issue appropriate bills, assist in the issuance and servicing of indebtedness in connection with such assessable improvements, and be responsible for the collection, custody, and payment of all moneys in connection therewith.

(7) The Department shall issue receipts for moneys collected by the Department.

(8) The Department shall maintain the treasury of the County, and deposit the moneys belonging thereto or in the custody thereof in any depository bank, to the credit of the County.

(9) The Department shall designate, with the approval of the County Council, the bank or banks to be used as County depositories and require them to fulfill all conditions prescribed by law or ordinance.

(10) The Department shall invest idle funds deemed by the Director of Finance available for temporary investment in obligations of the United States or such other obligations or such other manner as the County Executive may authorize.

(11) The Department shall administer the pension and retirement systems of the County, after having taken into account the advice of the Advisory Retirement Board.

(12) The Department shall assist in the issuance of all general and special bonds or other evidence of indebtedness of the County and service such debt in accordance with law and terms of indentures relating thereto.

(13) The Departments shall make disbursements and payments of claims which it finds to be in correct amount and justly due and in accordance with prior authorizations adopted under the terms of this title or other State law.

(14) The Department shall prepare payrolls and supervise the preparation of related documents.

(15) The Department shall prepare and issue all checks.

(16) The Department shall keep accurate and complete accounts of all receipts and disbursements.

(17) The Department shall maintain a perpetual inventory of all equipment owned or controlled by the County.

(18) The Department shall provide information pertaining to the financial affairs of the County.

(19) The Department shall contract for services to be rendered by independent contractors, and purchase all materials, supplies, and equipment, except that the Director of Finance, with the approval of the County Executive, may designate other offices, departments or boards to perform such portions of these functions as the Director of Finance may from time to time deem proper. The Department of Finance shall receive and publicly open all bids, tabulate them, and determine the lowest and best responsible bidder.

(20) The Department, from time to time, shall secure from all offices, departments, and boards, estimates of their needs for articles of common use and shall, when practicable, consolidate requisitions in order to secure the benefits of quantity purchases, and to that end, when authorized by the County Council, shall cooperate with other public agencies when making such purchases.

(21) The Department shall acquire real or immovable property upon the recommendation of the office, department, or board to which appropriation has been made for such acquisition, and dispose of such property upon the recommendation of the office, department, or board when authorized by ordinance.

(22) The Department shall maintain and supervise warehouses and storehouses for equipment, materials, and supplies.

(23) The Department shall dispose of personal or movable property not needed by the County.

(24) The Department shall award all concessions on County property, subject to requirements which may be imposed by ordinance.

(25) The Department shall administer County insurance programs.

(26) The Department shall perform such other functions as may be required of the Director of Finance by this title or other State law or which may be assigned in writing by the County Executive.

#### **§ 1302. Sworn information**

The Director of Finance may require from any officer or employee of the County, or any claimant, such sworn information as may be necessary for the proper performance of the functions of the Department.

#### **§ 1303. Advisory Retirement Board**

The Advisory Retirement Board shall consist of seven members who shall serve without compensation. The County Council shall appoint three members for terms of five years, provided that the terms of the original members shall be established in a manner that one shall serve for a term of one year, one for a term of three years, and one for a term of five years. The members of the County Employees Pension Plan shall elect two members for terms of five years, provided that the terms of the original members shall be established in a manner that one shall serve for a term of two years, and one for a term of four years. The Director of Personnel shall be a member. The County Executive shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive.

**§ 1304. Functions of Advisory Retirement Board**

The Advisory Retirement Board shall perform the following functions:

(1) The Board shall review each application for benefits under the retirement system and render an opinion thereon to the Director of Finance as to whether the applicant is qualified for the benefits sought in the application.

(2) The Board, from time to time, shall make such recommendations to the County Council regarding the administration of provisions of the retirement system as the Board shall deem appropriate.

**§ 1305. Actuarial Consultant**

The Director of Finance shall designate an Actuarial Consultant who shall, at least once every five years, make an actuarial investigation into the experience and the assets and liabilities of the retirement system. The consultant's actuarial report shall be submitted to the Advisory Retirement Board, which shall transmit the report to the County Council and County Executive with the Board's comments and recommendations.

**§ 1306. Proposed changes in retirement system**

Every proposed change in the provisions of the retirement system which is under consideration by the County Council or by the General Assembly shall be referred by the Director of Finance to the Actuarial Consultant for an evaluation of the proposal's actuarial effect upon the assets and liabilities of the retirement system. The Consultant's actuarial report shall be submitted to the Advisory Retirement Board, which shall transmit the report to the County Council and County Executive with the Board's comments and recommendations.

**§ 1307. Board of Assessment Review**

The Board of Assessment Review shall consist of seven members. The County Council shall appoint six members from councilmanic districts 1 through 6 who shall be residents and

freeholders of the districts from which appointed and who shall serve for terms of six years, provided that the terms of the original members shall be established in a manner that one shall expire each year. The County Executive, with the advice and consent of the County Council, shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive. No member shall forfeit his office by virtue of lack of continued residence in the district from which appointed if the potential disqualification shall arise solely from a change in the boundaries of a councilmanic district. The members shall be entitled to such per diem compensation for days that the Board is in session as the County Council shall determine, provided that compensation shall not be paid for more than 20 days in any fiscal year.

#### § 1308. Functions of Board of Assessment Review

The Board shall perform the following functions:

(1) The Board shall hear appeals from any property owner who alleges that his property has been improperly assessed for purposes of taxation.

(2) The Board, following the hearing of any property owner and, in the light of the facts produced at such hearing, shall determine whether the assessment is correct. If the Board should find that the assessment is greater than it should be, the Board shall order the Director of Finance to reduce the assessment and he shall thereupon reduce the assessment to the adjusted amount established by the Board.

(3) The Board shall review the methods by which the Director of Finance has established the assessments and the results thereof as reflected by the assessment roll. If the Board should find that the procedures used by the Director of Finance require improvement in order to make more equitable and effective the assessment procedure, the Board shall make such recommendations as it deems proper to the Director of Finance and file a copy thereof with the Clerk of the County Council.

**§ 1309. Judicial review**

Nothing herein shall be construed as limiting the right of a property owner to appeal to the courts in connection with the assessment of his property for taxation as provided by law.

**§ 1310. General provisions relating to assessment, levy, billing, and collection of taxes**

It is the intent of this subchapter that in New Castle County, the Department shall henceforth perform all of the functions heretofore assigned to the Board of Assessment and the Receiver of Taxes and County Treasurer under the Delaware law, except for the functions herein specifically assigned to the Board of Assessment Review, except that the Receiver of Taxes and County Treasurer shall continue to hold office and perform, under the direction and control of the Department, the functions assigned to him by law prior to the enactment of this statute until the expiration of the term of the person presently holding such office.

**§ 1311. Assessment of property**

(a) In the performance of the functions relating to the assessment of property, the Department shall exercise the assessment functions heretofore assigned to the Board of Assessment. To this end, not later than February 15 of each year, the Department shall prepare and present to the Board of Assessment Review a copy of the assessment roll for the year. The Department shall determine the form of the assessment roll and shall not be bound by provisions of law heretofore in effect as to form. During the month of March, the Board of Assessment Review shall sit for not less than 15 days during which it shall review the assessment roll, hear appeals from property owners who believe that their property is improperly assessed, and make determinations of corrections or additions to the assessment roll that may be necessary.

(b) Not later than April of each year, the Board of Assessment Review shall certify to the Department a true and correct assessment roll for the year. Not later than May of each year, the Director of Finance shall certify to the County

Council the total value of all property in the County and the total value of all property which has been assessed and is subject to taxation.

(c) The Department shall determine by rule, the form, number of copies, and other details concerning the keeping of records relating to assessment of real property and improvements thereupon. The Department shall develop a suitable system for the identification of all real property within the County, both that which is subject to taxation and that which is exempt from taxation. Such system shall be in a form which readily permits the subdivision of property or the reassembly of property without loss of control thereof for purposes of assessment.

#### **§ 1312. Obligations and rights of property owners**

The adoption of this subchapter shall in no manner relieve any property owner of any obligation heretofore imposed upon him with respect to the rendition or assessment of any property of the payment of any tax nor shall it in any manner increase the responsibility of such property owner nor deny him of any right heretofore possessed except to the extent specifically provided in this subchapter.

#### **§ 1313. Collection of taxes**

The Department shall be responsible for the collection of all taxes, whether current or delinquent, and to that end shall perform all of the responsibilities with respect to collection and enforcement of collection heretofore vested in the Receiver of Taxes and County Treasurer. To this end, the Department shall be entitled to the use of and shall be responsible for the application of all processes of law heretofore available to the Receiver of Taxes and County Treasurer, provided that the Department shall not be required to make any routine reports to the County Council concerning the collection of taxes other than a monthly statement in appropriate summary form and the annual report.

#### **§ 1314. Records of tax delinquencies**

The Department shall maintain a suitable record of the payment or non-payment of taxes with respect to each parcel



of real property in the County. Not later than 60 days after the close of each fiscal year, the Department shall prepare a summary of the outstanding taxes which have been levied and not collected for each of the preceding ten years or for such longer period as the County Council shall prescribe. Such summary shall be fully supported by detailed records of delinquent taxes.

#### **§ 1315. Audit of accounts**

It shall be the responsibility of the County Auditor annually to perform an appropriate audit of the accounts of the Department to determine whether they properly reflect all payments and delinquencies of taxes which shall have been levied.

#### **§ 1316. Collection of taxes other than those upon real estate**

The Department shall perform all responsibilities heretofore assigned to any office, department or board of New Castle County in the assessment and collection and enforcement of collection of capitation taxes and any other taxes heretofore or hereafter levied in New Castle County.

### **SUBCHAPTER II. COUNTY AUDITOR**

#### **§ 1321. Selection, qualifications, term, compensation, and removal of the County Auditor**

(a) The County Auditor shall be appointed by the County Council and shall serve at the pleasure of the County Council.

(b) The County Auditor shall be a qualified accountant, either as a certified public accountant or as a graduate of a college or university in which he has majored in accounting or the equivalent training.

(c) The annual salary of the County Auditor shall be determined by the County Council.

#### **§ 1322. Qualifications of assistants of County Auditor**

All assistants of the County Auditor who shall perform any auditing duties shall be qualified accountants either as

certified public accountants or as graduates of a college or university in which they have majored in accounting or the equivalent training.

### **§ 1323. Certification of County Auditor**

The County Auditor shall examine the annual financial report of the Director of Finance and append thereto his certificate which shall state his opinion as to whether the financial statements in the financial report contain a proper record of the County's financial transactions for the year and whether they properly reflect the current assets and liabilities and the funded debt of the County as of the close of the fiscal year. Should the County Auditor have any qualifications or exceptions to any portion of the annual financial report of the Director of Finance, he shall state these in explicit manner in such certification.

### **§ 1324. Audits and examinations by County Auditor**

The County Auditor shall annually examine the accounts, books and records of all offices, departments, and boards that reflect transactions involving financial activities and affairs of the County. Such audits may be either complete or in such lesser degree as the County Auditor shall find acceptable to enable him to express opinions concerning whether such transactions have been carried out in accordance with the appropriation ordinances, rules and regulations of the County government, and laws governing such transactions. The examination of such accounts shall be completed and a report thereupon shall be completed not later than the end of the ninth month next following the completion of the fiscal year in which such transactions shall have occurred.

### **§ 1325. Reports of the County Auditor**

(a) Copies of the reports concerning each audit or examination shall immediately upon preparation thereof be filed with the County Executive, the Chief Administrative Officer, the Director of Finance, and the Clerk of the County Council.

(b) If the County Auditor shall at any time discover any unauthorized, illegal, irregular or unsound practice, he shall

forthwith lay such facts before the County Executive and the County Council.

(c) The County Auditor shall from time to time make such recommendations as he shall deem appropriate to any office, department, or board for improvement in the management of the financial affairs of the County. Copies of such recommendations shall be filed with the County Executive and the County Council.

#### **§ 1326. Assistance to County Council**

The County Auditor shall provide such assistance to the County Council as the County Council may require of him in any matter before it, including but not limited to any measure relating to the appropriation of funds by the County Council.

#### **§ 1327. Special examinations or audits**

When directed by the County Executive or the County Council, the County Auditor shall make special examinations of any financial transaction or matter and report promptly thereupon to the County Executive and the County Council.

#### **§ 1328. Accessibility of County Auditor to records**

In performing his duties, the County Auditor shall have access at any time to any and all books, records and accounts of each office, department, or board of the County subject to audit by him.

#### **§ 1329. Annual external audit**

At the close of each fiscal year the County Council shall cause a person or persons, certified by the laws of the State to practice accounting and not an employee of the County, to make a post-audit of the financial affairs of the offices, agencies, departments and boards of the County and of the procedures and practices of the County Auditor.

### SUBCHAPTER III. DEPARTMENT OF PLANNING

#### § 1341. Functions

The Department of Planning, headed by a Director of Planning, shall perform the following functions:

(1) The Department shall prepare and recommend to the Planning Board a comprehensive development plan for the County for the purpose of promoting health, safety, prosperity, and general welfare. For those portions of the County which do not lie within the corporate limits of a municipality, the plan shall be definitive; for the remainder it shall reflect such portions of municipality planning as may be appropriate for inclusion in the County comprehensive development plan. Upon adoption of the comprehensive development plan, the Department shall be responsible for maintaining it on a current basis. To this end, it shall from time to time make recommendations to the Planning Board for modification in the plan. Such comprehensive development plan shall show, as to present and as to proposed ultimate development, the following: land use, general location, extent, and character of streets, bridges, waterways, and other public ways; parks and open spaces; public buildings; public utilities and terminals, whether publicly or privately owned; public housing, slum clearance and rehabilitation areas; and any other physical facility, with due regard to the aesthetic characteristics of all public structures. The comprehensive development plan may, when requested by incorporated municipalities, set forth within such municipalities any or all of the elements mentioned in the preceding paragraph.

(2) The Department shall prepare and, through the County Executive, recommend to the County Council a proposed ordinance governing the subdivision of land and land development including the platting and replatting, which ordinance shall provide for the proper arrangement of streets and public utilities; open spaces for light, air, and recreational areas; space for schools and commercial development, vehicular and pedestrian circulation; space for vehicular parking; sizes and shapes of lots in order to avoid congestion of population and to

provide for the amenities of human habitation; and the manner and extent to which streets shall be paved, drainage provided, and public utilities installed in such subdivision.

(3) The Department shall develop and maintain the official map of those portions of the County which do not lie within the limits of incorporated municipalities. The official map and amendments thereto shall show all existing and established streets, planned streets, recommended street lines located on the final or recorded plats of subdivision, and the location of existing or planned parks and other spaces. Street locations on final or recorded plats of subdivisions shall constitute amendments to the official map and shall be placed thereon.

(4) The Department shall maintain and keep current the Zoning Code heretofore adopted for the County for the portions of the County which do not lie within the limits of incorporated municipalities. To this end, it shall make recommendations through the County Executive to the County Council for such revisions in the Zoning Code as it shall deem appropriate and necessary for the purpose of promoting the public health, safety, morals and general welfare of the County, which Code may contain regulations with respect to the location, height, bulk and size of buildings and other structures; the size of yards, courts, and other open spaces, the density of population, and the use of buildings, structures, and land for trade, industry, business, residence or other purposes.

(5) The Department shall prepare and recommend through the County Executive to the County Council such measures as it shall deem appropriate for the clearance of slum areas, public housing developments, and the rehabilitation or redevelopment of blighted areas.

(6) The Department shall assist the Chief Administrative Officer in the preparation of the capital improvement program for the six-year period provided for in this title.

(7) The Department shall prepare and recommend, through the County Executive to the County Council, measures for the replanning, improvement and reconstruction of neighborhoods and community centers and of areas or districts

which may be wholly or partially destroyed or seriously damaged by fire, earthquake, flood, or other disaster.

#### **§ 1342. Planning Board**

The Planning Board shall consist of seven members who shall serve without compensation. The County Executive, with the advice and consent of the County Council, shall appoint six members who shall serve for terms of six years provided that the terms of the original members shall be established in a manner that one shall expire each year. The County Executive, with the advice and consent of the County Council, shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive. No member shall forfeit his office by lack of continued residence in the district from which appointed if the potential disqualification shall arise solely from a change in the boundaries of a councilmanic district.

#### **§ 1343. Functions of Planning Board**

The Planning Board shall perform the following functions:

(1) The Board shall consult with the Director concerning the performance of such of the functions of the Department as either the Board or the Director shall deem appropriate. To this end, the Director shall keep the Board informed concerning the work of the Department and shall, at the request of the Board, furnish it such information as it may reasonably require in the performance of this function.

(2) The Board shall review the proposed comprehensive development plan, the proposed capital programs, proposed zoning plan changes, proposed subdivision regulations, and all amendments thereto. Upon completion of its consideration of any of these, the Board shall recommend to the County Council such action as the Board shall deem appropriate.

#### **§ 1344. Adoption and effectuation of comprehensive plan**

(a) After preparation of the comprehensive development plan by the Department and approval by the Planning Board,

the plan shall be reviewed by the County Executive and presented by him to the County Council. The County Council shall hold public hearings on the proposed plan or portions thereof in the same manner and under the same procedure required for the consideration and adoption of ordinances. The County Council may adopt all or any portions of the comprehensive development plan.

(b) After adoption of all or portions of the comprehensive development plan by the County Council, the plan shall be viewed as a document expressing the general policies and intentions of the County Council with respect to the future development of the County. It shall not have the force and effect of a law or ordinance. After adoption of all or parts of the plan by the County Council any proposed action of the County Council relating to (1) the location, opening, vacation, extension, widening, narrowing, or enlargement of any public ground, pierhead or watercourse, or street; (2) the location, erection, demolition, removal or sale of any public structure; or (3) the adoption, repeal, or amendment of an official map, subdivision and land development ordinance, or zoning ordinance shall be taken in compliance with the following requirements: (i) the proposed actions shall be submitted to the Department for recommendations, provided that the County Council may act without benefit of the Department's recommendations if they are not submitted within 45 days, and (ii) the County Council shall find that the proposed actions are in accordance with the spirit and intent of the formally adopted portions of the comprehensive development plan before final action shall be taken by the County Council. When the County Council finds that a proposed action is not in accordance with the spirit and intent of the formally adopted portions of the comprehensive development plan it shall amend the plan to make the action taken and the comprehensive development plan consistent with each other.

#### **§ 1345. Legal effect of subdivision regulations**

All proposed subdivisions of land to be made after the adoption of regulations governing subdivision of land shall be submitted to the Department for approval for conformity to the subdivision regulations and no such proposed subdivision

shall be made or recorded unless approved by the Department. Approval of a plat of a subdivision shall constitute an acceptance on behalf of the County of any street or open space for public use shown on the plat but shall not constitute a taking of the property for public use. Acceptance of the street or open space for public use shall not within itself define the responsibilities of the State or of the County in the paving, maintenance, cleaning, or lighting of such street or open space.

**§ 1346. Planned street lines and public parks; official map....**

(a) Upon the recommendation of the Department, the County Council, by ordinance, may adopt an official map containing:

(1) The exact location of the planned lines of street widenings and extensions, or of future streets.

(2) The lines of all public streets then existing which have been established by law.

(3) All planned streets or street lines previously adopted under this section.

(4) All streets or street lines as located on the final or recorded plats of subdivisions as previously approved by the Department.

(5) All existing or planned public parks and other public open spaces.

(b) After adoption of the official map or street plan no amendments thereto showing the location of a planned or mapped street shall be adopted before public notice shall have been given to the owners of record of the land upon which or abutting which lies the future street lines designated upon the plan.

(c) Any map or plan heretofore adopted under the provisions of Chapter 25, Title 9, shall remain in effect until the County Council acts under the provisions of subsection (a).



**§ 1347. Legal effect of official map or street plan**

(a) Upon adoption of any plan showing the location of a planned or mapped street, the owners of the property within the lines of such planned or mapped street shall, for the period specified in the ordinance, but not exceeding the limits otherwise established by statute, be prohibited from erecting any structure within such lines. The owner of any property so affected shall be entitled to appeal to the Board of Adjustment under the same procedure described for appeals in zoning cases.

(b) After the adoption of the official map showing the lines of planned or mapped streets, no change in any street shall be made by the County Council until such proposed change shall have been submitted to the Department for its opinion as to conformity to the official map. Pending the adoption of the official map, the County Council shall not vacate, narrow, or extend any existing street without having secured the opinion of the Department as to the propriety of such proposed action.

(c) The adoption of any street or street lines as part of the official map shall not, in and of itself, constitute and be deemed to constitute the opening or establishment of the street and acceptance of any land for street purposes, and shall not constitute the taking of any land.

**§ 1348. Presumption of approval**

In the case of any matter required to be submitted to the Department or to the Planning Board, approval shall be presumed by the Department or Planning Board unless the Department or Planning Board shall have acted within 45 days of receipt thereof unless a longer time shall have been allowed by the County Council.

**§ 1349. Legal effects of previously established road locations and road lines**

(a) All locations and lines of roads and other actions of the County related to subdivision of land and opening of roads legally established in New Castle prior to the effective

date of this Chapter and legally established prior to the adoption of an ordinance establishing an official map in accordance with Sections 1154, 1345 and 1346, shall remain in full force and effect until changed in accordance with the provisions of Chapters 11 and 13. Any County maps or records showing the locations and lines of roads and dealing with other matters related to the subdivision of land and legally established prior to the effective date of this Chapter shall continue in force and effect until changed in accordance with the provisions of Chapters 11 and 13. Pending the enactment of an ordinance establishing the location and lines of roads in accordance with the provisions of Chapters 11 and 13, changes in locations and lines of roads legally established, and in the locations and lines of new roads shall be recorded only after approval by the County Council and shall be presented to the Department for review before such changes or new locations and lines are adopted by the County Council. Such changes or new locations and lines shall also be presented to the State Highway Department for approval before being adopted by the County Council, provided that the approval of the State Highway Department shall be presumed should the County Council have received no communication to the contrary within 30 days of submission of the changes or new locations and lines to the State Highway Department. The approval of a plan or proposal by the County Council making changes in locations and lines of existing roads or creating new roads shall, when recorded, be deemed and taken as an acceptance of the intended locations and lines of roads but shall not impose any duty upon the County Council or upon the State Highway Department respecting the maintenance or improvement thereof. No plat of land changing locations and lines of roads legally established or creating locations and lines of new roads shall be received or recorded by the Recorder of Deeds of New Castle County until the plat shall have been submitted to and approved by the Department and the County Council and such approvals are endorsed in writing on the plat by the Director of Planning and the President of County Council. The filing or recording of a plat without the approval of the Director of Planning and the County Council shall, upon application of the Director of Planning or the County Council to the Superior Court in and for New Castle County, be expunged from the records.

(b) The County Council may prescribe a schedule of fees based on the case to the County for considering proposed plats to be paid by those submitting the plats. The County Council may prescribe reasonable rules and regulations governing the size and character of plats to be submitted for consideration and the information to appear on the plats and the markers, boundary stones or stations to be installed.

(c) Pending the enactment of an ordinance establishing an official map or regulating the development or subdivision of land as provided by this chapter, the Department shall approve or disapprove a plat within 40 days after the submission thereof; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Department on demand. Such period may be extended by mutual agreement between the Department and the applicant for the Department's approval. The grounds of disapproval of any plat shall be stated upon the records of the Department and a copy of such statement shall be furnished to the applicant. No plat shall be acted upon by the Department without affording a hearing thereon. Notice of the time and place of hearing shall be sent by registered mail to such applicant not less than five days before the date fixed therefor. In his application the applicant may waive the requirement of such hearing and notice.

#### § 1350. Board of Adjustment

The Board of Adjustment shall consist of five members who shall be residents of New Castle County outside of any incorporated city or town who shall have knowledge of and experience in the problems of urban and rural development, and who, at the time of appointment, shall not be a candidate or candidate-elect for, or incumbent of, an elective public office. The County Executive, with the advice and consent of the County Council, shall appoint four members for terms of four years provided that the terms of the original members shall be established in a manner than one shall expire each year. The County Executive, with the advice and consent of the County Council, shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Execu-

tive. The members shall be entitled to compensation of \$50 per meeting.

**§ 1351. Regulations governing organization, procedure and jurisdiction of the Board of Adjustment**

The Board of Adjustment shall adopt regulations to govern the organization, procedure and jurisdiction of the Board. The regulations shall not be inconsistent with the provisions of this title and shall not become effective unless and until approved by the County Executive.

**§ 1352. Jurisdiction of Board of Adjustment**

(a) The Board of Adjustment shall be empowered to:

(1) hear and decide appeals in zoning matters where error is alleged in any order, requirement, decision or determination made by an administrative officer or agency in the enforcement of any zoning ordinance, code, regulation or map;

(2) hear and decide applications for special exceptions or special permits or other special questions in accordance with the provisions of any zoning ordinance, code or regulation, or applications for interpretation of any zoning ordinance, code, regulation or map upon which the Board of Adjustment is empowered to pass;

(3) hear and decide in specific cases such variance from the provisions of any zoning ordinance, code or regulation that will not be contrary to the public interest, where, owing to special conditions or exceptional situation, a literal interpretation of the provisions of any zoning ordinance, code or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the ordinance, code or regulation shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning ordinance, code, regulation or map.

(b) In the exercise of its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and, to that end, it shall have all powers of the officer or agency from whom the appeal was taken.

**§ 1353. Judicial review of Board of Adjustment decisions; procedure**

(a) Any persons jointly or severally aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, board or bureau of the County may present to the Superior Court, a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of illegality. The petition shall be presented within 30 days after the filing of the decision in the office of the Board.

(b) Upon the presentation of the petition, the Court may allow a writ of certiorari directed to the Board of Adjustment, to review the decision of the Board, and shall prescribe therein the time within which return must be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the Court.

(c) The allowance of the writ shall not stay proceedings upon the decision reviewed, but the Court may, on application, on notice to the Board of Adjustment and on due cause shown, grant a restraining order.

(d) The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision reviewed and shall be verified.

(e) If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such

evidence as it may direct and report the same to the Court together with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

(f) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(g) Costs shall not be allowed against the Board of Adjustment unless it shall appear to the Court that the Board acted with gross negligence or in bad faith or with malice in making the decision reviewed.

#### **SUBCHAPTER IV. DEPARTMENT OF DEVELOPMENT AND LICENSING**

##### **§ 1361. Functions**

The Department of Development and Licensing, headed by a Director of Development and Licensing, shall perform the following functions:

(1) The Department, except as otherwise specifically provided in this title, shall administer and enforce all statutes, ordinances, and regulations for the protection of persons and property from hazards, in the use, occupancy, condition, erection, alteration, maintenance, repair, sanitation (including the maintenance and condition of plumbing and drainage facilities and the maintenance of sanitary conditions in housing accommodations), removal and demolition of buildings and structures or any parts thereof and the grounds appurtenant thereto, in the operation of equipment therein, and of outdoor signs. The Department shall enforce compliance with the Zoning Code and regulations thereunder, subject to determinations made by the Board of Adjustment on appeals taken to it.

(2) The Department shall (a) issue all forms for applications and receive all applications for any license; (b) determine whether the applicant is properly entitled to the license which he seeks; (c) if the application is granted and the proper fee has been paid to the Department of Finance, issue the license to the applicant, either for itself or as agent for

the officer, department, or board under whose jurisdiction the subject matter thereof falls; (d) if the application is refused, notify the applicant in writing of the refusal and the reasons therefor. The requirements and standards to be met by applicants for licenses shall include those established by law. They shall also include those established by the Department in cases in which the Department is responsible for the functions involved, or if some other office, department or board be responsible for the function, the requirements and standards shall be certified to the Department by the officers, departments and boards for which the Department is acting.

(3) The Department shall make all inspections except as otherwise specifically provided in this title.

(4) The Department shall determine as the result of its inspection whether any person or the owner of any property is violating the conditions of any license, or whether or not any property owner is violating any statute, ordinance or regulation which it is the duty of the Department to enforce. If the Department shall find a violation to exist, it shall forthwith make such order or take such other lawful action as may be necessary to correct the dangerous or unlawful condition, and if necessary it shall invoke the assistance of the County Attorney or the Department of Police, or both.

(5) The Department, whenever it finds that a holder of any license is violating the conditions thereof, and whenever the officer, department, or board as whose agent the Department granted the license directs the Department to do so, shall revoke, suspend or cancel the license. Any revocation, suspension or cancellation shall be in writing and shall state in detail the reasons therefor.

(6) The Department, on request of any officer, department or board, shall make a special inspection of any property upon which unlawful conditions are believed to exist or of the manner in which the holder of any license is operating under it. The Department shall receive and consider complaints from citizens.

(7) The Department, in cooperation with the Department of Planning, shall undertake studies of housing accommo-

dations, devise and recommend means of improving housing conditions, and undertake programs for housing betterment.

(8) The Department shall undertake and execute, or supervise the execution of, all programs of redevelopment, low rent housing, and urban renewal.

(9) The Department, in cooperation with the Department of Planning, shall undertake studies of the pattern and of the potential for economic development within the County, recommend to the County Executive programs designed to improve basic conditions conducive to better economic development of the County.

#### **§ 1362. Definitions**

In this subchapter:

(1) "License" shall mean any license or permit required by statute, ordinance or regulation to be obtained from any County officer, department, or board as a prerequisite to engaging in any activity or having possession of or using any property but shall not include the right of admission to any facility in any park under the jurisdiction of the Department of Parks and Recreation.

(2) "Inspection" shall mean any inspection, test or examination to which any person is subject as an applicant for or a holder of a license or to which any property is subject under any statute, ordinance or regulation which it is the duty of the County Executive or of any other officer, department or board to enforce.

#### **§ 1363. Board of License Inspection and Review**

The County Council, by ordinance, may provide for the establishment of a Board of License Inspection and Review of five members to be appointed by the County Executive, four members for terms of four years provided that the terms of the original members shall be established in a manner that one shall expire each year, and one member to be chairman and to serve at the pleasure of the County Executive. The



ordinance shall provide that the Board may be authorized to provide an appeal procedure whereby any person aggrieved by the issuance, transfer, renewal, refusal, suspension, revocation or cancellation of any County license, or by any notice, order or other action as a result of any County inspection affecting him directly shall, upon request, be furnished with a written statement of the reasons for the action taken and afforded a hearing thereon by the Board. The ordinance shall further provide that upon such hearing the Board shall hear any evidence which the aggrieved party or the County may desire to offer, shall make findings and render a decision in writing within 90 days of the filing of the appeal and that the Board may affirm, modify, reverse, vacate or revoke the action from which the appeal was taken to it.

#### **§ 1364. Board of Building Standards**

The County Council, by ordinance, may provide for the establishment of a Board of Buildings Standards of five members to be appointed by the County Executive, four members for terms of four years provided that the terms of the original members shall be established in a manner that one shall expire each year and one member to be chairman and to serve at the pleasure of the County Executive. The ordinance shall provide that the Board shall be given the power to perform the following functions, or such portion of them as the County Council may determine:

(1) The Board shall advise the Director of Development and Licensing upon his request upon the interpretation of the Building Code or of any regulation relating to building safety and sanitation.

(2) The Board shall suggest regulations applying standards of good practice in the enforcement of statutes and ordinances dealing with building safety and sanitation.

(3) The Board, upon request of the Director of Development and Licensing, shall pass upon the worth of new and substitute materials proposed to be used in the building construction and upon new methods of construction.

(4) The Board shall consider any suggested changes in standards and regulations, new and substitute materials, or new methods of construction either with or without holding public hearings, but before the Board shall recommend any change or modification of such standards and regulations, it shall hold a public hearing at which all interested parties may present their views. After such public hearing, the Board shall submit its findings and recommendations to the Director of the Department of Development and Licensing for his approval, whereupon they shall become a part of the standards and regulations.

#### **§ 1365. Beautification Board**

The Beautification Board shall consist of seven members who shall serve without compensation. The County Executive shall appoint six members for terms of six years provided that the terms of the original members shall be established in a manner that one shall expire each year. One member shall be a painter, one shall be a sculptor, one a landscape architect, two shall be architects, and one shall be a member of the staff or faculty of the University of Delaware nominated by the President of the University. The County Executive shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive.

#### **§ 1366. Functions of Beautification Board**

(a) The Beautification Board shall perform the following functions:

(1) The Board shall approve any work of art to be acquired by the County whether by purchase, gift, or otherwise, and its proposed location.

(2) The Board shall require to be submitted to it whenever it deems proper a complete model or design of any work of art to be acquired by the County.

(3) The Board shall approve the design and proposed location of any buildings, bridge and its approaches, arch, gate, fence or other structure or fixture to be paid for wholly or in

part from the County Treasury or for which the County or any other public authority is to furnish a site, but any such action taken by the Board shall conform to the comprehensive development plan.

(4) The Board shall approve any structure or fixture to be erected by any person upon or to extend over any highway, stream, lake, square, park, or other public place within the County.

(5) The Board shall approve the removal, relocation or alteration of any existing work of art in possession of the County.

(6) The Board shall examine every two years all County monuments and works of art and make a report to the County Executive on their condition with recommendations for their care and maintenance.

(b) The term "work of art" shall include all paintings, mural decorations, inscriptions, stained glass, statutes, reliefs, sculptures, monuments, fountains, arches, or other structures intended for ornament or commemoration.

(c) If the Beautification Board fails to act on any matter submitted to it within 60 days of such submission, its approval of the matter submitted shall be presumed.

## **SUBCHAPTER V. DEPARTMENT OF PARKS AND RECREATION**

### **§ 1381. Functions**

The Department of Parks and Recreation, headed by a Director of Parks and Recreation, shall perform the following functions:

(1) The Department shall plan, supervise and conduct a comprehensive and coordinated program of cultural and physical recreation.

(2) The Department shall plan, supervise and conduct a program of parks and park related activities for all of the parks of the County.

(3) The Department shall promote, and, to the extent feasible, execute a cooperative recreational program with the public schools, other public agencies, private agencies, and local citizen recreation councils.

(4) The Department, in cooperation with the Department of Planning, shall develop plans for parks, recreation areas, and for the preservation of open space within the County.

#### **§ 1382. Park and Recreation Board**

The Park and Recreation Board shall consist of five members who shall serve without compensation and who shall be residents of New Castle County for a period of three years immediately preceding appointment. The County Executive, with the advice and consent of the County Council, shall appoint four members for terms of four years provided that the terms of the original members shall be established in a manner that one shall expire each year. The County Executive, with the advice and consent of the County Council, shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive. Only three of the members shall be affiliated with the same political party.

#### **§ 1383. Functions of Park and Recreation Board**

The Park and Recreation Board shall perform the following functions:

(1) The Board shall advise and consult with the Director of Parks and Recreation.

(2) The Board shall receive periodic and special reports from the Director of Parks and Recreation concerning the programs and activities of the Department.

(3) The Board may make recommendations to the Director of Parks and Recreation, the Chief Administrative Officer, the County Executive, or the County Council concerning any aspect of the operations or functions of the Department it shall deem appropriate.

## **SUBCHAPTER VI. TRANSPORTATION BOARD**

### **§ 1391. Transportation Board**

The Transportation Board shall consist of seven members who shall serve without compensation and who shall be persons who have a demonstrated interest in improvement of transportation within the County. The County Executive, with the advice and consent of the County Council, shall appoint six members for terms of six years provided that the terms of the original members shall be established in a manner that one shall expire each year. The County Executive, with the advice and consent of the County Council, shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive.

### **§ 1392. Functions**

The Transportation Board shall perform the following functions:

(1) The Board shall operate and maintain the airports and aviation facilities of the County.

(2) The Board, in cooperation with the Department of Planning and other federal, State and local agencies, shall develop a comprehensive and coordinated plan and program for the movement of persons and goods to, from and within the County.

(3) The Board, when authorized by the County Council, shall execute the transportation plan or approved portions thereof. To that end the Board may engage in all activities and operations appropriate and necessary to the execution of the plan or portions thereof.

### **§ 1393. Staff**

(a) The Board shall appoint as manager of its airport and aviation activities a person qualified by training and experience in the field of airport management.

(b) The Board may appoint such other officers or employees as it deems necessary or desirable for the performance of its functions.

## **SUBCHAPTER VII. DEPARTMENT OF POLICE**

### **§ 1401. Functions**

The Department of Police, headed by a Director of Police, shall perform the following functions:

(1) The Department shall organize, administer, supervise, and discipline the police force of the County.

(2) The Department shall enforce traffic regulations and investigate accidents provided that the State Police shall receive immediate notification of accidents involving serious personal injury or death.

(3) The Department shall make legal searches, seizures, and arrests, and exercise such legal authority incident thereto which is nor or may be hereafter conferred upon police officers by law.

(4) The Department shall maintain and operate lock-ups for the temporary confinement of prisoners.

(5) The Department shall maintain peace, protect life, property and all other rights and liberties of the people, and do and perform all other lawfully assigned acts.

(6) The Department shall provide school crossing guard service in the manner and to the extent authorized by ordinance.

(7) The Department shall operate and maintain an integrated communications system designed to facilitate the prompt, efficient, and effective performance of its function.

### **§ 1402. Other police prohibited**

No officer, department, or board operating for the County, other than the Department, shall have a police force.

**SUBCHAPTER VII. DEPARTMENT OF FIRE****§ 1411. County responsibility for fire protection and ambulance and rescue service**

The government of New Castle County may make provisions for the prevention and extinguishment of fires and for ambulance and rescue service in the County. For such purpose, the County Executive may contract with voluntary organizations, or with other persons, and in such case make reasonable payments thereto. In the case of voluntary fire companies, such reasonable payments shall be no less than the amount established by Chapters 19 and 20 of this title.

**§ 1412. Department of Fire**

The County Council, by ordinance, may provide for the establishment of a Department of Fire, headed by a Director of Fire to be appointed by the County Executive, with the advice and consent of the County Council. The ordinance shall provide that the Department shall perform the following functions: (1) The Department shall be responsible for the extinguishment of fires and for the administration and enforcement of laws, ordinances, and the regulations relating to the prevention of fires and the protection of persons from the hazards thereof. (2) The Department shall make such investigations as to the cause of fires and methods of their prevention as it shall deem appropriate, provided that such investigations shall in no manner interfere with the performance of the duties and responsibilities of the State Fire Marshall. (3) The Department shall provide ambulance and rescue service authorized by law, ordinance, or regulation. (4) The Department shall operate and maintain an integrated communications system designed to facilitate the prompt, efficient and effective performance of its function. The ordinance shall further provide that in the performance of any of the functions of the Department, the Department may contract with voluntary organizations, or with other persons, and in such case shall make reasonable payments thereto; that in the case of voluntary fire companies, such reasonable payments shall be no less than the amount established by Chapters 19 and 20 of this title; that

before the services of any volunteer fire company are utilized, the Department shall determine that such company is adequately equipped, manned, organized and disciplined to enable it to perform the services which it renders to the citizens or to the County; and that such determination shall be controlled by standards no less than the standards set for such company by the New Castle County Volunteer Firemen's Association.

## **SUBCHAPTER IX. DEPARTMENT OF PUBLIC WORKS**

### **§ 1421. Functions**

The Department of Public Works, headed by a Director of Public Works, shall perform the following functions:

(1) The Department shall prepare plans and specifications for all public works and supervise the construction thereof.

(2) The Department shall assist the Department of Finance in the tabulation of bids and in the determination of the lowest and best bidder with respect to all public works, and, upon request of the Department of Finance, with respect to materials, supplies and equipment.

(3) The Department shall maintain and operate sanitary and storm sewers, drainage systems, sewage disposal facilities, and refuse disposal facilities. It shall perform all County functions connected with the collection of garbage and refuse, provided that such functions may be performed directly, by contract, or by licenses as the County Council by ordinance may from time to time determine.

(4) The Department shall perform all functions relating to the lighting of the streets, roads, alleys, and other public places.

(5) The Department shall maintain and operate any County public water supply system.

(6) The Department shall maintain and operate all public buildings, except those which by agreement with other gov-



ernmental jurisdictions are to be otherwise operated and maintained and any building which shall be designated by the County Executive to be excluded from the responsibility of the Department for maintenance or operation.

(7) The Department shall maintain and operate central garages for the storage and maintenance of equipment. It shall be the responsibility of the Department to maintain all automotive equipment, except those that may be specified in writing by the County Executive for maintenance by some other office, department, or board.

(8) The Department shall determine the lines and grades of all private property upon which any structure is about to be built or altered, or with respect to which any subdivision, plat or plan is offered for approval by the Department of Planning. No permit shall be issued for any building and no plat or plan for a subdivision shall be approved by any office, department, or board of the County, including the County Council, except pursuant to the lines and grades thus established.

## **SUBCHAPTER X. DEPARTMENT OF LAW**

### **§ 1441. Functions**

The Department of Law, headed by a County Attorney, shall perform the following functions:

(1) The Department shall serve as chief legal advisor to the County Executive, County Council and all County departments, boards, offices and agencies.

(2) The Department shall represent the county in all legal proceedings.

(3) The Department shall perform any other duties prescribed by this title or by ordinance of the County Council.

### **§ 1442. Appointment**

The County Attorney shall be appointed by the County Executive with the advice and consent of the County Council.

The County Attorney shall serve at the pleasure of the County Executive.

**§ 1443. Qualifications**

The County Attorney shall be a lawyer admitted to practice before the Supreme Court of Delaware.

**§ 1444. Assistant County Attorneys**

The County Attorney shall appoint such Assistant County Attorneys as may be authorized by the County Council. The Assistant County Attorneys shall be lawyers admitted to practice before the Supreme Court of Delaware and shall serve at the pleasure of the County Attorney.

**§ 1445. Compensation**

The annual salary of the County Attorney and each Assistant County Attorney shall be determined by the County Executive.

**§ 1446. Other employees**

The County Council may provide for such employees as may be necessary to perform the functions required by this title.

**SUBCHAPTER XI. DEPARTMENT OF PERSONNEL**

**§ 1451. Department of Personnel**

Upon assuming office on the first Tuesday of January, 1967, the County Council, by ordinance, shall provide for the establishment of a Department of Personnel, headed by a Director of Personnel to be appointed by the County Executive upon the recommendation of the Personnel Board. The ordinance shall provide that the Director of Personnel shall serve at the pleasure of the County Executive and shall be a person qualified for the position by education, experience and training. The ordinance shall further provide for the establishment of a Personnel Board of three members to be appointed by the County

Executive, with the advice and consent of the County Council, for terms of six years provided that the terms of the original members shall be established in a manner that one shall serve for two years, one for four years, and one for six years. The ordinance shall further provide that the members of the Board shall be residents of New Castle County; that they shall be in favor of the merit principle as applied to public employment; that no member of the Board shall be a member of any local, state or national committee of a political party or an officer or a member of a committee of any partisan or political group, or shall hold or be a candidate for any political office; that the members shall be registered voters of the County with at least one a registered voter of one major political party and one a registered voter of the other political party. The ordinance shall further provide that the members of the Board shall elect one of their number to serve as chairman and that they shall be entitled to compensation of \$50 per meeting not to exceed 25 meetings in any fiscal year. The ordinance shall further provide for employees to be subordinate to the Director and as necessary to perform the duties of the Department. The ordinance shall further provide for the adoption of a system of personnel administration which shall be administered by the Department and which shall include the following guidelines:

(1) The division of all county officers and employees into unclassified or classified service, and the assignment of all classified employees into categories, based on duties performed and responsibilities assumed.

(2) The establishment of a uniform pay plan for all classified employees based on the classification of the position held.

(3) The regulation of employment and promotion according to competency and fitness, to be ascertained when possible by competitive examination and, when not, by due consideration to qualifications and record of performance.

(4) The establishment of tenure for all classified employees, providing for discipline, demotion and discharge for just cause only, with right of employee appeal to the Personnel Board.

(5) The creation of uniform provisions governing leaves of absence, layoffs, reinstatements, transfers, abolition of positions, sick and annual leaves, hours of work and procedures for hearing employees' grievances and complaints.

**§ 1452. Continuance of present system**

Any system of personnel administration with respect to the employees of New Castle County which shall be in effect at the time of the effective date of this act, shall remain in effect until the County Council has acted in accordance with the provisions of this subchapter.

Section 3. Chapter 3, Title 9, Delaware Code, is amended as follows:

A. §§ 301 (a), 303, 309(a) are repealed.

B. §§ 306, 307, 308, 309 (c), 309 (d), 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 341, 342, 344, 372, 373, 374, insofar as they refer to or contemplate a Levy Court of New Castle County or a Levy Court Commissioner of New Castle County are amended to the extent that they shall henceforth only refer to or contemplate a Levy Court or a Levy Court Commissioner in Kent and Sussex Counties.

C. § 345 (a) is amended by striking the words "The Levy Court of New Castle County" and by inserting in lieu thereof the words "The County Council of New Castle County".

D. § 349 is amended by striking the words "the several counties shall" in the first sentence thereof and by inserting in lieu thereof the words "of Kent and Sussex Counties shall, and the County Council of New Castle County may,".

E. §§ 343, 346, 347 (a), 348, 350 are amended by adding the words "or the County Council of New Castle County" after the word "county" or after the words "counties" in the first line of each section or subsection.

F. § 347 (b) is amended by adding the words "and the County Council of New Castle County" after the words "Levy Courts" wherever they appear.

G. § 371 is amended by adding the words "County Councilman" after the word "Commissioner" and by adding the words "or County Council" after the words "unless and until the Levy Court" and also after the words "The Commissioners".

H. § 377 is amended by adding the words "or the Director of Finance" after the word "county" in the second paragraph.

I. § 379 is amended to read as follows:

**§ 379. Legal proceedings**

All suits, actions or proceedings brought by the Levy Court of Kent or Sussex Counties, in and about the administration of the government of its county, shall be in the name of The Levy Court of the County. All such suits, actions or proceedings brought by the government of New Castle County shall be in the name of New Castle County.

J. § 302 is amended to read as follows:

**§ 302. Composition of County Governments**

(a) There shall be a Levy Court in Kent and Sussex Counties each of which shall consist of three members who shall be called "Levy Court Commissioners".

(b) The government of New Castle County shall be as provided in Chapter 11 of this title.

(c) The Levy Court of New Castle County and the offices of Levy Court Commissioner of New Castle County, including the offices of the incumbents, are abolished as of the first Tuesday in January following the election of the first County Executive of New Castle County as provided in Chapter 11 of this title. No election for the office of Levy Court Commissioner of New Castle County shall take place at the general election in which the first County Executive and the first County Council are elected as provided in Chapter 11 of this title.

(d) The two Levy Court Commissioners of New Castle County whose terms of office would not have expired at the time of the effective date of this act but for the provisions of this act shall become County Councilmen at large and each shall serve as a County Councilman, with all the powers, duties and emoluments of that office, until the expiration of the term for which he was originally elected to the office of Levy Court Commissioner, i. e., until the first Tuesday in January, 1969, in the case of the Commissioner who took office in January, 1963, or his successor, and until the first Tuesday in January, 1971, in the case of the Commissioner who took office in January, 1965, or his successor. In case of death or resignation of said incumbent members, or their successors, prior to the expiration of the terms as aforesaid, the Governor shall appoint some suitable person of the same political party having the qualifications previously required of a Levy Court Commissioner, pursuant to the provisions of Section 9, Article III, of the Constitution of this State. For any purpose for which a majority vote or five-sevenths vote is required by this title during the time that the County Council shall be composed of more than seven members, the number so required shall be five and six respectively.

K. § 351 is amended by inserting the words "or the New Castle County government" after the words "Levy Courts" wherever they appear.

L. § 306 is amended by adding a new subsection to read as follows:

(c) No officer or employee of the New Castle County government shall hold more than one position of county office or employment from which he derives compensation.

Section 4. Chapter 5, Title 9, Delaware Code, is amended as follows:

A. The words "or County Council" are added after the words "Levy Court" wherever they appear in Chapter 5.

B. § 501 is amended by adding the following definition:

(4) "County Council" means the County Council of New Castle County.

(5) All references to "Receiver of Taxes and County Treasurer" and "Board of Assessment" shall be construed to mean the "Department of Finance" insofar as New Castle County is concerned.

(6) All reference to the "County Engineer" shall be construed to mean the Director of Public Works insofar as New Castle County is concerned.

Section 5. Chapter 6, Title 9, Delaware Code, is amended by adding a new section to read as follows:

**§ 304. Application of chapter**

(a) This chapter shall henceforth apply only in Kent and Sussex Counties provided that any obligations heretofore undertaken in New Castle County shall continue in force until they expire by their terms.

(b) Parks and recreational facilities in the unincorporated communities of New Castle County shall be under the supervision of the Department of Parks and Recreation as provided in Chapter 13 of this title.

Section 6. Chapter 7, Title 9, Delaware Code, is amended as follows:

A. § 702 is amended by striking the sentences beginning with "Clerk of the Levy Court" and "Levy Court" and adding new sentences to read as follows:

"County Council" means the County Council of New Castle County in which the park district is located.

"Clerk of the County Council" means the Clerk of the County Council of New Castle County in which the park district is located.

"Department of Finance" means the Department of Finance of New Castle County in which the park district is located.

"Levy Court" means the Levy Court of the county, Kent or Sussex, in which the park district is located.

"Clerk of the Peace" means the Clerk of the Peace of the county, Kent or Sussex, in which the park district is located.

"Receiver of Taxes and County Treasurer" means the Receiver of Taxes and County Treasurer of the county, Kent or Sussex, in which the park district is located.

B. § 710 is amended by striking the words "Levy Court of the County in which such territory lies" and inserting in lieu thereof the words "County Council or Levy Court".

C. § 711 is amended by striking the words "Levy Court of the county in which such proposed district is situated" and inserting in lieu thereof the words "Clerk of the County Council or Clerk of the Peace".

D. § 712 is amended by striking the words "Levy Court shall" in the first sentence and inserting in lieu thereof the words "County Council, by ordinance, or the Levy Court, by resolution, may"; by striking the words "Levy Court" in the second sentence and inserting in lieu thereof the words "County Council or Levy Court"; and by striking the words "Levy Court" in the third sentence and inserting in lieu thereof the words "County Council or Clerk of the Peace".

E. § 713 is amended by striking the words "Levy Court" in the last sentence and inserting in lieu thereof the words "County Council or Clerk of the Peace".

F. § 714 is amended by striking the words "Levy Court" in the first and second sentence and inserting in lieu thereof the words "County Council or Levy Court".

G. § 716 is amended by striking the words "Levy Court" and inserting in lieu thereof the words "County Council or Clerk of the Peace".

H. § 750 is amended by striking the words "Receiver of Taxes of the County in which the same is to be collected" in



the third sentence and inserting in lieu thereof the words "Department of Finance or Receiver of Taxes and County Treasurer"; and by striking the words "Receiver of Taxes" in the fourth sentence and inserting in lieu thereof the words "Department of Finance or Receiver of Taxes and County Treasurer".

I. § 751 is amended by striking the words "or counties".

J. § 752 is amended by striking the words "Receiver of Taxes and County Treasurer of the County or Counties wherein the district is situated" and inserting in lieu thereof the words "Department of Finance or Receiver of Taxes and County Treasurer".

K. § 753 a) is amended by striking the words "Receiver of Taxes and County Treasurer" in the first line and inserting in lieu thereof the words "Department of Finance or Receiver of Taxes and County Treasurer"; and by striking the words "Receiver of Taxes and County Treasurer" in the fourth line and inserting in lieu thereof the words "Department of Finance".

L. § 754 (a) and (b) is amended by striking the words "Each Receiver of Taxes and County Treasurer" and inserting in lieu thereof the words "The Department of Finance or Receiver of Taxes and County Treasurer".

M. § 761 is amended by striking the words "in the office of the Receiver of Taxes in each of the counties wherein such district lies" and inserting in lieu thereof the words "with the Department of Finance or Receiver of Taxes and County Treasurer".

N. § 763 is amended by striking the words "Receiver of Taxes of the County in which the district is located" and inserting in lieu thereof the words "Department of Finance or Receiver of Taxes and County Treasurer".

O. Any park district organized under this chapter prior to the effective date of this act shall be preserved and continued subject to the provisions of this act.

Section 7. Chapter 15, Title 9, Delaware Code, is amended as follows:

A. § 1501 (1) is amended to read as follows:

(1) The words "New Castle County government", or words of similar import, means the government of New Castle County as established in Chapter 11 of this title.

B. § 1502 is amended as follows:

(1) By striking the word "Commissioner" and by inserting in lieu thereof the words "County officer or employee".

(2) By striking the words "of the Levy Court" wherever they appear.

C. §§ 1503, 1504, 1505, 1506, 1507, are repealed.

D. § 1521 (a) is amended as follows:

(1) The words "in addition to the powers elsewhere conferred upon all Levy Courts or upon the Levy Court of New Castle County, and without limiting their generality, the Levy Court of New Castle County" are amended to read "in addition to the powers elsewhere conferred upon Levy Courts or upon the government of New Castle County and without limiting their generality, the government of New Castle County".

(2) The words "The Levy Court of New Castle County" which appear at the beginning of the second sentence are stricken and the words "The County Council in accordance with the provisions of section 1161 of this title" are inserted in lieu thereof.

E. § 1521 (b) is amended by striking the words "Levy Court" and by inserting in lieu thereof the words "New Castle County government".

F. §§ 1521 (c), 1521 (d), 1521 (e), 1521 (f) are amended by striking the words "the Levy Court of New Castle County" and the words "Levy Court" wherever they appear in those

subsections and by inserting in lieu thereof the words "the government of New Castle County".

G. § 1522 is amended as follows:

(1) By striking the words "Levy Court" in subsections (a) and (c) and by inserting in lieu thereof the words "County Council".

(2) By amending the fifth sentence of subsection (b) to read: "The obligations shall be signed by the County Executive either in original or by authorized mechanical signature and sealed with the seal of the Clerk of the Council".

(3) By substituting the figure "5" for the figure "3" in the first sentence of subsection (b).

(4) By striking the word "borrow" in subsection (a) and by inserting in lieu thereof the words "authorize the borrowing of".

(5) By striking the words "Levy Court" in the first sentence of subsection (b) and by inserting in lieu thereof the words "Department of Finance".

H. § 1523 is amended by striking the words "Levy Court" wherever they appear and by inserting in lieu thereof the words "Department of Finance" and is further amended by striking the words "Receiver of Taxes and County Treasurer of the".

I. § 1524 is repealed.

J. § 1525 is amended by striking the words "Levy Court" and by inserting in lieu thereof the words "County Council".

K. § 1525 (a) is amended by striking the words "; provided, however, that this section shall not apply to the Seventh Senatorial District of New Castle County." and inserting a period after the word "regulations".

L. § 1525 (c) is repealed.

M. § 1526 is amended by striking the words "Levy Court" and the words "County Engineer" wherever they appear and by inserting in lieu thereof the words "County Council" and the words "Department of Public Works", respectively.

N. §§ 1561, 1562, 1563 are amended by striking the words "Levy Court" wherever they appear and by inserting in lieu thereof the words "County Council".

Section 8. Chapter 16, Title 9, Delaware Code, is amended as follows:

A. §§ 1602, 1604, 1607 and the third sentence of § 1608 are amended by striking the words "Levy Court" wherever they appear and by inserting in lieu thereof the words "County Council".

B. The first sentence of § 1608 is amended by striking the words "Levy Court for New Castle County" and inserting in lieu thereof the words "County Executive of New Castle County".

C. The first sentence of § 1608 is further amended by striking the words "first day of May" and by inserting in lieu thereof the words "fifteenth day of February".

Section 9. Chapter 17, Title 9, Delaware Code, is amended as follows:

A. All reference to the "Levy Court" shall be construed to refer to the "County Council".

B. All references to the "Receiver of Taxes and County Treasurer" or the "County Treasurer" shall be construed to refer to the "Department of Finance of New Castle County".

C. § 1706 (e) is repealed.

D. § 1707 is amended to read as follows:

**§ 1707. Pension provisions in annual budget**

The annual budget shall make provision for payment of all pensions which may be due under this chapter.

E. § 1708 (a) is amended by striking the words "and in the same manner".

F. § 1711 is repealed.

G. The form of the Resolution contained in § 1712 is amended by striking all the language after the word "(Signed)" and by inserting in lieu thereof the words "President of the County Council of New Castle County".

Section 10. Chapter 18, Title 9, Delaware Code ,is amended as follows:

A. All references to "Levy Court" wherever they appear shall be construed to refer to the "County Council".

B. All reference to the "Comptroller of New Castle County" shall be construed to refer to the "Department of Finance".

C. The last sentence of § 1804 is repealed.

Section 11. Chapter 19, Title 9, Delaware Code ,is amended as follows:

A. § 1901 is amended by striking the words "Levy Court" and by inserting in lieu thereof the word "government".

B. § 1902 (a) is amended by inserting in the second paragraph before the words "shall be paid" the following: ", if appropriated,".

C. § 1902 is amended by striking the words "Levy Court" whenever they appear and by inserting in lieu thereof the words "County Council".

D. § 1902 (b) is repealed.

E. § 1903 is amended as follows:

(1) Subsection (a) and (b) are repealed.

(2) Subsection (c) is amended by striking the words "Such police" in the first sentence and by inserting therein the words "The County police".

(3) Subsection (c) is further amended by adding the following sentence: "The County police shall be appointed by the Director of Police".

(4) Subsection (c) is further amended by striking the words "Levy Court" from the last sentence and by inserting in lieu thereof the words "Director of Police".

(5) Subsection (d) is amended to read as follows:

"The County police shall be subject to such rules and regulations as the Director of Police may prescribe".

Section 12. Chapter 20, Title 9, Delaware Code, is amended as follows:

A. § 2001 is amended by striking the words "Levy Court" and by inserting in lieu thereof the word "government".

B. §§ 2002, 2003 are repealed.

C. §§ 2004, 2005 are amended by striking the words "Levy Court" and by inserting in lieu thereof the words "County Council".

D. § 2004 is amended by striking the word "shall" in the first sentence thereof and by inserting in lieu thereof the word "may", and by striking the words "The appropriations" in the second sentence thereof and by inserting in lieu thereof the following: "The said sum of \$500, if appropriated,".

E. § 2005 is amended by striking the words "shall and is hereby authorized and directed to" in the first paragraph and by inserting in lieu thereof the word "may", and by inserting in the second and third paragraphs before the words "shall be paid" the following: ", if appropriated,".

Section 13. Chapter 21, Title 9, Delaware Code, is amended as follows:

A. All reference to "Levy Court" shall be construed to mean the "County Council".

B. All references to the "Receiver of Taxes and County Treasurer" and to the "Comptroller" shall be construed to mean the "Department of Finance".

C. The reference to "President of Levy Court in § 2103 shall be construed to mean "County Executive".

Section 14. Chapter 22, Title 9, Delaware Code, is amended as follows:

A. All reference to the "Levy Court" shall be construed to mean the "County Council".

B. All reference to the "County Engineer" shall be construed to mean the "Department of Public Works".

Section 15. Chapter 23, Title 9, Delaware Code, is amended as follows:

A. All references to "Levy Court" shall be construed to mean "County Council".

B. All references to the "County Engineer" shall be construed to mean the "Department of Public Works".

C. § 2307 (b) is amended by striking the words "Levy Court Attorney" and by inserting in lieu thereof the words "County Attorney".

D. § 2314 is amended by striking the words "attorney for the Levy Court" and by inserting in lieu thereof the words "County Attorney".

Section 16. Chapter 24, Title 9, Delaware Code, is amended as follows:

A. All references to "Levy Court" shall be construed to mean "County Council".

B. All references to "Receiver of Taxes and County Treasurer" shall be construed to mean the "Department of Finance".

C. All references to the "President of Levy Court" shall be construed to mean the "County Executive".

D. § 2406 is amended by striking out the words "and the Clerk of the Peace of New Castle County".

Section 17. Chapter 25, Title 9, Delaware Code, is repealed in its entirety.

Section 18. Chapter 26, Title 9, Delaware Code, is amended as follows:

A. All references to the "Levy Court" shall be construed to refer to the "County Council".

B. All references to "Zoning Commission" or "Commission" shall be construed to refer to the "Department of Planning".

C. §§ 2602 (c), 2604, 2606, 2607, 2608, 2613, 2614, 2615, 2616, 2617, 2618, 2621, 2622, are repealed.

D. § 2610 (c) is amended by striking the figures "30" and by inserting in lieu thereof the figures "45".

Section 19. Chapter 27, Title 9, Delaware Code, is amended as follows:

A. § 2703 is amended by striking the words "Levy Court" and by inserting in lieu thereof the words "Department of Police".

B. § 2702 (c) and (d) are amended to read as follows:

(c) The guards shall be subject to such rules and regulations as the Director of Police may prescribe, and their compensation shall be fixed by the pay plan.

(d) The Department of Police shall provide and maintain an appropriate uniform to be paid from County funds.

C. § 2704 (a) is amended as follows:



(1) By striking the words "Levy Court" where they first appear and by inserting in lieu thereof the words "County Council".

(2) By striking the words "by the Levy Court".

D. § 2701 (a) is amended by striking the words "The Levy Court" and by inserting in lieu thereof the words "Upon the authorization of the County Council, the Department of Police".

Section 20. Chapter 80, Title 9, Delaware Code, is amended as follows:

A. §8001 is amended to read as follows:

**§ 8001. Budget of estimated expenditures**

(a) The Levy Court of Kent and Sussex Counties shall after due inquiry and investigation, prepare and adopt a budget or estimate of the amount of the money which will be required by the county during the next fiscal year to discharge demands upon the county both those which have accrued and those for which it is deemed expedient to make provision.

(b) The government of New Castle County shall prepare and adopt a budget as provided in Chapter 11 of this title.

(c) In New Castle County, the budget shall be adopted not later than the first day of June in each year and in Kent and Sussex Counties not later than the 30th day of April in each year.

B. §§ 8002 (a), 8003 are amended by inserting after the words "Levy Court" or "Levy Courts" the words "or the County Council of New Castle County".

C. § 8003 (b) is amended by striking the words and figures "May 15th" and by inserting in lieu thereof the words and figures "June 1st".

D. §§ 8002 (a), 8003 (a) are amended by inserting after the words "Board of Assessment" the words "or the Department of Finance".

E. §§ 8004, 8005 are amended by striking the words "each Levy Court" and by inserting in lieu thereof the words "the Levy Courts of Kent and Sussex Counties".

F. § 8002 (b) is amended by striking the second sentence thereof".

Section 21. Chapter 8, Title 9, Delaware Code, is amended by repealing §§ 8201, 8205 (1), 8208.

Section 22. Chapter 83, Title 9, Delaware Code, is amended as follows:

A. § 8301 is amended by striking the words "each Board of Assessment" and by inserting in lieu thereof the words "the Boards of Assessment in Kent and Sussex Counties".

B. § 8301 is further amended by adding the following sentence:

The procedure in New Castle County shall be as provided in Chapter 13 of this title.

C. §§ 8304 (c), 8312 (1) are repealed.

D. § 8315 (b) is amended to read as follows: The certification in Kent County shall be by May 1st and in Sussex County by April 1st.

E. § 8316 is amended by striking the words "in New Castle and Kent Counties" and by inserting in lieu thereof the words "in Kent County".

F. § 8321 is amended by striking the words "the Board of Assessment on blanks to be furnished by the Board" and by inserting in lieu thereof the words "the Department of Finance on blanks to be furnished by the Department".

G. §§ 8310, 8311 (a), 8313, 8322, 8323 are amended by adding the words "or Department of Finance" after the words "Board of Assessment".

H. § 8314 is amended by adding the words "of Kent or Sussex Counties, or the Board of Assessment Review of New Castle County" after the words "Board of Assessment".

I. § 8315 (a) is amended by adding a new sentence to read as follows:

In New Castle County, the Board of Assessment Review shall certify the total of the assessed valuation to the County Council through the Department of Finance.

J. The first sentence of § 8315 (b) is repealed.

K. § 8318 is amended by adding a new sentence to read as follows:

The powers herein granted may be exercised by the Department of Finance in New Castle County.

L. § 8326 is amended by adding a new sentence to read as follows:

In New Castle County, the Department of Finance shall ascertain and report to the County Council the number of persons liable to capitation tax.

M. By adding a new § 8328 to read as follows:

#### § 8328. Construction

In the construction of the provisions of this chapter, the powers and duties assigned solely to Boards of Assessment shall not be applicable to New Castle County. All other provisions of this chapter from which New Castle County is not specifically excluded shall be applicable to New Castle County.

Section 23. Chapter 84, Title 9, Delaware Code, is amended as follows:

A. § 8401 (a) is amended by striking the words "each County" and by inserting in lieu thereof the words "Kent and Sussex Counties".

B. § 8401 (a) is further amended by striking the last sentence thereof.

C. § 8401 (b) is amended by striking the words "Treasurers for New Castle and Sussex Counties" from the first sentence thereof and by inserting in lieu thereof the words "Treasurer for Sussex County".

D. § 8401 (c) is amended by striking from the first sentence thereof the words "and, in New Castle County, must be a freeholder".

E. § 8402 (a) is amended by striking the words "and in the sum of \$50,000 in New Castle County".

F. § 8402 (c) is amended by striking the second sentence thereof.

G. §§ 8405 (1), 8406 (a) (1) are repealed.

H. Subchapter II is repealed in its entirety insofar as it relates to New Castle County with the following exceptions:

(1) § 8429 is amended by adding the words "or Director of Finance" after the word "Treasurer".

(2) § 8434 is amended by striking the words "Receiver of Taxes and County Treasurer, and by inserting in lieu thereof the words "Director of Finance".

(3) § 8437 is amended as follows:

(a) By striking the words "Receiver of Taxes and County Treasurer" and by inserting in lieu thereof the words "Director of Finance".

(b) By striking the words "President of the Levy Court" and by inserting in lieu thereof the words "President of the County Council".

G. §§ 8310, 8311 (a), 8313, 8322, 8323 are amended by adding the words "or Department of Finance" after the words "Board of Assessment".

H. § 8314 is amended by adding the words "of Kent or Sussex Counties, or the Board of Assessment Review of New Castle County" after the words "Board of Assessment".

I. § 8315 (a) is amended by adding a new sentence to read as follows:

In New Castle County, the Board of Assessment Review shall certify the total of the assessed valuation to the County Council through the Department of Finance.

J. The first sentence of § 8315 (b) is repealed.

K. § 8318 is amended by adding a new sentence to read as follows:

The powers herein granted may be exercised by the Department of Finance in New Castle County.

L. § 8326 is amended by adding a new sentence to read as follows:

In New Castle County, the Department of Finance shall ascertain and report to the County Council the number of persons liable to capitation tax.

M. By adding a new § 8328 to read as follows:

#### § 8328. Construction

In the construction of the provisions of this chapter, the powers and duties assigned solely to Boards of Assessment shall not be applicable to New Castle County. All other provisions of this chapter from which New Castle County is not specifically excluded shall be applicable to New Castle County.

Section 23. Chapter 84, Title 9, Delaware Code, is amended as follows:

A. § 8401 (a) is amended by striking the words "each County" and by inserting in lieu thereof the words "Kent and Sussex Counties".

B. § 8401 (a) is further amended by striking the last sentence thereof.

C. § 8401 (b) is amended by striking the words "Treasurers for New Castle and Sussex Counties" from the first sentence thereof and by inserting in lieu thereof the words "Treasurer for Sussex County".

D. § 8401 (c) is amended by striking from the first sentence thereof the words "and, in New Castle County, must be a freeholder".

E. § 8402 (a) is amended by striking the words "and in the sum of \$50,000 in New Castle County".

F. § 8402 (c) is amended by striking the second sentence thereof.

G. §§ 8405 (1), 8406 (a) (1) are repealed.

H. Subchapter II is repealed in its entirety insofar as it relates to New Castle County with the following exceptions:

(1) § 8429 is amended by adding the words "or Director of Finance" after the word "Treasurer".

(2) § 8434 is amended by striking the words "Receiver of Taxes and County Treasurer, and by inserting in lieu thereof the words "Director of Finance".

(3) § 8437 is amended as follows:

(a) By striking the words "Receiver of Taxes and County Treasurer" and by inserting in lieu thereof the words "Director of Finance".

(b) By striking the words "President of the Levy Court" and by inserting in lieu thereof the words "President of the County Council".

(c) By striking the words "the Levy Court of".

(d) By striking the word "Comptroller" and by inserting in lieu thereof the words "County Auditor".

Section 24. Chapter 86, Title 9, Delaware Code, is amended as follows:

A. §§ 8602, 8603, 8605, 8615, 8616, are amended by inserting the words "or Director of Finance" after the words "Receiver of Taxes and County Treasurer" wherever they appear.

B. §§ 8608, 8611 are amended by striking the words "Receiver of Taxes and County Treasurer" wherever they appear and by inserting in lieu thereof the words "Department of Finance".

Section 25. Chapter 87, Title 9, Delaware Code, is amended as follows:

A. §§ 8711, 8721 are amended by adding the words "or the Department of Finance" after the word "Treasurer" wherever it appears.

B. § 8705 (a) is amended by striking the words "the Levy Court in".

C. § 8707 is amended by adding the words "or the Department of Finance" after the word "Treasurer".

D. §§ 8708 and 8709 are amended by striking the words "Receiver of Taxes and County Treasurer" and by inserting in lieu thereof the words "or the Department of Finance" wherever they appear.

E. § 8722 is amended as follows:

(1) The words "Receiver of Taxes and County Treasurer" are stricken wherever they appear and the words "or the Department of Finance" are inserted in lieu thereof.

(2) The words "or caused to be filed by the Collector of Delinquent Taxes for New Castle County" are stricken from the first paragraph.

(3) The words "prepared by the Board of Assessment" are stricken from the second paragraph.

(4) The words "as prepared by the Board of Assessment of New Castle County" are stricken from the fourth paragraph.

(5) The words "the Collector of Delinquent Taxes for New Castle County on behalf of" are stricken from the ninth paragraph.

F. § 8723 is amended by striking the words "Receiver of Taxes and County Treasurer of New Castle County or the Collector of Delinquent Taxes for New Castle County on his behalf" and by inserting in lieu thereof the words "the Department of Finance".

G. § 8725 is amended as follows:

(1) By striking the words "the Collector of Delinquent Taxes for New Castle County on behalf of the Receiver of Taxes and County Treasurer of New Castle County" and by inserting in lieu thereof the words "the Department of Finance".

(2) By striking the words "prepared by the Board of Assessment of New Castle County" from the first paragraph.

(3) By striking the words "Receiver of Taxes and County Treasurer of New Castle County" wherever they appear and by inserting in lieu thereof the words "Director of Finance" in the form of the writ referred to in the last paragraph of § 8725.

H. § 8727 is amended by striking the words "prepared by the Board of Assessment".

I. § 8732 is amended by striking the words "Collector of Delinquent Taxes" and by inserting in lieu thereof the words "Department of Finance".



J. § 8733 is amended by striking the words "Receiver of Taxes and County Treasurer of New Castle County, or the Delinquent Tax Collector of New Castle County, on his behalf" where they first appeared and by inserting in lieu thereof the words "Department of Finance".

K. §§ 8741, 8743, 8753, 8754 are amended by striking the words "Receiver of Taxes and County Treasurer" wherever they appear and by inserting in lieu thereof the words "Department of Finance".

L. § 8753 is further amended by striking the words "Levy Court" wherever they appear and by inserting in lieu thereof the words "County Council".

M. § 8753 (b) is further amended by striking the words "President of the Levy Court" and by inserting in lieu thereof the words "County Executive".

Section 26. Chapter 91, Title 9, Delaware Code, is amended as follows:

A. § 9102 is amended as follows:

(1) The words "in each county" in the first sentence are stricken and the words "or County Council of each county" are inserted in lieu thereof.

(2) The words "or Chief Administrative Officer" are inserted after the words "Levy Court" in the second sentence.

B. § 9103 is amended by striking the words "of each County" and by inserting in lieu thereof the words "or County Council of each county".

C. § 9106 is amended by striking the words "Levy Court" and by inserting in lieu thereof the word "government".

D. § 9107 is amended by striking the words "Levy Court" and by inserting in lieu thereof the words "County government".

E. §§ 9108, 9109, 9112, 9114 (a), 9115 (a) are amended by adding the words "or Department of Finance" after the word "Treasurer" wherever it appears.

F. § 9111 is amended as follows:

(1) The words "or Department of Finance" are inserted after the words "County Controller".

(2) The words "or County Council" are inserted after the words "Levy Court" in the second sentence.

G. § 9112 is further amended by striking the words "of each County" and by inserting in lieu thereof the words "or County Council" in the third sentence.

H. § 9121 is amended by striking the words "Levy Courts" and by inserting in lieu thereof the words "County governments".

Section 27. Chapter 92, Title 9, Delaware Code, is amended as follows:

A. § 9203 (a) is repealed.

B. A new section is added to read as follows:

**§ 9206. Application in New Castle County**

The provisions of this Chapter shall not apply to New Castle County. In New Castle County the provisions of Subchapter IX of Chapter 13 of this title shall apply.

Section 28. Chapter 93, Title 9, Delaware Code, is amended as follows:

A. § 9301 is amended by striking from the first sentence the words "each of the counties of this State" and by inserting in lieu thereof the words "Kent and Sussex Counties".

B. § 9305 (i) is repealed.

C. § 9306 is amended as follows:

(1) The first sentence is amended by striking the words "the salary of the Controller of New Castle County shall be \$4200 per year and".

(2) The second sentence is amended by striking the words "the salary of the Controller of New Castle County shall be paid in semi-monthly installments;".

D. § 9307 (a) is amended to read as follows:

The Comptroller of Sussex County may select and employ one deputy.

E. § 9307 (b) is amended by striking the first sentence.

F. This section shall take effect at the expiration of the term of the person presently holding the office of Comptroller of New Castle County. Prior to the expiration of that term, the County Comptroller shall continue to hold office and perform, under the direction and control of the Department of Finance, the functions assigned to him by law prior to the enactment of this statute.

Section 29. Chapter 94, Title 9, Delaware Code, is amended as follows:

A. §§ 9404, 9405, 9406, 9407, 9408, 9409, 9410, 9411, 9412, 9413, 9414, 9415, 9418 are amended by adding the following sentence to each section:

This section shall not apply to the Clerk of the Peace of New Castle County.

B. § 9403 is amended by striking paragraph (1) and the words "in the respective counties" and by inserting in lieu thereof the words "Kent and Sussex Counties".

Section 30. Chapter 95, Title 9, Delaware Code, is amended as follows:

A. § 9503 is amended by striking the words "County Treasurer" and by inserting in lieu thereof the words "County Council".

B. §§ 9507, 9532 are amended by adding the words "or County Council" after the words "Levy Court" wherever they appear.

Section 31. Chapter 96, Title 9, Delaware Code, is amended as follows:

A. § 9603 (1) is repealed.

B. § 9614 is amended by adding the words "or Department of Finance" after the word "Assessment" wherever it appears.

Section 32. Title 10, Delaware Code, is amended as follows:

A. § 326 (a) is amended by adding the words "or County Council" after the words "Levy Courts".

B. § 326 (b) is amended by striking the words "and to the respective County Treasurers" and by inserting in lieu thereof the words "or County Council and to the respective County Treasurers or Department of Finance".

C. §§ 504, 505 are amended by inserting the words "or County Council" after the words "Levy Court" wherever they appear.

D. § 522 (a) is amended by adding the words "or County Council" after the words "Levy Courts".

E. § 522 (b) is amended by striking the words "and to the respective County Treasurers" and by inserting in lieu thereof the words "or County Council and to the respective County Treasurers or Department of Finance".

F. § 526 is amended by adding the words "or Department of Finance" after the words "Treasurer" or "Treasurers" wherever they appear.

G. § 1302 (c) is amended by striking the words "Levy Court" and by inserting in lieu thereof the words "County Council".

H. §§ 1321, 1324, 1325, 1326 are amended by striking the words "Levy Court" and inserting in lieu thereof the words "County Council".

I. §§ 1923, 1924, 1925, 1926, 1927 are amended by striking the words "Levy Court" and by inserting in lieu thereof the words "County Council".

J. § 2102 (1) is repealed.

K. § 2103 is amended by adding the words "or County Council" after the words "Levy Court".

L. § 2106 (b) is amended by adding the words "or County Council" after the words "Levy Court".

M. § 2112 is amended by adding the words "or the Department of Finance" after the word "Treasurer" wherever it appears.

N. § 2302 (b) (1) b, c, d, e, f, are repealed.

O. § 2503 (b) (1) is repealed.

P. § 2504 is amended by adding the words "or the Department of Finance" after the word "Assessment".

Q. §§ 2701, 2722 (a), 2730 are amended by striking the words "Levy Court" and by inserting in lieu thereof the words "County Council".

R. § 2706 (b) is amended by adding the words "or County Council" after the words "Levy Court" and by inserting the words "or a majority of the County Council" after the word "Commissioners".

S. §§ 2710, 2711 (a) are amended by adding the words "or County Council" after the words "Levy Court".

T. § 4526 (a) is amended by adding the words "or Department of Finance" after the word "Treasurer".

U. § 4526 (b) is amended by adding the words "or Department of Finance" after the words "Levy Court".

V. § 8903 (a) is amended by adding the words "or County Council" after the words "Levy Court".

W. § 8903 (b) is amended by adding the words "or Department of Finance" after the word "Treasurer".

X. § 9109 is amended by adding the words "or County Council" after the words "Levy Court" wherever they appear.

Y. §§ 9569 (a), 9575 (e) are amended by adding the words "or County Council" after the words "Levy Court" or "Levy Courts".

Z. § 986 (c) is amended by striking the words "the Levy Court of".

Section 33. Title 11, Delaware Code, is amended as follows:

A. §§ 4302, 4303, 4304 are amended by adding the words "or County Council" after the words "Levy Court" wherever they appear.

B. §§ 4303, 4304 are amended by adding the words "or by the Department of Finance" after the word "Comptroller" and after the words "Levy Court".

C. §§ 4702 (b), 4704 (b) are amended by adding the words "or County Council" after the words "Levy Court" wherever they appear.

D. § 5919 (a) is amended as follows:

(1) The words "or County Council" are added after the words "Levy Court" wherever they appear.

(2) The words "or Department of Finance" are added after the words "County Comptroller" in the third sentence.

(3) The words "or Department of Finance" are added after the words "County Treasurer" in the fourth sentence.

Section 34. Title 15, Delaware Code, is amended as follows:

A. §§ 5005, 5007 are amended by adding the words "or County Council" after the words "Levy Court" wherever they appear.

B. § 5705 (b) is amended by adding at the end thereof the following:

"County Executive of New Castle County, one; County Councilmen of New Castle County, one for each Councilman."

C. § 5706 (a) is amended by adding the words "of County Executive of County Councilman" after the word "Coroner".

D. § 5706 (b) is amended by striking the paragraph reading:

"In case of Levy Court Commissioners for New Castle . . . was duly elected Levy Court Commissioner for . . . District in said County; and so on, giving a certificate for each Levy Court Commissioner elected in each district in said County" and inserting in lieu thereof the following:

"In case of the County Executive for New Castle County . . . was duly elected County Executive for New Castle County

"In case of County Councilman for New Castle County . . . was duly elected County Councilman for the - - - Councilmanic District in New Castle County; and so on, giving a certificate for each Councilman elected in each Councilmanic District in New Castle County".

E. § 5708 is amended by adding after the word "Coroner" the words "County Executive or County Councilman".

Section 35. Title 16, Delaware Code, is amended as follows:

A. § 156 is amended by adding the words "or County Council" after the words "Levy Court".

B. § 5154 is amended by adding the words "or County Council" after the words "Levy Court".

C. § 5130 is amended by adding the words "or County Council" after the words "Levy Court".

Section 36. § 3112 (b), Title 20, Delaware Code, is amended by adding the words "or County Executive of New Castle County" after the words "Levy Court of each County".

Section 37. § 1303 (e), Title 25, Delaware Code, is amended by adding the words "or County Council" after the words "Levy Court".

Section 38. Title 29, Delaware Code, is amended as follows:

A. § 502 is amended by adding the following sentence:

The seal of the office of the Clerk of the County Council shall be the seal of the County government of New Castle County.

B. § 5522 is amended by striking the words "Levy Courts" wherever they appear and by inserting in lieu thereof the words "County government".

Section 39. Title 31, Delaware Code, is amended as follows:

A. § 517 is amended by adding the words "or County Council" after the words "Levy Court".

B. § 2805 is amended by adding the words "or County Council" after the words "Levy Court".



C. § 2832 is amended as follows:

(1) The words "or County Council" are added after the words "Levy Court" wherever they appear.

(2) The words "or Department of Finance" are added after the word "Treasurer" wherever it appears.

Section 40. Any reference in the Delaware Code or in any other law of this State to the offices of the Receiver of Taxes and County Treasurer of New Castle County or the Collector of Delinquent County Taxes in New Castle County or to the County Comptroller of New Castle County which is not specifically referred to in this act shall be construed to mean the Department of Finance of New Castle County.

Section 41. Any reference in the Delaware Code or any other law of this State to the Levy Court of New Castle County or to the Levy Court Commissioners of New Castle County which is not specifically referred to in this act shall be construed to mean the County government of New Castle County as created by Sections 1 and 2 of this act.

Section 42. As far as the Constitution of this state permits, this act shall occupy the entire field of County self-government for New Castle County and all laws relating to or effecting New Castle County, its agencies, officials or employees and all County ordinances, resolutions, orders and regulations which are in force when this act becomes fully effective are repealed to the extent that they are inconsistent with or interfere with the effective operation of this act or of ordinances, or resolutions adopted by the County under the provisions of this act. All lawful obligations of New Castle County existing on the effective date of this act and all fines, taxes, penalties, forfeitures, obligations and rights due, owing or accruing to the County of New Castle and all writs, prosecutions, actions and proceedings by or against the County of New Castle shall continue and remain unaffected by the adoption of this act. All prosecutions instituted prior to the effective date of this act and all offenses committed prior thereto may be prosecuted as theretofore.

Section 43. If any provision of this act is held invalid, the other provisions of this act shall not be effected thereby. If the application of this act or any of its provisions to any person or circumstance is held invalid, the application of the act and its provisions to other persons or circumstances shall not be affected thereby.

Section 44. All officers, departments, boards, commissions and committees, including all bureaus, divisions, sections, units, or other organizational units heretofore performing functions in respect to the government of the County of New Castle are hereby abolished except those required to be continued by provisions of the Constitution of the State of Delaware and also except for the Public Building Commission for the City of Wilmington and for New Castle County.

Section 45. If a County department, office or agency is abolished by this act, the powers and duties given it by law shall be transferred to the County department, office or agency designated in this act, or if this act makes no provision, as designated by the County Executive.

Section 46. All property, records and equipment of any department, office or agency of New Castle County existing when this act is adopted shall be transferred to the department, office or agency assuming its powers and duties. In the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or boards designated by the County Executive.

Section 47. All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this act and in each case shall be maintained, carried on or dealt with by the County department, office or board appropriate under the provisions of this act.

Section 48. At the time of its adoption this act shall be in effect to the extent necessary in order that the first elections of the County Executive and members of the County

Council may be conducted in accordance with the provisions of this act. The first election shall be held at the next general election in November following the enactment of this act. This act shall be in full effect for all purposes on and after the date and time the first County Executive and County Councilmen take office following their elections pursuant to the terms of this act.

Approved May 26, 1965.

## CHAPTER 86

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO "EDUCATION" BY LIMITING THE FREQUENCY OF REFERENDA FOR THE PURPOSE OF INCREASING LOCAL SCHOOL TAXES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1903, Title 14, Delaware Code, is hereby amended by adding a new sentence at the end thereof to read as follows:

"There shall be not more than one such special election held during any six-month period."

Section 2. Section 2120, Title 14, Delaware Code, is hereby amended by adding a new sentence at the end thereof to read as follows:

"(h) There shall be not more than one such special election held during any six-month period."

Approved May 27, 1965.

CHAPTER 87

**AN ACT TO AMEND SECTION 2503, TITLE 10, DELAWARE CODE, RELATING TO THE APPOINTMENT OF DEPUTIES AND CLERKS IN THE OFFICE OF REGISTER IN CHANCERY AND CLERK OF ORPHANS COURT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2503 (b) (1), Title 10, Delaware Code, is repealed and a new Section 2503 (b) (1) enacted in lieu thereof to read as follows:

(1) New Castle County—one chief deputy, one deputy, seven clerks at compensation fixed by the Levy Court.

Approved May 27, 1965.

## CHAPTER 88

**AN ACT TO AMEND SECTION 2507, TITLE 14, DELAWARE CODE, ENTITLED "NEW HIGH SCHOOL DISTRICTS" BY ALLOWING FOR APPOINTMENTS BY THE GOVERNOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2507 (b), Title 14, Delaware Code, is amended by striking the words "the Resident Judge of the County in which such High School District is created shall at once appoint" as they appear in the first three lines thereof and inserting in lieu thereof the words "the Governor shall appoint".

Section 2. § 2507 (b), Title 14, Delaware Code, is amended by striking the words "Resident Judge" from Line 9 and inserting in lieu thereof the word "Governor".

Section 3. § 2507 (c), Title 14, Delaware Code, is amended by striking the words "Resident Judge" from Line 4 and inserting in lieu thereof the word "Governor".

Section 4. § 2507 (d), Title 14, Delaware Code, is amended by striking the words "Resident Judge" from the first line and inserting in lieu thereof the word "Governor" and by striking the word "Judge" from Line 6 and inserting in lieu thereof the word "Governor".

Approved May 27, 1965.

## CHAPTER 89

**AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" BY AUTHORIZING THE BORROWING OF MONEY AND ISSUING OF BONDS THEREFOR, AND THE BORROWING FOR CURRENT EXPENSES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein):*

Section 1. That Chapter 302, Volume 49, Laws of Delaware, as amended, is amended by adding thereto a new and additional section to be known as "Section 33" as follows:

Section 33. (A) The Council of the Town of Fenwick Island, Delaware, may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Fenwick Island, Delaware, to provide funds for the erection, the extension, the enlargement or the repair of any plant, machinery, appliances or equipment for the supply, or the manufacture and distribution of electricity, or gas for light, heat, or power purposes; for the furnishing of water, to the public, for the construction or repair or improvement of highways, streets, or lanes or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the costs of the Town of Fenwick Island, Delaware, of any permanent municipal improvements; providing, however, that the borrowing of the money therefor shall be authorized by the Town Council and shall have been approved in the manner following:

(B) 1. Council by resolution shall propose to the electors of the Town by resolution that the stated amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

2. Notice of the time and place of hearing on the resolution authorizing said loan shall be posted in five public places at least one week before the time set for said hearing.

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be given the inhabitants by posting notices in five public places for two weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of annual election.

5. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots at not less than five (5) days prior to the date of the special election.

6. At the special election, every person who had a right at the next preceding annual Town election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property, whether individual, partnership or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

7. The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and should deliver the same to the Council, which said Certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(C) The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council. The bonds or certificates of indebtedness shall be offered for sale to the best and most responsible bidder there-



for after advertisement in a newspaper of the Town or otherwise, for at least one month before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds or certificates of indebtedness at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Fenwick Island, Delaware, shall be deemed to be pledged for the due payment of the bonds or certificates of indebtedness and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

(D) The bonded indebtedness of the Town of Fenwick Island, Delaware, shall not at any one time in the aggregate exceed the total sum of One Hundred Thousand Dollars (\$100,000.00).

Section 2. That Chapter 302, Volume 49, Laws of Delaware, as amended, is amended by adding thereto a new and additional section to be known as "Section 34" as follows:

Section 34. Whenever during the year, the current receipts are insufficient to provide for the needs of the Town, the Council is authorized to anticipate revenue by borrowing money not in excess of the sum of Fifteen Thousand Dollars (\$15,000.00), which shall be repaid from current revenue received thereafter; provided, however, such borrowing shall at no time exceed the aggregate of Fifteen Thousand Dollars (\$15,000.00). Indebtedness created hereby shall be evidenced by bond or note of the Town, and the faith and credit of the Town shall be deemed to be pledged for the due payment thereof; but no agency or instrumentality of the Town shall borrow money upon the credit of the Town, except by resolution of the Council.

Approved May 27, 1965.

## CHAPTER 90

**AN ACT TO AMEND CHAPTER 5, TITLE 8, DELAWARE CODE, RELATING TO THE CORPORATION FRANCHISE TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 5, Title 8, of the Delaware Code, is repealed and a new Chapter 5, Title 8, is enacted in lieu thereof to read as follows:

**CHAPTER 5. CORPORATION FRANCHISE TAX****§ 501. Corporations subject to and exempt from franchise tax**

Every telegraph, telephone or cable company, every electric company organized for the production and/or distribution of light, heat or power, every company organized for the purpose of producing and/or distributing steam, heat or power, every company organized for the purpose of the production and/or distribution and/or sale of gas, every parlor, palace or sleeping car company, every express company not owned by a railroad company, every pipe line company, every life insurance company, every other insurance company of whatever kind, and every corporation now existing or hereafter to be incorporated under the provisions of the laws of this State, shall pay an annual tax, for the use of the State, by way of license for the corporate franchise as prescribed in this chapter. No such tax shall be paid by any railroad, railway or canal corporation or any express company owned by a railroad company, or any banking corporation, savings bank or building and loan association, or any corporation for drainage and reclamation of low lands, or religious corporation, or purely charitable or educational association, or any company, association or society, which, by its certificate of incorporation, shall have for its object the assistance of sick, needy or disabled members, or the defraying of funeral expenses of deceased members, or to provide for the wants of the widows and families after death of its members.

**§ 502. Annual report; contents; failure to file; duties of Secretary of State**

(a) Annually on or before the second day in January every corporation now existing or hereafter incorporated under Chapter 1 of this title or which has accepted the provisions of the Constitution of this State, shall make an annual report to the Secretary of State. The report shall be signed by the corporation's president, secretary, treasurer or other proper officer duly authorized so to act, or by any two of its directors, or by any two incorporators in the event its board of directors shall not have been elected. The fact that an individual's name is signed on a certificate attached to a corporate report shall be prima facie evidence that such individual is authorized to certify the report on behalf of the corporation; however, the official title or position of the individual signing the corporate report shall be designated. The report shall contain the following information: the location of its principal office in this State, stated with the degree of particularity required by Subsection (a) (2) of Section 102 of this title; the name of the agent upon whom service of process against the corporation may be served; the location or locations (city or cities, town or towns, street or streets and number of same, if number there be) of the place or places of business of the corporation without this State; the names and addresses of all the directors and officers of the corporation and when the terms of each expire; the date appointed for the next annual meeting of the stockholders for the election of directors; the number of shares and the par value per share of each class of capital stock having a par value and the number of shares of each class of stock without par value which the corporation is authorized to issue and the number of shares of each class of stock actually issued, if any; and, if exempt from taxation for any cause, the specific facts entitling the corporation to exemption from taxation.

(b) If any officer or director of a corporation required to make an annual report to the Secretary of State shall make any false statement in the return he shall be guilty of perjury.

(c) If the annual report is not made and filed by the corporation as required by Subsection (a) of this Section, or if any corporation shall neglect or refuse to make the report, the Sec-

retary of State shall ascertain and fix the amount of the annual franchise tax as determined upon a basis by him deemed to be most practicable and the amount so fixed by him shall stand as the basis of taxation under the provisions of this chapter. In the event of neglect, refusal or failure on the part of any corporation to make the annual report to the Secretary of State on or before the first day of March, the corporation shall pay the sum of \$25 to be recovered by adding that amount to the franchise tax as herein determined and fixed, and such additional sum shall become a part of the franchise tax as so determined and fixed, and shall be collected in the same manner and subject to the same penalties.

(d) In case any corporation shall fail to file its report within the time required by this section, and in case the agent in charge of the principal office of any corporation upon whom process against the corporation may be served, shall die, resign, refuse to act as such, remove from this State or cannot with due diligence be found, it shall be lawful while default continues, to serve process against the corporation upon the Secretary of State. Such service upon the Secretary of State shall be made in the manner and shall have the effect stated in Subsection (b) of Section 321 of this title and shall be governed in all respects by the provisions of said subsection.

(e) Upon the failure, neglect or refusal of a corporation to file the annual report, the Secretary of State shall investigate the reasons therefor and, if he believes such action is warranted, refer the matter to the Attorney General for proceedings under Section 283 of this title.

(f) The Secretary of State shall, upon application, forward blank annual reports in proper form, and shall safely keep all reports returned in such manner as they may be open to the inspection of all persons at proper hours.

#### **§ 503. Rates and computation of franchise tax**

(a) All corporations accepting the provisions of the Constitution of this State and coming under the provisions of Chapter 1 of this title, and all corporations which have heretofore filed or may hereafter file a certificate of incorporation un-

der the provisions of said Chapter, shall pay to the Secretary of State as an annual franchise tax whichever of the applicable amounts prescribed by paragraphs (1) or (2) of this Subsection is the lesser—

(1) Where the authorized capital stock does not exceed 1,000 shares, \$10; where the authorized capital stock exceeds 1,000 shares but is not more than 3,000 shares, \$22; where the authorized capital stock exceeds 3,000 shares but is not more than 5,000 shares, \$27.50; where the authorized capital stock exceeds 5,000 shares but is not more than 10,000 shares, \$55, and the further sum of \$27.50 on each 10,000 shares or part thereof.

(2) Ten Dollars, where the assumed no-par capital of the corporation, found in the manner hereinafter in this paragraph provided, does not exceed \$100,000; \$22, where such assumed no-par capital exceeds \$100,000 but is not more than \$300,000; \$27.50, where such assumed no-par capital exceeds \$300,000 but is not more than \$500,000; \$55, where such assumed no-par capital exceeds \$500,000 but is not more than \$1,000,000, and the further sum of \$27.50 for each \$1,000,000 or part thereof of such additional assumed no-par capital.

For the purpose of computing the tax in accordance with paragraph (2) of this Subsection, the corporation's assumed no-par capital, whenever the phrase "assumed no-par capital" is used in paragraph (2) of this Subsection, shall be found by multiplying the number of authorized shares of capital stock without par value by \$100.

To the amount of tax attributable to the corporation's assumed no-par capital, computed as above prescribed, add \$110 for each \$1,000,000 or fraction thereof in excess of \$1,000,000 of an assumed par-value capital, found by multiplying the number of authorized shares of capital stock having par value by the quotient resulting from dividing the amount of the total assets of the corporation, as shown in the manner hereinafter provided, by the total number of issued shares of all denominations and classes. If the quotient shall be less than the par value of any denomination or class of authorized shares having par value, the number of the shares of each class shall

be multiplied by their par value for the purpose of ascertaining the assumed par-value capital in respect of the shares and the number of authorized shares having a par value to be multiplied by the quotient, as aforesaid, shall be reduced by the number of the shares whose par value exceeds the quotient; and where, to determine the assumed par-value capital, it is necessary to multiply a class or classes of shares by the quotient and also to multiply a class or classes of shares by the par value of the shares, the assumed par-value capital of the corporation shall be the sum of the products of the multiplications. Whenever the amount of the assumed par-value capital, computed as above prescribed, is less than \$1,000,000, the amount of the tax attributable thereto shall be the amount that bears the same relation to \$110 that the amount of the assumed par-value capital bears to \$1,000,000.

(b) Unless a corporation shall submit to the Secretary of State, at the time of filing its annual report as required by Section 502 of this title, a statement under oath made by its president, a vice-president, its treasurer, or its secretary, setting forth the amount of the total gross assets of the corporation, as of the nearest date on which the amount is obtainable, including in the statement its good will valued at the same amount at which it is valued in the books of account of the corporation, it shall pay a franchise tax for the current year computed in the manner prescribed by paragraph (1) of subsection (a) of this section.

(c) In no case shall the tax on any corporation for a full taxable year, by whichever of (1) or (2) of subsection (a) of this section the same is computed, be more than \$100,000 nor less than \$10.

(d) In case the corporation has not been in existence during the whole year, the amount of tax due, at the foregoing rates and as above provided, shall be prorated for the portion of the year during which the corporation was in existence.

(e) In case a corporation shall have changed during the taxable year the amount of its authorized capital stock, the total annual franchise tax payable at the foregoing rates shall be arrived at by adding together the franchise taxes calculated

as above set forth as prorated for the several periods of the year during which each distinct authorized amount of capital stock was in effect.

(f) Every corporation which shall show by a supplemental affidavit attached to its annual report, duly sworn to by its president and secretary or treasurer, or two of its directors, or any two of its incorporators if directors or officers have not been elected, that it has not been engaged in any of the business activities for which it was granted a certificate of incorporation, shall pay only at the rate of one-half of the amount of taxes scheduled above for the portion of the year as it shall not have been so engaged and at the full rate for the remainder of the year. Any affidavit shall state fully the pertinent facts upon which the claim for one-half rate is based.

(g) For the purpose of computing the taxes imposed by this section, the authorized capital stock of a corporation shall be considered to be the total number of shares which the corporation is authorized to issue, whether or not the number of shares that may be outstanding at any one time be limited to a less number.

(h) All corporations as defined in this section which are regulated investment companies as defined by Section 851 of the Federal Internal Revenue Code, shall pay to the Secretary of State as an annual franchise tax, a tax computed either under paragraphs (1) or (2) of subsection (a) of this section, or a tax at the rate of \$165 per annum for each \$1,000,000, or fraction thereof in excess of \$1,000,000, of the average gross assets thereof during the taxable year, whichever be the least, provided that in no case shall the tax on any corporation for a full taxable year under this subsection be more than \$50,000. The average assets for the purposes of this section shall be taken to be the mean of the gross assets on January 1 and December 31 of the taxable year. Any corporation electing to pay a tax under this subsection shall submit to the Secretary of State at the time of filing its annual report as required by Section 502 of this title, a statement under oath made by its president, a vice-president, its treasurer or secretary, certifying that the corporation is a regulated investment

company as above defined, and stating the amount of its assets on January 1 and December 31 of the taxable year, and the mean thereof. The Secretary of State may investigate the facts set forth in the statement under oath and if it should be found that the corporation so electing to pay under this subsection shall not be a regulated investment company, as above defined, shall assess upon the corporation a tax under paragraphs (1) or (2) of subsection (a) of this section, whichever be the lesser.

**§ 504. Assessment and notice of tax; collection and disposition; penalty interest; investigation of annual report**

(a) The Secretary of State shall determine on or before the fifteenth day of April in each year, the amount of franchise tax due from each corporation at the rate fixed by Section 503 of this title. The tax shall become due and payable on the fifteenth day of April. The Secretary of State, on or before the fifteenth day of May in each year shall notify all corporations of the amount of franchise tax due and payable by them to the Secretary of State.

(b) The Secretary of State shall receive the franchise tax, penalties and interest and pay over all money collected to the State Treasurer, except as provided in Section 506 of this title.

(c) If the tax of any corporation remains unpaid on the first day of July after it becomes due, the tax shall bear interest at the rate of one per cent for each month until paid.

(d) The Secretary of State has power to inquire into the truth or falsity of every report required to be filed to carry out the provisions of this Chapter. He may require the production of the books of any corporation referred to in this chapter and may swear or affirm and examine witnesses in relation thereto.

**§ 505. Review of assessment and refund; jurisdiction and power of the Secretary of State; appeal**

(a) Any corporation may, within the period of sixty days after the assessment or payment of taxes imposed by this chapter, petition the Secretary of State for a reduction or refund



of taxes, penalties or interest claimed to have been erroneously or illegally assessed or paid. The petition shall set forth the facts upon which the petitioner relies.

(b) If the Secretary of State determines the tax interest and/or penalties assessed are excessive or incorrect, in whole or in part, he shall resettle the same and adjust the assessment of tax, interest or penalties accordingly and shall refund to the corporation any amount paid in excess of the proper amount of tax, interest and/or penalties so determined to be due. The Secretary of State may remit all or part of the penalties and interest provided in this chapter.

(c) Any corporation, within the period of sixty days after the determination by the Secretary of State on a petition filed pursuant to subsection (a) of this section, may petition the Court of Chancery, in and for the county where the principal office or place of business of the corporation is located, for a review *de novo* of the determination of the Secretary of State. The petition shall set forth the facts be named as respondent in any such petition and be served therewith in the same manner as if he were a defendant in a civil suit.

(d) If the Court of Chancery determines that the tax, interest and/or penalties determined by the Secretary of State pursuant to subsection (a) of this section are excessive or incorrect, in whole or in part, it shall resettle the same and adjust the assessment of tax, interest or penalties accordingly, and notify the corporation and the Secretary of State of its determination and direct the Secretary of State to refund to the corporation any amount paid in excess of the proper amount of tax, interest and/or penalties so determined to be due. The Court of Chancery may remit all or part of the penalties and interest provided in Section 502 of this Title.

#### **§ 506. Fund for payment of refunds**

The Secretary of State shall retain in his hands out of the revenue collected from the taxes imposed by this chapter a sum sufficient to provide at all times a fund of \$20,000, out of which he shall pay any refunds to which corporations shall

become entitled under the provisions of this chapter. The fund shall be deposited in the financial institution which is legal depository of State moneys to the credit of the Secretary of State and shall be disbursable on order of the Secretary of State.

**§ 507. Collection of tax; preferred debt**

The franchise tax, as assessed and levied in accordance with the provisions of this chapter, shall be a debt due from the corporation to the State, for which an action at law may be maintained after the same shall have been in arrears for a period of one month. The tax shall also be a preferred debt in case of insolvency.

**§ 508. Injunction against exercise of franchise or transacting business**

The Attorney General, either of his own motion or upon request of the Secretary of State, whenever any franchise tax due under the provisions of this chapter from any corporation shall have remained in arrears for a period of three months after the tax shall have become payable, may apply to the Court of Chancery, by petition in the name of the State, on five days' notice to the corporation, which notice may be served in such manner as the court may direct, for an injunction to restrain the corporation from the exercise of any franchise or the transaction of any business within the State, until the payment of the tax, interest due thereon and the cost of the application, which shall be fixed by the court. The Court of Chancery may grant the injunction, if a proper case appears, and upon granting and service of the injunction, the corporation thereafter shall not exercise any franchise or transact any business within this State until the injunction shall be dissolved.

**§ 509. Further remedy in Court of Chancery; appointment of receiver or trustee; sale of property**

(a) After any corporation, now existing or hereafter incorporated under the provisions of Chapter 1 of this title, has failed or neglected for the period of two consecutive years to

pay the franchise taxes imposed by law, and the Secretary of State shall have reported such corporation to the Governor of this State, as provided in Section 511 of this title, then the Attorney General of this State may proceed against the corporation in the Court of Chancery of this State for the appointment of a receiver, or otherwise.

(b) The Court of Chancery in the proceeding shall ascertain the amount of the taxes remaining due and unpaid by the corporation to this State, and shall enter a final decree for the amount so ascertained. Thereupon a fieri facias or other process shall issue for the collection of the same as other debts are collected. If no property which may be seized and sold on fieri facias shall be found within this State sufficient to pay the decree, the court shall further order and decree that the corporation, within ten days from and after the service of notice of the decree upon any officer of the corporation upon whom service of process may be lawfully made, or such notice as the court shall direct, shall assign and transfer to the trustee or receiver appointed by the court, any chose in action, or any patent or patents, or any assignments of or license under any patented invention or inventions owned by, leased or licensed to or controlled in whole or in part by the corporation, to be sold by the receiver or trustee for the satisfaction of the decree. No injunction theretofore issued nor any forfeiture of the charter of any corporation shall be held to exempt the corporation from compliance with the order of the court.

(c) If the corporation neglects or refuses within ten days from and after the service of the notice of the decree to assign and transfer the same to the receiver or trustee for sale as aforesaid, the court shall appoint a trustee to make the assignment of the same, in the name and on behalf of the corporation, to the receiver or trustee appointed to make the sale. The receiver or trustee shall thereupon, after such notice and in such manner as required for the sale under fieri facias of personal property, sell the same to the highest bidder. The receiver or trustee, upon the payment of the purchase money, shall execute and deliver to the purchaser an assignment and transfer of all the patents and interests of the corporation so sold, which assignment or transfer shall vest in the purchaser

a valid title to all right, title and interest whatsoever of the corporation therein, and the proceeds of the sale shall be applied to the payment of the unpaid taxes, together with the costs of the proceedings.

**§ 510. Failure to pay tax for two years; charter void, extension of time**

If any corporation, accepting the provisions of the Constitution of this State and coming under the provisions of Chapter 1 of this title, or any corporation which has heretofore filed or may hereafter file a certificate of incorporation under the provisions of said chapter, neglects or refuses for two consecutive years to pay the State any franchise tax or taxes, which has or have been, or shall be assessed against it, or which it is required to pay under the provisions of this chapter, the charter of the corporation shall be void, and all powers conferred by law upon the corporation are declared inoperative, unless the Secretary of State, for good cause shown to him, shall have given further time for the payment of the tax or taxes, in which case a certificate thereof shall be filed in the office of the Secretary of State stating the reason therefor.

**§ 511. Repeal of charters of delinquent corporations; report to Governor and proclamation**

On or before the thirty-first day of January in each year, the Secretary of State shall report to the Governor a list of all the corporations, which for two years next preceding such report, have failed, neglected or refused to pay the franchise taxes assessed against them or due by them, under the laws of this State, and the Governor shall forthwith issue his proclamation declaring that the charters of these corporations are repealed.

**§ 512. Filing and publication of proclamation; noting repeal in recorder's office**

The proclamation of the Governor shall be filed in the office of the Secretary of State and advertised in at least one, and not more than three, newspapers published within this

State. Upon the filing of the proclamation, the Secretary of State shall transmit forthwith to the recorder of each county of this State a certified copy of the proclamation, and each recorder shall, upon receipt of such certified copy, forthwith mark in brief upon the margin of the record of the certificate of incorporation of the corporation named in the proclamation, which is of record in his office, the fact that the charter of the corporation is repealed, and the date of the repeal.

**§ 513. Acting under proclaimed charter; penalty**

Whoever exercises or attempts to exercise any powers under the certificate of incorporation of any corporation which has been proclaimed by the Governor, after the issuance of the proclamation, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

**§ 514. Mistakes in proclamation; correction**

Whenever it is established to the satisfaction of the Governor that any corporation named in the proclamation has not neglected or refused to pay the franchise tax within two consecutive years, or has been inadvertently reported to the Governor by the Secretary of State as refusing or neglecting to pay the taxes, the Governor may correct the mistake and may make the same known by filing his proclamation to that effect in the office of the Secretary of State, who shall restore to the corporation its charter, together with all the rights, privileges, and immunities and subject to all its duties, debts and liabilities which had been secured or imposed by its original charter and all amendments thereto.

**§ 515. Annual report of Secretary of State**

The Secretary of State shall prepare and publish an annual report containing such statistics as may be available with respect to the operation of this chapter, including the amounts collected and amount unpaid for each year for which the tax is assessed, and such other facts as are pertinent and desirable.

**§ 516. Retaliatory taxation and regulation; imposition**

When, by the laws of any other state or nation, any other or greater taxes, fines, penalties, licenses, fees, or other obliga-

tions or requirements are imposed upon corporations chartered under Chapter 1 of this title, doing business in the other state or nation, or upon their agents therein, than the law of this State imposes upon their corporations or agents doing business in this State, so long as the laws continue in force in the other state or nation, the same taxes, fines, penalties, licenses, fee, obligations and requirements of whatever kind shall be imposed upon all corporations of the other state or nation doing business within this State or upon their agents here. Nothing in this section shall be held to repeal any duty, condition or requirement now imposed by law upon the corporations of other states or nations transacting business in this State.

#### **§ 517. Duties of Attorney General**

The Attorney General shall have all the powers and authorities in conjunction with the Secretary of State to collect franchise taxes and penalties due from proclaimed corporations and corporations whose charters have become void by operation of law for non-payment of taxes.

#### **§ 518. Relief for corporations with assets in certain unfriendly nations**

All corporations incorporated and existing under the laws of the State of Delaware, all of whose assets are located in any country from which it is impossible to remove such assets or withdraw income, or whose assets are located at any place where it is made unlawful by any law of the United States of America now or hereafter enacted or by any rule, regulation or proclamation or executive order issued under any such law, to send any communications, may, in the discretion of the Secretary of State, be relieved and freed from any and all assessment of franchise taxes provided for by this chapter and such corporations may further be relieved by the Secretary of State of the necessity of filing any State reports due or required.

The Secretary of State shall administer the provisions of this section and may require such evidence, submitted by any officer or agent, as in his judgment may be necessary or desirable to determine whether or not a corporation deserves

such relief from taxes and the filing of reports, and may make such regulations in relation thereto as he may deem desirable or necessary.

Section 2. This Act shall take effect January 1, 1966; provided, however, that the functions of the State Tax Department under Chapter 5, Title 8, of the Delaware Code, shall be transferred to the office of the Secretary of State no later than September 15, 1965.

Approved May 27, 1965.

## CHAPTER 91

**AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" BY PERMITTING NON-RESIDENT PROPERTY OWNERS TO VOTE IN THE ANNUAL MUNICIPAL ELECTION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Section 7 (a), Chapter 42, Volume 53, Laws of Delaware, as amended, is further amended by adding at the end of said Section the following:

Each non-resident of the City of Seaford of the age of twenty-one (21) years or upward to whom was assessed a City property tax for the year preceding such election and who shall have been a non-delinquent taxpayer of all taxes assessed to him for at least thirty (30) days prior to the date of the said annual election shall have the right to vote for the Mayor and for the members of the City Council. In the case of property owned by a husband and wife jointly, both of whom are non-resident of the City of Seaford, the first who presents himself at the polls shall be entitled to vote. The City Manager shall deliver to the Vice-President of the City Council at least twenty (20) days prior to the date of said election a list of all names of persons who are non-residents and who have paid all property taxes assessed tot hem at least thirty (30) days prior to the date of said election as hereinbefore provided, alphabetically arranged and duly certified. This list so certified shall be evidence as to the right of any non-resident property owner to vote at the said election. Those persons whose names do not appear on the list so certified must present to the Board of Election at the time that they present themselves to vote sufficient evidence that the property taxes assessed to them were paid at least thirty (30) days prior to the date of the said annual election.

Approved May 27, 1965.



CHAPTER 92

**AN ACT TO AMEND CHAPTER 45 AND CHAPTER 49, TITLE 15, DELAWARE CODE, BY PROVIDING FOR THE USE OF PEN OR PENCIL OR CRAYON FOR MARKING BALLOTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4504 (c), Chapter 45, Title 15, Delaware Code, is amended by deleting in the third line thereof the words "black or indelible pencils or crayons" and inserting in lieu thereof the words "pens or pencils or crayons".

Section 2. § 4940 (a), Chapter 49, Title 15, Delaware Code, is amended by deleting in the second line thereof the words "with a black or" and in the third line thereof the words "indelible lead pencil or black crayon" and inserting in lieu thereof the words "with a pen or pencil or crayon".

Section 3. § 4979 (b), Chapter 49, Title 15, Delaware Code, is amended by deleting in the fourth line thereof the word "pencils" and inserting in lieu thereof the words "pens, pencils, crayons".

Approved May 27, 1965.

## CHAPTER 93

**AN ACT TO AMEND CHAPTER 207, VOLUME 17, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 118, VOLUME 30, LAWS OF DELAWARE, RELATING TO THE TAXATION OF UTILITIES IN THE CITY OF WILMINGTON.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch concurring therein):*

Section 1. That Chapter 118, Volume 30, Laws of Delaware, be and the same is hereby stricken, and Chapter 207, Volume 17, Laws of Delaware, as amended, be and the same is hereby amended by adding a new paragraph at the end of Section 84 thereof in the following words to wit:

"The Council of the Mayor and Council of Wilmington may fix a rate on the assessment of all street railway lines, all gas mains, all electric light poles and wires, all telephone or telegraph poles and wires, all poles and wires used in transmitting heat, light or power, all pipes, conduits, wires or other underground construction, used as electric light, telephone or telegraph lines, or in transmitting electric light, heat or power, and all pipes or conduits used in carrying water, located on the public streets in the City of Wilmington or on private property not otherwise taxed, excepting those now exempted from taxation by law, not exceeding three and one-half times the rate fixed on real estate in the City of Wilmington. Provided that whenever the said Council shall so fix a rate on said assessment greater than that fixed on real estate in said City such tax, when paid, shall be accepted in lieu of any and all taxes assessed or levied for that year against said property or the respective owners or operators thereof by The Mayor and Council of Wilmington, other than the normal tax assessed and levied against the real estate of such owners or operators; provided further, however, that the provisions of this Act shall not be taken as establishing a basic rate for assessing real estate."

Approved May 27, 1965.

## CHAPTER 94

**AN ACT CONFERRING UPON THE MAYOR AND COUNCIL OF WILMINGTON CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF WILMINGTON.**

*Be it enacted by the House of Representatives and the Senate of the State of Delaware in General Assembly met (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. That in order to provide for the payment of its debts and expenses The Mayor and Council of Wilmington, in addition to the powers now conferred upon it, shall have the power and authority by ordinance or ordinances to levy, assess and collect or provide for the levying, assessment and collection of such taxes as it shall determine to be paid by the transferor or transferee as determined by it upon the transfer of real property or of any interest in real property, situate within the corporate limits of the City of Wilmington regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfers occur; provided, however, no tax levied under this Act shall exceed two per cent (2%) of the sales price (including the value of assumed mortgages) or fair market value of the real property and providing further that no tax shall be levied on an organization exempted from ad valorem real estate taxes.

Section 2. No ordinance or ordinances providing for a tax on the transfer of real property under Section 1 of this Act shall become operative unless it shall receive an affirmative vote of two-thirds of all of the members elected to The Council.

Section 3. If the taxing power and authority granted under subsection 1 herein shall be exercised by way of a stamp affixed to a document, the Recorder of Deeds in and for New Castle County shall not receive for record documents subject to said tax unless stamps are affixed thereto.

Section 4. The Mayor and Council of Wilmington may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to this Act.

Section 5. The Mayor and Council of Wilmington in addition to enforcing this Act through civil remedies may adopt an ordinance or ordinances providing that violation of the provision of ordinances adopted pursuant to this Act shall be a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) and/or imprisonment not to exceed six (6) months or both.

Section 6. The power and authority granted hereunder shall apply The Mayor and Council of Wilmington under the present or future charter of The City of Wilmington.

Section 7. No tax levied under this Act shall exceed the difference between any tax levied by the State of Delaware on the transfer of the same property and two per cent (2%).

Approved May 27, 1965.

CHAPTER 95

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DELMAR SCHOOL DISTRICT TO PAY OFF  
THE BUILDING PROGRAM ACCOUNT.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$18,000.00 is hereby appropriated to the Delmar School District to pay off the building program account.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 28, 1965.

## CHAPTER 96

**AN ACT TO AMEND TITLE 10, DELAWARE CODE, SECTION 8705 (a) RELATING TO FEES AND COSTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 10, Delaware Code, Section 8705 (a) is amended by striking the amount "\$4.00" where it appears as the fee on the list for entering judgment upon bond with warrant of attorney to Prothonotary or Attorney for confession of judgment including timing and inserting the amount "\$5.00" in lieu thereof.

Approved June 4, 1965.

## CHAPTER 97

**AN ACT AUTHORIZING THE MILLSBORO SCHOOL DISTRICT NO. 23 TO PAY FOR THE INSTALLATION AND HOOK-UP OF A SANITARY SEWER SYSTEM FROM THE DEBT SERVICE ACCOUNT OF THE DISTRICT.**

WHEREAS, the Millsboro School District No. 23 did recently declare a surplus of approximately \$27,153.00 in the account entitled, "Millsboro School District No. 23 Debt Service Local Funds Account"; and

WHEREAS, the General Assembly did enact Chapter 374, Volume 54, Laws of Delaware, which became effective August 11, 1964, transferring the sum of \$20,000.00 from said account to the Local Funds Account; and

WHEREAS, the Millsboro School District No. 23 now finds it necessary to expend the sum of \$3,616.21 for the installation and hook-up of a sanitary sewer system:

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch concurring therein):*

Section 1. The Millsboro School District No. 23 is authorized to expend the sum of \$3,616.21 from the account entitled "Millsboro School District No. 23 Debt Service Local Funds Account" for the purpose of the installation and hook-up of a sanitary sewer system, provided that this authorization shall be null and void on and after June 30, 1965.

Approved June 4, 1965.

## CHAPTER 98

**AN ACT TO APPROPRIATE FUNDS TO THE FAMILY COURT OF THE STATE OF DELAWARE, IN AND FOR NEW CASTLE COUNTY FOR THE FISCAL YEAR ENDING JUNE 30, 1965.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$4710.00 is hereby appropriated to the Family Court of the State of Delaware in and for New Castle County to meet salary expenses of the Court until June 30, 1965.

Section 2. This Act is a supplemental appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 4, 1965.



## CHAPTER 99

**AN ACT TO AMEND AN ACT, BEING "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD", BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, BY PROVIDING FOR THE APPOINTMENT OF AN ASSISTANT CITY MANAGER.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. Section 15 (A), Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by inserting the word "Assessor" and before the word "and" the words "Assistant City Manager".

Section 2. Section 15 (B), Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by inserting at the end of such section the following:

"The Assistant City Manager shall perform the functions of the City Manager if the City Manager is unavailable and at such other times as may be designated by the Mayor. During such periods of time, the Assistant City Manager shall have all the powers and duties of the City Manager; provided, however, that before the person appointed as Assistant City Manager shall enter upon any duties of the City Manager, he shall furnish bond with a corporate surety for the faithful performance of his duties, approved and paid for by the City in an amount not less than Ten Thousand Dollars (\$10,000.00)."

Approved June 4, 1965.

## CHAPTER 100

**AN ACT TO AMEND CHAPTER 52, VOLUME 55, LAWS OF  
DELAWARE, RELATING TO AUTHORIZATION OF THE  
LAUREL SPECIAL SCHOOL DISTRICT TO REPLACE  
A ROOF ON THE JUNIOR-SENIOR HIGH SCHOOL  
BUILDING.**

*Be it enacted by the General Assembly of the State of  
Delaware (three-fourths of all the Members elected to each  
Branch concurring therein):*

Section 1. Section 1, Chapter 52, Volume 55, Laws of Delaware, is hereby amended by striking the words "Chapter 331, Volume 53" as they appear therein and by inserting in lieu thereof the words "Chapter 171, Volume 54."

Approved June 4, 1965.

## CHAPTER 101

**AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY  
CREATING A STATE DISTRIBUTION AGENCY TRANS-  
FERRING TO THAT AGENCY THE SURPLUS DISTRI-  
BUTION PROGRAM OF THE STATE.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Chapter 68, Title 29, Delaware Code, is amend-  
ed to read:

**CHAPTER 68. STATE DISTRIBUTION AGENCY**

**§ 6801. Definitions**

As used in this chapter, "Distribution Agency" means the  
State Distribution Agency.

**§ 6802. Composition; appointment; term; qualifications; va-  
cancy**

(a) The State Distribution Agency shall consist of 5  
members.

(b) The members of the Distribution Agency shall be  
appointed by the Governor. When this chapter becomes law,  
the Governor shall appoint 2 members for a term of 3 years  
each; 1 member for a term of 2 years and 1 member for a  
term of 1 year. Upon the expiration of each stated term, the  
Governor shall thereafter appoint successors to the offices for  
terms of 3 years each, commencing in each case from the date  
of the expiration of the term of his predecessor. The fifth  
member of the Agency shall serve at the pleasure of the Gov-  
ernor and shall be the chairman of the Agency. He may be  
removed at any time by the Governor and shall serve until he  
is removed by the Governor.

(c) In case of a vacancy for any reason, the Governor  
shall fill the vacancy for the unexpired term.

**§ 6803. Oath**

Before entering upon the duties of the office, each member shall take and subscribe the oath or affirmation prescribed in the Constitution.

**§ 6804. Quorum; meetings**

(a) A majority of the members shall constitute a quorum. A majority of the members present at any meeting constituting a quorum shall be sufficient for any action.

(b) The members shall meet at least once each month.

**§ 6805. Compensation and expenses**

The members shall receive no compensation for their services, but shall receive their actual expenses incurred while on official business.

**§ 6806. Director; appointment; bond**

(a) The Distribution Agency shall employ a Director. He may be discharged by the Agency for cause at any time.

(b) The Director, before entering upon the duties of his office, shall give such bond as may be required by the Agency for the faithful performance of his duties and shall take and subscribe on oath or affirmation like that required of a member of the Agency.

(c) The compensation of the Director shall be determined by the members of the Distribution Agency subject to the limitations imposed by the annual appropriations to the Distribution Agency.

**§ 6807. Powers and Duties of Director**

(a) The Director shall be responsible to the Distribution Agency for the administration of all of its affairs.

(b) The members of the Distribution Agency shall formulate policies for the operation of the agency and the Director shall have full power and authority to execute those policies.

(c) The Director shall appoint and remove the employees of the Distribution Agency, fix their salaries and prescribe their duties.

(d) The Director shall present a complete report of the activities of the Distribution Agency to the members at least monthly. He shall present an annual report to the members of the Distribution Agency, to the Governor, the General Assembly, the Legislative Reference Bureau, the State Treasurer, the Auditor of Accounts and the Budget Director.

(e) The Director shall prepare a plan of operation for the programs receiving federal assistance and shall submit the plans to the proper federal agencies in accordance with Federal regulations.

**§ 6808. General Powers and duties of the Distribution Agency**

(a) The Distribution Agency may—

(1) make and enter into any and all contracts, agreements or stipulations for the execution of the purposes of this chapter;

(2) employ and discharge through the Director such persons as shall be necessary to carry out the purposes of this chapter;

(3) secure and equip adequate quarters;

(4) purchase all materials, supplies, equipment and instrumentalities whatsoever as may be necessary;

(5) do whatever is incidental and germane to its powers and duties;

(6) adopt such rules and regulations as it deems necessary for the proper administration of this chapter;

(7) adopt regulations concerning the receipt or use of any property distributed by it.

(b) The Distribution Agency shall—

(1) keep a record of its minutes and proceedings which shall be public records;

(2) maintain a system of accounting adequate to give in detail the receipts and expenditures of the Distribution Agency and the costs of its operation.

**§ 6809. Power and duties relating to distribution of surplus property**

(a) The Distribution Agency may—

(1) acquire from the United States of America in conformity with the provisions of the Federal Property and Administration Services Act of 1949 as amended, surplus property;

(2) warehouse such property;

(3) distribute such property within the State to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges and universities within the State, to other non-profit medical institutions; hospitals, clinics, health centers, schools, colleges and universities which have been held exempt from taxation under section 501 (c) (3) of the United States Internal Revenue Code of 1954, to civil defense organizations of the State, or political subdivisions and instrumentalities thereof, which are established pursuant to State law, and to such other types of institutions or activities as may become eligible under Federal law to acquire such property;

(4) receive applications from eligible institutions for the acquisition of Federal surplus real property, investigate the same, make recommendations regarding the need of such applicant for the property, and otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under Section 203 (k) of the Federal Property Administrative Service Act of 1949;

(5) make such certifications, take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the State (including cooperative agreements with any Federal agencies providing for utilization by and exchange between them of the property, facilities, personnel and services of each by the other, require

such reports and make such investigations as may be required by law or regulation of the United States of America in connection with the disposal of real property and the receipt, warehousing, and distribution of personal property received from the United States of America.

(b) The Distribution Agency shall—

(1) act as the responsible agency to operate the Surplus Commodity Program for needy families in the State of Delaware, in accordance with the regulations and procedures prescribed by the United States Department of Agriculture. The Distribution Agency may take such action, make such expenditures, and enter into such contracts, agreements and undertakings for the state, to provide for the distribution of available commodities to all eligible needy families in the state who make proper application therefor. "Needy Families" as used in this subsection shall mean those persons or families so certified by the State Department of Public Welfare;

(2) act as the sole state agency to receive, warehouse and distribute food commodities issued by the Federal Government for use in non-profit school lunch programs, non-profit summer camps for children, non-penal, non-profit, tax exempt private or public institutions, state correctional institutions for minors, and assistance of other needy persons in accordance with Section 416 of the Agricultural Act of 1949, as amended and other applicable Federal laws and regulations. Provided, however, that the State Distribution Agency shall have no control over the administration of the school lunch program beyond receiving, warehousing and distributing such food commodities;

(3) act as the sole state agency to administer the Special Milk Program of the United States Department of Agriculture for non-profit nursery schools, child care centers, settlement houses, summer camps for children and similar non-profit institutions devoted to the care and training of children.

**§ 6810. Powers and duties relating to central purchasing**

The Distribution Agency may—

(a) inaugurate a system of central purchasing for those agencies of the State desiring to participate;

(b) serve as a clearing house for information on central or joint purchasing by 2 or more agencies of the State;

(c) with the consent of any state agency, act as the purchasing and contracting agent for any state agency for the purchasing of supplies or obtaining of contractual services;

(d) collect and furnish to any state agency market prices and such other information as will be useable in purchasing;

(e) serve as a clearing house for information on bids for supplies, materials or contractual services for State Agencies;

(f) perform such other services and duties as may encourage the most economical purchasing by state agencies.

**§ 6811. Service charges**

The Director may charge any agency of this State, for which the Distribution Agency makes purchases or to which it distributes materials, a reasonable service charge.

**§ 6812. Payment by state agencies**

Any state agency for which the Distribution Agency makes purchases or supplies contractual services shall pay to the Distribution Agency the cost of such purchases or services.

**§ 6813. Special Fund**

The State Treasurer shall maintain in the name of the State Distribution Agency a special revolving account. There shall be deposited in the special account all monies and credits received by the Distribution Agency from other state agencies.



Funds shall be expended from the special account for the costs of handling and distribution of materials and the costs of supplies and contractual services purchased for or supplied to another state agency. Whenever the Distribution Agency and the Governor determine that the special account contains a surplus, the surplus shall be turned over to the General Fund of the State.

Section 2. This Act shall become effective July 1, 1965.

Approved June 4, 1965.

## CHAPTER 102

**AN ACT AMENDING SECTION 123, TITLE 13, OF THE DELAWARE CODE, RELATING TO THE MARRIAGE OF MINORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 123 (f), Title 13, Delaware Code, is amended by striking the words "and consent" where they appear on the first line of Section 123 (f).

Approved June 4, 1965.

## CHAPTER 103

**AN ACT AUTHORIZING THE GUMBORO SCHOOL NO. 37  
TO PAY CERTAIN EXPENSES INCURRED IN A PRIOR  
FISCAL YEAR FROM THE LOCAL DEBT SERVICE  
ACCOUNT.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The Gumboro School No. 37 is hereby authorized to expend from the Gumboro School No. 37 local debt service account the sum of \$668.37 for the payment of the following expenses:

VENDER	AMOUNT	DATE OR PERIOD	PURPOSE OR SERVICE
Scott, Foresman, and Co.	\$ 12.60	October 1963	Textbooks
Harper & Row Publishers	20.52	August 1962	Textbooks
H. W. Bunting and Son	22.39	March 1964- Dec. 1964	Earned Premium on Canceled Surety Bond
Fischer-Long and Co.	16.50	April 1964	Dish and Glass Cleaning Concentrate
Rosellen H. Johnson	50.00	May 1964	Preparation of local Tax List
Ruth Wells	28.51	Aug. 1963- May 1964	General Maintenance Supplies
State Film Library	17.50	Mar. 1964 Feb. 1964-	Rental Fees on Films
General Cartography Co.	47.50	March 1964	Classroom Map
Allen Petroleum Corporation	207.56	Mar. 1964- June 1964	Fuel Oil

VENDER	AMOUNT	DATE OR PERIOD	PURPOSE OR SERVICE
Delaware Electric Co-op (REA)	33.00	April 1964	Monthly Electric Billing
Delaware Electric Co-op (REA)	33.00	May 1964	Monthly Electric Billing
Delaware Electric Co-op (REA)	21.30	June 1964	Monthly Electric Billing
Walter T. Short	32.71	Sept. 1963- June 1964	Personal Reimbursement- Postage
Walter T. Short	24.48	Oct. 1963- June 1964	Personal Reimbursement- Mileage
Walter T. Short	100.80	Sept. 1963- June 1964	Personal Reimbursement- Mileage
TOTAL	<hr/> \$668.37		

Section 2. The payment of each of the claims set forth in Section 1 of this Act shall be subject to the approval of the State Budget Commission.

Approved June 7, 1965.

CHAPTER 104

**AN ACT AMENDING CHAPTER 335, VOLUME 54, LAWS OF DELAWARE, BEING AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE USE OF THE MILTON SCHOOL DISTRICT NO. 8 FOR THE PURPOSE OF PURCHASING AND IMPROVING AN ADDITIONAL BUILDING SITE BY EXTENDING THE DATE ON WHICH THE UNEXPENDED BALANCE OF THE FUNDS SO APPROPRIATED SHALL REVERT TO THE GENERAL FUND OF THE STATE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2, Chapter 355, Volume 54, Laws of Delaware, is hereby amended by repealing the words "June 30, 1965" as the same appear therein and by inserting in lieu thereof the words "June 30, 1966".

Approved June 7, 1965.

## CHAPTER 105

**AN ACT TO AMEND CHAPTER 89, TITLE 10, DELAWARE CODE, RELATING TO PAYMENTS OF MILEAGE TO JURORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 8901, Title 10, Delaware Code, is repealed and a new § 8901 is inserted in lieu thereof to read as follows:

**§ 8901. Jurors**

The fees of jurors for the services specified, shall be as listed below:

For attendance by grand, petit, or special juror, ten dollars per day and ten cents per mile going and returning.

Approved June 9, 1965.

CHAPTER 106

**AN ACT TO AMEND § 5162, TITLE 30, DELAWARE CODE,  
BY INCREASING THE MAXIMUM AMOUNT OF AP-  
PROPRIATIONS IN ANY ONE FISCAL YEAR FROM \$1,-  
200,000 TO \$2,000,000.**

WHEREAS, costs of construction have increased consid-  
erably since the year 1955; and

WHEREAS, the population has substantially increased to  
the end that municipalities' streets are experiencing substan-  
tially increased use.

*Be it enacted by the General Assembly of the State of  
Delaware (three-fourths of the Members elected to each Branch  
thereof concurring therein):*

Section 1. § 5162, Title 30, Delaware Code, is amended  
by striking the figures "\$1,200,000" from the first sentence  
and inserting in lieu thereof the figures "\$2,000,000".

Approved June 9, 1965.

## CHAPTER 107

**AN ACT RELATING TO THE STATE ESTATE TAX BY INCREASING THE INTEREST RATE ON TAXES DUE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1504, Title 30, Delaware Code, is amended by striking out the words and figure "4% per annum" and inserting in lieu thereof the words and figure "6% per annum".

Section 2. The provisions of this act shall become effective on the first day of the second month after it becomes law.

Approved June 9, 1965.



CHAPTER 108

**AN ACT RELATING TO HARNESS RACING BY INCREASING THE TAX ON PARI-MUTUEL AND TOTALIZATOR POOLS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 555, Title 28, Delaware Code, is amended by striking out the figure and words "3-1/2 per cent" as they appear therein and inserting in lieu thereof the figure and words "4-1/2 per cent".

Section 2. The provisions of this act shall become effective on July 1, 1965.

Approved June 9, 1965.

## CHAPTER 109

## AN ACT TO IMPOSE A REALTY TRANSFER TAX.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 30, Delaware Code, is amended by adding thereto a new chapter to read:

## CHAPTER 54. REALTY TRANSFER TAX

## § 5401. Definitions

As used in this chapter except where the context clearly indicates a different meaning—

“Document”. Any deed, instrument or writing whereby any real estate within this state or any interest therein shall be quitclaimed, granted, bargained, sold, or otherwise conveyed to the grantee, but does not include wills, mortgages, transfers between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law and the shareholders thereof, transfers between non-profit industrial development agencies and industrial corporations purchasing from them, any transfers to nonprofit industrial development agencies, and transfers between husband and wife, transfers between persons who were previously husband and wife but who have since been divorced provided such transfer is made within 3 months of the date of the granting of the final decree in divorce, and the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to or from the United States, this State or to any of their instrumentalities, agencies or political subdivisions, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as securi-

ty for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises any transfer from a purchase money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof, or any transfer between religious organizations or other bodies or person holding a title to real estate for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

"Transaction". The making, executing, delivering, accepting, or presenting for recording of a document.

"Value". In the case of any document granting, bargaining, selling, or otherwise conveying any real estate or interest therein, the amount of the actual consideration therefor, including liens or other encumbrances thereon and ground rents, or a commensurate part of the liens or other encumbrances thereon and ground rents where such liens or other encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments: Provided, That where such documents shall set forth a small or nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale, or, in the case of a gift, or any other document without consideration, from the actual monetary worth of the property granted, bargained, sold, or otherwise conveyed, which, in either event, shall not be less than the amount of the highest assessment of such lands, tenements or hereditaments for local tax purposes.

#### § 5402. Rate of tax; when payable; exception

(a) Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the

transaction or any part thereof, a realty transfer tax at the rate of 1 percent of the value of the property represented by such document, which tax shall be payable at the time of making, execution, delivery, acceptance or presenting for recording of such document.

(b) No tax shall be imposed on conveyances when the actual value of the property being transferred is less than \$100.

**§ 5403. Transfer by broker**

Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as part of the consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer. If the tax due upon the transfer from the licensed real estate broker is greater than the credit given for the prior transfer, the difference shall be paid, and if the credit allowed is greater than the amount of the tax due, no refund shall be allowed.

**§ 5404. Payment from proceeds of judicial sale**

The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith.

**§ 5405. Documentary stamps; affixing; cancellation; other methods**

(a) The payment of the tax imposed by this chapter shall be evidenced by the affixing of a documentary stamp or stamps to every document by the person making, executing, delivering or presenting for recording such document. Such stamps shall be affixed in such manner that their removal will require the continued application of steam or water, and the person using

or affixing such stamps shall write or stamp or cause to be written or stamped thereon the initials of his name and the date upon which such stamps are affixed or used so that such stamps may not again be used: Provided, That the Tax Department may prescribe such other method of cancellation as it may deem expedient.

(b) The Tax Department may by regulation provide for the evidence of the payment of the tax to be shown on the document by means other than the affixing of documentary stamps.

**§ 5406. Furnishing stamps; sale; agents; compensation; bond premiums**

(a) The Tax Department shall prescribe, prepare and furnish stamps, of such denominations and quantities as may be necessary, for the payment of the tax imposed and assessed by this chapter. The Tax Department shall make provisions for the sale of such stamps in such places as it may deem necessary.

(b) The Tax Department may appoint the recorder of deeds in each county and other persons within or without the state, as agents, for the sale of stamps to be used in paying the tax herein imposed upon documents, and may allow a commission to said agents of one per cent of the face value of the stamps.

(c) The Tax Department shall pay the premium on any bond required by the Tax Department to be procured by any agent for the performance of his duties under this chapter.

**§ 5407. Enforcement; rules and regulations**

The Tax Department shall enforce the provisions of this chapter and may adopt and enforce rules and regulations relating to:

(1) The method and means to be used in affixing or cancelling of stamps in substitution for or in addition to the method and means provided in this chapter.

(2) The denominations and sale of stamps.

(3) Any other matter or thing pertaining to the administration and enforcement of the provisions of this chapter.

**§ 5408. Failure to affix stamps**

No document upon which tax is imposed by this chapter shall be recorded in the office of any recorder of deeds of any county of this State unless proof of the payment of the realty transfer tax appears on the document as is provided in this chapter.

**§ 5409. Value to be stated in document or affidavit; penalty for recording without documentary stamp**

Every document when lodged with or presented to any recorder of deeds in this State for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this chapter.

**§ 5410. Unlawful acts; penalty**

(a) It shall be unlawful for any person to:

(1) Make, execute, deliver, accept or present for recording or cause to be made, executed, delivered, accepted or presented for recording any document, without the full amount of tax thereon being duly paid; or,

(2) Make use of any documentary stamp to denote payment of the realty transfer tax without cancelling such stamp as required by this chapter or as prescribed by the Tax Department; or,

(3) Fail, neglect or refuse to comply with or violate the rules and regulations prescribed, adopted and promulgated by the Tax Department under the provisions of this chapter; or,

(4) Fraudulently cut, tear or remove from a document any documentary stamp or other evidence of payment of the realty transfer tax; or,

(5) Fraudulently affix to any document upon which tax is imposed by this chapter any documentary stamp or other evidence of payment of the realty transfer tax which has been removed from any other document upon which tax is imposed by this chapter, or any documentary stamp or other evidence of payment of the realty transfer tax of insufficient value, or any forged or counterfeited stamp or other evidence of payment of the realty transfer tax or any impression of any forged or counterfeited stamp, die, plate or other article; or,

(6) Wilfully remove or alter the cancellation marks of any documentary stamp, or restore any such documentary stamp, with intent to use or cause the same to be used after it has already been used, or knowingly buy, sell, offer for sale, or give away any such altered or restored stamp to any persons for use, or knowingly use the same; or,

(7) Knowingly have in his possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this act: Provided, That the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this clause; or,

(8) Knowingly or wilfully prepare, keep, sell, offer for sale, or have in his possession, any forged or counterfeited documentary stamps; or,

(9) Accept for recording in the office of any recorder of deeds any document upon which the realty transfer tax is imposed without the proper documentary stamp or other evidence of payment of the tax affixed thereto as required by this chapter as is indicated in such document or accompanying affidavit.

(b) Whoever violates any of the provisions of this section shall be fined not more than \$500 and imprisoned for not more than 1 year or both.

(c) The Superior Court shall have jurisdiction over offenses under this section.

**§ 5411. Failure to pay tax; determination; redetermination; review**

(a) If any person shall fail to pay any realty transfer tax for which he is liable, the Tax Department may make a determination of additional tax and interest due by such person based upon any information within its possession or that shall come into its possession. All of such determinations shall be made so that notice thereof shall reach the parties against whom made within 3 years after the date of the recording of the document.

(b) Promptly after the date of such determination, the Tax Department shall send, by registered mail, a copy thereof to the person against whom it was made. Within 90 days after the date upon which the copy of any such determination was mailed, such person may file with the Tax Department a petition for redetermination of such taxes. Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination, and it shall be supported by affirmation that it is not made for the purpose of delay and that the facts set forth therein are true. It shall be the duty of the Department within 6 months after the date of any determination to dispose of any petition for redetermination. Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the Department.

(c) Any person shall have the right to review by the Tax Board and appeal to the Superior Court in the same manner and within the same time as provided by law in the case of other tax appeals.

**§ 5412. Dispute between parties**

As between the parties to any transaction which is subject to the realty transfer tax imposed by this chapter, in the absence of an agreement to the contrary, the burden for paying the tax shall be on the grantor.

Section 2. The provisions of this act shall become effective on the first day of the second month after this act becomes law.

Approved June 9, 1965.



CHAPTER 110

**AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO STATE INCOME WITHHOLDING TAXES BY REQUIRING FOREIGN CORPORATIONS TO POST BONDS SECURING THE PAYMENT OF TAXES WITHHELD FROM DELAWARE EMPLOYEES.**

*Be it enacted by the General Assembly of the State of Delaware:*

**§ 1198. Furnishing of bond by foreign corporations; penalties; jurisdiction**

(a) Any corporation not incorporated in this State, which is subject to the provisions of this subchapter, shall post with the Tax Department a surety bond, as approved by the department, in an amount equal to the estimated state income taxes to be withheld from its employees during the succeeding 12 months.

(b) Whoever violates the provisions of this Section shall be fined not more than \$1,000 or imprisoned for not more than 1 year or both. The Superior Court shall have jurisdiction of offenses under this section.

Approved June 9, 1965.

## CHAPTER 111

## AN ACT INCREASING CIGARETTE TAXES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5305 (a), Title 30, Delaware Code, is amended to read:

(a) An excise tax is imposed and assessed upon the sale or use of cigarettes within this State at the rate of  $3\frac{1}{2}$  cents per 10 cigarettes, or fraction thereof.

Section 2. The provisions of this act shall become effective on the first day of the second month after it becomes law.

Approved June 9, 1965.

## CHAPTER 112

## AN ACT INCREASING MOTOR FUEL TAXES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5110, Title 30, Delaware Code, is amended by striking out the words and figure "6 cents per gallon" as they appear therein and inserting in lieu thereof the words and figure "7 cents per gallon".

Section 2. § 5132, Title 30, Delaware Code, is amended by striking out the words and figure "6 cents per gallon" as they appear therein and inserting in lieu thereof the words and figure "7 cents per gallon".

Section 3. The provisions of this act shall become effective on the first day of the second month after it becomes law.

Approved June 9, 1965.

## CHAPTER 113

**AN ACT RELATING TO THE STATE INHERITANCE TAX  
BY INCREASING THE INTEREST RATE DUE.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 1342 and § 1343, Title 30, Delaware Code, are amended by striking out the words and figure "4% per annum" and inserting in lieu thereof the words and figure "6% per annum".

Section 2. The provisions of this act shall become effective on the first day of the second month after it becomes law.

Approved June 9, 1965.

CHAPTER 114

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE OFFICE OF THE SECRETARY OF STATE FOR  
THE OVERTIME SALARIES OF TELEPHONE OPERA-  
TORS.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$350.00 is hereby appropriated to the Office of the Secretary of State to be used as reimbursement for overtime salaries paid to telephone operators.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved June 9, 1965.

## CHAPTER 115

**AN ACT TRANSFERRING MONEY FROM THE CAPITAL INVESTMENT FUND FOR THE PURPOSE OF ENABLING THE PUBLIC ARCHIVES COMMISSION TO OBTAIN AND RESTORE CERTAIN HISTORICAL PROPERTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Governor is requested and directed to accept, on behalf of the State, the generous devise of "Buena Vista" as contained and described in Item 6 of the Will of C. Douglass Buck, dated August 13, 1963, and the codicils thereto dated June 11, 1964, and January 4, 1965, as probated February 3, 1965 and of record in the Register of Wills Office in and for New Castle County, in Folder number 48177.

Section 2. The Public Archives Commission is requested and directed to purchase on behalf of the State, the Thomas W. Murray and Elsie G. Murray "Woodburn" property in Dover as described in deed of William F. Storey et.ux. to Thomas W. Murray and Elsie G. Murray, dated November 25, 1953 and of record in the office for the Recording of Deeds in and for Kent County, Delaware, in Deed Record F, Volume 20, Page 523.

Section 3. There is hereby transferred and appropriated out of the Capital Investment Fund, existing pursuant to Chapter 62, Title 29, Delaware Code, to the Public Archives Commission \$225,000 for the following purposes:

- (a) For the restoration, redecoration, furnishing and conversion of the Governor C. Douglass Buck "Buena Vista" property in New Castle County into an historic site and community center: ..... \$100,000
- (b) For the purchase of the Thomas Murray "Woodburn" property on Kings Highway, Dover, Delaware: ..... 65,000

(c) For the restoration, redecoration, furnishing and conversion of "Woodburn" into a government house, to be used as a Governor's Mansion, executive office, and a place of official entertainment: .....	60,000
	<hr/>
	\$225,000

No money shall be expended for purposes (a) and (c) above unless and until the State has received title to "Buena Vista" and "Woodburn" respectively.

Section 4. Upon the State receiving title to the said "Buena Vista" and "Woodburn" properties, the properties shall be under the custody and control of the Public Archives Commission.

Approved June 9, 1965.

## CHAPTER 116

**AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO THE GROUNDS FOR REFUSAL OF LICENSE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 543, Chapter 5, Title 4, Delaware Code, is amended by adding thereto the following new subsections (f) and (g):

(f) The Commission shall refuse to grant a license for the sale of alcoholic liquor by any restaurant, club, tavern, tap-room, hotel, store, or other establishment for consumption on or off the premises when there is an existing licensed establishment of the same type within a radius of 1200 feet in any incorporated city or town or within a radius of one mile in any unincorporated or rural area; provided, however, that the foregoing shall not apply:

(1) To any existing license or to the sale, transfer or renewal thereof;

(2) To any application on behalf of a club, hotel or restaurant for consumption of alcoholic liquors on the premises provided that such club, hotel or restaurant shall be established and operating as such by serving at least two meals per day for a period of six months;

(g) Any holder of an existing license who desires to move the location of his license due to the destruction of his building, loss of lease, diversion of highway traffic pattern, or similar reason beyond the control of the licensee, shall have preference in the issuance of a new license provided that the application satisfies the provisions of Section 543 (f) and all other requirements under this Title.

Section 2. The provisions of this act shall become effective 30 days after this act becomes law.

Approved June 10, 1965.



## CHAPTER 117

**AN ACT TO AMEND SECTIONS 2705 AND 2706, CHAPTER 27, TITLE 18, DELAWARE CODE, RELATING TO THE SPECIAL TAX ON PREMIUMS OF INSURANCE COMPANIES, THE COLLECTION OF SAID TAX, AND THE DISTRIBUTION OF REVENUE THEREFROM.**

WHEREAS, at the time of its enactment in 1891 of the first Delaware Statute dealing with the taxing of fire insurance companies the insurance business was a more rigid affair than now. That is to say, a company incorporated to insure against property loss by fire was not authorized to engage in other insurance lines. However, over the intervening years Corporate Charters and Certificates of Authority for insurance companies have been broadened through liberalizing legislation. As a result, so called multiple line insurance is carried on by many old line fire insurance companies, such companies now being authorized to insure against a wide diversity of property and casualty risks; and

WHEREAS, the fire companies and departments in the state no longer limit their functions to fire protection but perform fire prevention, land and river rescue services, ambulance service, explosion, earthquake, wind storm, hail, water, flood, riot or civil commotion services and civil defense services and automobile and marine accidents, wrecks and fire services; and

WHEREAS, the Delaware Court of Chancery has ruled in the case of State Farm V. Short that an insurance company which writes automobile insurance, even though it covers the risk of loss by fire, is not subject to the special tax used for maintaining fire companies and departments in the state; and

WHEREAS, the intent of this Act is to provide better equipped and more efficient fire companies and departments and to develop for the Insurance Commissioner a reasonable formula for determining what portion of premiums paid for insurance is properly allocable to the risk of loss in Delaware for the benefit of the insurance companies and for the benefit of the citizens of this State;

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House concurring therein):*

Section 1. Sections 2705 and 2706, Chapter 27, Title 18, Delaware Code, are amended to read:

**§ 2705. Special tax on premiums of insurance companies covering the risk of loss by fire**

(a) For the purpose of assisting in maintaining fire companies or departments in this State, every insurance company doing any business in this State shall annually pay to the Insurance Commissioner on or before the first day of March in addition to other taxes, fees and charges required by law and notwithstanding other provisions in this title, a tax equal to 3-1/2% on that portion of the gross premiums obtained for the following types of coverage: fire, extended coverage, other allied lines, homeowners (package policy), commercial multiple peril, growing crops, ocean marine, inland marine, automobile physical damage, aircraft physical damage, less return and reinsurance premiums received from other companies or by any agent or agents of such company, in cash or otherwise, from the insurance of any real or personal property within the limits of this State during the preceding calendar year. In case of a mutual company, the dividends paid or credited to members on such premiums shall be construed to be returned premiums.

(b) No insurance company shall increase the rate of insurance premiums upon any real or personal property, affected by this section because of the tax provided by this section, unless the Insurance Commissioner, after a public hearing on the matter, shall be satisfied that an increase is necessary, and in the event that the Insurance Commissioner shall be satisfied after such public hearing that an increase in the premium rate is necessary, he shall authorize such reasonable increase as he deems fair and equitable.

**§ 2706. Statements by the insurance companies; distribution of the proceeds of the special tax on insurance companies covering the risk of loss by fire**

(a) Every insurance company covering the risk of loss of the type of coverage listed in § 2705 of this title on any real or personal property within this State shall annually at the same time that such company files its annual report as required by law, deliver to the Insurance Commissioner a full detailed statement of the amount of gross premiums of all business done by such company in the City of Wilmington; in the County of New Castle, outside the City of Wilmington; in Kent County; and in Sussex County; for the year ending on the previous Thirty-first day of December. The insurance company shall also state in the statement the amount of the portion of the gross premiums allocated and obtained for covering the risk of loss on any real or personal property within this State of the type of coverage listed in § 2705 of this title by such company in the City of Wilmington; in the County of New Castle, outside the City of Wilmington; in Kent County; in Sussex County; for the year ending on the previous Thirty-first day of December. The statement shall be verified by the oath or affirmation of the president or vice-president and secretary or other officer, and the statement shall be on the forms prepared and furnished by the Insurance Commissioner for that purpose. The Insurance Commissioner shall have the power and authority to request and receive any information regarding any insurance company's business of covering the risk of loss of the type of coverage listed in § 2705 of this title. Failure to give the Insurance Commissioner the requested information shall be good cause under section 507 of this title for revocation of any Certificate of Authority of the insurance company ignoring the request.

(b) The Insurance Commissioner shall ascertain and report to the State Treasurer, the Levy Court of the respective Counties and the City Treasurer of Wilmington, on or before the fifteenth day of May of each year, the information contained in the statements and such other information as the Insurance Commissioner has obtained from the insurance companies covering the risk of loss of the type of coverage listed in § 2705

of this title and from such report the State Treasurer shall ascertain the amount due and owing to the City Treasurer of the City of Wilmington, and to the treasurer of the respective counties of this State, under this section, and on or before the first day of June of each year, shall pay to the treasurers of the respective counties in this State, the proportionate amounts due under this section, which amounts shall be used by the Levy Court of the respective counties, exclusively for the purpose of assisting in maintaining fire companies and departments in said counties, and shall be distributed equally among all fire companies or departments regularly organized and motorized in such county. The money realized under the provisions of this section and section 2705 of this title which under the statements is due and owing to the City of Wilmington shall be paid to the Treasurer of the City of Wilmington and shall be applied to, and become a part of the Firemen's Pension Fund of the Bureau of Fire of the City of Wilmington, and shall be used as directed in the by-laws and constitution of the Bureau.

(c) The money received, under this section and section 2705 of this title, shall be set aside as a special fund for assisting in maintaining fire companies or departments in this State and shall be paid out by the State Treasurer to the treasurer of the City of Wilmington, and to the respective treasurers of each county for the sole purpose of assisting in maintaining fire companies or departments in such counties in such manner and in such proportions as provided in this section.

(d) All active fire companies or departments in this State outside of the limits of the City of Wilmington, shall register with their respective county treasurer on or before the first day of April in each year on a form provided by the respective treasurers for this purpose giving their location, apparatus, and equipment maintained.

Approved June 10, 1965.

## CHAPTER 118

**AN ACT TO AMEND CHAPTER 5, SECTION 931, DELAWARE CODE, AS AMENDED, SO AS TO PERMIT SAVINGS BANKS OR SAVINGS SOCIETIES, UNDER CERTAIN CONDITIONS, TO HAVE MORE LATITUDE IN RESPECT TO THE TERMS OF THEIR RETIREMENT PLANS AND TO HAVE THE RIGHT TO CARRY LIFE INSURANCE PROTECTION FOR OFFICERS, CLERKS AND EMPLOYEES.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. Chapter 5, Section 932, Delaware Code, as amended, be further amended by striking the second paragraph of the said section as it now appears and by substituting in lieu thereof the following:

For the purpose of establishing and maintaining a pension plan or a plan for carrying life insurance or providing other after death benefits for any of its officers, clerks of employees or their estates of beneficiaries, or a plan combining these types of benefits, any such savings bank or savings society may, in the discretion of a majority of its board of managers or governing board, segregate or allocate funds from its income or other assets and pay the same into a trust fund. Any such institution establishing such a trust fund may itself act as trustee or may have an independent trustee. Even though the ultimate benefits of the plan are paid out of such a trust fund, or even though premiums for the coverage are paid out of such a trust fund, rather than directly out of the savings institution's operating funds, unless the terms of the said trust are approved by the State Bank Commissioner as herein-after provided, the limitations of years and percentage specified in the preceding paragraph shall remain applicable, and the only benefits payable shall be such as are authorized by the said paragraph. But if the State Bank Commissioner shall determine that the said plan is not injurious to the institution or the security of its deposits, then such benefits as may be provided by said plan may be paid to officers, clerks of employees or their estates of beneficiaries in accordance with the terms

of the plan, even though these terms may not be within the limitations of the preceding paragraph. And if the plan has once been approved but is thereafter amended, the amendment shall be approved before any benefits are paid out under the amended plan.

Approved June 10, 1965.

## CHAPTER 119

**AN ACT TO FURTHER AMEND CHAPTER 208, VOLUME 26, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO ESTABLISH A RETIREMENT FUND FOR PENSIONING TEACHERS OF THE PUBLIC SCHOOLS IN THE CITY OF WILMINGTON, AND TO REGULATE THE COLLECTION, MANAGEMENT AND DISBURSEMENT THEREOF", BY ALLOWING THE RETIREMENT FUND TO BE TURNED OVER TO A PRIVATE INSURANCE COMPANY AND BY ALLOWING THE BOARD OF RETIREMENT TO DISBAND.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members elected to each Branch thereof concurring therein):*

Section 1. Section 1, Chapter 208, Volume 26, Laws of Delaware, is amended by Chapter 134, Volume 38, Laws of Delaware, by adding the following subsection:

(f) A group annuity with an insurance company qualified to do business in the State of Delaware and whose assets exceed \$200,000,000.00.

Section 2. Section 8, Chapter 208, Volume 26, Laws of Delaware, be and is hereby amended by striking out Section 8 thereof and by inserting in lieu thereof a new section to be known as Section 8, as follows:

Section 8. The Board of Retirement may under power granted in Section 6 hereof liquidate the plan of retirement created under this act or make changes as follows:

(a) The Board of Retirement may make a contract with an insurance company qualified to do business in the State of Delaware and whose assets exceed \$200,000,000.00. Under said contract all of the assets of the Board of Retirement may be turned over to said insurance company upon receipt of the said insurance company's guarantee that it will pay benefits at least equal to the benefits available to members of the retirement fund.

(b) If the current assets of the fund should be insufficient to cover the actuarial liabilities, the Board of Education of the City of Wilmington and The Mayor and Council of the City of Wilmington may agree to contribute sufficient funds to the Board of Retirement or to an insurance company which takes over the assets of said Board of Retirement to make the same actuarially sound.

(c) The Board of Retirement may at its discretion refrain from entering into any new retirement agreements after August 31, 1965.

(d) If the Board of Retirement exercised the powers granted in this subsection it may at its discretion disband and terminate its existence. However, if the Board of Retirement should elect to disband and terminate its existence it shall turn over all of its records, books and minutes to the Board of Education of the City of Wilmington and any duties or powers of the Board of Retirement shall be taken over by the Board of Education of the City of Wilmington.

Section 3. Chapter 208, Volume 26, Laws of Delaware, is amended by adding the following additional section to be known as Section 9.

Section 9. If the Board of Retirement exercises the powers granted under Section 8 any suit at law or in chancery which attempts to challenge the legality of such action must be brought within one year of said action.

Section 4. Chapter 208, Volume 26, Laws of Delaware, is amended by re-enacting section 8 of the original act as Section 10 of the act as amended.

Approved June 10, 1965.



## CHAPTER 120

**AN ACT TO APPROPRIATE FUNDS TO THE STATE TREASURER'S OFFICE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. In addition to sums previously appropriated, the following additional sums are appropriated to the State Treasurer for the fiscal year ending June 30, 1965:

Wages and Salaries of Employees .....	\$5,000.00
Contractual Services .....	4,000.00
	<hr/>
	\$9,000.00

Section 2. Any funds appropriated herein which remain unexpended by June 30, 1965, shall revert to the General Fund.

Section 3. This Act is a supplementary appropriation act and the moneys appropriated herein shall be paid out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 11, 1965.

## CHAPTER 121

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE FAMILY COURT OF KENT AND SUSSEX  
COUNTIES FOR SALARIES AND WAGES OF EM-  
PLOYEES FOR THE FISCAL YEAR ENDING JUNE  
30, 1965.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. There is hereby appropriated to the Family Court of Kent and Sussex Counties the sum of Three Thousand Five Hundred Dollars (\$3,500.00) to be used for salaries and wages of employees for the fiscal year ending June 30, 1965.

Section 2. This Act is a supplementary appropriation and the funds appropriated shall be paid out of the General Fund of the State.

Approved June 11, 1965.

## CHAPTER 122

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CONSTRUCTION OF SANITARY SEWAGE DISPOSAL SYSTEMS AND EMPOWERING THE STATE BOARD OF HEALTH TO ADMINISTER, REGULATE AND DISTRIBUTE SUCH FUNDS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE BOARD OF HEALTH.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House concurring therein):*

Section 1. Definitions:

(a) **Qualified Agency**, as used in this Act shall mean:

- (1) Any legally incorporated town or city;
- (2) Levy Courts of the Counties;
- (3) Sewer Districts authorized by law and organized to provide publicly owned and operated sewerage facilities;

(b) **Construction of Sanitary Sewage Disposal Systems** shall mean:

- (1) Engineering services to survey, plan, develop and supervise the construction;
- (2) Sewage treatment plants, intercepting sewers;
- (3) Collecting sewers;
- (4) The repair of streets damaged in the construction process;
- (5) Other necessary appurtenances which have the joint written approval of the State Board of Health and the State Water Pollution Commission.

(c) **Federal Aid or Grants** shall mean any and all federal grants-in-aid regardless of source which supplement the aid

provided by the State in this Act and which are to be applied to a single identifiable project for construction of a sanitary sewage disposal system under a qualified agency.

(d) **Original Construction** shall mean the first construction of a complete sanitary sewage disposal system by a qualified agency to serve a definite area which has been shown to have need by the State Board of Health and the Water Pollution Commission, in order to prevent or reduce pollution in the waters of the State as defined in the Delaware Water Pollution Control Act of 1949. Not included is the extension of collecting lines to serve domestic or business establishments as projects separate from the first construction of complete sewage disposal facilities in any area of the State.

Section 2. The State Board of Health is hereby empowered to administer the provisions of this Act and to distribute the aid funds provided herein to qualified agencies which make proper application for such funds. Application forms will be furnished by the State Board of Health and the Board may set rules and regulations to govern the applications and aid payment processes. The Board of Health shall require qualifying agencies to supply it with suitable copies of plans for construction, estimates of costs, copies of contracts and any other documentation the Board considers reasonable to enable a proper identification of the costs of any construction for which application for State grant aid is sought. The Board of Health, when satisfied that a construction project is justified in the area involved, and plans, applications and other evidence is satisfactory to the Board, shall distribute the aid funds appropriated, on the basis of the entire cost of the original construction excluding land acquisition costs. Final payment shall not be made until the project is completed and audited. Qualified agencies shall not be eligible for more than one project per year.

Section 3. Amount of Aid; limitation: A qualified agency proceeding with construction of a sanitary sewage disposal system and applying for aid under this Act shall receive State aid funds appropriated in this Act not to exceed 40 per cent of the cost of the original construction or \$100,000, whichever is smaller. In no instance shall the sum of State and federal

grants-in-aid exceed 70 per cent of the total original cost. In computing these costs no deductions shall be made for any federal grant of funds for original construction.

Section 4. Retroactive Aid: Any qualified agency which had completed original construction of a sanitary sewage disposal system five years prior to the effective date of this Act shall be eligible to receive one-third of the State aid as described in Sections 2 and 3 of this Act. Any agency seeking retroactive aid shall make application on forms furnished by the State Board of Health within one year from the date this Act is signed by the Governor. The amount of retroactive payment will be determined following audit of the costs of the original construction.

Section 5. There is appropriated to the State Board of Health the sum of One Million Five Hundred Thousand Dollars (\$1,500,000), or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for construction of sanitary sewage disposal systems.

Section 6. Any of said appropriated funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 7. The said sum of One Million Five Hundred Thousand Dollars (\$1,500,000) shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code. For purpose of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Annual Sewage Disposal Bonds of 1965".

Section 8. There is hereby appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which be-

come due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 9. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved June 14, 1965.

CHAPTER 123

**AN ACT TO AMEND SECTION 4111, TITLE 9, DELAWARE CODE, RELATING TO THE BORROWING POWER OF THE LEVY COURT OF KENT COUNTY BY INCREASING THE BORROWING POWER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4111, Title 9, Delaware Code, is amended by striking the figures \$345,000 as they appear in the second line thereof and inserting in lieu thereof the figure \$500,000.

Approved June 14, 1965.

## CHAPTER 124

**AN ACT TO AMEND § 8002 (b), TITLE 9, DELAWARE CODE, RELATING TO COUNTY TAX RATE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 8002 (b), Title 9, Delaware Code, is amended by striking the period at the end of the first sentence thereof and inserting "; except that, until June 30, 1966 the tax rate for Kent County may exceed 50 cents but shall not exceed 65 cents on each \$100 of assessed valuation."

Approved June 14, 1965.



## CHAPTER 125

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, TO PRESCRIBE RULES FOR REGULATING THE VEHICULAR AND PEDESTRIAN TRAFFIC AND TO ESTABLISH PENALTIES FOR VIOLATION THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by inserting therein a new Section to be known as Section 30A as follows:

Section 30A. All driving and vehicular traffic and coaches, as well as pedestrians on the public streets within the limits and territory of the Town of Laurel shall be governed by the provisions of Section 4101 and 4196, inclusive, Title 21, Delaware Code of 1953, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions have been altered or supplemented by ordinance duly passed by the Town Council, as authorized by Title 21, Chapter 41, Delaware Code of 1953, as amended. The Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.

Approved June 14, 1965.

## CHAPTER 126

**AN ACT RECOGNIZING THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Part 1, Title 19, Delaware Code, is amended by adding a new Chapter 13 to read as follows:

**CHAPTER 13. RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE****§ 1301. Definitions**

As used in this Chapter:

(a) "Public employer" means:

- (1) the State of Delaware or any agency thereof;
- (2) any County of the State, or any agency thereof;

(3) any municipal corporation, municipality, city or town located within the State, or any agency thereof which, upon the affirmative legislative act of its common council or other governing body elects to come within the provisions of this Chapter.

(b) "Public employee" means any employee of a public employer except (1) any person elected by popular vote or appointed to office by the Governor; (2) any certified professional employee of the public school system of the State.

(c) "Employment relations" means matters concerning wages, salaries, hours, vacations, sick leave, grievance procedures and other terms and conditions of employment.

(d) "Bargaining representative" means any lawful organization which has as a primary purpose the representation of public employees in their employment relations with the public employer.

(e) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to employment relations, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this Chapter.

(f) "Department" means the Department of Labor and Industrial Relations.

#### **§ 1302. Right to organize**

The right of public employees freely to organize and designate representatives of their own choosing for the purpose of collective bargaining with public employers shall not be denied.

#### **§ 1303. Free exercise**

No public employer, or other person, directly or indirectly, shall interfere with, restrain, coerce, or discriminate against any public employee in the free exercise of any right under this Chapter.

#### **§ 1304. Bargaining unit**

The Department, after hearing upon reasonable notice, shall decide in each case the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the Department shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the employees; and the desire of the public employees.

#### **§ 1305. Election to determine representation**

(a) Where there is no exclusive bargaining representative certified for a bargaining unit, the Department shall, upon the request of a bargaining representative showing written

proof of at least 30% representation of the public employees within the unit, hold an election by secret ballot to determine representation. The ballot shall contain the name of any bargaining representative showing written proof of at least 10% representation of the public employees within the unit and, in every instance, a provision for a marking of no representation.

(b) Where there is an exclusive bargaining representative certified for a bargaining unit, the Department shall, upon the written petition of at least 30% of the public employees within the unit, hold an election by secret ballot to determine representation, except that no election shall be held within 1 year of the certification of an exclusive bargaining representative. The ballot shall contain the name of any bargaining representative showing written proof of at least 10% representation of the public employees within the unit and, in every instance, a provision for a marking of no representation.

#### **§ 1306. Certification of exclusive bargaining representative**

The bargaining representative receiving the majority of all votes cast by the public employees within a bargaining unit upon any election held under this Chapter shall be certified by the Department as the exclusive bargaining representative of all the public employees within the unit; except that any public employee at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, provided that the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect and the exclusive bargaining representative has been given reasonable opportunity to be present.

#### **§ 1307. Failure to obtain majority of votes**

In the event that no bargaining representative receives the majority of all votes cast by the public employees within a bargaining unit upon any election held under this Chapter, no election to determine representation within the unit shall be held within 1 year thereof.

**§ 1308. Regulations**

The Department shall have the power to make and revise or rescind such regulations as it may deem necessary or appropriate to administer the provisions of this Chapter, and such regulations shall, except as may be otherwise provided by the Department, take effect upon publication.

**§ 1309. Public employer to bargain collectively**

The public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative.

**§ 1310. Submission of dispute to State Mediation Service or arbitration**

Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute except matters of wages and salaries may be submitted by either party to the State Mediation Service or by agreement of the parties to arbitration under Chapter 1 of this Title.

**§ 1311. Payroll deduction for dues**

Upon the written authorization of any public employee within a bargaining unit, the public employer shall deduct from the payroll of the public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall deliver the same to the treasurer of the exclusive bargaining representative.

**§ 1312. Merit or personnel system exclusive**

Whenever the procedures under the merit or personnel system established by statute or ordinance are exclusive with respect to matters otherwise comprehended by this Act, they shall apply and shall be followed.

**§ 1313. Right to strike prohibited**

No public employee shall strike while in the performance of his official duties.

Approved June 15, 1965.

## CHAPTER 127

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE HIGHWAY DEPARTMENT FOR THE  
ESTABLISHMENT, OPERATION AND ADMINISTRATION  
OF RECREATION AREAS LOCATED ON PUBLIC  
LANDS IN SUSSEX COUNTY, DELAWARE.**

WHEREAS, in recent years the State Highway Department has been responsible for the administration and operation of public beach areas on State-owned lands in Sussex County; and

WHEREAS, no funds are available to the State Highway Department for establishing, operating or administering such recreation areas during the current fiscal year,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of fifty thousand dollars (\$50,000), is appropriated to the State Highway Department to be used in the establishment, operation and administration of recreation areas on state-owned beach lands in Sussex County.

Section 2. The funds contained herein are to be utilized to provide lifeguard protection at selected sites, to provide portable toilet facilities at selected locations, to provide trash removal from recreation areas and to provide funds to offset administrative and supervisory costs attendant to the operations of the recreation areas.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Funds of the State not otherwise appropriated.

Section 4. Any of the monies appropriated herein which shall remain unexpended on June 30, 1965, shall not revert to the General Fund of the State of Delaware, but shall remain available to the State Highway Department for the purposes set forth in this Act.

Approved June 16, 1965.

CHAPTER 128

**AN ACT TO AMEND SECTION 1525, TITLE 9, DELAWARE  
CODE, RELATING TO DUMPING OF GARBAGE, RUB-  
BISH, ASHES, OR OTHER WASTE MATERIAL.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Section 1525 (a), Title 9, Delaware Code, is amended by striking the words "the Seventh Senatorial District" and by inserting in lieu thereof the words "Appoquimink Hundred and Blackbird Hundred".

Approved June 16, 1965.

## CHAPTER 129

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE BOARD OF GAME AND FISH COMMISSIONERS  
OF THE STATE OF DELAWARE TO BE USED FOR THE  
KENT COUNTY S.P.C.A.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$4,000 is hereby appropriated to the Board of Game and Fish Commissioners of the State of Delaware to be used for the Kent County S.P.C.A.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 16, 1965.



## CHAPTER 130

**AN ACT TO PROVIDE FUNDS TO THE STATE HIGHWAY DEPARTMENT FOR THE CONSTRUCTION OF A WATER CONTROL STRUCTURE AT BETTS POND, SUSSEX COUNTY, DELAWARE.**

WHEREAS, physical factors in the area and developments downstream from U.S. Route 113, prohibit the raising of the water level at the major control structure on Betts Pond; and

WHEREAS, control of the water level at U.S. Route 113 would be beneficial to fish and wildlife, would result in improvement of ground water supply for agricultural purposes, would aid in the eradication of mosquitoes and would prove of general benefit to the surrounding areas; and

WHEREAS, certain funds previously appropriated in Senate Bill 290, 122nd General Assembly of the State of Delaware, which bill appears as Chapter 329, Volume 54, Laws of Delaware, were not required for the purpose originally designated; and

WHEREAS, by diverting such funds, a needed control structure could be erected at Betts Pond without additional appropriation of funds;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Highway Department, for the purposes of constructing a water control structure at Betts Pond, all funds in the supplementary appropriation act, which appears as Chapter 329, Volume 54, Laws of Delaware, which remain unexpended as of June 30, 1965.

Section 2. Funds provided herein shall be utilized by the State Highway Department for the erection of a water control structure at Betts Pond, Sussex County, such structure to be

located at the site of the bridge which is to be constructed on U.S. Route 113 at Betts Pond in connection with the dualization of this highway.

Section 3. The funds provided by this Act are to be used for the design, construction and incidental expenses attendant to the erection of the abovementioned water control structure.

Section 4. The funds provided herein shall be made available to the State Highway Department on July 1, 1965, for the purposes set forth hereinbefore and the money appropriated shall be paid by the State Treasurer out of funds remaining as of June 30, 1965, in the supplemental appropriation contained in Chapter 329, Volume 54, Laws of Delaware.

Section 5. Any of the monies provided herein which shall remain unexpended on June 30, 1966, shall not revert to the General Fund of the State of Delaware, but shall remain available to the State Highway Department until the purposes set forth in this Act have been accomplished.

Approved June 16, 1965.

## CHAPTER 131

**AN ACT TO AMEND AN ACT BEING CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVE IT AUTHORITY TO ISSUE BONDS" BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED BY TAXATION OF REAL ESTATE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Section 12, Chapter 212, Volume 25, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and inserting in lieu thereof the following:

Section 12. That the Commissioners are authorized and empowered to levy and collect taxes upon all the real estate located within the Town of Bethany Beach; PROVIDED, HOWEVER, that the amount to be raised by taxation of real estate shall not exceed in any one year the total sum of Forty Thousand Dollars (\$40,000) exclusive of all delinquencies and expenses of collection; AND PROVIDED FURTHER, that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness, whether heretofore or hereafter incurred.

Approved June 16, 1965.

## CHAPTER 132

**AN ACT TO AUTHORIZE THE COMMISSIONERS OF BETHANY BEACH TO BORROW \$300,000 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF REPAIRING, IMPROVING, EXTENDING OR ENLARGING THE WATER SYSTEM AND TO CONTROL AND REGULATE THE SAME.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. The Commissioners of Bethany Beach, a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow money and issue bonds to secure the payment thereof on the full faith and credit of the said The Commissioners of Bethany Beach to provide funds for the repair, improvement, extension or enlargement of the water system of the Town of Bethany Beach; PROVIDED, HOWEVER, that the borrowing of the funds therefor shall have been authorized by the Commissioners of Bethany Beach and shall have been approved by the qualified voters of the Town of Bethany Beach, in the following manner.

Section 2. The Commissioners of Bethany Beach shall propose to the electors of the Town of Bethany Beach by resolution which shall state the amount of money to be borrowed for any of the purposes authorized by Section 1 above. The resolution shall also state the purpose for which the money is desired to be borrowed, the manner of securing the loan, and other facts relating to the loan which are deemed pertinent by the Commissioners of Bethany Beach and in their possession, and shall fix a time and place for holding a public hearing on the said resolution.

Section 3. Notice of the time and place of the hearing on the resolution authorizing the said loan shall be printed in a newspaper having a general circulation in the Town of Bethany Beach at least one week before the time and date set for said hearing.

Section 4. A second resolution shall then be passed by the Commissioners ordering a special election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second resolution calling the special election shall **ipso facto** be considered the Commissioners' determination to proceed in the matter in issue.

Section 5. The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper having a general circulation in the Town of Bethany Beach within thirty (30) days prior to the election, or distributed in circular form at least fifteen (15) days prior to the date of the said special election, or both, at the discretion of the Commissioners.

Section 6. At the special election, every owner of property, whether individual, partnership or corporation, shall have one (1) vote for every One Hundred Dollars (\$100.00) or part thereof of assessed valuation of real esates located in said Town and the said vote may be cost either in person or by proxy.

Section 7. The Commissioners shall cause to be prepared, printed and have available for distribution a sufficient number of sample ballots marked or defaced in such a manner that they cannot be used at the election not less than five days prior to the date of the special election.

Section 8. The President of the Commissioners of Bethany Beach shall, prior to the date of the election, appoint and designate a Presiding Officer and sufficient Judges to act as a Board of Election. The members of the Board of Election shall be the judges of the special election and shall decide upon the legality of the voters offered and shall keep a list of all voters thereat. The Board of Election shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed loan and shall deliver the same to the Commissioners which said certificate shall be entered on the minutes of the Commissioners and the original shall be filed with the papers of the Commissioners.

Section 9. The form of bond, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Commissioners after the said special election. The bonds may be sold at either public or private sale, as determined by the Commissioners. The Commissioners shall provide, in the annual budget and in the fixing of any tax, sewer charge or tax or water rent, for the payment of interest on and principal of said bonds at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of "The Commissioners of Bethany Beach" shall be deemed to be pledged for the prompt payment of the bonds and interest thereon issued pursuant to the provisions of this Act, when the same have been properly executed and delivered for value.

Section 10. The bonded indebtedness for any purpose authorized by Section 1 of this Act shall not at any one time exceed the sum of Three Hundred Thousand Dollars (\$300,000).

Section 11. The said The Commissioners of Bethany Beach is hereby authorized and empowered to do all things necessary for the repair, improvement, extension or enlargement of the water system and to provide for the care and maintenance of the same, and to purchase all such instruments, appliances and supplies as may be necessary for establishing and operating water system in said Town, and for furnishing the citizens and inhabitants thereof with proper and adequate water and water facilities and to effect the same The Commissioners of Bethany Beach shall have the power and authority to lay pipes and conduits under and along any of the streets, lanes, alleys or highways of said Town, or any road adjacent thereto, and also to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary for the purpose of carrying into effect the provisions of this Act. In the event, however, that any owner of property should fail to agree with the Town, The Commissioners of Bethany Beach shall have full power of eminent domain over any lands or property rights required for any purpose connected with the repair, improvement, extension or enlargement of the water system and shall be able to condemn property rights for the use of the water system in the man-

ner prescribed and set forth in Chapter 61, Title 10, Delaware Code of 1953, as heretofore or hereafter amended. The Commissioners of Bethany Beach shall have authority to require any premises to be connected to the water system and in the event that any property owner should neglect to connect his property immediately after ordered to do so by The Commissioners of Bethany Beach, the said Commissioners shall have the authority to connect the premises with the water system as ordered and to collect the cost of such connection by the same process as Town Taxes are collectable. The Commissioners of Bethany Beach shall have the supervision and control of all public pipes and drains connected with said water system, whether within or without the corporate limits of the said Town of Bethany Beach, and may alter, repair and remove the same and may cause new pipes and drains to be made and opened. The Commissioners of Bethany Beach may cause such pipes and drains to be laid in any of the said streets, lanes, alleys or highways of the said Town in such manner and of such material as it, the said The Commissioners of Bethany Beach, may deem proper. The said The Commissioners of Bethany Beach is hereby authorized to make rules regulating the tapping and use of the water system by the owners of abutting land, and shall provide for the granting of permits for the same and for the payment of such tapping fees and water rental charges as the said The Commissioners of Bethany Beach shall deem proper.

Section 12. The Commissioners of Bethany Beach is authorized and empowered to engage the services of such agents and servants as it may deem necessary in the repair, improvement, extension or enlargement of the water system as herein provided.

Section 13. The Commissioners of Bethany Beach is hereby authorized and empowered to adopt such ordinances as it may deem necessary for the operation, management and control of said water system and may grant to all persons and corporations in the said Town of Millsboro the privilege of using said water system in such manner and upon such terms and conditions as may seem just and proper to the said The Commissioners of Bethany Beach.

Section 14. The Commissioners of Bethany Beach are authorized and empowered to return to the general fund of the municipality any funds for which bonds are issued pursuant to the provisions of this Act and not used for the repair, improvement, extension or enlargement of the water.

Section 15. Any Act inconsistent with the provisions hereof be and the same is hereby repealed to the extent of such inconsistency.

Approved June 16, 1965.



CHAPTER 133

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$122,707,827.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1966", AS AMENDED, BY GIVING THE BUDGET DIRECTOR AUTHORITY TO TRANSFER CERTAIN FUNDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Volume 55, Laws of Delaware, is amended by adding thereto a new Section to be known as Section 16, to read as follows:

Section 16. The Budget Director may transfer any of the appropriations made herein for the Department of Mental Health - Surplus Food for the Needy from said department to the State Distribution Agency and may also transfer any of the appropriations made herein to the State Welfare Home - Division of the Aging from the said Welfare Home to the Delaware Commission for the Aging when such Commission is created.

Approved June 16, 1965.

## CHAPTER 134

**AN ACT MAKING AN APPROPRIATION TO THE PRISONERS AID SOCIETY OF DELAWARE FOR THE OPERATION OF THE 308 WEST RESIDENCE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of Seventeen Thousand Dollars (\$17,000), is hereby appropriated to the Prisoners Aid Society of Delaware to cover the expenses of the 308 West Residence in operating the program as provided for by Chapter 322, Volume 51, Laws of Delaware, said sum to be paid during the fiscal year commencing July 1, 1965, in quarterly installments upon proper request signed by the duly authorized officers of the said Society.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware not otherwise appropriated.

Section 3. The Prisoners Aid Society of Delaware shall make its Report concerning the operations of said 308 West Residence to the Governor and the General Assembly at least annually.

Approved June 16, 1965.

CHAPTER 135

**AN ACT TO AMEND CHAPTER 8, TITLE 22, DELAWARE CODE, RELATING TO HOME RULE FOR MUNICIPALITIES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. § 820 (e), Title 22, Delaware Code, is amended by inserting the word "not" following the words "unless the court is persuaded the irregularity did" and before the words "materially affect the result of the election".

Approved June 16, 1965.

## CHAPTER 136

**AN ACT TO AID CERTAIN FIRE COMPANIES WHICH ARE ORGANIZED TO EXTINGUISH FIRES OR MAINTAIN AMBULANCES OR RESCUE TRUCKS, BY MAKING APPROPRIATIONS FOR THEM.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. There is appropriated to the listed fire companies, for the fiscal year beginning July 1, 1965, the following sums to be used for the prevention and extinguishment of fires throughout the state and for the maintenance of apparatus and equipment:

**New Castle County**

Aetna Hose, Hook and Ladder Company, Newark .....	\$ 1,750
Brandywine Hundred Fire Company Bellefonte .....	1,750
Christiana Fire Company, Christiana .....	1,750
Claymont Fire Company, Claymont .....	1,750
Cranston Heights Fire Company, Cranston Heights .....	1,750
Delaware City Fire Company, Delaware City..	1,750
Elsmere Fire Company, Elsmere .....	1,750
Five Points Fire Company, Richardson Park..	1,750
Goodwill Fire Company, New Castle .....	1,750
Hockessin Fire Company, Hockessin .....	1,750
Holloway Terrace Fire Company, Holloway Terrace .....	1,750
Mill Creek Fire Company, Marshallton .....	1,750
Minquadale Fire Company, Minquadale .....	1,750
Minquas Fire Company, Newport .....	1,750
Odessa Fire Company, Inc., Odessa .....	1,750
Port Penn Volunteer Fire Company, Port Penn .....	1,750
Talleyville Fire Company, Talleyville .....	1,750

Townsend Fire Company, Townsend .....	1,750
Volunteer Hose Company, Inc., Middletown ....	1,750
Wilmington Manor Fire Company, Wilmington Manor .....	1,750

**Kent County**

Bowers Volunteer Fire Company, Bowers .....	1,750
Camden-Wyoming Fire Company, Camden ....	1,750
Carlisle Fire Company, Milford .....	1,750
Cheswold Volunteer Fire Company, Cheswold .....	1,750
Citizens' Hose Company, Inc. No. 1, Smyrna....	1,750
Clayton Fire Company, Clayton .....	1,750
Dover Fire Department, Dover .....	1,750
Farmington Volunteer Fire Company, Farmington .....	1,750
Felton Community Fire Company, Felton .....	1,750
Frederica Volunteer Fire Company, Frederica .....	1,750
Harrington Volunteer Fire Company, Harrington .....	1,750
Hartly Volunteer Fire Company, Hartly .....	1,750
Houston Volunteer Fire Company, Houston ....	1,750
Leipsic Volunteer Fire Company, Leipsic.....	1,750
Little Creek Volunteer Fire Company, Little Creek .....	1,750
Magnolia Volunteer Fire Company, Magnolia .....	1,750
Mary-Del Volunteer Fire Company, Marydel..	1,750
South Bowers Fire Company, Inc., South Bowers .....	1,750

**Sussex County**

Bethany Beach Volunteer Fire Company, Bethany Beach .....	1,750
Blades Volunteer Fire Company, Blades .....	1,750
Bridgeville Volunteer Fire Company, Bridgeville .....	1,750
Dagsboro Fire Company, Dagsboro .....	1,750
Delmar Fire Department, Inc., Delmar .....	1,750
Ellendale Volunteer Fire Company, Ellendale .....	1,750
Frankford Volunteer Fire Company, Frankford .....	1,750

Georgetown Fire Company, Inc., Georgetown	1,750
Greenwood Volunteer Fire Company, Greenwood .....	1,750
Gumboro Volunteer Fire Company, Gumboro..	1,750
Indian River Volunteer Fire Company, Oak Orchard .....	1,750
Laurel Volunteer Fire Company, Laurel .....	1,750
Lewes Fire Department, Lewes .....	1,750
Millsboro Fire Company, Millsboro .....	1,750
Milton Volunteer Fire Department, Milton ....	1,750
Millville Volunteer Fire Company, Millville....	1,750
Rehoboth Volunteer Fire Company, Rehoboth Beach .....	1,750
Roxana Volunteer Fire Company, Roxana ....	1,750
Seaford Volunteer Fire Company, Seaford ....	1,750
Selbyville Volunteer Fire Company, Selbyville	1,750
<b>TOTAL</b>	<b>\$101,500</b>

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1965, the following sums, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment:

Belvedere Volunteer Fire Company .....	\$1,750
Slaughter Beach Volunteer Memorial Fire Company .....	1,750
<b>TOTAL</b>	<b>\$3,500</b>

Section 3. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1965, the following sums, to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook and Ladder Company, Newark .....	\$ 750
Brandywine Hundred Fire Company, Bellefonte	750
Claymont Fire Company, Claymont .....	750
Elsmere Fire Company, Elsmere .....	750

Five Points Fire Company, Richardson Park..	750
Goodwill Fire Company, New Castle .....	750
Holloway Terrace Fire Company, Holloway Terrace .....	750
Hockessin Fire Company, Hockessin .....	750
Mill Creek Fire Company, Marshallton .....	750
Minquadale Fire Company, Minquadale .....	750
Minquas Fire Company, Newport .....	750
Talleyville Fire Company, Talleyville .....	750
Wilmington Manor Fire Company, Wilmington Manor .....	750
Bowers Volunteer Fire Company, Bowers .....	750
Carlisle Fire Company, Milford .....	750
Cheswold Volunteer Fire Company, Cheswold	750
Harrington Volunteer Fire Company, Harrington .....	750
Hartly Volunteer Fire Company, Hartly .....	750
Leipsic Volunteer Fire Company, Inc., Leipsic	750
Blades Volunteer Fire Company, Blades .....	750
Bridgeville Volunteer Fire Company, Bridgeville .....	750
Delmar Fire Department, Delmar .....	750
Ellendale Volunteer Fire Company, Ellendale..	750
Frankford Volunteer Fire Company, Frankford .....	750
Gumboro Volunteer Fire Company, Gumboro..	750
Lewes Fire Department, Lewes .....	750
Laurel Volunteer Fire Department, Laurel ....	750
Millville Volunteer Fire Company, Millville....	750
Milton Volunteer Fire Company, Milton .....	750
Rehoboth Volunteer Fire Company, Rehoboth Beach .....	750
Seaford Volunteer Fire Department, Seaford..	750

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TOTAL            \$23,250

Section 4. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1965, the following sums, to be used for the maintenance and operation of rescue trucks in the public service:

Aetna Hose, Hook and Ladder Company, Newark .....	\$ 750
Brandywine Hundred Fire Company, Bellefonte .....	750
Claymont Fire Company, Claymont .....	750
Delaware City Fire Company, Delaware City..	750
Elsmere Fire Company, Elsmere .....	750
Five Points Fire Company, Richardson Park....	750
Goodwill Fire Company, New Castle .....	750
Holloway Terrace Fire Company, Holloway Terrace .....	750
Mill Creek Fire Company, Marshallton .....	750
Minquadale Fire Company, Minquadale .....	750
Minquas Fire Company, Newport .....	750
Port Penn Volunteer Fire Company, Port Penn	750
Talleyville Fire Company, Talleyville .....	750
Volunteer Hose Company, Middletown .....	750
Wilmington Manor Fire Company, Wilmington Manor .....	750
Carlisle Fire Company, Milford .....	750
Camden-Wyoming Fire Company, Camden ....	750
Citizens' Hose Co., No. 1, Inc., Smyrna .....	750
Clayton Fire Company, Clayton .....	750
Dover Fire Department, Dover .....	750
Leipsic Volunteer Fire Company, Leipsic .....	750
Little Creek Fire Company, Little Creek .....	750
Harrington Volunteer Fire Company, Harrington .....	750
Magnolia Volunteer Fire Company, Magnolia....	750
Bethany Beach Fire Company, Bethany Beach .....	750
Bridgeville Volunteer Fire Company, Bridgeville .....	750
Delmar Fire Department, Inc., Delmar .....	750
Millville Volunteer Fire Company, Millville ....	750
Milton Volunteer Fire Department, Milton ....	750
Rehoboth Volunteer Fire Company, Rehoboth Beach .....	750
Seaford Volunteer Fire Department, Seaford..	750
Selbyville Volunteer Fire Company, Selbyville..	750
Lewes Fire Department, Lewes .....	750



Roxana Volunteer Fire Company, Roxana .....	750
TOTAL	<u>\$25,500</u>

Section 5. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year beginning July 1, 1965, the following sum to be used for the prevention and extinguishment of fires throughout the City of Wilmington and for the maintenance of the apparatus and equipment of the 12 fire companies organized and equipped in the City ..... \$21,000

GRAND TOTAL \$174,750

Section 6. The above said sums shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 7. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 137

## AN ACT TO APPROPRIATE MONEYS TO CERTAIN HOSPITALS IN THE STATE OF DELAWARE.

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. There is appropriated for the maintenance, equipment and operation of the Hospitals hereinafter mentioned, for the fiscal year ending June 30, 1966, the sums of money set after the names of such Hospitals respectively:

HOSPITAL	NO. OF BEDS	Amount
Beebe Hospital of Sussex, Inc. ....	128	\$ 70,400.00
(The) Delaware Hospital, Inc. ....	417	229,350.00
Kent General Hospital .....	130	71,500.00
Memorial Hospital (Homeopathic Hospital Association of Delaware) .....	360	198,000.00
Milford Memorial Hospital, Inc. ....	141	77,550.00
Nanticoke Memorial Hospital .....	75	41,250.00
Riverside Hospital .....	48	26,400.00
St. Francis Hospital Incorporated .....	200	110,000.00
Wilmington General Hospital Association..	340	187,000.00
Total	1839	\$1,011,450.00

Each of the appropriations shall be paid to the respective Hospitals in equal quarterly installments on the first day of July, October, January and April of the fiscal year beginning July 1, 1965.

Section 2. There is likewise appropriated for the maintenance, equipment, and operation of the Memorial Hospital-E. duPont Memorial Hospital at Wilmington for the above-mentioned fiscal year, the sum of \$550 per bed not in excess of 15 beds; and the same sum per bed for the Delaware Hospital, Inc., not in excess of 64 beds. The said appropriations to be paid to each of said Hospitals, upon the completion of such

additional capacity, in equal quarterly installments on the first day of July, October, January and April of the fiscal year beginning July 1, 1965; provided, however, that no portion of said appropriations shall be paid to any of said hospitals unless such additional bed capacity shall have been completed and in operation prior to December 31, 1965; and provided further that in each such case the first quarterly installment payable after the completion and operation of said bed capacity shall be in that proportion of the quarterly installment which the percent of the quarter remaining after the beginning of the operation of such capacity shall bear to the total of such quarter but no payment shall be made for beds completed after December 31, 1965.

Section 3. Prior to the payment by the State Treasurer of any quarterly installment of the appropriations hereinabove authorized, or any portion thereof, each of said Hospitals shall inform the State Treasurer in writing of the bed capacity of such Hospital and in case the report to the State Treasurer made by any Hospital shall show a reduction in bed capacity the appropriation and the quarterly payments herein authorized shall be reduced proportionately from the time of such reduction in capacity.

Section 4. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 138

**AN ACT APPROPRIATING MONEY TO THE DELAWARE  
SAFETY COUNCIL, INC.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. There is appropriated to the Delaware Safety Council, Inc., the sum of \$15,000 for the fiscal year beginning July 1, 1965, to be used for the operation of the Council.

Section 2. In addition to the reports required by § 6508, Title 29, Delaware Code, the Delaware Safety Council, Inc., shall file with the Director of the Budget, before September 1, 1966, a report of the expenditures of the money herein appropriated. The report shall be in such detail as may be required by the Director of the Budget.

Section 3. This Act is a supplementary appropriation act and the money appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 139

**AN ACT APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF VETERANS OF WORLD WAR I, WORLD WAR II AND KOREAN CONFLICT WHO DIED WHILE IN THE SERVICE OF THE ARMY, NAVY, MARINE CORPS, AIR FORCES OR COAST GUARD OF THE UNITED STATES OR WHO DIED FROM DISEASE, WOUNDS OR DISABILITIES RESULTING FROM SUCH SERVICE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$15,000 is appropriated for the use and benefit of the children, as hereinafter defined, of members of the personnel, male or female, who have served, or are now serving, or who may hereafter serve in any branch of the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States of America, and who were killed or who may hereafter be killed, while in such service, and/or who may have died or may hereafter die from disease, wounds or disabilities arising, and/or resulting from such services, either in World War I, World War II or Korean Conflict, for the fiscal year beginning July 1, 1965 and ending June 30, 1966.

Section 2. The word "Children" referred to in Section 1 of this Act is further defined as those children who are not under 16 years of age or over 21 years of age and who have been domiciled in the State of Delaware for 3 or more consecutive years prior to the application for assistance under this Act, and who are attending or may hereafter attend any educational or training institution in the State of Delaware; provided, however, that if the type of training or courses cannot be secured in any institution or agency within the State of Delaware, the Director of the State Board of Vocational Education may use these funds for such training in any institution outside of the bounds of the State, and provided, further, that any child having entered upon a course of training or education, under the provisions of his Act, consisting of a course of

not more than 4 years, and arriving at the age of 21 years before the completion of said course, may continue in said course and receive all the benefits of the provisions of this Act until said course is completed.

Section 3. The money appropriated by this Act shall be used for the purpose of providing and paying any tuition, matriculation fees, boards and room rent, books and supplies, and other incidental items in connection with the education and/or training of such children in a sum not to exceed \$500 for any one child for any one year.

Section 4. The amounts that may be due or become due to any such educational or training institution not in excess of the amount specified in Section 3 thereof, shall be payable to said institution as herein mentioned from the fund hereby created on vouchers approved by the Director of the State Board for Vocational Education. It shall be the duty of said Director to ascertain and pass on the eligibility of the children who may make application for the benefits provided in this Act; to satisfy himself of the attendance of such children at any such institution as is herein specified, and of the accuracy of the charge or charges submitted to said Director by the authorities of any such institution, on account of the attendance thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon vouchers signed by the State Auditor, but said expenses shall not exceed the sum of \$1000 in any one year, and further provided that said incidental expenses so appropriated shall be in addition to the moneys appropriated in Section 1 of this Act.

Section 5. This Act is a supplementary appropriation act and the money hereby appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 140

**AN ACT APPROPRIATING FUNDS TO THE AMERICAN LEGION AND AMERICAN LEGION AUXILIARY FOR EXPENSES TO BE INCURRED IN CONNECTION WITH THE HOLDING OF BOYS' STATE AND GIRLS' STATE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$750 is appropriated to the American Legion Department of Delaware for the bearing of expenses incident to the holding of the 1965 Boys' State to be paid during the fiscal year beginning July 1, 1965, and the further sum of \$750 is appropriated to the American Legion Auxiliary Department of Delaware for the bearing of expenses incident to the holding of the 1965 Girls' State to be paid during the fiscal year beginning July 1, 1965.

Section 2. The State Treasurer is authorized and empowered to pay to the Department Finance Officer of the American Legion Department of Delaware a sum not exceeding \$750 for the holding of the 1965 Boys' State upon receipt of drafts properly drawn and signed by said Department Finance Officer.

Section 3. The State Treasurer is authorized and empowered to pay to the Department Treasurer, American Legion Auxiliary Department of Delaware, a sum not exceeding \$750 for the holding of the 1965 Girls' State and a sum upon receipt of drafts properly drawn and signed by said Department Treasurer.

Section 4. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 141

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE DELAWARE STATE FAIR, INC., FOR PRIZES.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$20,000 is appropriated to the "Delaware State Fair, Inc.", a corporation of the State of Delaware. Said appropriation shall be used and expended only for prizes for meritorious achievements in agriculture, stock and poultry raising, and in works of manual training and the domestic arts awarded at the annual fair to be held in July of 1965. Such prizes shall be awarded by an Award Committee, which shall be appointed within ten days after this Act becomes effective, one member of which shall be named by the Governor from the personnel of the State Board of Agriculture, and the remaining members shall be named by the Delaware State Fair, Inc. Said corporation shall on or before the first day of December next, file with the State Auditor a sworn itemized statement showing the name of each person to whom a prize has been awarded, for what each prize was awarded and the amount of each prize, and showing also the grand total of said prizes, which statement shall be sworn to and signed before a Notary Public, by both the President and Treasurer of said corporation; when said statement shall have been audited by the State Auditor and found to be true and correct and according to law he shall direct the State Treasurer to pay to said corporation the total sum shown to be due for prizes by said itemized list; provided, however, said sum shall not exceed \$20,000 and should said sum be less than the amount appropriated by this Act, then the unused balance shall remain in and revert to the State Treasury and shall in no case be paid to said corporation.

Section 2. This Act is a supplementary appropriation for the fiscal year commencing July 1, 1965, and the moneys appropriated shall be paid by the State Treasurer out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.



## CHAPTER 142

**AN ACT TO AID HOMES FOR THE AGED BY APPROPRIATING MONEY TO PALMER HOME, INCORPORATED AND LAYTON HOME FOR AGED COLORED PERSONS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$5,000 is appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the care and maintenance of old age persons at the Old Folk's Home at Dover, for operation expenses for the fiscal year beginning July 1, 1965.

Section 2. The sum of \$5,000 is appropriated to the Layton Home for Aged Colored Persons for the care and maintenance of old age persons for operation expenses for the fiscal year beginning July 1, 1965.

Section 3. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 143

**AN ACT TO AID VETERANS' ORGANIZATIONS AND THEIR SERVICES TO VETERANS BY MAKING AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. The sum of \$6,000 is appropriated to the American Legion, Department of Delaware, for the fiscal year beginning July 1, 1965, and ending June 30, 1966. This sum shall be paid to the duly elected finance officer of said organization within three months after the beginning of the fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Budget Director.

Section 2. The sum of \$6,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for the fiscal year beginning July 1, 1965, and ending June 30, 1966. This sum shall be paid to the duly elected finance officer of said organization within three months after the beginning of the fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Budget Director.

Section 3. The funds appropriated by Section 1 and 2 shall be used to furnish services through a duly selected service officer to veterans of the Armed Forces of the United States. These services shall include the handling of claims as claims attorney and as a research specialist, any and all claims that any veteran or his dependents may have against the Federal Government of the United States as a result of service during a national emergency or in peace time. The services shall further include services by said service officer as contact agent for all veterans for employment and/or rehabilitation; assistance in procurement of State burial allowances; the procurement and assignment of attorneys to assist deserving veterans in civil court cases and to act as an intermediary to procure assistance financial or otherwise, from State or private welfare organizations.

Section 4. The American Legion and the Veterans of Foreign Wars, Department of Delaware, shall, each, through its service officer present at the beginning of each regular session of the General Assembly of the State of Delaware, a report to the Governor of the State and to the presiding officers of both branches of the General Assembly concerning the accomplishments during the preceding fiscal year, and also a detailed statement as to the expenditure of the appropriations hereby made.

Section 5. The sum of \$2,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operations expenses for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 6. The sum of \$2,000 is appropriated to the American Legion, Department of Delaware, for operation expenses for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 7. The sum of \$1,000 is appropriated to the Disabled American Veterans of Delaware for operation expenses for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 8. The sum of \$1,000 is appropriated to the Department of Delaware Jewish War Veterans of the United States for operational expenses for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 9. The sum of One Thousand Dollars (\$1,000) is appropriated to the Delaware Veterans of World War I for operational expenses for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 10. The sums appropriated by Sections 5, 6, 7, 8 and 9 shall be paid to the duly elected Finance Officer of the respective Veterans Organizations, upon warrants signed by the proper Finance Officer and approved by the Budget Director.

Section 11. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 144

**AN ACT TO AID CERTAIN ORGANIZATIONS WHICH MAINTAIN AN AMBULANCE IN THE PUBLIC SERVICE, BY APPROPRIATING MONEYS FOR MAINTENANCE OF THE AMBULANCES.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House thereof concurring therein):*

Section 1. There is appropriated to the following listed organizations, for the fiscal year beginning July 1, 1965, and ending June 30, 1966, the following sums to be used for the operation and maintenance of ambulances in the public service:

American Legion, Sussex Post #8 .....	\$750
American Legion, Post Number 14 in Smyrna, Delaware .....	\$750
Selbyville American Post No. 39, Inc. ....	\$750
Sussex Memorial Post No. 7422	
V.F.W. at Millsboro .....	\$750

Section 2. Said sums shall be paid by the State Treasurer to said organizations within three months after the beginning of the said fiscal year; and a certificate of the Secretary of the said organizations to the effect that said organization does operate and maintain an ambulance in the public service shall be sufficient authority for the payment of said sum of \$750 by the State Treasurer to said organization.

Section 3. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

## CHAPTER 145

**AN ACT TO AMEND CHAPTER 25, TITLE 14, DELAWARE CODE, RELATING TO "EDUCATION" BY REQUIRING FULL TIME PROGRAMS IN HIGH SCHOOLS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 25, Title 14, Delaware Code, is amended by adding thereto a new section to read:

**§ 2508. Establishment of full-time programs**

Every public high school acquired, or on which construction was initiated, after December 31, 1964, shall provide full-time educational programs and the pupils enrolled in such schools shall not be counted in the "units of pupils" of any other school district.

Approved June 16, 1965.

## CHAPTER 146

**AN ACT TO AMEND CHAPTER 27, TITLE 18, DELAWARE CODE, RELATING TO TAXES AND FEES FOR INSURANCE COMPANIES, AGENTS AND BROKERS BY GRANTING THE INSURANCE COMMISSIONER THE AUTHORITY TO MAKE REFUNDS.**

Section 1. Chapter 27, Title 18, Delaware Code, is amended by adding a new section to read:

**§ 2714. Refund of Overpayments**

(a) An insurance company, insurance agent or insurance broker, may apply to the Insurance Commissioner for refund of taxes and fees imposed by this chapter alleged to have been erroneously collected from the applicant at any time within 1 year from the date such taxes and fees were originally required to be paid or 30 days from the date of payment of any additional tax or fee.

(b) If the amount of taxes and fees found due shall be less than the amount paid, either as a result of examination of the return by the Insurance Department or by the allowance of a claim for overpayment filed by the payer, the excess shall be refunded by the State Treasurer out of General Fund of this State upon certification by the Insurance Commissioner and the approval thereof by the Budget Director.

Approved June 16, 1965.

## CHAPTER 147

**AN ACT TO AMEND CHAPTER 13, TITLE 14, OF THE DELAWARE CODE LAW, BY PERMITTING SCHOOL EMPLOYEES TO OBSERVE RELIGIOUS HOLIDAYS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1318, Chapter 13, Title 14, Delaware Code, is amended by adding thereto a subsection (e) as follows:

(e) In the case of persons observing recognized religious holidays, an employee may be absent without loss of pay on no more than three calendar days per year. The days so lost are to be counted in the sick leave of employees.

Approved June 16, 1965.



## CHAPTER 148

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF YORKLYN PARENT-TEACHER ASSOCIATION, INC., FROM ASSESSMENT AND TAXATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as the Yorklyn Parent-Teacher Association, Inc.

Approved June 16, 1965.

## CHAPTER 149

**AN ACT AMENDING TITLE 16, DELAWARE CODE, EMPOWERING THE STATE FIRE COMMISSION TO DETERMINE QUALIFICATIONS OF VOLUNTEER FIRE COMPANIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 16, Delaware Code, is amended by adding a new section to read as follows:

§ 6619. The State Fire Prevention Commission shall determine whether or not any new volunteer fire companies shall be authorized in any part of the State. In making such determination the Commission shall take into consideration the ability, financial and otherwise, of the company seeking authorization to maintain an effective fire company and the needs of the area involved, but in no event shall the Commission authorize the establishment of a new volunteer fire company within four miles of any company already existing and effectively operating.

Approved June 16, 1965.

CHAPTER 150

**AN ACT TO AMEND SECTION 5510, TITLE 15, DELAWARE  
CODE, RELATING TO ABSENTEE VOTING.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Section 5510, Title 15, Delaware Code, is amended by striking the words "prior to noon of election day" from the last sentence of this Section and inserting the words "before 12:00 o'clock noon of the day before election" in lieu thereof.

Approved June 16, 1965.

## CHAPTER 151

**AN ACT TO AMEND § 4505, TITLE 15, DELAWARE CODE,  
RELATING TO AWARD OF CONTRACT FOR PRINT-  
ING BALLOTS IN KENT COUNTY.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 4505, Title 15, Delaware Code, is amended  
by striking the present § 4505 and inserting in lieu thereof a  
new § 4505 to read as follows:

**§ 4505. Award of contract for printing ballots in Kent County**

The Department of Elections of Kent County shall cause  
to be printed all ballots for every General Election in the  
County.

The contract for such printing shall be awarded by the  
Department of Elections after duly advertised bids, to the  
lowest responsible bidder.

The ballots shall be printed in Kent County.

Approved June 16, 1965.

## CHAPTER 152

**AN ACT TO AMEND CHAPTER 13, TITLE 15, DELAWARE CODE, RELATING TO REGISTRATION RECORDS AND SUPPLIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1302, Title 15, Delaware Code, is repealed and a new § 1302 is inserted in lieu thereof to read as follows:

**§ 1302. Registration, records and supplies**

(a) There shall be an original and duplicate permanent registration record, and an Application for Registration or Transfer for each voter, which shall be one and the same form. The application for Registration or Transfer, and the original and duplicate permanent registration record shall contain a registration serial number, which shall be different for each voter, but the same for the two records of each voter. The two records shall be prepared in different and distinctive colors, and shall be uniform throughout the State.

The original permanent registration records of all voters shall consist of loose-leaf forms which shall be properly indexed alphabetically by election district and housed in visible type loose-leaf binders with locking devices. The binder or binders for each election district shall be known as the Election District Record. The Election District Record for each election district shall at all times, between elections, remain in the office of the Department.

The duplicate permanent registration records of all voters in each County shall be filed by name and properly indexed and housed in visible type files with protected edges in locked, fire-protected cabinets and shall be known as the County Master Record. The County Master Record shall at all times remain in the office of the Department, and shall not be removed for any reason whatsoever, except as provided by law.

The application for Registration or Transfer, and the original and duplicate permanent registration records shall be iden-

tical in substance, printing, and arrangement, except that the space for the applicant's signature or mark shall be preceded by the words "The foregoing statements are true" on the Application for Registration or Transfer, and by the words "Signature for Identification Only", on the original and duplicate registration record. On all applications and registration records, the space for the applicant's signature or mark shall be followed by space for the signature of two registration officers, each of a different party affiliation. In addition, space will be provided for recording the following data:

(1) The registration serial number, and the permanent registration significant number.

(2) The applicant's surname, given names and initials of other names.

(3) The date of application for registration or transfer.

(4) The place of his residence, including street and number and development, if any, and also including post office designation of the address at which the applicant claims to reside.

(5) The Election District, Representative District, Ward (if applicable), and County in which such residence address is located.

(6) The length of the applicant's residence (a) in this State; (b) in the County; and (c) in the election district, calculated to the time of the next election for which the registration will be effective.

(7) Whether the applicant previously voted at a general election in this State within the last four years, and, if so, the name under which and address at which he then resided.

(8) The State or county where the applicant was born, and, if naturalized, the date of naturalization and before what Court.

(9) Identification of the applicant, including birth date, sex, height, color of hair, and color of eyes.

(10) The voting record of each voter for a period of not less than 20 years.

(11) The party affiliation of the applicant, or if the applicant declines to state his party affiliation, for entering the word "decline".

(12) Transfers from one election district to another, and changes of address.

(13) Remarks.

(b) There shall be one or more visible, prong, loose-leaf binders, with locking devices for the purpose of housing each Election District Record. Each binder shall be conspicuously labeled to indicate the Election District, Representative District, Ward (if applicable), and County, and shall have adequate index leaves for reference purposes. The key for each binder shall be in the custody of the Department, and in no event shall any key be removed from the office of the Department.

(c) There shall be one or more carrying cases for each binder, a lock and key for each carrying case, and a sufficient supply of seals for each carrying case. Each carrying case shall be appropriately labeled to indicate the same contents as the binder which it houses.

(d) There shall be a Voters' Registration List for each Election District to be completed by registration officers as prescribed in this Title.

Approved June 16, 1965.

## CHAPTER 153

**AN ACT AUTHORIZING AND DIRECTING THE STATE BOARD OF CORRECTIONS ON BEHALF OF THE STATE OF DELAWARE TO TRANSFER CERTAIN LANDS AND BUILDINGS IN NEW CASTLE COUNTY TO THE LEVY COURT OF NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Board of Corrections is authorized and directed to execute and deliver in the name of and under the great seal of The State of Delaware, a deed conveying to The Levy Court of New Castle County, free of all liens and encumbrances, in consideration of the payment of \$1.00 by The Levy Court of New Castle County to the General Fund of The State of Delaware, all its right, title and interest in and to all those ten certain tracts or parcels of land with the buildings thereon erected, situated in Mill Creek Hundred, New Castle County, State of Delaware (said properties being known as the New Castle County Workhouse Farms and more particularly bounded and described in the office of the Recorder of Deeds & c., in and for New Castle County, in Deed Record C, Volume 57, Page 407). Being the same lands and premises which the Board of Trustees of the New Castle County Workhouse by deed bearing date the First Day of July, A. D. 1952, and recorded in the office of the Recorder of Deeds & c., in and for New Castle, in Deed Record C, Volume 57, Page 407, granted and conveyed to the State of Delaware for the use of the State Board of Corrections.

Section 2. The said lands and buildings to be conveyed shall be used by The Levy Court of New Castle County for park and recreational purposes.

Section 3. The said lands and buildings shall be conveyed on or before January 2, 1968.

Approved June 16, 1965.



## CHAPTER 154

**AN ACT APPROPRIATING MONEYS TO THE STATE SOIL CONSERVATION COMMISSION FOR THE CONSTRUCTION, IMPROVEMENT AND PROTECTION OF DITCHES IN THE SEVERAL COUNTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the State Soil Conservation Commission the sum of \$30,000 for fiscal year beginning July 1, 1965, and ending June 30, 1966, for the purpose of paying for or contributing to the costs of all works of improvement and easements or rights-of-way required for the planning, construction, improvement and protection of public group ditches and tax ditches as may be approved by the Commission, and highway ditches as may be jointly approved by the Commission and the State Highway Department in New Castle County.

Section 2. For the purpose of this Act, the Levy Court of New Castle County shall appropriate to the Soil Conservation Commission the further sum of \$20,000 for the fiscal year beginning July 1, 1965, and ending June 30, 1966, for the purpose of paying for or contributing to the costs of all works of improvement required for the planning, construction, improvement and protection of public group ditches and tax ditches as may be approved by the Commission, and highway ditches as may be jointly approved by the Commission and the State Highway Department in New Castle County.

Section 3. The moneys made available under Section 1 and 2 of this act may be used by the State Soil Conservation Commission to pay or help pay all costs, including personnel, required for the planning, construction and installation of tax ditches, public group ditches and highway ditches in New Castle County, which said tax ditches shall be organized under the provisions of Title 7, Chapter 41, Delaware Code, and which said public group ditches shall be ditches providing drainage for groups of landowners and for landowners and portions of

state highways and for which necessary permanent easements or rights-of-way for construction and maintenance operations shall have been acquired by the State of Delaware or by New Castle County, and which said highway ditches shall be ditches maintained by the public on State or County owned easements or rights-of-way adjacent to the roads of New Castle County. Said moneys shall be paid from time to time by the State Treasurer and the Levy Court of New Castle County to the State Soil Conservation Commission, or to the Soil Conservation District of New Castle County for these purposes, or directly to contractors and suppliers furnishing work, labor, services, and materials for such projects or to landowners for rights-of-way or easements, or shall be paid or otherwise made available to other State agencies for work, labor, services, and materials for certain portions of such projects, as shall be determined by the Commission, and upon certification by the Commission that such payments are proper and for the purposes authorized by this section of this Act.

Section 4. There is hereby appropriated to the State Soil Conservation Commission the sum of \$10,000 for the fiscal year beginning July 1, 1965, and ending June 30, 1966, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, leveling spoil, straightening, cleaning out and draining the tax ditches of Kent County, subject to the priorities imposed by Section 8 of this Act.

Section 5. For the purpose of this Act, the Levy Court of Kent County shall appropriate to the State Soil Conservation Commission the further sum of \$10,000 for the fiscal year beginning July 1, 1965, and ending June 30, 1966, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, leveling spoil, straightening, cleaning out and draining the tax ditches of Kent County, subject to the priorities imposed by Section 8 of this Act.

Section 6. There is hereby appropriated to the State Soil Conservation Commission the sum of \$22,500 for the fiscal year beginning July 1, 1965, and ending June 30, 1966, to be used for the purpose of contributing to the costs of clearing

banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, leveling spoil, straightening, cleaning out and draining the tax ditches of Sussex County, subject to the priority imposed by Section 8 of this Act.

Section 7. For the purpose of this Act, the Levy Court of Sussex County shall appropriate to the State Soil Conservation Commission the further sum of \$22,500 for the fiscal year beginning July 1, 1965, and ending June 30, 1966, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, leveling spoil, straightening, cleaning out and draining the tax ditches of Sussex County, subject to the priority imposed by Section 8 of this Act.

Section 8. The moneys made available under Sections 4, 5, 6 and 7 of this Act shall be used first, each fiscal year, as required for work on those tax ditches of Kent or Sussex County (as the case may be) located outside the limits of watershed areas which are now or may be established in the State pursuant to the provisions of the Act of the Congress of the United States known as the Watershed Protection and Flood Prevention Act (Public Law 566, 83rd Congress, 68 Stat. 666) as amended by the Act of August 7, 1956 (Public Law 1018, 84th Congress, 70 Stat. 1088) but any portion of said moneys which is not needed for work on such tax ditches may be used by the State Soil Conservation Commission for work on those tax ditches of Kent or Sussex County (as the case may be) located within the limits of any such watershed area or areas.

Section 9. For work on the tax ditches of Kent or Sussex County (as the case may be) located outside the limits of watershed areas established as aforesaid, the Board of Soil District Supervisors of the Soil Conservation District of Kent or Sussex County (as the case may be) shall make certification to the State Soil Conservation Commission that said Board of Soil District Supervisors has collected or received from farmers and others benefiting from such clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, leveling spoil, straightening,

cleaning out and draining said tax ditches, a specified sum of money to be used on said project. Then, upon approval and certification by the State Soil Conservation Commission to them, the State Treasurer and the Levy Court of Kent or Sussex County (as the case may be) shall each pay to the Board of Soil District Supervisors of the Soil Conservation Districts of Kent or Sussex County (as the case may be) the sum of \$0.50 for every \$1.00 or more, so certified as having been collected or received by said Board of Soil District Supervisors from farmers and others benefiting from such work or said tax ditches.

Section 10. The sum of money so paid from time to time to said Board of Soil District Supervisors of the Soil Conservation District of Kent or Sussex County (as the case may be) shall be used by said Board on such tax ditches for which contributions from farmers and others benefiting from such work have been collected and received as shall be determined by the said Board of Soil District Supervisors.

Section 11. Any balance of the moneys hereby appropriated, which is not needed for work on the tax ditches under Section 9 hereof, may be used by the State Soil Conservation Commission as the local share or as a contribution toward the local share to supplement federal funds made available to pay the costs of construction and installation to tax ditches of Kent or Sussex County (as the case may be) located within the limits of any watershed area or areas established under the aforesaid Act of Congress and as determined under said Act; and such moneys may also be used by the State Soil Conservation Commission to pay or help pay through the medium of contracts or agreements for work, labor, services or materials used for construction operations supplementing or protecting tax ditch installations within said watersheds. Said moneys shall be paid from time to time by the State Treasurer and the Levy Court of Kent or Sussex County (as the case may be) to the Soil Conservation District of Kent or Sussex County (as the case may be) for these purposes, or directly to contractors and suppliers furnishing work, labor, services and materials for such projects, or shall be paid or otherwise made available to other State agencies for work, labor, services and materials

for certain portions of such projects, as shall be determined by the Commission, and upon certification by the Commission that such payments are proper and for the purpose authorized by this section of this Act.

Section 12. This Act shall be known as a supplementary appropriation Act and the money hereby appropriated on the part of the State shall be paid out of the General Fund of the State of Delaware.

Section 13. Sums of money made available herein for use in a certain county shall not be diverted for use in another county.

Approved June 16, 1965.

## CHAPTER 155

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION  
TO SEAFORD SPECIAL SCHOOL DISTRICT TO REIM-  
BURSE IT FOR \$338, WHICH WAS CREDITED TO THE  
GENERAL FUND IN THE REPLACEMENT OF TYPE-  
WRITERS.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. There is hereby appropriated to the Seaford Special School District the sum of \$338 to reimburse it for funds received from the sale of used typewriters which funds were credited to the General Fund.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware.

Section 3. The monies hereby appropriated shall not revert to the General Fund, if unexpended, until June 30, 1966.

Approved June 16, 1965.

## CHAPTER 156

## AN ACT RELATING TO MOTOR VEHICLE FEES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2151 (2), Title 21, Delaware Code, is amended to read:

(2) For the registration of each motor vehicle commonly used for pleasure or for the chief purpose of carrying persons (except motor vehicles commonly known as passenger buses) and including station wagons and suburbans: \$20.

Section 2. § 2151 (3), Title 21, Delaware Code, is amended to read:

(3) For the registration of other motor vehicles, including those propelled by Diesel engines, \$20, if the gross load weight of the vehicle does not exceed 5,000 pounds, and in the event the gross load weight exceeds 5,000 pounds, \$2.30 for each 500 pounds or fraction thereof over and above 5,000 pounds. The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the application. The fee for registration of motor farm trucks owned and used exclusively by farmers who derive 70 per cent or more of their income from the operation of their farms shall be one-half of the foregoing rates calculated on the gross load weight as defined herein: Provided, however, that in no case shall the required fee for motor vehicles under this subsection be less than \$20.

Section 3. § 2155, Title 21, Delaware Code, is amended to read:

§ 2155. Fee for convertible vehicles and station wagons; gross load weight of buses

(a) All convertible vehicles shall be registered as combination vehicles and the registration fee shall be ascertained upon the basis of the gross load as provided by this chapter.

It shall be determined which is the greater, the gross load weight as a carrier of persons, or the gross load weight as a carrier of property, and the greater load weight so ascertained shall be the basis for ascertaining the required registration fees. All station wagons or suburbans shall be registered as combination vehicles, but the fee for their registration shall be the same as for vehicles used for pleasure as provided in Section 2151 of this Title.

Section 3. The provisions of this act shall become effective on the first day of the next month after it becomes law.

Approved June 16, 1965.



CHAPTER 157

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE INDUSTRIAL ACCIDENT BOARD FOR THE FISCAL YEAR ENDING JUNE 30, 1966, TO HIRE AN ADDITIONAL EMPLOYEE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$8,000 is hereby appropriated to the Industrial Accident Board to be used to employ assistance for the purpose of checking compliance with the requirements of § 2372, Title 19, Delaware Code of 1953, and to perform such other duties as may be assigned by the Board for the proper and efficient administration of the provisions of Part II of Title 19 of the Delaware Code of 1953.

Section 2. The person so selected by the Board shall receive a salary of not more than \$6,000 per year, and in addition thereto be paid mileage for the performance of every official duty at the rate of 8 cents per mile in accordance with § 2102, Title 19, Delaware Code.

Section 3. This Act is a supplementary appropriation and the moneys hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 16, 1965.

## CHAPTER 158

**AN ACT AMENDING TITLE 31, DELAWARE CODE, BY REPEALING CHAPTER 29 THEREOF, RELATING TO THE DELAWARE CITIZENS COUNCIL FOR THE AGING AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 29 PROVIDING FOR THE DELAWARE COMMISSION FOR THE AGING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 29, Title 31, Delaware Code, is repealed and a new Chapter 29 is inserted in lieu thereof to read as follows:

**CHAPTER 29. DELAWARE COMMISSION FOR THE AGING**

**§ 2901. Definitions**

As used in this chapter:

"Commission" means the Delaware Commission for the Aging.

"Executive Director" means the Executive Director of the Delaware Commission for the Aging.

**§ 2902. Functions of the Delaware Commission for the Aging**

There shall be one State agency known as the Delaware Commission for the Aging whose function shall be to foster the formation of local community councils for aging and provide for cooperation with such community councils for aging as may be formed. The Commission shall provide for the issuance of reports and wide spread public dissemination of the activities. The Commissioner shall, where appropriate and not otherwise provided by law, receive and disburse on behalf of the State all moneys available to the State for programs and projects to benefit the aged including but not limited, to Federal funds.

**§ 2903. Commission: appointment; qualifications; terms and vacancies**

(a) The Commission shall consist of fifteen members appointed by the Governor.

(b) The members shall be citizens of the State who have demonstrated their interest in facilities and services for the aging. The Commission shall be broadly representative of the entire State, with special regard for lay participation, and including, insofar as possible, representatives of the following areas of interest in the major fields of service: education, guidance, business and labor, religion, family living, recreation and group work, physical health, mental health, social welfare, protection and correction.

(c) The members shall serve three-year terms except that of the members originally appointed, five shall serve terms of one year and five shall serve terms of two years.

(d) Any vacancy occurring in the Commission by reason of death, resignation or otherwise, shall be filled by the Governor for the unexpired term.

**§ 2904. Executive Director; appointment; duties; assistants and employees**

The Executive Director shall be a person qualified for the position by virtue of his education, training and extensive professional experience with the aged. The appointment of the Director and his salary and duties shall be determined by the Commission. The Commission may appoint such professional and technical and clerical assistants and employees as may be necessary to enable the Commission to perform the duties imposed upon it by this chapter.

In addition to the duties set forth in this chapter, the Executive Director shall perform such other duties as shall be assigned to him by the Commission.

**§ 2905. Compensation of members of Commission; reimbursement of expenses**

The members of the Commission shall serve without compensation, but they shall be entitled to be reimbursed for the

necessary expenses, including travel incurred in the performance of their duties as members of the Commission.

**§ 2906. Powers and duties of the Commission**

The Commission shall:

(1) Maintain a continuous study, analysis and interpretation of all information, data, programs and developments pertaining to the aging processes and the needs of the older residents of Delaware;

(2) Maintain a continuous inventory of resources in any way available which can be drawn upon to carry out the program of the Commission in the performance of its functions and duties;

(3) Serve as the central permanent agency for the coordination of programs and services for the older residents in the State, particularly in respect to those to which multiple governmental agencies or private organizations may contribute;

(4) Provide leadership and administrative direction to such efforts from one central source so that those who need help or who may provide help on any of the aspects of aging shall have a central point of contact;

(5) Serve as a communications clearing house for information in the large and complex fields of human relationships in respect to aging;

(6) Shall have full and broad authority to provide adequate attention to the growing number of the aging residents in Delaware and to give every possible attention to and study of ways of meeting the needs and to utilizing the resources of the aging population and shall cooperate with other state and Federal agencies;

(7) Receive and disburse all funds available to the State from any source, including but not limited to the United States Government, to be used for the benefit of the aging, unless the receipt and disbursal of such funds is otherwise provided by law.

**§ 2907. Oath; quorum; chairman**

(a) Before entering upon the duties of the office, each member shall take and subscribe an oath or affirmation, as prescribed in Article XIV of the Constitution of this State.

(b) Five members shall constitute a quorum.

(c) The Commission shall elect a Chairman from among its membership.

**§ 2908. Payment of accounts**

All of the accounts of the Commission shall be paid by warrant drawn upon the State Treasurer and after approval by the Commission, signed by the Executive Director and countersigned by the chairman or acting chairman.

**§ 2909. Annual report to the Governor and to the General Assembly**

The Commission shall make an annual report to the Governor and to the General Assembly of its activities and operations and shall include its receipts and expenditures and such recommendations as it may deem appropriate in detail as to fully inform the Governor and the General Assembly or such other legally authorized agency of this State.

**§ 2910. Misnomer of Commission in donation**

Any misnomer of the Commission shall not defeat or annul any gift, grant, devise or request to the Commission if it sufficiently appears by the will, conveyance or other writing, that the party making the same intended to pass and convey thereby to the Commission the estate or interest therein expressed or described.

Approved June 16, 1965.

## CHAPTER 159

**AN ACT TO AID CRANSTON HEIGHTS FIRE COMPANY  
WHICH IS ORGANIZED TO EXTINGUISH FIRES AND  
MAINTAIN AMBULANCES, BY MAKING AN APPROPRIATION FOR IT.**

WHEREAS, House Bill No. 63 inadvertently excluded an appropriation to Cranston Heights Fire Company for the maintenance and operation of ambulances in the public service;

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):*

Section 1. There is appropriated to the following listed fire company, for the fiscal year beginning July 1, 1965, the following sum to be used for the maintenance and operation of ambulances in the public service:

Cranston Heights Fire Company,	
Cranston Heights .....	\$750

Section 2. The above said sum shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 3. This Act is a supplementary appropriation act and the money appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1965.

CHAPTER 160

**AN ACT AMENDING CHAPTER 11, TITLE 28, DELAWARE CODE, RELATING TO BINGO.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1133, Chapter 11, Title 28, Delaware Code, is amended by striking therefrom "\$10" and inserting in lieu thereof "\$15".

Approved June 16, 1965.

## CHAPTER 161

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$122,707,827.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1966", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$499,761.00 FOR THE PROPOSED AMENDMENTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Supplies and Materials" under the heading "Legislative Reference Bureau" from \$500.00 to \$1,000.00 and changing the totals accordingly.

Section 2. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salaries of Extra Employees" under the heading "New Castle County Department of Elections" from \$5,000.00 to \$20,000.00 and by changing the amount opposite the words "Personal Services" under the heading "New Castle County Department of Elections" from \$6,000.00 to \$11,000.00 and by changing the totals accordingly.

Section 3. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by adding a new line under the heading "Secretary of State" to read "Contingency Fund for Wages and Salaries of Corporation Franchise Tax Department \$11,000.00" and changing the totals accordingly.

Section 4. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Wages and Salaries of Employees" under the heading "Budget Director" from \$137,200.00 to \$140,200.00 and by changing the amount opposite "Personal Services" under the heading "Budget Director" from \$15,000.00 to \$12,000.00 and changing the totals accordingly.



Section 5. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Wages and Salaries of Employees" under the heading "Chief Justice-Supervision of Justice of Peace" from \$3,900.00 to \$4,200.00 and changing the totals accordingly.

Section 6. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Personal Services" under the heading "State Board of Pharmacy" from \$2,500.00 to \$3,800.00 and changing the totals accordingly.

Section 7. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Bank Commissioner" under the heading "State Bank Commissioner" from \$12,500.00 to \$12,800.00 and by changing the amount opposite the words "Common Carrier, Meals and Lodging" under the heading "State Bank Commissioner" from \$1,000.00 to \$2,500.00 and changing the totals accordingly.

Section 8. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Director" under the heading "State Fire Prevention Commission-Delaware State Fire School" from \$6,000.00 to \$7,500.00 and changing the totals accordingly.

Section 9. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Legal Fees" under the heading "Industrial Accident Board" from \$4,500.00 to \$5,000.00 and by changing the amount opposite the words "Contractual Services" under the heading "Industrial Accident Board" from \$4,500.00 to \$5,000.00 and by changing the amount opposite the words "Capital Outlay" under the heading "Industrial Accident Board" from \$300.00 to \$500.00 and changing the totals accordingly.

Section 10. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Archivist" under the heading "Public Archives Commission" from \$10,000.00 to \$10,300.00 and changing the totals accordingly.

Section 11. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking the amount opposite the "Salary of Director" under the heading "Water Pollution Commission" from (Total \$13,300.00-State \$8,300.00-Other \$5,000.00) \$8,300.00 to (Total \$14,000.00-State \$8,300.00-Other \$5,700.00) \$8,300.00 and changing the totals accordingly.

Section 12. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Personnel Director (State and all other sources)" under the heading "Department of Mental Health-Administration" from \$7,200.00 to \$10,000.00 and by changing the amount opposite the words "Salary of Administrative Assistant (State and all other sources)" under the heading "Department of Mental Health-Administration" from \$8,000.00 to \$9,460.00 and by changing the totals accordingly.

Section 13. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salaries of Parole Officers (15)" under the heading "Rehabilitation-Department of Corrections" from \$100,000.00 to \$50,000.00 and by adding a new line under the heading "Rehabilitation-Department of Corrections" to read "Wages and Salaries of New Employees \$50,000.00" and changing the totals accordingly.

Section 14. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Director (State and all other sources)" under the heading "Department of Mental Health-Daytime Care Centers" from \$12,000.00 to \$13,000.00 and by changing the totals accordingly.

Section 15. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Wages and Salaries of Employees" under the heading "Board of Parole" from \$9,900.00 to \$4,200.00 and by changing the totals accordingly.

Section 16. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Wages and Salaries of Employees" under the heading "Dela-

ware Game and Fish Commission" from \$52,000.00 to \$56,000.00 and changing the totals accordingly.

Section 17. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the second set of such mentioned words as "Salary of Assistant Chief Engineer" under the heading "State Highway Department-Engineering Division" from (Total \$15,000.00- State \$15,000.00- Other none) \$15,000.00 to (Total \$14,000.00- State \$14,000.00- Other none) \$14,000.00 and changing the totals accordingly.

Section 18. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Commissioner" under the heading "State Highway Department-Motor Vehicle Division" from \$11,000.00 to \$11,300.00 and changing the totals accordingly.

Section 19. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Director" under the heading "State Highway Department-Safety Responsibility Division" from \$6,600.00 to \$6,800.00 and changing the totals accordingly.

Section 20. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by adding five (5) new items under the heading "Contingency Fund (Administered by State Budget Commission)" to read as follows:

Public Service Commission (Independent	
Legal Fees) .....	10,000.00
Department of Mental Health .....	250,000.00
Study of State of Delaware Criminal Laws .....	15,000.00
Study of the State of Delaware Public	
School System .....	25,000.00

All Federal Funds Received from the Federal  
Elementary and Secondary Education  
Act of 1965 not already appropriated  
in other sections of this Act  
and changing the totals accordingly.

Section 21. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "High School Extension Programs" as they appear in item 21 in subsection "D-Supervisors, a.-with program" under the heading "State Board of Education" from \$8,800.00 to \$10,960.00 and changing the totals accordingly.

Section 22. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the words and amounts as they appear in item number 2 in subsection "D.-Supervisors b.- without programs" under the heading "State Board of Education" from Reading Elementary (11 months) (Total \$10,046.00- State \$5,023.00- Other \$5,023.00) \$5,023.00 to read 2. Rural Elementary (11 Months) \$10,046.00 and by changing item number 3 in subsection "D. Supervisors b.- without programs" under the heading "State Board of Education" from Reading Elementary (11 Months) (Total \$10,046.00- State \$5,023.00- Other \$5,023.00) \$5,023.00 to read 3. Rural Elementary (11 Months) \$10,046.00 and by changing the words and amounts as they appear in item number 1 in subsection "H.- Teachers" under the heading "State Board of Education" from 1. Music Rural Schools \$7,500.00 to read 1. Personnel Records (12 months \$8,880.00) and by changing the totals accordingly.

Section 23. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking all that appears under subsection "O.- Others" under the heading "State Board of Education" and inserting in lieu thereof the following:

- |   |            |
|---|------------|
| 1. E.D.P. Programer (Total \$6,720.00- State \$1,845.00 Other \$4,875.00) to be paid in accordance with Section 1305 (a) and (b) Title 14, Delaware Code)                 | 1,845.00   |
| 2. Maintenance (to be discontinued after Fiscal 1966)   | 5,550.00   |
| 3. Education of the Foreign Born .....  | 8,280.00   |
| 4. Bus Driver and Attendants .....  | 110,000.00 |
| 5. Coordinator of Data Processing (Total \$10,600.00- State \$3,500.00- Other \$7,100.00 (to be paid in accordance with Section 1305 (a) and (b) Title 14, Delaware Code) | 3,500.00   |
| 6. Coordinator- State and Federal Funds   | 3,500.00   |

- (Total \$10,600.00- State \$3,500.00- Other \$7,100.00) (to be paid in accordance with Section 1305 (a) and (b) and Section 1321 as an Assistant Supervisor, Title 14, Delaware Code)
7. Audio Visual (Total \$5,760.00- State .....  
None Other \$5,760.00) (to be paid in accordance with Section 1305 (a) and (b), Title 14, Delaware Code)
  8. Administrative Assistant to Superintendent .....  
(Total \$13,340.00- State None- Other \$13,340.00) (to be paid in accordance with Section 1305 (a) and (b) and Section 1321 as a Director of Title 14, Delaware Code)
  9. Director of Secondary Education (Total .....  
\$13,340.00- State none- Other \$13,340.00  
(to be paid in accordance with Section 1305 (a) and (b) and Section 1321 as a Director of Title 14, Delaware Code)
  10. Supervisor of Planning- Federal Pro- .....  
grams (Total \$11,360.00- State none- Other \$11,360.00) (to be paid in accordance with Section 1305 (a) and (b) and Section 1321 as a Supervisor of Title 14, Delaware Code)
  11. Supervisor of Finance (Total \$10,600.00 .....  
State none- Other \$10,600.00) (to be paid in accordance with Section 1305 (a) and (b) and Section 1321 as an Assistant Supervisor of Title 14, Delaware Code)
  12. Assistant Supervisor Elementary Edu- .....  
cation (11 months) (Total \$10,046.00- State none Other \$10,046.00) (to be paid in accordance with Section 1305 (a) and (b) and Section 1321 as an Assistant Supervisor of Title 14, Delaware Code)
  13. Assistant Supervisor Elementary Edu- .....  
cation (11 months) (Total \$10,046.00- State none Other \$10,046.00) (to be paid in accordance with Section 1305 (a) and

- (b) and Section 1321 as an Assistant Supervisor of Title 14, Delaware Code
14. Supervisors of Guidance (Total \$10,- .....  
 880.00 State non- Other \$10,880.00) (to  
 be paid in accordance with Section 1305  
 (a) and (b) and Section 1321 as a Sup-  
 ervisor of Title 14, Delaware Code)  
 (Not withstanding the provisions of Sec-  
 tion 13 of Chapter 81, Volume 55, Laws  
 of Delaware, in no case shall any State  
 Funds be used to pay any part of any  
 salary for items 8, 9, 10, 11, 12, 13, and  
 14 of this subsection "O-Others" under  
 the heading "State Board of Education")  
 and changing the totals accordingly.

Section 24. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing subsection "D.- Supervisors a.- with programs (6)" under the heading "State Board of Vocational Education" to subsection "D.- Supervisors a.- with programs (7)" and adding at the end of said subsection the following:

- "7. Planning and Vocational- Technical 5,920.00  
 Research (Total \$11,840.00- State \$5,-  
 920.00- Other \$5,920.00)"

and by striking all of subsection "D.- Supervisors b.- without programs (1)" under the heading "State Board of Vocational Education" and by changing the totals accordingly.

Section 25. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking all that appears under the subsection "O.- Others" under the heading "State Board of Vocational Education" and inserting in lieu thereof the following: (all employed in this subsection "O.- Others" shall be paid in accordance with Section 1305 (a) and (b) and Section 1321 as an Assistant Supervisor of Title 14, Delaware Code)

1. Manpower Development (Total \$11,- .....  
 000.00- State none- Other \$11,000.00)
2. Assistant Supervisors Office Occupations .....  
 (Total \$10,960.00- State none- Other \$10,  
 960.00)

3. Assistant Supervisor Work-Study and Diversified Programs (Total \$10,960.00- State none- Other \$10,960.00) .....
4. Assistant Supervisor of Civil Defense Adult Ed. (Total \$10,960.00- State none- Other \$10,960.00) .....
5. Assistant Supervisor Occupational Information (Total \$10,960.00- State none- Other \$10,960.00) .....  
 (Not withstanding the provisions of Section 13 of Chapter 81, Volume 55, Laws of Delaware in no case shall any State Funds be used to pay any part of any salary of this subsection "O- Others" under the heading "State Board of Vocational Education")

and changing the totals accordingly.

Section 26. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking out the period at the end of the first sentence of Section 10, and by inserting in lieu thereof the following:

"or whose titles are specified by line item in this Act; in the event a person is employed by the State Board of Education or the State Board of Vocational Education to fill a line item position for which the entire salary is paid from federal monies, such person shall not be covered by the provisions of Chapter 14, Title 14, or Chapter 55, Title 29, of the Delaware Code."

Section 27. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking the last sixteen (16) words of Section 12 which reads as follows: "nor shall any funds be transferred into wages and salaries from any emergency or contingency fund".

Section 28. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by adding a new subsection (d) at the end of Section 14 to read as follows:

"(d) Any agency that adopted a comprehensive employee salary classification schedule for all or part of the employees of the agency prior to July 1, 1964".

Section 29. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking the words and figures "Title 30" as the same appear in Section 15 and by inserting in lieu thereof the words and figures "Title 31".

Section 30. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking in Section I., the words "Common Carrier, Meals and Lodging" each and every place they appear and inserting in lieu thereof the words "Common Carrier, Meals, Lodging and Mileage outside of State and other expenses incidental to automobile travel".

Approved June 16, 1965.



## CHAPTER 162

**AN ACT TO AMEND SECTION 5501, SUBCHAPTER I, CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO DEFINITIONS OF COVERED EMPLOYEES OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5501, Subchapter I, Chapter 55, Title 29, Delaware Code, is amended by adding the words, "school psychologists and school nurses" after the word "cafeterias," as it appears in the second sentence of the third paragraph of said section.

Section 2. Section 5501, Title 29, Delaware Code, is amended by striking the last sentence of the third paragraph and inserting a new sentence in lieu thereof to read as follows:

An employee shall not be considered in covered employment while covered or potentially covered by this chapter as a member of the State Police.

Section 3. Section 5501, Title 29, Delaware Code, is amended by adding the words:

Teachers of the deaf in the Delaware School for Deaf Children, Inc., during the years 1934 to 1945 inclusive; after the word "below" as it appears in the last line of the first sentence of the fifth paragraph of the said section.

Section 4. Section 5501, Title 29, Delaware Code, is amended by striking the period after the word "Bridge" as it appears in next to the last sentence of the fifth paragraph and by inserting in lieu thereof the words:

for the years January 1, 1946 to March 1, 1963 inclusive;

Sections 5. Section 5501, Title 29, Delaware Code, is amended by adding the words:

Employees of the State Highway Department engaged in the construction, operation or maintenance of the Delaware Turnpike, including any portion of the Delaware Turnpike formerly known by that name and now designated as the John F. Kennedy Memorial Highway at the end of the fifth paragraph.

Approved June 17, 1965.

## CHAPTER 163

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, ENTITLED LIMITATIONS UPON TAXING POWER BY ADDING THERETO A NEW SUBCHAPTER CONCERNING EXEMPTIONS FROM TAXATION ON REAL PROPERTY OF CITIZENS AND RESIDENTS OF THIS STATE OF THE AGE OF 65 OR MORE YEARS HAVING AN INCOME NOT IN EXCESS OF \$3,000 PER YEAR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Title 9, Delaware Code, is amended by adding thereto a new Subchapter II to read as follows:

**SUBCHAPTER II. Citizens over 65 years of age**

**§ 8131. Definitions**

As used in this Title,

"Income" means all income from whatever source derived including but not limited to, realized capital gains and, in their entirety, pension, annuity, retirement and social security benefits. For any tax year for which an exemption is claimed, "income" shall be determined to be equal in amount to the income received during the calendar year or the taxpayer's fiscal year ended immediately preceding October 1, of the pre-tax year, but no taxpayer shall use a fiscal year basis unless he so elects to do and files his Federal income tax return on such basis.

"Pretax year" means the calendar year immediately preceding the "tax year".

"Resident" means one legally domiciled within the State of Delaware for a period of 3 years immediately preceding October, of the pretax year. Mere seasonal or temporary residence within the State, of whatever duration, shall not constitute domicile within the State for the purposes of this Act. Absence from this State for a period of 12 months shall be

prima facie evidence of abandonment of domicile in this State. The burden of establishing legal domicile within the State shall be upon the claimant.

"Tax year" means the calendar year in which the general property is due and payable.

"Family" means husband and wife; a man and woman cohabiting as husband and wife in a home in which there are also children in esse or en ventresamere, of either or both; parent and child; guardian and ward and also any group or persons residing together in one home under one head who are related by blood or marriage.

#### § 8132. Qualifications and Amount of Exemption

Every person, a citizen and resident of this State of the age of 65 or more years, having an income not in excess of \$3,000 per year and residing in a dwelling house owned by him which is a constituent part of his real property, shall be entitled, on proper claim being made therefor, to exemption from taxation on such real property to an assessed valuation not exceeding \$5,000 in the aggregate, except (1) that no such exemption shall be in addition to any other exemption to which said person may be entitled, and (2) that no such exemption shall be permitted where any member of said person's family lives in said dwelling house and has an income in excess of \$3,000.

#### § 8133. Application

No exemption from taxation on the valuation of real property as provided herein, shall be allowed except upon written application therefor, which application shall be on a form prescribed by the Receiver of Taxes and County Treasurer, and provided for the use of claimants hereunder by the governing body of the taxing district in which such claim is to be filed. Each assessor may at any time inquire into the right of a claimant to the continuance of an exemption hereunder and for that purpose he may require the filing of a new application or the submission of such proof as he shall deem neces-

sary to determine the right of the claimant to continuance of such exemption. Nothing in this Chapter shall be construed to apply to property taxes levied within and by a municipality.

#### **§ 8134. Time for filing**

An application for exemption hereunder shall be filed with the assessor of the taxing district on or before November 1, of the pretax year. If an application is approved by the assessor, he shall allow an exemption from taxation against the assessed valuation of the real property assessed to the claimant in the amount of the claim approved by him.

#### **§ 8135. Contents of Application**

Every fact essential to support a claim for exemption hereunder shall exist on October 1, of the pretax year. Every application by a claimant therefor shall establish that he was, on October 1, of the pretax year, (a) a citizen and resident of this State for the period required, (b) of the age of 65 or more years, (c) the owner of a dwelling house which is a constituent part of the real property for which the exemption is claimed, (d) residing in said dwelling house. Such application shall also establish that his income for the yearly period as provided by this act did not exceed \$3,000, and that no member of said person's family lives in said dwelling house and has an income in excess of \$3,000.

#### **§ 8136. Continuance of exemption**

A claim having been filed with and allowed by the assessor shall continue in force from year to year thereafter without the necessity for further claim so long as the claimant shall be entitled to exemption hereunder, but the claimant shall be required yearly to establish his income and the assessor may at any time require the filing of a new application or such proof as he shall deem necessary to establish the right of the claimant to continuance of the exemption. It shall be the duty of every claimant to inform the assessor of any change in his status or property which may affect his right to continuance of the exemption.

**§ 8137. Tenants in common or joint tenants**

(a) Where title to property on which an exemption is claimed is held by claimant and another or others, either as tenants in common or as joint tenants, claimant shall not be allowed an exemption against his interest in said property in excess of the assessed valuation of his proportionate share in said property, which proportionate share, for the purposes of this act, shall be deemed to be equal to that of each of the other tenants, unless it is shown that the interests in question are not equal, in which event claimant's proportionate share shall be as shown.

(b) Nothing herein shall preclude more than 1 tenant, whether title be held in common or joint tenancy, from claiming exemption against the property so held, but no more than the equivalent of 1 full exemption in regard to such property shall be allowed in any year, and in any case in which the claimants cannot agree as to the apportionment thereof, the exemption shall be apportioned between or among them in proportion to their interest. Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but not more than 1 exemption in regard to such property shall be allowed in any year.

(c) Right to claim exemption hereunder shall extend to property the title to which is held by a partnership to the extent of the claimant's interest as a partner therein, and by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim exemption hereunder, but not to property the title to which is held by a corporation.

**§ 8138. Rules and Regulations**

The Receiver of Taxes and County Treasurer may promulgate such rules and regulations and prescribe such forms as he shall deem necessary to implement this act. He may, in his discretion, eliminate the necessity for sworn application, in which event all declarations by the claimant shall be considered as if made under oath and the claimants, as to false declarations, shall be subject to the penalties as provided by law for perjury.

**§ 8139. Oaths**

Each assessor and collector and his duly designated assistants are hereby authorized to take and administer the oath, where required, on any claim for exemption hereunder and no charge shall be made for the taking of any affidavit or the preparation of any form required by this act.

**§ 8140. Appeals**

An aggrieved taxpayer may appeal from the disposition of an exemption claim under this act in the same manner as is provided for appeals from assessments generally.

Section 2. The first tax year upon which this act shall apply shall be the calendar year 1966.

Approved June 17, 1965.

## CHAPTER 164

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, RELATING TO THE CRIME OF SHOPLIFTING, DEFINING THE SAME AND PROVIDING PENALTIES THEREFOR, CREATING CERTAIN PRESUMPTIONS ARISING FROM CONCEALMENT OF UNPURCHASED GOODS AND ESTABLISHING CERTAIN PROTECTIVE RIGHTS FOR MERCHANTS WITH RESPECT THERETO.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding thereto four new Sections to be known as Section 644, Section 645, Section 646, and Section 647, to read as follows:

**§ 644. Shoplifting; prosecution; penalties**

(a) Whoever, in a mercantile establishment in which goods, wares or merchandise are displayed for sale, removes any such goods, wares or merchandise from the immediate place of display, or from any other place within the establishment, with intent to appropriate the same to the use of the person so taking, or to deprive the owner of the use, the value or the possession thereof without paying to the owner the value thereof; or conceals any such goods, wares or merchandise with a like intent; or alters, removes, or otherwise disfigures any label, price tag or marking upon any such goods, wares or merchandise with a like intent; or transfers any goods, wares or merchandise from a container in which the same shall be displayed or packaged to any other container with a like intent, is guilty of shoplifting.

(b) When the goods, wares or merchandise shoplifted, as above defined, are of the value of \$100. or more, prosecution and penalty shall be as for grand larceny under § 631. When the goods, wares or merchandise shoplifted are of the value of less than \$100., prosecution and penalty shall be as



for petty larceny under § 632. Valuation of property shoplifted shall be governed by § 633.

**§ 645. Concealment of unpurchased merchandise; presumption**

Any person wilfully concealing unpurchased merchandise of any store or other mercantile establishment, outside the premises of such store or other mercantile establishment, shall be prima facie presumed to have so concealed such merchandise with the intention of converting the same to his own use without paying the purchase price thereof within the meaning of § 644 (a); and the finding of such merchandise concealed upon the person or among the belongings of such person, outside of such store or other mercantile establishment, shall be prima facie evidence of wilful concealment; and if such person conceals, or causes to be concealed, such merchandise upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of wilful concealment on the part of the person so concealing such merchandise.

**§ 646. Taking suspect into custody; detention; arrest without warrant**

A merchant or store supervisor over twenty-five years of age, who has probable cause for believing that a person has wilfully concealed unpurchased merchandise or has committed shoplifting, as defined in § 644 (a) hereof, may, for the purpose of summoning a law enforcement officer, take the person into custody and detain him in a reasonable manner on the premises for a reasonable time.

**§ 647. Liability for detention or arrest**

A merchant or store supervisor over twenty-five years of age, who detains or causes the arrest of any person under the provisions of this Act shall not be held civilly liable for assault, trespass, unlawful detention, defamation of character, malicious prosecution, invasion of civil rights, false imprisonment or false arrest of the person so detained or arrested, provided that in detaining or in causing the arrest of such person, the

merchant or store supervisor, had at the time of such detention or arrest probable cause to believe that the person committed the crime of shoplifting as defined in § 644 (a).

Approved June 17, 1965.

## CHAPTER 165

**AN ACT TO AMEND CHAPTER 25, TITLE 14, DELAWARE CODE, RELATING TO HIGH SCHOOLS.**

WHEREAS, Agriculture is a major industry in Sussex County and vital to its economy; and

WHEREAS, The entire agricultural complex employs thousands of people in Sussex County of whom a substantial number need education of a specialized nature; and

WHEREAS, A large number of schools either do not offer an agricultural program at all or one that does not meet today's requirements; and

WHEREAS, A large number of school administrators have requested that a broad agricultural curriculum be given at the Sussex County Vocational-Technical Center; and

WHEREAS, The Board of School Trustees of the Sussex County Vocational-Technical Center has indicated a desire to add a broad agriculture program to their present curriculum; and

WHEREAS, The Sussex Voc-Tech Center is ideally situated next to the University of Delaware Substation which could be of tremendous help in augmenting a well rounded program;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 25, Title 14, Delaware Code, is amended by adding thereto a new section to read as follows:

**§ 2508. Specific curricula for Sussex County Vocational-Technical Center**

The State Board of Education shall provide and supervise a broad program of agricultural courses at the Sussex County Vocational-Technical Center.

Section 2. The program provided for in Section 1 of this Act shall be established not later than September, 1966.

Approved June 17, 1965.

## CHAPTER 166

**AN ACT RELATING TO CAPITAL IMPROVEMENTS FOR  
THE STATE BY AUTHORIZING CERTAIN CAPITAL  
IMPROVEMENTS AND APPROPRIATING THE MONEYS  
THEREFOR TO CERTAIN AGENCIES OF THE STATE.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$148,000 is appropriated to the following agencies or commissions of the State for the following uses:

- (a) Department of Civil Defense, for installation of radiation shielding at the Disaster Control Center ..... \$ 4,000
- (b) State Forestry Department, for construction or improvement of the following facilities:
  - (i) Forest land acquisition ..... \$10,000
  - (ii) Forest land improvement ..... \$25,000

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 subtotal ..... \$ 35,000
- (c) Emily P. Bissell Hospital, for construction or improvement of the following facilities:
  - (i) Roof replacement on Tallman Building ..... \$ 5,000
  - (ii) Laboratory and pharmacy expansion ..... \$19,000

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 subtotal ..... \$ 24,000
- (d) Lewes Memorial Commission, for rehabilitation of Zwaanendael Museum basement.... \$ 17,000
- (e) Public Archives Commission, for construction or improvement of the following facilities:
  - (i) Reconstruction of Sign of Buck Tavern ..... \$15,000
  - (ii) Rehabilitation of Allee House.... \$12,000

(iii) Rehabilitation of Record Center at Cape Henlopen State Park .....	\$10,000
(iv) Fort Christina Monument parking area acquisition .....	\$ 8,000
subtotal .....	\$ 45,000
(f) Delaware State Police for construction of facilities below:	
(i) Planning funds for State Police Training Academy .....	\$20,000
(ii) Kent County Outdoor Pistol Range .....	\$ 3,000
subtotal .....	\$ 23,000
GRAND TOTAL .....	\$148,000

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Section 3. Any moneys authorized by this Act but unexpended at the end of any fiscal year shall not revert to the General Fund but shall remain available for the purposes set forth by this Act until the project herein authorized is completed or until June 30, 1971, which ever shall first occur.

Approved June 17, 1965.

## CHAPTER 167

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO VARIOUS AGENCIES OF THE STATE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):*

Section 1. There is appropriated to the agencies of this State set forth in Section 7 hereof the sum of Thirty Four Million, Nine Hundred Forty-eight Thousand Dollars (\$34,948,000), or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the purposes set forth in Sections 7, 8 and 11 of this Act.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in Sections 7, 8 and 11 of this Act and are to include but not to be limited to design, planning, land acquisition, acquisition of utility and service areas, construction, repairing, remodeling, equipping, landscaping and inspection costs but are not to be used for ordinary or normal maintenance expense of highways, bridges, or other properties.

Section 3. Any of the funds appropriated herein remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act. Any sums unexpended by June 30, 1971, shall revert to the General Fund.

Section 4. The said sum of Thirty Four Million, Nine Hundred Forty-eight Thousand Dollars (\$34,948,000) shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such

bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable. For purposes of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Capital Improvement Bonds of 1966".

Section 5. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the Credit of the General Fund.

Section 6. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 7. The moneys appropriated herein shall be expended by the following named agencies or commissions for the following uses:

- (a) Board of Game and Fish Commissioners,  
construction or improvement of water control and water access facilities ..... \$35,000

- (b) Emily P. Bissell Hospital, for construction of physician's residence at the hospital ..... \$30,000
- (c) Department of Mental Health, for construction or improvement of the following facilities:
- (i) Electrical system alteration at Delaware State Hospital.. \$100,000
  - (ii) Steam system alteration at Delaware State Hospital ..... \$200,000
  - (iii) Construction of New Castle County community mental health center for children.... \$570,000
  - (iv) Construction of a male continuous treatment facility at Delaware State Hospital .....\$1,700,000
- Subtotal .....\$ 2,570,000
- (d) State Park Commission for construction of improvements to the following facilities:
- (i) Cape Henlopen State Park .....\$60,000
  - (ii) Lums Pond .....\$62,000
  - (iii) Trap Pond .....\$55,000
- Subtotal .....\$ 177,000
- (e) Delaware State College, for construction or improvement of the following facilities:
- (i) Conrad Hall dining facility expansion .....\$200,000
  - (ii) Student activities building .....\$800,000
- Subtotal .....\$ 1,000,000
- (f) University of Delaware, for construction or improvement of the following facilities:
- (i) New classroom and office building .....\$2,967,000
  - (ii) Facilities for chemistry and chemical engineering .....\$2,672,000
  - (iii) Memorial Hall remodeling ....\$ 34,000
- Subtotal .....\$ 5,673,000



- (g) State Board of Education, for construction or improvement of school facilities as more particularly set forth in Section 8 of this Act .....\$ 9,563,000
- 1) State Highway Department, for construction or improvement of highways and highway related facilities as more particularly set forth in Section 11 of this Act .....\$15,900,000
- GRAND TOTAL .....\$34,948,000

Section 8. The sum of \$9,563,000. appropriated by Section 7 of this Act to the State Board of Education for school construction purposes or so much thereof as shall be necessary to carry out the purposes of this Act, shall be allocated by the State Board of Education to the following named school districts according to the following tabulation of maximum totals and shares, or in the proportions represented by said maximum totals and shares:

Name of District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Caesar Rodney Special ....	\$ 4,715,000	\$2,829,000	\$1,886,000
Claymont Special .....	4,974,000	2,984,000	1,990,000
De La Warr #47 .....	25,000	15,000	10,000
Houston #125 .....	150,000	90,000	60,000
Lewes Special .....	900,000	540,000	360,000
Oak Grove #130 .....	675,000	405,000	270,000
Smyrna Special .....	4,500,000	2,700,000	1,800,000
Total .....	\$15,939,000	9,563,000	\$6,376,000

Section 9. The sums of money allocated and appropriated for school construction purposes pursuant to Sections 7 and 8 of this Act shall be expended in accordance with the provisions of Chapter 75, Title 29, Delaware Code.

Section 10. No money allocated and appropriated by this Act for school construction purposes pursuant to Section 8 of this Act shall be expended for educational supplies. The moneys paid to the State Treasurer and deposited in the Farmers Bank

of the State of Delaware, at Dover, by a local school district as its local share of school construction funds authorized by this Act shall not be credited with interest.

Section 11. The sum of \$15,900,000, appropriated by Section 7 of this Act to the State Highway Department for highway construction and related construction purposes, shall be allocated by the State Highway Department to the following Capital Improvements Program:

(a) General Highway Program (Delaware Route 41; Price's Corner Interchange; New Castle Avenue, Wilmington; Delaware Route 2; Delaware Route 141 and Kennett Pike Interchange; Delaware Avenue, Wilmington and U. S. 113 in Kent and Sussex Counties) .....	\$ 5,772,000
(b) Headquarters building program .....	2,900,000
(c) Widening, resurfacing, reconstruction and construction of other than major corridor roads program .....	3,528,000
(d) Dirt road program .....	1,000,000
(e) Suburban development street improvement program .....	750,000
(f) Beach erosion control program .....	50,000
(g) Engineering and contingencies .....	1,200,000
(h) Advanced engineering and planning (of which not more than \$140,000 may be used for advance right of way acquisition) .....	700,000
Total .....	<u>\$15,900,000</u>

Section 12. The use of the sums allocated by Section 11 of this Act shall be limited to those projects approved in the resolution of the State Highway Department relating to capital improvements as approved on January 6, 1965.

Section 13. If, because of altered or unforeseen conditions, it becomes desirable and in the best interests of the State to change any of the approved projects or program by adding, deleting or changing the amounts of projects and programs as allocated in Section 11, of this Act, the Director of

Operations of the Highway Department shall report the facts to the Department together with his and the State Planning Office's recommendation. Upon approval of the changes by the Department, a request for approval of the changes shall be forwarded to the Budget Commission. The Budget Commission shall then have the sole right to approve or disapprove such changes.

Section 14. Any unexpended funds authorized by Section 1 of this Act remaining after the completion of the programs authorized by this Act, or any Federal funds received as reimbursement for funds authorized by this Act, other than the funds allocated and appropriated for school construction purposes pursuant to Section 7 and Section 8 of this Act which are subject to the provisions of Chapter 75, Title 29, Delaware Code, shall be deposited in a special account and such funds shall be applied against future capital improvement bond requirements.

Section 15. None of the moneys appropriated by this Act shall be used prior to July 1, 1965. No construction authorized by Section 7 of this Act shall be started nor any moneys shall be borrowed for the construction authorized by Section 7 of this Act later than 2 years after the effective date of this Act, except such moneys as are necessary to complete construction started prior to 3 years after the effective date of this Act. Notwithstanding, the provisions provided for above, no money shall be borrowed or expended for construction authorized by Section 7 of this Act after June 30, 1971.

Section 16. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1966".

Approved June 17, 1965.

## CHAPTER 168

### AN ACT IMPOSING RESTRICTIONS ON THE BORROWING POWER OF THE STATE.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Sections 7401 through 7415 of Title 29, Delaware Code, are designated as Subchapter I of Chapter 74, Title 29, Delaware Code, with the following caption:

#### SUBCHAPTER I. GENERAL PROVISIONS

Section 2. Chapter 74, Title 29, Delaware Code, is amended by adding thereto a new Subchapter to read:

#### SUBCHAPTER II. LIMITATION ON BORROWING POWER

##### § 7421. Definitions

As used in this Subchapter—

“Bonds and notes pledging the faith and the credit of the State” means any bonds or notes pledging the faith and the credit of the State issued to evidence money borrowed or debt created including guaranteed debt by or on behalf of the State which requires an Act of the General Assembly passed with the concurrence of three fourths of all the members elected to each House.

“Revenue” means all sums of money deposited in the General Fund of this State except that portion of the net receipts derived from inheritance, estate or other death succession taxes exceeding 2 million dollars in any fiscal year.

##### § 7422. Limitations on bonded indebtedness

(a) The total amount of bonds or notes pledging the faith and the credit of the State outstanding, authorized but not issued or authorized to be issued, shall not exceed—

- (1) during the fiscal year ending June 30, 1956, 3.8 times the total Revenue for the preceding fiscal year;
- (2) during the fiscal year ending June 30, 1966, 3.6 times the total Revenue for the preceding fiscal year;
- (3) during the fiscal year ending June 30, 1967, 3.4 times the total Revenue for the preceding fiscal year;
- (4) during the fiscal year ending June 30, 1968, 3.2 times the total Revenue for the preceding fiscal year;
- (5) during the fiscal year ending June 30, 1969, 3.0 times the total Revenue for the preceding fiscal year;
- (6) during the fiscal year ending June 30, 1970, 2.8 times the total Revenue for the preceding fiscal year;
- (7) during the fiscal year ending June 30, 1971, 2.6 times the total Revenue for the preceding fiscal year;
- (8) during the fiscal year ending June 30, 1972, 2.4 times the total Revenue for the preceding fiscal year;
- (9) during the fiscal year ending June 30, 1973, 2.2 times the total Revenue for the preceding fiscal year;
- (10) during the fiscal year and in each fiscal year following the fiscal year ending June 30, 1974, 2.0 times the Revenue for the preceding fiscal year.

**§ 7423. Application of debt limitations**

(a) The limitations imposed by this Subchapter shall not apply to the issuance or authorization of bonds and notes pledging the faith and the credit of the State for the following purposes:

- (1) to supply casual deficiencies of revenue;
- (2) to repel invasion, suppress insurrection;

- (3) to defend the State in war;
- (4) to pay existing debts;
- (5) to provide rehabilitation as a result of a disaster, proclaimed as such by the Governor.

Such bonds or notes may be issued or authorized notwithstanding such limitations. Such bonds and notes issued and outstanding and authorized but unissued shall, however, be considered in determining the amount of bonds or notes which may be authorized to be issued pursuant to this Subchapter.

(b) The limitations imposed by this Subchapter shall apply to any bonds or notes or debt guaranteed by or on behalf of the State and the total amount of the authorized guaranteed debt (less any amount of guaranteed debt which may have been paid off) as well as the total amount about to be authorized shall be considered in determining the amount of bonds or notes which may be outstanding, issued or authorized under this Subchapter.

#### § 7424. Debt Statement

(a) Every bill authorizing the issuance of bonds or notes pledging the faith and credit of the State introduced in the General Assembly shall be accompanied by a debt statement which shall be in form prescribed by the Budget Director and shall set forth with respect to the State:

- (1) the amount of bonds or notes pledging the faith and the credit of the State which are issued and outstanding;
- (2) the amount of bonds and notes pledging the faith and the credit of the State which have been authorized but not issued;
- (3) the amount of bonds, notes or guaranteed debt authorized by the General Assembly to be guaranteed by or on behalf of the State and an item showing the amount of such authorized guaranteed debt which has been paid off;

(4) the amount of bonds and notes pledging the faith and the credit of the State issued and outstanding, and the amount authorized but not issued:

- (i) to supply casual deficiencies of revenue;
- (ii) to repel invasion, suppress insurrection;
- (iii) to defend the State in war;
- (iv) to pay existing debts;
- (v) to provide rehabilitation as a result of a disaster, proclaimed as such by the Governor;

(5) the total amount of the bonds and notes pledging the credit of the State issued and outstanding and authorized but unissued, including the guaranteed debt authorized and not paid off;

(6) the amount of the bonds and notes pledging the faith and the credit of the State, including guaranteed debt, to be authorized by the legislative bill which the statement accompanies;

(7) a statement of the total of items (5) and (6) above;

(8) the amount of revenue deposited in the General Fund of the State in the fiscal year preceding the fiscal year in which the bonds or notes are to be authorized;

(9) a statement of the fiscal year in which the bonds or notes or guaranteed debt will be authorized, and the total amount of bonds or notes which may be outstanding, authorized and unissued or authorized to be issued during such fiscal year within the limitation prescribed by Section 7422 of this Title.

(b) If the amount, as shown on the debt statement, of bonds or notes which may be outstanding, authorized but not issued or authorized during the fiscal year, as authorized by Section 7422 of this Title is not less than the amount of all bonds and notes including guaranteed debt issued and out-

standing authorized and not issued, and about to be authorized, the General Assembly may authorize such bonds, notes or guaranteed debt. The Budget Director shall cause such statement to be properly certified and brought up to date prior to the adoption of the bill which it accompanies in each House of the General Assembly.

(c) Every debt statement accompanying a bill and brought up to date shall be presumed to be accurate and correct. After the issuance of bonds and notes pledging the faith and the credit of the State, including the guarantee of any debt, the debt statement shall be conclusively presumed to be correct and any person shall be estopped from questioning the correctness of the debt statement.

#### § 7425. Exceptions

(a) Any bonds or notes heretofore authorized but unissued may be issued notwithstanding the limitations imposed by this Subchapter.

(b) The provisions of this Subchapter shall not impose a limitation during any fiscal year on the issuance or authorization of bonds or notes which is less than any maximum limitation on the authorization of bonds and notes which this Subchapter imposed in any previous fiscal year.

Section 3. § 6104, Title 29, Delaware Code, is hereby repealed.

Section 4. In the event that any bill has been introduced in the General Assembly at the time this Act takes effect, a debt statement shall be prepared giving effect to the bonds or notes described in the bill and filed with the Chief Clerk of the House or the Secretary of the Senate, depending on which House the bill is then being considered in, and shall accompany such bill and thereafter updated as hereinbefore provided.

Approved June 18, 1965.



CHAPTER 169

**AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, RELATING TO THE STATE FIRE MARSHAL BY GIVING THE MARSHAL THE POWER OF ARREST.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 6611, Title 16, Delaware Code, is amended by adding thereto a new Subsection to read:

(e) The State Fire Marshal or his Deputy or Deputies may make arrests of persons violating offenses under this section or of persons violating any of the laws of this State relating to fires or burning.

Approved June 18, 1965.

## CHAPTER 170

**AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, RELATING TO THE STATE FIRE MARSHAL BY VESTING THE JUSTICES OF THE PEACE AND THE COURT OF COMMON PLEAS WITH JURISDICTION OVER OFFENSES COMMITTED UNDER THAT CHAPTER.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Section 6611, Title 16, Delaware Code, is amended by adding thereto a new subsection to read:

(f) Justices of the Peace shall have jurisdiction over offenses under this Section.

Approved June 18, 1965.

## CHAPTER 171

**AN ACT RELATING TO A PENSION FOR WINIFRED E. PRZYBYLEK, WIDOW OF JOHN F. PRZYBYLEK, A FORMER EMPLOYEE OF THE CITY OF WILMINGTON AND NEW CASTLE COUNTY.**

WHEREAS, John F. Przybylek was employed by the City of Wilmington and New Castle County as a faithful public servant for approximately 21 years prior to his death in 1960; and

WHEREAS, the law has not provided for pension benefits for those who were not eligible at the time of their last County employment, but who would have been eligible if the present requirements had been in effect; and,

WHEREAS, Winifred E. Przybylek, the widow of the said John F. Przybylek, should receive pension benefits for the long service rendered by her late husband.

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of New Castle County is directed to accept the application of Winifred E. Przybylek, widow of John F. Przybylek, for a Service Pension under the New Castle County Employee's Retirement Act and further directed to determine the said widow to be eligible for said pension.

Approved June 18, 1965.

## CHAPTER 172

**AN ACT TO AMEND CHAPTER 92, VOLUME 23, LAWS OF DELAWARE, AS AMENDED, BEING AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION AND CONTROL OF THE PUBLIC SCHOOLS OF THE CITY OF WILMINGTON" BY PROVIDING FOR THE APPOINTMENT OF THE MEMBERS OF THE BOARD OF PUBLIC EDUCATION IN WILMINGTON; QUALIFICATIONS OF MEMBERS; POWERS AND DUTIES OF BOARD.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Section 1 of Chapter 92, Volume 23, Laws of Delaware, as amended, being an Act entitled "An Act to Provide For The Organization and Control of the Public Schools of the City of Wilmington" is hereby amended by repealing Section 1 and by substituting and enacting in lieu thereof a new Section 1 as follows:

Section 1. That the City of Wilmington with the territory within its limits, or which in the future may be included by additions thereto, shall be and constitute a consolidated school district, and the supervision and government of public schools and public school property therein shall be vested in a board of five members, to be called and known as the "Board of Public Education in Wilmington". Said Board of Education as hereinafter constituted, is hereby created a corporation, having perpetual existence and successions, and by and in said name shall have power to purchase, lease, receive, hold and sell property, real and personal, sue and be sued, and to do all things necessary to accomplish the purposes for which such school district is organized, and shall succeed to and be vested with, and be seized and possessed of all the privileges and property of whatever kind or nature granted or belonging to any previous school corporation, or Board of Education, or school districts in the City of Wilmington and said territory, or officers thereof authorized or empowered by an enactment of the General Assembly of the State to do anything in reference to public education, or to hold any of said property.

Section 2. Section 3 of Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by repealing Section 3 and by substituting and enacting in lieu thereof a new Section 3 as follows:

Section 3. After the effective date of the passage of this Act the Board of Public Education in Wilmington shall consist of six (6) members until the first vacancy occurs therein by virtue of death, resignation, expiration of term, or otherwise at which time and thereafter the Board of Public Education in Wilmington shall consist of five (5) members. As vacancies shall occur after the Board of Public Education in Wilmington is comprised of five (5) members through the expiration of the present terms of office of the members of the Board of Public Education in Wilmington, the successor shall be appointed for a term of four (4) years commencing on July first of the ensuing year and until their successor shall qualify by the Governor of the State of Delaware. In case a vacancy shall occur in the office of a member of the Board of Public Education in Wilmington after it is comprised of five (5) members for any cause, the vacancy thereby created shall be filled by the Governor of the State of Delaware by the appointment of a competent person to serve for the remainder of such term. There shall be a President of the Board who shall be elected by the members of the "Board of Public Education in Wilmington" and shall hold office until a new election is held by the Board. No more than three members of the Board shall belong to the same political party. No person shall be a member of the Board who declines to announce his political affiliation. No member of the City Council shall be a member of the Board of Public Education in Wilmington.

Section 3. Section 4 of Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by repealing Section 4 and substituting and enacting in lieu thereof a new Section 4 as follows:

Section 4. The members of the Board of Education shall be at least thirty years of age, and shall have been residents of the City of Wilmington for at least three years prior to the date upon which they are to commence their duties. They shall be ineligible to any elective or appointive office under such Board

while holding membership in said Board. They must reside within the limits of the City of Wilmington during their term of office. They shall not be interested either directly or indirectly in any contract with or claim against the said Board of Public Education in Wilmington. If at any time after the appointment of any member of said Board, he shall become interested in any such contract with or claim against said Board, he shall thereupon be disqualified to continue as a member of said Board, and a vacancy shall thereby be created. Every member of said Board shall, before assuming the duties of his office, take an oath or affirmation, before a person qualified to administer oaths, as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I have been a bona fide resident of the City of Wilmington for the period of three (3) years prior to my election as a member of the Board of Public Education in Wilmington, and that I possess all the qualifications required by law for members of said Board; that I will diligently and faithfully perform the duties of a member of said Board according to the best of my knowledge and judgment; that I will not, while serving as a member of said Board, become interested, directly or indirectly, in any contract with or claim against the said Board; and that I will not be influenced in any vote or action as a member of the said Board by political or sectarian considerations, or by anything except merit and fitness."

No compensation shall be received by members of the said Board; but they shall be exempt from jury duty during their term of office.

The Board may remove any of its members upon proof, either of official misconduct in office, or of negligence of official duties, or of conduct in any manner connected with his official duties which would tend to bring discredit to his office or the school system, or of mental or physical inability to perform his duties as a member of said Board; but before such removal of said member, he shall receive due and timely notice in writing of the charges against him, and a copy thereof, and shall be entitled to a hearing before said Board, and to the assistance of counsel at said hearing.

Section 4. Section 5 of Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by striking out and repealing Section 5 thereof in its entirety.

Section 5. Section 6 of Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by striking out and repealing Section 6 thereof in its entirety.

Section 6. Section 7 of Chapter 92, Volume 23, Laws of Delaware, is hereby amended by striking out and repealing Section 7 thereof in its entirety.

Section 7. Section 8 of Chapter 92, Volume 23, Laws of Delaware, is hereby amended by striking out and repealing Section 8 and by substituting and enacting in lieu thereof a new Section 8 as follows:

Section 8. The Board of Education shall increase the number of schools and improve the condition thereof and do all acts necessary for establishing and maintaining said schools as they shall deem expedient and necessary until there are sufficient schools to accommodate all the children and minors residing in the City of Wilmington whose parents or guardians desire for them the benefit thereof. If there shall be accommodations in such schools in excess of what may be necessary for the seating and instruction of such resident pupils, the said Board may admit to any of such schools such number of non-resident pupils residing outside the city limits in the State of Delaware, as said Board may deem proper and upon such terms and conditions as said Board may from time to time prescribe.

Section 8. Section 9 of Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by repealing the first two paragraphs of Section 9 and by substituting and enacting in lieu thereof the following two new paragraphs to read as follows:

Section 9. Three members shall form a quorum for the transaction of business. The officers of the Board shall be President, who must be a member, a Secretary, and such other officers and agents as may be found necessary. The Board may

appoint a person not a member of the same, Secretary thereof, prescribe his duties, require from him bonds with surety for his faithful performance of said duties, if deemed expedient, and allow him compensation for services by stated salary or otherwise, as may be considered proper.

The Board shall, during the month of April in each year, cause to be prepared and laid before them estimates of their probable revenue and expenses for the ensuing fiscal year, which estimates they shall lay before The City Council on or before the first stated meeting of Council in May following. At the time of presenting to City Council said estimates of revenue and expenses, the Board shall in addition thereto include the amount necessary to be paid for interest on bonds in the following fiscal year, and also, when necessary, the amount required in that year for the retirement of bonds. The said Board, early in June in each year, after the City Council shall have made appropriation for the use of the public schools for the following fiscal year as herein provided, shall make the apportionment and appropriations for their expenditures for that year, based as nearly as may be, upon the estimates made by them in April previous, and such apportionment and appropriations shall be specified and arranged under the heads or items designated in said estimates. The said Board shall have no power or authority except when specially authorized by act of the General Assembly to borrow money or contract or create any debt or liability except ordinary debts and liabilities incurred in executing the duties imposed on them by law, to be paid out of the said appropriation made by City Council and the receipts of the year for the time then current. No money shall be paid from the treasury of the board unless the same shall have been appropriated as aforesaid.

Section 9. Section 10\* (secondly mentioned) of Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by repealing Section 10\* (secondly mentioned) and by substituting and enacting in lieu thereof a new Section 10-A as follows:

Section 10-A. The City Auditor shall examine all bills against said Board and endorse them as correct before they are presented to said Board for payment; he shall also examine



and countersign all drafts or orders and withhold his signature in case the draft or order is made without sanction of law, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to the said Board at their ensuing meeting; said Board shall thereupon duly, carefully and publicly consider the case and shall sustain or overrule his action by a vote of at least four of all the members appointed to said Board, whereupon it shall be the duty of the City Auditor, in case he shall be overruled, to countersign the said draft or order, in which case he shall be exonerated from all responsibility in the premises. He shall also keep a book in which an exact copy of the receipts and expenditures of said Board shall be entered. All money received by the said Board from sales of articles, or from any source whatsoever, shall be deposited with the City Treasurer for which a receipt shall be taken. The City Treasurer shall immediately deposit said funds in such bank as may be designated by said Board, and the orders or warrants drawn against such funds shall be drawn and signed by the Secretary of the Board, signed by the President, and countersigned by the City Auditor and City Treasurer. The City Treasurer upon depositing the funds of said Board shall make a certificate of deposit in triplicate, which shall be signed by the authorized agent of the bank, and one of each certificates shall be delivered to the City Auditor, one to the Secretary of the Board and the third be retained by the City Treasurer. The City Treasurer shall pay out all warrants or orders and shall take a receipt for the same. He shall keep a cash book containing the receipts and expenditures of said Board and shall render a statement of the financial condition of said Board at each meeting.

Section 10. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 18, 1965.

## CHAPTER 173

### **AN ACT TO AMEND TITLE 21, OF THE DELAWARE CODE, BY ADDING CHAPTER 4, RELATING TO ABANDONED VEHICLES.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Title 21, of the Delaware Code, is amended  
by adding thereto a Chapter 44 as follows:

#### **CHAPTER 44. ABANDONED VEHICLES**

##### **§ 4401. Abandoned vehicles; public highway; definition**

(a) Any vehicle that is either (1) in such a state of disrepair as to be incapable of being operated in the manner for which it is designed or (2) which shall have been placed upon any State or public highway, for a period in excess of seventy-two hours without being removed, shall be considered to be abandoned for the purpose of this Chapter, except:

1. That vehicles and equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this Chapter.

2. Those vehicles whose owners have properly parked and locked them and have notified the appropriate police authority, as designated in § 4402, that the owner desires to leave the vehicle so parked and secured for a period not to exceed thirty days, except that if during such period the vehicle is no longer secured, or, in the opinion of the appropriate police authority has become a danger to the public, then the vehicle shall be subject to the provisions of this Chapter.

(b) As used in this subchapter the term "State Highway" or "public highway" shall include any portion of the highway located within the right-of-way lines or in the case of limited access highway, the denial of access lines, including shoulders and medium strip.

**§ 4402. Enforcement; removal of abandoned vehicles**

(a) This Chapter shall be enforced with respect to State or public highways within a municipality which maintains a police force by that police force. In all other instances, the State Police shall enforce the Chapter.

(b) Upon the discovery of a vehicle concerning which there is reasonable grounds to believe it to be an abandoned vehicle, the appropriate police authority shall post a notice, at some conspicuous place on said vehicle, which shall direct that such vehicle be removed by a stated time and date (such time and date to be not less than 24 hours following the posting of such notice) and shall state that if such vehicle is not so removed, it will be removed and stored at the owner's expense and thereafter will be subject to disposal in accordance with law. Such notice shall also set forth verbatim Section 4410 of this Chapter. If the vehicle shall not have been removed by the time and date specified in said notice, the police officer shall take such vehicle into custody and shall cause it to be removed and stored in the nearest suitable place for safe keeping. He shall promptly notify the Motor Vehicle Commissioner, upon a form to be supplied by him for that purpose, of the action which has been taken with respect to such vehicle.

(c) In the event that a vehicle is abandoned on private property without the consent of the owner or occupant thereof, at the complaint of the property owner or occupant, such vehicle may be caused to be removed by the appropriate police authority in the manner provided in this Chapter, except that the posting required in subsection (b) may be omitted.

(d) The provisions of this Chapter shall not apply to any removal of a vehicle unless the removal is directed by the appropriate police authority.

**§ 4403. Notice of removal**

The police authority causing the removal of an abandoned vehicle shall immediately ascertain the identity of any person or persons holding a lien against said vehicle. Within five days of the removal of the vehicle, the police authority shall

cause a written notice to be mailed to the registered owner of the vehicle removed and lien holders stating (a) that the vehicle has been removed pursuant to law, (b) the place to which it has been removed, (c) that the vehicle may be sold to satisfy the costs of removal and storage of the vehicle as provided in § 4404 unless those costs have been paid in full on or before 30 days from the date of the removal of the vehicle. If the address of the owner of the vehicle cannot be ascertained by the exercise of reasonable diligence, then the notice provided by this paragraph shall not be required to be given.

#### **§ 4404. Sale of abandoned vehicles**

(a) If the costs of the removal and storage of the vehicle is not paid within thirty days from the removal of the vehicle, then the vehicle may be sold at public sale by the person having possession of the vehicle. Notice of the sale shall be posted at three public places in the County in which the vehicle was abandoned and be given by mail to the owner of the vehicle and to any lien holder of record at his last known address as indicated in the records of the Motor Vehicle Department or otherwise. Such notice shall describe the vehicle to be sold and name the day, hour, and place of the sale. The proceeds of the sale shall be applied first to the costs of the sale, then to the costs of removal and storage of the vehicle, and then to the payment of any liens to which said vehicle, or any part thereof, may be subject, in order of their priority, any excess to be disposed of as herein provided.

(b) Any excess in the amount of the selling price of said motor vehicle, at said sale, remaining after the payment of the charges provided in subsection (a) shall be accounted for and remitted to the State Treasurer, who shall create a special fund thereof.

(c) If the owner of said vehicle shall claim any excess remaining after the application of the provisions of subparagraphs (a) and (b) hereof within one year of the removal, that excess shall be paid to the owner. If no such claim is made, then the excess shall be deposited by the State Treasurer in the General Fund of the State.

**§ 4405. Sale as barring claims or interests**

Upon the sale of a vehicle pursuant to the provisions of this Act, all claims or interest therein, shall be forever barred.

**§ 4406. Issuance of certificate of title**

The Motor Vehicle Department shall issue a certificate of title to the purchaser of a vehicle sold pursuant to the provisions of this Chapter.

**§ 4407. Motor Vehicle Commissioner; rules and regulations**

The Motor Vehicle Commissioner may make and promulgate rules and regulations to implement the provisions of this Chapter.

**§ 4408. Immunity of police officers and garagemen**

No law enforcement officer acting under this Chapter and no one who tows or stores a vehicle as a result of his being directed to do so shall be liable to criminal prosecution arising from such action or be liable to any person for the injury, loss or destruction of any real or personal property which occurs in the course of the removal or storage of any vehicle taken into custody under said section.

**§ 4409. Rights and authority granted to be in addition to other rights and authority**

The rights and authority conferred by this Chapter shall be in addition to, and not in lieu of, any other rights or authority possessed by any public officer or property owner with respect to abandoned vehicles.

**§ 4410. Penalties**

Any person who wilfully abandons a vehicle within the right-of-way of any highway of this State or upon the property of another without his consent, and any person who, being the owner of an abandoned vehicle, wilfully fails to remove it pursuant to a directive given under Section 4402 (b) of this Chap-

ter shall be fined not less than \$25.00, not more than \$100.00 or be imprisoned not less than two or more than ten days or both. For the purposes of this Section, the fact that a person voluntarily left a vehicle and did not return to remove it within seven consecutive days shall be prima facie evidence of his wilful abandonment of such vehicle.

Section 2. If any clause, sentence, paragraph or part of this Act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction, to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act.

Approved June 18, 1965.

## CHAPTER 174

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII OF THE CONSTITUTION OF THE STATE BY IMPOSING A LIMITATION ON THE BORROWING POWER OF THE STATE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Article VIII of the Constitution of the State of Delaware, is amended by adding thereto a new Section 3A to read:

**§ 3A. Limitations on borrowing power**

Section 3A. The General Assembly shall not authorize the borrowing of money or the creation of a debt by or on behalf of the State, which under § 3 of Article VIII of this Constitution requires an Act of the General Assembly passed with the concurrence of three-fourths of all the Members elected to each House which, together with all authorized but unissued and all outstanding borrowed money or debt, shall be in excess of an amount to be fixed by the General Assembly which amount shall not exceed 3.4 times the amount of the total General Fund revenues of the State for the fiscal year immediately preceding the date of adoption of the authorizing act by the General Assembly. The General Assembly shall prescribe a method for determining whether or not the amount to be borrowed or the debt to be created pursuant to an authorization act about to be adopted is within the limitation fixed by the General Assembly, and the determination made pursuant thereto shall be conclusive.

In computing the amount of General Fund Revenue for the purposes of this Section, the net receipts of the State from inheritance, estate or other death succession taxes exceeding 2 million dollars in any fiscal year shall be excluded.

All bonds or the borrowing of money or the creation of a debt under § 3 of Article VIII of this Constitution requiring

an act of the General Assembly passed with the concurrence of three-fourths of all the Members elected to each House heretofor authorized by the General Assembly but not issued, borrowed or debt created, may be issued, borrowed or created, notwithstanding the limitation fixed in accordance with this Section. Such authorized but not issued bonds, borrowing or debt authorized but not issued shall be included in determining the amount which may be authorized within the limitations fixed in accordance with this Section.

The limitations imposed by this Section shall not apply to moneys borrowed to be used for rehabilitation as a result of a disaster, proclaimed as such by the Governor.

Proposed: June 4, 1965.



CHAPTER 175

**AN ACT TO AMEND SECTION 5318, TITLE 30, DELAWARE  
CODE, BY REDUCING THE COMMISSION OF THE CIG-  
ARETTE STAMP AFFIXING AGENT.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Section 5318 (b), Title 30, Delaware Code, is amended by striking the figure "5%" in Line 4 of said Subsection and inserting in lieu thereof the figure "3½%".

Approved June 30, 1965.

## CHAPTER 176

## AN ACT RELATING TO MOTOR VEHICLE FEES.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2151 (3), Title 21, Delaware Code, is amended to read:

(3) For the registration of other motor vehicles, including those propelled by Diesel engines, \$2.00 for each 500 pounds or fraction thereof, and in the event the gross load weight exceeds 5,000 pounds, \$2.60 for each 500 pounds or fraction thereof over and above 5,000 pounds. The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the application. The fee for registration of motor farm trucks owned and used exclusively by farmers who derive 70 per cent or more of their income from the operation of their farms shall be one-half of the foregoing rates calculated on the gross load weight as defined herein: Provided, however, that in no case shall the required fee for motor vehicles except trailers under this subsection be less than \$20.

Section 2. § 2151, Title 21, Delaware Code, is amended by adding thereto a new Section to read:

**§ 2151A. Optional provision for tractor trailer units**

(a) The owner of every truck tractor which is used to pull a semi-trailer may elect to have the total gross load weight of the truck tractor and semi-trailer assessed against the truck tractor and to pay the fees set forth in subsection 2151 (3) of this Title, by filing with the Department an election form as provided by the Commissioner.

(b) Upon election to have the total gross load weight assessed pursuant to subsection (a) of this Section an owner may have not more than 3 semi-trailers, as designated by him, registered upon the payment of a \$15 fee for each designated

semi-trailer. No other fee for registration of the semi-trailer shall be required.

(c) The Commissioner shall promulgate such rules and regulations as may be necessary to effectuate this Section.

Approved June 30, 1965.

## CHAPTER 177

**AN ACT TO AID FELTON FIRE COMPANY WHICH IS ORGANIZED TO EXTINGUISH FIRES AND MAINTAIN AMBULANCES, BY MAKING AN APPROPRIATION FOR IT.**

WHEREAS, HOUSE BILL NO. 63 inadvertently excluded an appropriation to Felton Fire Company for the maintenance and operation of ambulances in the public service,

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):*

Section 1. There is appropriated to the following listed fire company, for the fiscal year beginning July 1, 1965, the following sum to be used for the maintenance and operation of ambulances in the public service:

Felton Fire Company \$750

Section 2. The above said sum shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 3. This Act is a supplementary appropriation act and the money appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved December 1, 1965.

## CHAPTER 178

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATION UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS PRINCIPALLY DEVOTED TO HOUSING FOR THE ELDERLY CONSTRUCTED PURSUANT TO SECTION 231 OF THE NATIONAL HOUSING ACT FROM ASSESSMENT AND TAXATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Title 9, Delaware Code, is hereby amended by adding a new section, Section 8109, entitled "Non-profit Housing For Elderly Persons":

**Section 8109. Non-profit housing for elderly persons**

(a) Land and improvements held by a church, religious society, charitable corporation, or non-profit organization principally devoted to housing of elderly persons and not held for investment and which is constructed pursuant to the provisions of Section 231 of the National Housing Act, as presently in effect and set forth in 12 U.S.C.A. 1715 and which is regulated by the Federal Housing Commissioner pursuant to this statute and pursuant to the applicable federal regulations presently in effect adopted by the Federal Housing Commissioner, shall not be liable to taxation and assessment for public purposes by any county or other political subdivision of this State; provided, however, that no less than 75% of the dwelling units in the property shall be rented and occupied at all times by elderly persons as herein defined and the entire property shall be operated on a non-profit basis.

(b) The term elderly persons shall mean persons who have attained their 62nd birthday.

(c) No church, religious society, charitable corporation, or non-profit organization shall be entitled to the exemption granted by this statute unless it is certified as tax exempt by

the State of Delaware for corporate franchise taxes and income taxes and by the United States Government for income taxes; such certification must be filed with the appropriate tax assessment office of the county and other political subdivision of this State in which the project is situate.

(d) No church, religious society, charitable corporation, or other non-profit organization shall be entitled to the exemption granted by this statute unless the following additional conditions are satisfied:

(1) An Affidavit must be filed with the taxing authorities of the county and other political subdivisions by the president of the organization or the executive director or presiding authority of the organization certifying that said organization is non-profit and that the project for which exemption is sought is operated on a non-profit basis and is principally devoted to housing for the elderly as defined herein. The Affidavit must further state the name and address of the officers of the organization, the purposes of the organization, and the basis for the authority of the officer to make and file such affidavit on behalf of the organization.

(2) A certified financial statement must be filed with the taxing authorities showing all income received by the organization from any source in connection with the project and all expenditures made to any person in connection with the project for which exemption is sought; the statement must be certified by a certified public accountant authorized and licensed to practice in this State. The statement must be filed on or before July 1 of each calendar year; a projected statement must be filed for the first year of operation.

(3) A certification must be filed with the taxing authorities of the county and other political subdivision by the authorized officials of the organization certifying, warranting and covenanting that the project for which exemption is sought will be operated on a non-profit basis during its entire existence and that it will not be sold, transferred, or conveyed except to another non-profit church, religious society, charitable corporation or non-profit organization qualifying for exemption

under this statute and will not be principally devoted to any purpose other than housing for elderly persons as defined herein. This certification shall bind the organization filing it in perpetuity and shall be enforceable in law and at equity by the county and other political subdivision of this State in which the project is situate.

(4) Any person, officer, or director acting on behalf of any church, religious society, charitable corporation, or non-profit organization filing a false statement or certification shall be fined not less than \$1,000.00 nor more than \$10,000.00 and/or be imprisoned for not more than 10 years.

(e) The County Board of Assessment and the assessment boards of other political subdivisions shall each year establish the assessed value of any property for which exemption is granted pursuant to this statute in the same manner as other properties which are taxable are assessed. In the event that a project granted exemption by this statute is ever operated on a profit making basis or conveyed to a profit making corporation, organization or other person, or is principally devoted to any purpose other than housing for the elderly as defined herein, then and in that event, a tax lien shall attach to the land and improvements previously granted tax exemption, in the amount of the taxes which would have been due and owing the county and other political subdivision for all past years, including interest and penalties, if tax exemption had not been granted.

(f) Any church, religious society, charitable corporation, or non-profit organization granted a tax exemption by this statute shall pay to the county and other political subdivision in which the project is situate, in lieu of taxes, a special assessment in an amount not less than 10% of the gross rentals derived from the project, less the cost of utilities and the cost of providing special social services to the elderly persons residing in the project. This sum shall be divided between the county and other political subdivisions having authority to levy ad valorem taxes on land and improvements in which the project is situate in proportion to their respective tax rates.

Approved December 1, 1965.

Note: This act was codified as subchapter III, chapter 81, title 9 Delaware Code.

## CHAPTER 179

**AN ACT TO AMEND CHAPTER 13, TITLE 13, DELAWARE CODE, RELATING TO INHERITANCES BY ILLEGITIMATE CHILDREN.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 13, Delaware Code, is amended by deleting § 1304 and inserting in lieu thereof a new § 1304 to read as follows:

§ 1304. Any person legitimated as provided by Section 1301 of this title shall inherit from the father under the inheritance laws of this State to the same extent as a child conceived in wedlock of that father.

Approved December 7, 1965.



## CHAPTER 180

**AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE, RELATING TO QUALIFICATIONS OF JURORS AND PERSONS EXEMPT AND TO PROVIDE PENALTIES FOR WILLFUL VIOLATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4504, Title 10, Delaware Code, is repealed and a new § 4504 is inserted in lieu thereof to read as follows:

**§ 4504. Qualifications of jurors; persons exempt; determination of qualifications; penalties.**

(a) All persons qualified to vote at the general election shall be liable to serve as jurors; except public officers of this State or of the United States, attorneys-at-law, or their spouses, ordained ministers of the Gospel, officers of colleges and teachers of public schools, practicing physicians and surgeons regularly licensed, regularly licensed and practicing dentists and dental surgeons, licensed pharmacists and assistant pharmacists actively engaged in the practice of their professions, licensed practitioners of veterinary medicine, undertakers and embalmers regularly licensed, cashiers of incorporated banks, registration officers and inspectors, judges and clerks of election. No public officer mentioned in this section, shall be exempt or excused from jury duty by reason of being such public officer, except when he is in the actual discharge of the duties of his office, provided that any member of the General Assembly may, during the time for which he is elected, claim exemption from jury service.

(b) To determine the qualifications of persons for jury service the Judges of the Superior Court are authorized to provide, by order or rule of Court, for the circulation among persons in the several counties of the State questionnaires approved from time to time by the Judges. A person receiving such questionnaire shall give truthful answers to the questions stated and return the same to the Court within such time as it

shall fix. If directed in writing by the Court, a person shall appear before it or a person designated by the Court for the purpose of providing supplemental information as to qualifications for jury duty.

(c) Any person willfully violating the provisions of subsection (b) of this section, or of a rule or order of Superior Court enacted under the authority of subsection (b), shall be fined not more than \$100 for each such offense. The Superior Court shall have exclusive jurisdiction in connection with all such charges.

Approved December 7, 1965.

## CHAPTER 181

**AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE, RELATING TO SUMMONING OF JURORS IN NEW CASTLE, KENT AND SUSSEX COUNTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4513, Title 10, Delaware Code, is repealed; provided, however, that any juror duly served in accordance with the terms of § 4513 prior to or within one term of court after the effective date of this Act, shall be deemed to be validly served.

Section 2. § 4514, Title 10, Delaware Code, is repealed and a new § 4514 is inserted in lieu thereof to read as follows:

**§ 4514. Summoning of jurors in New Castle, Kent and Sussex Counties**

The Sheriffs of New Castle, Kent and Sussex Counties shall summon grand jurors and petit jurors in the following manner—

Within five days after the delivery to him of the list of persons drawn for grand jurors and petit jurors, he shall deposit in the mail, in a sealed envelope, a summons for each person drawn, addressed to the proper postoffice address of each of the persons, duly registered or certified, with a request for a return receipt, which receipts he shall safely keep; and, within one hour after the opening of the Superior Court, on the first day of every term, he shall return to the Court a separate and distinct list of the persons summoned to attend as grand jurors and petit jurors, showing the Christian names, the surnames and the places of abode of such jurors, and he also shall exhibit to the Court the return receipts.

Approved December 7, 1965.

## CHAPTER 182

**AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE, RELATING TO OMISSION OF NAMES OF JURORS BECAUSE OF PREVIOUS SERVICE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4506, Title 10, Delaware Code, is repealed and a new § 4506 is inserted in lieu thereof to read as follows:

**§ 4506. Omission of names for previous service**

The Jury Commissioners in selecting the names of persons to be drawn for jurors, at any time, shall omit the names of any persons who may have served as grand jurors or petit jurors during the year immediately preceding the drawing.

Approved December 7, 1965.

## CHAPTER 183

**AN ACT TO AMEND TITLE 5, DELAWARE CODE, RELATING TO DIRECT - REDUCTION AND OTHER LOANS BY BUILDING AND LOAN ASSOCIATIONS BY PROVIDING THAT IN CASE OF CONSTRUCTION LOANS THE FIRST PAYMENT SHALL NOT BE LATER THAN EIGHTEEN MONTHS AFTER THE DATE OF THE FIRST ADVANCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1905, Title 5, Delaware Code, is amended by striking out the last sentence of Subparagraph (a) thereof and substituting therefor a new sentence to read as follows:

In the case of construction loans, the first payment shall not be later than eighteen months after the date of the first advance.

Approved December 7, 1965.

## CHAPTER 184

**AN ACT TO AMEND TITLE 5, PARAGRAPH 1906 OF THE REVISED CODE OF DELAWARE, 1953, BY PERMITTING BUILDING AND LOAN ASSOCIATIONS IN CONNECTION WITH SERIAL SHARES WHICH ARE MORE THAN SIX MONTHS IN ARREARS EITHER TO CANCEL SAME AND DEPOSIT THE AMOUNT DUE SHAREHOLDERS IN AN ACCOUNT IN THE FARMERS BANK OF THE STATE OF DELAWARE OR INVEST IN AN ACCOUNT IN THE ASSOCIATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1906, Title 5, Delaware Code, is amended by striking out all of Subparagraph (a) thereof and substituting therefor a new Paragraph (a) to read as follows:

The power to collect premiums, fines and membership fees within the limits of this chapter, or as permitted by any other law of this State, is granted to Building and Loan Associations. Fines shall not be imposed against and collected from any serial shareholder for more than six consecutive months at a greater rate than five cents per month for each dollar past due, and after the expiration of six months, at a greater rate than one-half of one per cent per month for each dollar past due. Any serial shareholder who is six months in arrears in the payment of his or her monthly dues may be required to withdraw any balance due the shareholder from the association. If any serial shareholder, who is delinquent six months or more in payment of monthly dues, refuses to accept settlement from the association, or if the association is unable to locate the shareholder, then the association may (a) deposit the amount due the shareholder to his or her credit in an account in The Farmers Bank of the State of Delaware or (b) invest in a Full Paid share account or an Installment Full Paid share account or a similar account of the association in the name of the shareholder.

Approved December 7, 1965.

CHAPTER 185

**AN ACT TO AMEND CHAPTER 25, TITLE 14, DELAWARE CODE, BY PROVIDING FOR THE CREATION OF VOCATIONAL HIGH SCHOOL DISTRICTS IN NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 14, Section 2507 (a), Delaware Code, is hereby amended by striking out the period at the end of the second sentence and by inserting in lieu thereof the following:

; provided, however, that the State Board of Education shall establish one or more Vocational High School Districts in New Castle County outside the City of Wilmington without the aforementioned written consent so long as the boundaries of such Vocational High School Districts do not divide any existing school district.

Approved December 7, 1965.

## CHAPTER 186

**AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE CODE, RELATING TO THE DISPOSITION OF CERTAIN FUNDS RECEIVED BY THE STATE DEPARTMENT OF MENTAL HEALTH.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5107, Title 16, Delaware Code, is hereby repealed and a new Section 5107 inserted in lieu thereof to read as follows:

**§ 5107. Accounting by board**

The Board shall keep or have kept a full, true and accurate account of all monies received by the various institutions and agencies under their supervision, for the board, care and attention of the patients, commonly known as "pay patients", and all monies received from any other source than the annual appropriation made to the institutions and agencies by the State. All such monies, except as excluded by Section 6102 (a), Title 29, Delaware Code, shall be considered as revenue to the General Fund of the State and shall be paid over to the State Treasurer on or before the 10th day of the month following the receipt of all such monies together with a full statement of the same.

Section 2. This Act shall become effective July 1, 1966.

Approved December 7, 1965.



## CHAPTER 187

**AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE PROCUREMENT OF MATERIEL AND COMPETITIVE BIDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Section 6904, Delaware Code, is hereby amended by repealing and striking out sub-section "(a) (3)" thereof and by enacting and inserting a new sub-section in lieu thereof to read as follows:

(a) (3) Where, because of a patent or licensed franchise situation the materiel or work is procurable from only one source, this paragraph shall not apply to any public works contract, nor shall it be construed to mean that an agency can specify materiel by brand or trade name only thereby excluding equal materiel available from other sources for the purpose of avoiding competitive bidding as elsewhere required by this chapter.

Section 2. Title 29, Section 6904, Delaware Code, is hereby amended by repealing and striking out sub-section "(b)" thereof and by enacting and inserting a new sub-section in lieu thereof to read as follows:

(b) If the probable cost of the materiel or work is estimated to exceed \$1,000 but not more than \$2,500, the purchase or contract may be made in the open market; provided, however, that the agency shall solicit written competitive bids from five sources or all available sources, whichever is the lesser, the bids shall be opened publicly at the time and place stated in the solicitation, and the award shall be made pursuant to the provisions of Section 6908 of this Chapter.

Section 3. Title 29, Section 6905 (a), Delaware Code, is hereby amended by adding a new sentence at the end thereof to read as follows:

The description or specifications shall not use a brand or trade name except as an indication of the type or quality of

materiel and in all such cases shall contain the words "or equal."

Section 4. Title 29, Section 6908, Delaware Code, is hereby amended by striking the period at the end of the first sentence thereof and by enacting and inserting in lieu thereof the following words:

and clearly describing how the interest of the State shall be better served by awarding the contract to other than the lowest bidder.

Section 5. Title 29, Section 6910, Delaware Code, is hereby amended by striking the period at the end of sub-section (a) thereof and by enacting and inserting in lieu thereof the following words:

; provided, however, that in the purchase of materiel from successful bidders the agency may reduce or waive such bond if such reduction or waiver has been stated in the bid specifications.

Approved December 7, 1965.

## CHAPTER 188

**AN ACT TO AMEND SECTION 1703, TITLE 14, DELAWARE CODE, RELATING TO THE "UNIT OF PUPILS."**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1703, Title 14, Delaware Code, is hereby amended by striking out and repealing all that portion of the first sentence of the last paragraph following the words "bona fide," and by enacting and inserting in lieu thereof the following:

Technical, Vocational, or Trades and Industries Program utilizing at least one-half the pupil's regular school day which has been approved by the State Board for Vocational Education on or before October 15 annually for the next fiscal year and which is conducted in the principal building of the Sussex County Vocational-Technical School, the Kent County Vocational-Technical School, the Brown Technical School in Wilmington, the Howard High School in Wilmington, and the New Castle County Vocational-Technical School when operational, shall also be counted as additional units on the basis of one unit for each 30 or major fraction thereof of such pupils.

Section 2. This act shall be effective July 1, 1966.

Approved December 7, 1965.

## CHAPTER 189

**AN ACT RELATING TO STATE PENSIONS BY PERMITTING CERTAIN RECIPIENTS OF STATE PENSIONS TO RECEIVE OTHER COMPENSATION FROM THE STATE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5508, Title 29, Delaware Code, is amended to read:

**§ 5508. Employment of pension beneficiaries by the State; exceptions**

(a) No person shall receive a pension under this chapter while being employed by this State in any capacity unless he serves in his employment without pay; provided, however, that nothing in this section shall prevent a person from receiving any pension he may be entitled to under the provisions of this chapter and at the same time receiving the compensation provided for by law for (1) officials elected by popular vote at a regular State election, (2) officials appointed by the Governor or (3) employment as a qualified substitute school employee for a period no longer than the time provided under the Federal Social Security Act each year within the schools of the State.

(b) Nothing in this section shall prevent the employment by the State, as a registration or election official or as a juror, any person receiving a State pension. Persons so employed may receive the compensation provided by law without deduction from their State pension.

Section 2. § 8323, (c) Title 11, Delaware Code, is amended to read:

(c) No person shall receive a pension under this section while being employed by this State in any capacity unless he serves in his employment without pay; provided, however, that nothing in this section shall prevent a person from re-

ceiving any pension he may be entitled to under the provisions of this chapter and at the same time receiving the compensation provided for by law for (1) officials elected by popular vote at a regular State election, (2) officials appointed by the Governor or (3) employment as an emergency State Policeman in an emergency situation as determined by the Superintendent of State Police for a period no longer than the time provided under the Federal Social Security Act each year.

Section 3. § 8323, Title 11, Delaware Code, is amended by adding thereto a new subsection to read:

(f) Nothing in this section shall prevent the employment by the State as a registration or election official or as a juror, any person receiving a State pension. Persons so employed may receive the compensation provided by law without deduction from their State pension.

Approved December 7, 1965.

## CHAPTER 190

**AN ACT TO AMEND CHAPTER 159, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF CAMDEN' TO 'THE TOWN OF CAMDEN' AND ESTABLISHING A CHARTER THEREFOR" AS AMENDED.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein:)*

Section 1. Subsection 5 (A) of chapter 159, Volume 43, Laws of Delaware, as amended, is amended to read:

Section 5 (A). The annual municipal elections shall be held on the last Saturday in the month of February from 1 o'clock P. M. until 4 o'clock P. M., at such place as shall be determined by the Council, due notices of which shall be given by posting notices thereof in 5 public places within the limits of the Town of Camden, not less than 10 days before the day of the annual election. In the event that there are no contests, the election need not be held, and the secretary shall certify such fact to the Council.

Section 2. Subsection 13 of section 15, chapter 159, Volume 43, Laws of Delaware, as amended, is amended to read:

(13) The limit of the amount to be raised by taxation under this section shall not exceed the sum of Twenty Thousand (\$20,000) Dollars in any one year clear of all delinquencies and expenses of collection; provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in all respects as provided for in section 5 of this act, may raise by taxation any amount above and exceeding the sum of Twenty Thousand (\$20,000) Dollars. At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation" another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised; when, however, any sum in excess of Twenty Thousand (\$20,-

000) Dollars shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum when in order to authorize any such increase a new referendum shall be necessary and whenever any increased sum shall be authorized at any referendum said sum shall represent the maximum amount authorized to be raised from year to year by taxation until an increase shall have been authorized by referendum duly held as aforesaid.

Section 3. Subsection (F) of section 14, chapter 159, Volume 43, Laws of Delaware, as amended, is amended to read:

#### **ALDERMAN**

(F) The Council shall elect an Alderman who shall be a resident of Kent County.

The Alderman may be removed during his term by a vote of three-fourths of the members elected to the Council.

In case of the temporary inability of the Alderman to perform his duties by reason of sickness or absence, or otherwise, the Council may at any meeting appoint an acting Alderman, who shall be a resident of Kent County, for the period of said inability.

Before entering upon the duties of his office, the Alderman shall be sworn or affirmed to perform the duties of his office with fidelity.

The Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed in the Town so far as to arrest and hold for bail or fine and imprison offenders; and also of all fines, penalties and forfeitures prescribed by this charter or by any ordinance of the Council and also of all neglects, omissions or defaults of any member of the Town police force or other Town officer or employee, provided that in the case of a violation of an ordinance, he shall

impose no fine or penalty in excess of that fixed by the ordinance, and shall not commit to prison for a longer term than 30 days in default in the payment of a fine imposed by him. The Kent County Correctional Institution may be used for imprisonment under the provisions of this act provided that the Council shall pay for the board of persons committed for breaches of ordinances that do not constitute breaches of the general law.

Any action, suit or proceeding authorized under any of the provisions of this charter or under any ordinance of the Town may be instituted in the name of "The Town of Camden".

His fees for any service under this section shall be the same as those of a Justice of the Peace for like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the Council.

The Alderman shall also have jurisdiction in suits of civil nature, for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the Town under the provisions of this Charter.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payment for the space of 5 days, he shall be deemed guilty of a misdemeanor and upon conviction in the Superior Court of the State of Delaware shall be fined not more than \$500 or imprisoned for not more than 1 year or both, at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceeding month belonging to the Town. He shall pay all



such moneys to the Treasurer within 10 days after making report thereof to the Council; and for failure to make report to the Council, or for failure to make payment to the Treasurer for the space of 10 days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times.

Section 4. Subsection 33 (A), chapter 159, Volume 43, Laws of Delaware, as amended, is amended to read:

Section 33 ((A). The Board of Health for the Town of Camden shall consist of 3 members appointed by the Council to serve for 1 year; they shall report to the Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town and shall make recommendations to Council of whatever may contribute to useful sanitary information.

Approved December 8, 1965.

## CHAPTER 191

**AN ACT CONCERNING INSIDER TRADING OF DOMESTIC STOCK INSURANCE COMPANY EQUITY SECURITIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 18, Delaware Code, is amended by adding thereto a new subchapter to read:

**SUBCHAPTER IV. REGULATION OF INSIDER TRADING OF DOMESTIC STOCK INSURANCE COMPANY EQUITY SECURITIES.****§ 561. Reports by owners, directors, or officers of domestic stock companies**

Every person who is directly or indirectly the beneficial owner of more than 10 per cent of any class of any equity security of a domestic stock insurance company, or who is a director or an officer of such company, shall file in the office of the Commissioner on or before the thirty-first day of January, nineteen hundred sixty-six, or within 10 days after he becomes such beneficial owner, director or officer a statement, in such form as the Commissioner may prescribe, of the amount of all equity securities of such company of which he is the beneficial owner, and within 10 days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file in the office of the Commissioner a statement, in such form as the Commissioner may prescribe, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

**§ 562. Prevention of use of inside information; suits to recover profits; exceptions**

(a) For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such company, any profit realized by him from any purchase and

sale, or any sale and purchase, of any equity security of such company within any period of less than 6 months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the company, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding 6 months.

(b) Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the company, or by the owner of any security of the company in the name and in behalf of the company if the company shall fail or refuse to bring such suit within 60 days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than 2 years after the date such profit was realized.

(c) This section shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security involved, or any transaction or transactions which the Commissioner by rules and regulations may exempt as not comprehended within the purpose of this section.

#### **§ 563. Certain sales prohibited; exceptions**

It shall be unlawful for any such beneficial owner, director or officer, directly or indirectly, to sell any equity security of such company if the person selling the security or his principal (1) does not own the security sold, or (2) if owning the security, does not deliver it against such sale within 20 days thereafter, or does not within 5 days after such sale deposit it in the mails or other usual channels of transportation; but no person shall be deemed to have violated this section if he proves that notwithstanding the exercise of good faith he was unable to make such delivery or deposit within such time, or that to do so would cause undue inconvenience or expense.

#### **§ 564. Exceptions for dealers; rules**

(a) The provisions of section 562 of this Title shall not apply to any purchase and sale, or sale and purchase, and the

provisions of section 563 of this Title shall not apply to any sale, of an equity security of a domestic stock insurance company not then or theretofore held by him in an investment account, by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market (otherwise than on an exchange as defined in the Securities Exchange Act of 1934) for such security.

(b) The Commissioner may, by such rules and regulations as he deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.

#### **§ 565. Arbitrage transactions**

The provisions of sections 561, 562 and 563 of this Title shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the Commissioner may adopt in order to carry out the purposes of this subchapter.

#### **§ 566. Equity security defined**

"Equity security" as used in this subchapter means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Commissioner deems to be of similar nature and considers necessary or appropriate, by such rules and regulations as he may prescribe in the public interest or for the protection of investors, to treat as an equity security.

#### **§ 567. Exemptions for small or regulated companies**

The provisions of sections 561, 562 and 563 of this Title shall not apply to equity securities of a domestic stock insurance company if (1) such securities shall be registered, or shall

be required to be registered, pursuant to section 12 of the Securities Exchange Act of 1934, as amended, or if (2) such domestic stock insurance company shall not have any class of its equity securities held of record by 100 or more persons on the last business day of the year next preceding the year in which equity securities of the company would be subject to the provisions of sections 561, 562, and 563 of this Title except for the provisions of this clause.

#### **§ 568. Rules and regulations**

The Commissioner may make such rules and regulations as may be necessary for the execution of the functions vested in him by this subchapter, and may for such purpose classify domestic stock insurance companies, securities, and other persons or matters within his jurisdiction. No provisions of section 561, 562 or 563 of this Title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

Section 2. This act shall take effect 90 days after it becomes law.

Approved December 9, 1965.

## CHAPTER 192

**AN ACT TO AMEND TITLE 31, DELAWARE CODE, BY RE-  
DEFINING THE FINANCIAL PARTICIPATION OF THE  
COUNTIES AND THE STATE IN THE STATE PUBLIC  
ASSISTANCE CODE.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Title 31, Section 513, Delaware Code, is amended by striking out the sixth, seventh, eighth and ninth paragraphs of subsection (c) thereof and by inserting in lieu thereof new paragraphs to read as follows:

The Treasurer of each county shall be furnished by the Department a listing by name, address, and amount paid, of each recipient eligible for General Assistance each month, such lists to be used for the purpose of this chapter only and information from them to be disclosed solely for purposes directly connected with the administration of assistance.

The State shall monthly reimburse each county to the extent of one-half the amount expended by the County for General Assistance Grants allocable to that county.

Notwithstanding any other provision of law, the administrative and all other expenses of the Department for General Assistance other than actual grants to welfare recipients shall be paid from the General Fund of the State within the limits of the appropriations by the General Assembly therefor. One-half the annual payments by the State for such administrative and other expenses for General Assistance other than actual grants to welfare recipients, shall be paid by the Levy Courts of the various counties or their successors into the General Fund of the State. The amount of such administrative and other expense for the General Assistance chargeable against the counties of the State shall be apportioned according to the number of recipients from each county, and the Receiver of Taxes and County Treasurer for each county shall pay to the State Treasurer, on or before the first day of each month, an amount equal to one-third of the estimated needs

for the fiscal quarter as set forth in a quarterly estimate submitted by the Department. Each quarterly estimate prepared for each county by the Department shall set forth the actual expenditures for the preceding quarter and compensating adjustments shall be made in the estimated needs for the future quarter. A copy of each such quarterly estimate shall be forwarded to the State Treasurer by the Department at the same time it is sent to the county. If any county shall fail to pay to the State Treasurer the sum required by this paragraph within 10 days of the date such sum becomes due, the State Treasurer shall deduct said sum from such reimbursements as are or shall become payable to said county from the State under any of the provisions of this title.

Section 2. This Act shall become effective July 1, 1966.

Approved December 9, 1965.

## CHAPTER 193

**AN ACT TO AMEND CHAPTER 1, TITLE 24, DELAWARE CODE, ENTITLED "ACCOUNTANT (CERTIFIED PUBLIC)" BY REPEALING SAID CHAPTER AND ENACTING A NEW CHAPTER REGULATING THE PRACTICE OF CERTIFIED PUBLIC ACCOUNTANTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 1, Title 24, Delaware Code, is repealed and a new chapter 1 enacted in lieu thereof to read as follows:

**CHAPTER I. ACCOUNTANTS (CERTIFIED PUBLIC)**

**§ 101. Board of Accountancy; appointment; qualifications; terms of office**

The State Board of Accountancy heretofore established and hereafter in this chapter referred to as the "Board" is continued and shall consist of five members who shall be appointed by the Governor. Four members of the Board shall be certified public accountants and the fifth member a practicing attorney at law in this State. All appointments to the Board shall be for a period of three years and until their successors are appointed and qualified, and any appointment made to fill a vacancy arising during a term shall be for the unexpired portion of the three year term. The Board shall adopt by-laws governing its affairs, which shall provide for the annual election of a president and a secretary from its members, and further shall provide that at any properly called meeting, the presence of a majority of the Board shall constitute a quorum.

**§ 102. Compensation of Board members**

The members of the Board shall be paid not more than \$10 per day, to each member of the Board, for the time actually expended, and also all necessary traveling expenses incurred in the performance of their duties under this chapter.



**§ 103. Certified public accountant; who may use title**

Any person who has received from the Board a certificate of his qualifications to practice as a public expert accountant, as provided in this chapter, shall be known and styled as a certified public accountant.

A partnership may register with the Board as a partnership of certified public accountants provided it meets the following requirements:

(a) At least one general partner thereof be a certified public accountant in good standing of this State.

(b) Each partner thereof personally engaged within this State in the practice of public accounting as a member thereof must be a certified public accountant in good standing of this State.

(c) Each partner thereof must be a certified public accountant in good standing of some state.

(d) Each resident manager in charge of an office of the firm in this State must be a certified public accountant in good standing of this State.

Application for such registration must be made upon the affidavit of a general partner of such partnership who is a certified public accountant in good standing of this State. The Board shall in each case determine whether the applicant is eligible for registration. The Board shall be notified, within one month, after the admission to or withdrawal of a partner from any partnerships so registered.

No other person, partnership or firm and no corporation shall assume such title, or the title of certified accountant, or chartered accountant, or the abbreviations C.P.A. or C.A., or any other words, letters, or abbreviations tending to indicate certified public accountant.

that the person, firm or corporation so using the same is a cer-

**§ 104. Certificate, requirements for obtaining**

(a) The certificate of certified public accountant shall be granted by the Board to any person who:

- (1) is a citizen of the United States; and
- (2) has attained the age of twenty-one years; and
- (3) is of good moral character; and

(4) is a graduate of a high school course or an equivalent course in any other school or institution of learning; and

(5) is and has been a resident of the State for at least twelve consecutive months preceding the date of his application for examination; or for twelve consecutive months preceding the date of such application has maintained an office in the State from which he regularly and continuously engaged in the practice of public accountancy either as principal or as a co-partnership, or has been in the employ of a person or co-partnership having an office and engaged in the practice of public accountancy in Delaware, and personally devoted and expects to continue to devote all of his normal working time to such public accounting practice; and

(6) except as otherwise provided in Section 107 of this title, has successfully passed an examination in accounting and auditing and such related subjects as the Board shall determine to be appropriate.

(b) In the case of an application filed before January 1, 1969, the applicant must, in addition to meeting the requirements of (a) above:

(1) be a graduate of a college or other institution of learning recognized by the Board, and have satisfactorily completed not less than twenty semester credits in the study of accounting; or

(2) have not less than twenty-four months experience in the practice of public accountancy either as principal or as

a member of a co-partnership or in the employ of a person or co-partnership engaged in the practice of public accountancy.

(c) In the case of an application filed after December 31, 1968, by an applicant who has not theretofore sat for examination, such applicant must, in addition to meeting the requirements of (a) above:

(1) be a graduate of a college or university, approved by the Board at the time of graduation, with a baccalaureate degree, or what the Board determines to be substantially the equivalent thereof; have satisfactorily completed at least twenty semester credits in accounting, not necessarily as part of his undergraduate work; and have not less than twenty-four months of public accounting experience satisfactory to the Board; or

(2) be a graduate of a two-year independent business school, accredited as a Junior College of Business by the Accrediting Commission for Business Schools or a successor organization at the time of graduation, which course of study included the satisfactory completion of at least twenty semester credits in accounting, and have not fewer than forty-eight months of public accounting experience satisfactory to the Board.

(d) The Board may require an applicant to appear in person before the Board in connection with his application for a certificate as certified public accountant.

#### § 105. Examinations

All examinations provided for in this chapter shall be in writing and shall be conducted by the Board. The time and place of holding examinations shall be duly advertised for not less than three consecutive days in one daily newspaper published in each of the places where the examinations are to be held and not less than thirty days prior to the date of each examination.

The Board may by regulations prescribe the terms and conditions under which a candidate who passes the examina-

tion in one or more of the subjects indicated in Section 104 (a) (6) above may be re-examined in only the remaining subjects, with credit for the subjects previously passed. It may also provide by regulation for a reasonable waiting period for a candidate's re-examination in a subject he has failed.

The examination shall take place as often as may be necessary in the opinion of the Board, but not less frequently than once each year.

#### **§ 106. General powers of the Board**

(1) To provide for and to regulate the issuance of certificates and to issue a certificate of certified public accountant to any person, (a) who meets the general qualifications and education and experience requirements provided herein and who passes the examination required by the Board, or (b) who meets the requirements for the issuance of a certificate by reciprocity.

(2) To prescribe the subject, manner, time and place of examination for the certificate of certified public accountant. The Board may make use of all or any part of the Uniform Certified Public Accountant Examination and/or Advisory Grading Service of the American Institute of Certified Public Accountants as it deems appropriate to assist in performing its duties hereunder.

(3) To suspend for a fixed term or revoke the certificate of any certified public accountant or to censure the holder of such certificate as provided for in Section 108 of this act.

(4) To arrange for assistance in the performance of its duties, and to administer and enforce the laws of the State relating to practice by certified public accountants, and to instruct and require its agents to bring a prosecution for a violation of this act.

(5) To keep minutes and records of all its transactions and proceedings. Copies thereof duly certified by the Secretary of the Board shall be received as evidence in all courts of this State.

(6) To become a member of the Association of Certified Public Accountant Examiners, or a similar organization, and to pay such dues as said association shall establish and to send delegates to the annual meeting of the Association and to defray their expenses.

(7) To adopt, promulgate and enforce such administrative rules and regulations not inconsistent with this act, or other acts, as are necessary and proper to carry into effect the provisions of this act.

(8) To promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy.

#### **§ 107. Waiver of examination**

The Board may waive the examination of, and issue a certificate as Certified Public Accountant to, any person possessing the qualifications set forth in Section 104 of this title who, at the time of application for said certificate:

(1) is engaged full-time in the public practice of accountancy; and

(2) is the holder of a "C.P.A." certificate under the laws of another state, provided the requirements for such certificate in the state which has granted it to the applicant are, in the opinion of the Board, equivalent to those provided in this chapter; or

(3) is the holder of a certificate, license or degree, of a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this State, which is then in full force and effect.

#### **§ 108. Revocation, suspension, censure; notice and hearing**

(a) The Board may revoke or suspend any certificate issued under this chapter, or may censure the holder of any such certificate for any one combination of the following causes:

(1) Fraud or deceit in obtaining a certificate as certified public accountant under this act.

(2) Dishonesty, fraud or gross negligence in the practice of public accounting.

(3) Violation of a rule of professional conduct promulgated by the Board under the authority granted by this act.

(4) Pleading guilty, entering a plea of nolo contendere, or being found guilty of a felony under the laws of any state or political subdivision of the United States or of the United States.

(5) Pleading guilty, entering a plea of nolo contendere, or being found guilty of any crime, an element of which is dishonesty or fraud, under the laws of any state or political subdivision of the United States or of the United States.

(6) Conduct discreditable to the public accounting profession.

(b) The Board may initiate proceedings under this section either on its own motion or on the complaint of any person. Any action under this section shall be by majority vote of all members of the Board. Written notice of the cause for such contemplated action, and the date of the hearing thereon by the Board, shall be mailed to the holder of such certificate, at least twenty days before such hearing.

(c) No certificate issued under this chapter shall be revoked until a hearing shall have been held.

(d) At all such hearings, the Attorney General of this State, or one of his assistants designated by him, shall appear and represent the Board.

(e) The Board may in its discretion publish notice of any action taken under this section.

### **§ 109. Reinstatement**

Upon application in writing, and after hearing pursuant to notice, the Board may issue a new certificate to a certified

public accountant whose certificate has been revoked or modify the suspension of any certificate which has been suspended.

#### **§ 110. Ownership of working papers**

All statements, records, schedules, working papers and memoranda made by a certified public accountant incident to or in the course of professional service to clients by such certified public accountant, except reports submitted by a certified public accountant to a client, shall be and remain the property of such certified public accountant in the absence of an express agreement between the certified public accountant and the client to the contrary.

#### **§ 111. Register, publication of**

The Board shall have printed and published annually for public distribution a register which shall contain the names, arranged in alphabetical order, of all practitioners holding certificates to practice under this act; the names of members of the Board; and other matters as may be deemed proper by the Board. A copy of such register shall be mailed to each certificate holder.

#### **§ 112. Fees**

The fee to be paid to the Board:

(1) by an applicant for an examination or re-examination in all subjects to determine his fitness to receive a certificate as a Certified Public Accountant shall be \$50;

(2) by an applicant for re-examination in less than all subjects to determine his fitness to receive a certificate as a Certified Public Accountant shall be \$25 for each re-examination;

(3) by an applicant for a certificate as a Certified Public Accountant, who is a certified public accountant registered or licensed under the laws of another state or territory of the United States, or of any foreign government, shall be \$50.

**§ 113. Annual report and receipts**

The Board shall report annually the number of certificates issued and receipts and expenses under this chapter to the Governor. All income shall be deposited to the credit of the State Treasurer as part of the General Fund of the State, in accordance with chapter 61 of Title 29.

**§ 114. Violations and penalties**

Whoever represents himself to the public as having a certificate provided for in this chapter, or assumes to practice as a certified public accountant without having received such certificate, or having received such certificate provided for in this chapter, thereafter loses the same by revocation or suspension and continues to practice as a certified public accountant, or uses such title or any other title mentioned in section 103 of this title, or violates any of the provisions of this chapter, shall be fined not less than \$100 and not more than \$500, or imprisoned for a period of not less than one month and not more than six months, or both, for each day during which he so practices or violates any of the provisions of this chapter.

Approved December 9, 1965.



CHAPTER 194

**AN ACT TO AMEND CHAPTER 213, VOLUME 54, LAWS OF DELAWARE, ENTITLED, "AN ACT MAKING AN APPROPRIATION TO THE SECRETARY OF STATE FOR A COMPREHENSIVE REVIEW AND STUDY OF THE CORPORATION LAWS OF THE STATE AND FOR THE PREPARATION OF A REPORT CONTAINING RECOMMENDED REVISIONS OF SUCH LAWS FOR SUBMISSION TO THE GENERAL ASSEMBLY".**

*of Delaware:*

*Be it enacted by the General Assembly of the State*

Section 1. Chapter 218, Volume 54, Laws of Delaware, is amended by striking out the word and figures "June 30, 1965" and inserting in lieu thereof the word and figures "June 30, 1967".

Approved December 9, 1965.

## CHAPTER 195

**AN ACT TO AMEND CHAPTER 171, VOLUME 54, LAWS OF DELAWARE, ENTITLED, "AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE; APPROPRIATING MONEY FOR SAID PURPOSE; AUTHORIZING THE FINANCING OF SUCH ENLARGEMENT AND IMPROVEMENT BY THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE AND BY CONTRIBUTIONS FROM CERTAIN SCHOOL DISTRICTS, AND THE CITY OF WILMINGTON, DEFINING SCHOOL DISTRICTS; AUTHORIZING THE ISSUANCE OF BONDS OF CERTAIN SCHOOL DISTRICTS AND THE CITY OF WILMINGTON FOR THE PURPOSE OF RAISING MONEY TO MAKE SUCH CONTRIBUTIONS; AND AUTHORIZING THE ACCEPTANCE OF FEDERAL FUNDS FOR BUILDING PURPOSES AND CREATING LOCAL SCHOOL BUILDING COMMISSIONS".**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch thereof concurring therein):*

Section 1. Section 14, Chapter 171, Volume 54, Laws of Delaware, is amended by adding the following sentence at the end of the last paragraph of Section 14:

Provided, however, that in the case of the Marshallton School District #77, Odessa School District #61, Dover Special School District, Alfred I. duPont School District #7, Middletown School District #60, the School District of the City of Wilmington, Millsboro School District #204, William C. Jason School District #192 and the New Castle County Vocational Facilities, all two-year periods mentioned in this Section shall be extended for a further period of two years.

Approved December 9, 1965.

## CHAPTER 196

**AN ACT TO AMEND CHAPTER 163, VOLUME 32, LAWS OF DELAWARE, AS AMENDED, BEING AN ACT ENTITLED "AN ACT TO FURTHER AMEND CHAPTER 92, VOLUME 23, LAWS OF DELAWARE" BEING AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION AND CONTROL OF THE PUBLIC SCHOOLS OF THE CITY OF WILMINGTON".**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein):*

Section 1. Section 7A of Chapter 163, Volume 32, Laws of Delaware, as amended, being an Act entitled "An Act to Further Amend Chapter 92, Volume 23, Laws of Delaware" being an Act entitled "An Act to Provide For The Organization and Control of the Public Schools of the City of Wilmington" is amended by striking out the words "two per centum" as they appear in the first paragraph thereof and inserting in lieu thereof the words "two and one-fourth per centum".

Approved December 9, 1965.

## CHAPTER 197

**AN ACT TO AMEND CHAPTER 3, TITLE 9, DELAWARE CODE, RELATING TO LEVY COURT DISTRICTS AND ELECTION, QUALIFICATIONS AND TERM OF LEVY COURT COMMISSIONERS IN KENT COUNTY.**

WHEREAS, the Levy Court Commissioners of Kent County are now elected by Levy Court Districts which are based on the former Representative Districts of the General Assembly; and

WHEREAS, voters are confused by being in so many entirely different districts for different election purposes; and

WHEREAS, as time erodes the memory of the boundaries of the former Representative Districts, the confusion will be compounded,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 301 (b), Title 9, Delaware Code, is amended by striking the present § 301 (b) and inserting a new § 301 (b) in lieu thereof to read as follows:

(b) Kent County shall be divided into a number of Levy Court Districts equal to the number of Representative Districts, with each Representative District comprising a Levy Court District; but if the number of Representative Districts in Kent County is an even number, there shall be an additional Levy Court District comprised of the County as a whole.

The Department of Elections for Kent County shall assign numbers to the Levy Court Districts.

Section 2. Section 304, Title 9, Delaware Code, is amended to read:

**§ 304. Election, qualifications and term of Levy Court Commissioners; Kent County**

(a) In Kent County at the biennial general election there shall be elected by the qualified voters in Kent County, one Levy Court Commissioner from each Levy Court District of Kent County to serve for a term of two years. The Commissioners so elected shall be bona fide residents and free holders of their respective Levy Court Districts and qualified to vote at the general election held in Kent County, but shall be elected by vote of the qualified voters of the County as a whole.

(b) In the event a primary election is necessitated in any Levy Court District, then, and in that event, only the qualified voters of the Levy Court District in which such primary contest exists shall be eligible to vote in said primary.

(c) The terms of office of Levy Court Commissioners of Kent County shall be two years commencing on the first Tuesday in January following the election.

(d) If, during his term of office, a Commissioner ceases to be a resident or freeholder or qualified voter of his district, his office shall thereupon become vacant.

Approved December 9, 1965.

## CHAPTER 198

**AN ACT TO AMEND CHAPTERS 17 AND 31, TITLE 14, DELAWARE CODE, RELATING TO EDUCATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1703, Chapter 17, Title 14, Delaware Code, is amended by striking the clause "classes for the socially and emotionally maladjusted, 1 unit for 15 children" and inserting in lieu thereof a new clause to read as follows: "classes for the socially or emotionally maladjusted, 1 unit for 10 children."

Section 2. § 3101, Chapter 31, Title 14, Delaware Code, is amended by striking the fifth paragraph beginning with "Maladjusted children" and inserting in lieu thereof a new paragraph to read as follows:

"Socially or emotionally maladjusted children" means those children whose behavioral disorders are such that it is impossible for them to be educated profitably and efficiently through a regular classroom program, and who may, upon recommendation of the chief administrative officer of a school district, or of a state institution (if committed to its care or under direction) be assigned to such classes in accordance with policies set forth by the State Department of Public Instruction for their establishment and operation.

Section 3. This act shall become effective July 1, 1965.

Approved December 9, 1965.

CHAPTER 199

**AN ACT TO AMEND § 1522, CHAPTER 15, TITLE 9, DEL-AWARE CODE, RELATING TO THE BORROWING OF MONEY BY THE LEVY COURT OF NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1522, Chapter 15, Title 9, Delaware Code, is amended by striking the figure "3" in the first sentence of subsection (b) and inserting in lieu thereof the figure "5".

Approved December 9, 1965.

## CHAPTER 200

**AN ACT TO AMEND CHAPTER 28, TITLE 31, DELAWARE CODE, RELATING TO THE DELAWARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 28, Title 31, Delaware Code, is amended by striking § 2801 and inserting a new § 2801 to read as follows:

**§ 2801. Board of Trustees; composition**

There is created the Board of Trustees of the Delaware Home and Hospital for the Chronically Ill at Smyrna (hereafter called the Board), consisting of 7 members appointed for terms of 4 years each, one from the city of Wilmington, one from rural New Castle County, one from Kent County, one from Sussex County, and three at large.

Section 2. Chapter 28, Title 21, Delaware Code, is further amended by striking § 2802 and inserting a new § 2802 to read as follows:

**§ 2802. Appointment; terms of office; removal**

(a) The present 4 members shall continue to serve out their appointed terms. Of the three additional members at large appointed by the Governor, one shall be appointed for two years, one for three years, and one for four years.

(b) Vacancies occurring in the Board from any cause, shall be filled by the Governor for the residue of the term; but in every case where a vacancy shall occur by reason of the expiration of the full term of a member of the Board the appointment by the Governor shall be for the full term of 4 years.

(c) If a majority of the Board shall request the removal of a member of the Board, the Governor may, upon a full pre-



sentation of the facts, remove such member from the Board and fill the vacancy thus created.

(d) Four of the members of the Board shall be of one major political party and the remaining three members of the Board shall be of the other major political party.

Approved December 9, 1965.

## CHAPTER 201

**AN ACT RELATING TO THE STATE INCOME TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1187, Title 30, Delaware Code, is amended by striking the words "one-third of one per cent for each month or fraction of a month" as they appear therein and inserting in lieu thereof the words and figures " $\frac{1}{2}$  of 1 per cent for each month or fraction of a month".

Section 2. The provisions of this act shall become effective on January 1, 1966.

Approved December 9, 1965.

## CHAPTER 202

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF DELAWARE BY MAKING A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF THE PUBLIC DEFENDER.**

WHEREAS, the 122nd General Assembly provided for the establishment of the office of the Public Defender to provide counsel to indigent persons accused of crimes in the Courts of this State; and

WHEREAS, the services of said office on a state-wide level have required the hiring of a full-time attorney to assist the Public Defender; and

WHEREAS, the establishment of an office for the Public Defender in Kent County has required the incurring of additional expenses not included in the original appropriation to the Public Defender;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1, Chapter 81, Volume 55, Laws of Delaware, is amended on page 8, under the designation "Public Defender" by striking the line "Wages and Salaries of Employees \$28,000.00" and by inserting in lieu thereof the line "Wages and Salaries \$34,000.00" to defray the cost of hiring a full-time attorney to assist the public defender; by striking the line "Personal Services Lawyers \$30,000.00" and inserting in lieu thereof the line "Personal Services Lawyers \$35,000.00" to defray the costs of retaining an attorney to staff the Kent County office of the Public Defender; and by striking the line "Contractual Services \$5,300.00 and by inserting in lieu thereof the line "Contractual Services \$7,300.00" to defray additional costs in staffing the Kent County office of the Public Defender.

Section 2. This Act is a supplementary appropriation from funds in the General Fund of the State of Delaware, and shall be paid by the State Treasurer from funds not otherwise appropriated.

Approved December 9, 1965.

## CHAPTER 203

**AN ACT CONCERNING THE REGULATION OF PROXIES  
OF DOMESTIC STOCK INSURANCE COMPANIES.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Chapter 5 of Title 18, Delaware Code, is amended by adding thereto a new subchapter to read:

**SUBCHAPTER V. REGULATION OF PROXIES****§ 570. Proxies, consents and authorizations in respect of any  
voting security issued by a domestic insurer**

(a) The Commissioner may, by regulation, prescribe the form, content and manner of solicitation of any proxy, consent or authorization in respect of any voting security issued by a domestic insurer as necessary or appropriate in the public interest or for the proper protection of investors in the voting securities issued by such insurer, or to insure the fair dealing in such voting securities.

(b) No person and no domestic insurer or any director, officer or employee of such insurer shall solicit or permit the use of his name to solicit, by mail or otherwise, any person to give any proxy, consent or authorization in respect of any voting security issued by such insurer in contravention of any rule or regulation the Commissioner may prescribe pursuant to this section.

(c) Failure to comply with any rule or regulation of the Commissioner made pursuant to this section shall be unlawful and any proxy or consent obtained in violation of this section or in contravention of any rule or regulation issued pursuant thereto shall be void. Any domestic insurer or any person (who is legally entitled to vote, consent or authorize by virtue of being the holder of record of such a voting security) or the Commissioner, if any of the foregoing parties shall fail to act within 15 days after the date on which such vote was cast or counted, may enforce compliance with the rules and regula-

tions made pursuant to this section, by appropriate action in law or equity; provided, however, no suit shall be brought more than 30 days after the date on which such vote, consent or authorization was to have been effected.

(d) None of the provisions of this section shall apply to voting securities of a domestic insurer if such voting securities shall be registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended.

(e) The term "voting security" as used in this section shall mean any instrument which, in law or by contract, gives the holder the right to vote, consent or authorize any corporate action of a domestic stock insurer.

Approved December 9, 1965.

## CHAPTER 204

**AN ACT RELATING TO A PENSION FOR WARREN E. PERRY, A FORMER EMPLOYEE OF THE STATE OF DELAWARE.**

WHEREAS, Warren E. Perry was employed by the State of Delaware and Sussex County as a faithful public servant for approximately 29 years; and

WHEREAS, the present law does not provide for pension benefits for Warren E. Perry; and

WHEREAS, Warren E. Perry is deserving of consideration of state pension because of unusual circumstances; and

WHEREAS, Warren E. Perry should receive pension benefits for the long service rendered to the State of Delaware;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is directed to accept the application of Warren E. Perry for a Service Pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Warren E. Perry to be eligible for said pension.

Approved December 10, 1965.

## CHAPTER 205

## AN ACT TO AMEND ARTICLE III, SECTION 18, OF THE CONSTITUTION.

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein:)*

Section 1. Article III of the Constitution of the State of Delaware is amended by striking Section 18 in its entirety and substituting a new section 18 to read as follows:

Section 18. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes law, be presented to the Governor; if he approves, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law; but in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor.

For purposes of return of Bills not approved by the Governor the General Assembly shall be considered to be continuously in Session until final adjournment and the Clerk of the House of Representatives and the Secretary of the Senate shall be deemed proper recipients of such returned bills during re-

cess or adjournment of the General Assembly other than final adjournment.

No bill shall become a law after the final adjournment of the General Assembly, unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills, over the Executive veto. Every order and resolution to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment and those matters dealing solely with the internal or administrative affairs of the General Assembly, shall be presented to the Governor, and before the same shall take effect be approved by him, or being disapproved by him, shall be re-passed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

Proposed: Dec. 2, 1965.

Note: This is the initial enactment only of a proposed Constitutional Amendment.



CHAPTER 206

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, § 3 OF THE CONSTITUTION OF THE STATE OF DELAWARE PROVIDING THAT THE GENERAL ASSEMBLY MAY MAKE PROVISION FOR THE TRANSPORTATION OF STUDENTS OF NON-PUBLIC ELEMENTARY AND HIGH SCHOOLS NOT OPERATING FOR PROFIT.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein:)*

Section 1. Article X, § 3 of the Constitution of the State of Delaware is amended by adding thereto the following:

The foregoing provision shall not prevent the General Assembly from providing for the transportation of students of non-public elementary and high schools not operated for profit.

Proposed: Dec. 7, 1965.

## CHAPTER 207

**AN ACT TO AMEND SECTION 1902, CHAPTER 19, TITLE 9,  
DELAWARE CODE, INCREASING THE APPROPRIA-  
TIONS OF THE LEVY COURT OF NEW CASTLE COUN-  
TY FOR FIRE COMPANIES.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Section 1902, Chapter 19, Title 9, Delaware Code, is amended by striking the figure "\$1500" wherever therein found and inserting in lieu thereof "\$1750".

Approved December 13, 1965.

## CHAPTER 208

**AN ACT TO AMEND CHAPTER 5, TITLE 10, DELAWARE CODE, RELATING TO LAW CLERKS FOR THE COURT OF CHANCERY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 3, Title 10, Delaware Code, is amended by adding a new § 329 to read as follows:

**§ 329. Law clerks**

(a) The Court of Chancery may appoint and remove at pleasure such law clerks as shall be necessary for the proper operation of the Court, not to exceed 2 law clerks in New Castle County, 1 law clerk in Kent County and 1 law clerk in Sussex County.

(b) Each law clerk shall receive such compensation from the respective counties as shall from time to time be determined by the Levy Courts in the respective counties. Special arrangements may be made as to part-time law clerks where the Court finds it expedient to do so.

(c) The Court shall certify to the respective Levy Courts and to the respective County Treasurers, the names and addresses of the persons appointed, the several dates of their appointments, and the compensation to be paid to them.

Approved December 13, 1965.

## CHAPTER 209

**AN ACT TO AMEND CHAPTER 33, TITLE 12, DELAWARE CODE, RELATING TO INVESTMENTS OF FIDUCIARIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 33, Title 12, Delaware Code, is amended by repealing § 3307 and inserting in lieu thereof a new § 3307 to read as follows:

**§ 3307. Common fund investments by bank or trust company; regulations**

A bank or trust company authorized to act in a fiduciary capacity and acting in such capacity, other than merely as agent, may invest funds held by it for investment as fiduciary in fractional undivided interests in a common fund composed exclusively of property permitted for investment by the terms of Section 3302 of this title and of cash, if such common fund shall have been created and is managed exclusively by such bank or trust company as trustee under a written plan, an original copy of which, executed by such bank or trust company, has been filed and is recorded in the office of the Register in Chancery of the county in which such bank or trust company is located. Under such plan it shall not be permitted that any such fractional interests shall at any time be owned by other than such bank or trust company as fiduciary under will, under agreement, or for a mentally ill person, or as a guardian of a minor or of the property of an aged, mentally infirm or physically incapacitated person, or as executor or administrator. At least once each three months, as of a predetermined date, the fair value of the assets of the common fund shall be ascertained, and a fractional interest in such common fund may only be acquired or redeemed as of such predetermined date by payment, in the case of acquisition, of an amount in cash or United States Savings Bonds Series G at par therefor, or in the case of redemption, of an amount in cash or in kind, or partly in cash and partly in kind, equal to its proportionate part of the fair value of the common fund. A reason-

able period following each such predetermined date may be used to make the computations necessary to determine the value of the common fund and of the participations therein. Unless a bank or trust company making an investment for a fiduciary account in a common fund shall find that the investments of the common fund as a whole are ones in which funds of such fiduciary account might not properly be invested at the time, the investment of such funds in such common fund shall not be improper. The bank or trust company shall not charge a fee or commission to the common fund or its management or receive any fees or commissions from any fiduciary estate which may be invested in a common fund other than those it would be entitled to receive if such estate were otherwise invested.

Approved December 13, 1965.

Note: § 3307, Title 12, Delaware Code, was codified as § 3307 (a)-(d).

## CHAPTER 210

**AN ACT TO AMEND CHAPTER 279, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BOWERS".**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Subsection 4 (a) of Chapter 279, Volume 53, Laws of Delaware, is amended to read:

(a) Terms

Three of the councilmen shall be elected for the term of two years each, in every odd numbered year and two of the councilmen shall be elected for the term of two years each, in every even numbered year. Councilmen holding office at the time of the enactment of this Charter shall continue to hold office until the expiration of their old terms. On the first Monday in March in each and every year, the successors of the members of the Council whose terms shall have expired, shall be chosen to serve the term of two years. The members of the Council shall serve until their successors are duly elected and qualified.

Section 2. Subsection 6 (a) of Chapter 279, Volume 53, Laws of Delaware, is amended to read:

(a) Date; notice; ballots

Annual Town elections shall be held on the first Monday in the month of March from 5:00 P. M. until 8:00 P. M., prevailing time, at such place as shall be determined by the Council, due notices of which shall be given by posting notices thereof in three of the most public places within the corporate limits of the Town not less than seven days prior to the day of such annual election. The Council shall have prepared sufficient ballots which will entitle all eligible voters to vote at such election and which shall contain the names of all persons properly nominated and under proper headings designating the offices for

which nominated. Such ballots shall be delivered to the Election Board and every eligible voter shall receive one from the said Board during the hours of the said annual election.

Section 3. Subsection 6 (c), Chapter 279, Volume 53, Laws of Delaware, is amended to read:

(c) Persons qualified to vote; manner of voting

At such election every person, male or female, above the age of twenty-one years who shall have been a bona fide resident of the Town of Bowers for at least thirty days immediately preceding any such election, or who not being a resident of the Town is a real property owner in the Town, shall have one vote, if all Town taxes, assessments and charges levied against such person shall be paid at the time of such election. All votes shall be offered in person and in voting the voters shall cross out the names of all the candidates for whom he does not desire to cast his vote.

Approved December 13, 1965.

## CHAPTER 211

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DEPARTMENT OF PUBLIC WELFARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. In addition to any other sums heretofore appropriated the sum of \$193,500.00 is appropriated to the Department of Public Welfare for the fiscal year ending June 30, 1966 for the following purposes:

Salaries and Wages of Employees .....	\$ 54,000.00
Other Personal Services .....	1,500.00
Travel, Other than Mileage .....	1,000.00
Contractual Services .....	9,000.00
Supplies and Materials .....	2,000.00
Capital Outlay .....	14,000.00
Grants-Contingency .....	112,000.00
<b>TOTAL .....</b>	<b>\$193,500.00</b>

Section 2. The sum appropriated in Section 1, "Salaries and Wages of Employees", shall be used for the purpose of employing 24 Social Workers to be assigned to caseloads in Child Welfare Services and Public Assistance, 10 Unit Supervisors to supervise caseload Social Workers in Child Welfare Services and Public Assistance, and 6 Clerk-typists only.

Section 3. The sum appropriated in Section 1, "Grants - Contingency", may be transferred to the specific line items of "Old Age Assistance Grants", "Aid to Disabled Grants", "Direct Care-Child Welfare Services" or "Aid and Service to Needy Families" by the Budget Director upon receipt of a justification of such needs from the Department.

Section 4. This Act is a Supplementary Appropriation and the money appropriated shall be paid by the State Treasurer out of moneys in the General Fund of the State not otherwise appropriated.

Approved December 13, 1965.



CHAPTER 212

**AN ACT AMENDING THE DELAWARE CODE BY STRIKING OUT THE WORDS "DELAWARE STATE HOSPITAL AT FARNHURST" WHEREVER USED IN SAID CODE AND SUBSTITUTING IN LIEU THEREOF THE WORDS "DELAWARE STATE HOSPITAL".**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Delaware Code is amended by striking out the words "Delaware State Hospital at Farnhurst" wherever used in said Code and substituting in lieu thereof the words "Delaware State Hospital".

Approved December 13, 1965.

## CHAPTER 213

**AN ACT TO AMEND CHAPTER 43, TITLE 9, DELAWARE CODE, RELATING TO PENSIONS FOR KENT COUNTY EMPLOYEES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4303, Title 9, Delaware Code, is amended to read:

**§ 4303. Eligibility for retirement benefits**

(a) An employee who is in covered employment on the date of retirement and who shall have served in covered employment for at least 15 years during the period that ends on the date of retirement, and who has served in covered employment for at least 5 years immediately preceding the date of retirement, and whose service includes no interruption from continuous covered employment, except allowable interruptions aggregating not more than 10 years, shall be considered eligible for retirement benefits within the meaning of this chapter, except as otherwise provided.

(b) Allowable interruptions from continuous covered employment, shall be interruptions arising from (1) leaves of absence granted to employees; or (2) for entering the armed services of the United States of America as provided in section 4304 of this Title; or (3) involuntary severance of employment not due to any fault or neglect on the part of such employee; or (4) voluntary severance of employment for a period not to exceed 1 year; but the employee shall not be considered in covered employment during any period of such interruption. The usual vacation allowed any employee of any department or agency shall not be considered an interruption from continuous employment.

(c) No employee shall be eligible for retirement benefits under the provisions of this chapter who is covered or potentially covered by any other State, County or Municipal pension plan or Statute.

Section 2. § 4305, Title 9, Delaware Code, is amended to read:

**§ 4305. Retirement age**

(a) Every covered employee within the meaning of this chapter, now or hereafter employed, may be retired after such employee shall have served in covered employment for 25 years, or on or after attaining the age of 60 years in the case of a female employee, or the age of 65 years in the case of a male employee, and shall, after retirement and during the remainder of his or her life, receive the pension fixed by this chapter, subject to such qualifications and reservations as are contained in this chapter; provided that a covered employee may continue active work at the option of the department or agency by which he or she is employed up to the age of 65 years for female employees or 75 years of age for male employees.

(b) Nothing in this chapter shall be construed to make mandatory the retirement of any employee who is not in "covered employment" as such term is defined in section 4302 of this title, or who is ineligible to receive a pension because he has not worked the required number of years, except as is specifically authorized in this chapter to the contrary.

Approved December 13, 1965.

## CHAPTER 214

**AN ACT MAKING AN APPROPRIATION TO THE STATE  
HIGHWAY DEPARTMENT FOR THE CONSTRUCTION  
OF A SIDEWALK ON THE SOUTH SIDE OF NEW CAS-  
TLE AVENUE FROM RYAN AVENUE TO HALCYON  
DRIVE IN GARFIELD PARK, NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$14,000 is hereby appropriated to the State Highway Department for the construction of a sidewalk on the south side of New Castle Avenue from Ryan Avenue to Halcyon Drive in Garfield Park, New Castle County.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1967, shall revert to the General Fund of the State.

Section 3. This Act is a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved December 14, 1965.

## CHAPTER 215

**AN ACT TO AMEND CHAPTER 270, VOLUME 54, LAWS OF DELAWARE, BY STRIKING FROM SECTION 1 THERE- OF THE PROVISION FOR THE ERECTION OF A NEW WING AT THE MAIN BUILDING AT THE DELAWARE STATE HOSPITAL AND BY INSERTING IN LIEU THEREOF A PROVISION FOR THE RECONSTRUCTION OF CERTAIN SECTIONS OF THE MAIN BUILDING.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch concurring therein):*

Section 1. Section 1, Chapter 270, Volume 54, Laws of Delaware, is amended by striking out sub-paragraph (d) thereof which reads "Erection of a new wing at the main building to house central medical records and a library" and inserting in lieu thereof a new sub-paragraph (d) as follows:

To reconstruct certain sections of the Main Building.

Approved December 14, 1965.

## CHAPTER 216

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, PROHIBITING THE MAKING, POSSESSING OR TRANSFERRING OF A DEVICE DESIGNED FOR UNLAWFUL TAKING OR APPROPRIATING OF TELECOMMUNICATIONS SERVICE OR OTHER PURPOSES, AND AUTHORIZING SEIZURE AND DESTRUCTION OR DISPOSAL THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding a new Section 559 to read as follows:

**§ 559. Making, possessing or transferring a device designed for unlawful taking or appropriating of telecommunications service or other purposes; seizure and destruction or disposal**

(a) Any person who:

(1) makes or possesses any instrument, apparatus, equipment, or device designed, adapted or which can be used

(a) for the commission of an unlawful taking or unlawful appropriating of telecommunications service; or

(b) to conceal or to assist another to conceal from any supplier of telecommunication service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or

(2) sells, gives or otherwise transfers to another, or offers or advertises for sale any instrument, apparatus, equipment, or device described in (1) above, or plans or instructions for making or assembling the same;

under circumstances evidencing an intent to use or employ such instrument, apparatus, equipment, or device or to allow the

same to be used or employed for a purpose described in (1) (a) or (1) (b) above, or knowing or having reason to believe that the same is intended to be so used, or that the aforesaid plans or instructions are intended to be used for making or assembling such instrument, apparatus, equipment, or device, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding \$500 or to imprisonment not exceeding 3 years, or both.

(b) Any instrument, apparatus, equipment, or device, or plans or instructions described in this section may be seized under warrant, by consent, or incident to a lawful arrest, and upon the conviction of any person for a violation of this section or of section 558 of this title, such instrument, apparatus, equipment, device, plans or instructions may be destroyed as ordered by the Court or may be disposed of by the Court pursuant to Section 2311 of this Title.

Approved December 14, 1965.

**CHAPTER 217****AN ACT TO ESTABLISH THE OFFICE OF THE COUNTY ENGINEER OF KENT COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 9, Part III, Delaware Code of 1953, is amended by adding a new Chapter to read:

**CHAPTER.47. COUNTY ENGINEER AND OTHER  
EMPLOYEES; APPOINTMENTS AND DUTIES**

(a) The Levy Court may appoint a County Engineer for such term, and at such compensation as it deems proper. The County Engineer shall be responsible for and have general supervision over all public engineering work in the County including, but not limiting the generality of the foregoing; the construction of water production and distribution facilities and the construction of sanitary sewers, trunk lines, sewerage disposal plants, sanitary sewer systems in general and maintenance thereof, drainage, construction, lighting service, and other projects of a public nature.

(b) The Levy Court may employ, for such periods and for such compensation as it deems proper, such draftsmen, rodmen, and assistants as, in its opinion, are necessary to carry on such public work.

Approved December 14, 1965.

Note: This act was codified as § 4701, title 9, Delaware Code.



CHAPTER 218

**AN ACT TO AMEND TITLE 19, DELAWARE CODE, BY RE-  
PEALING CHAPTER 3, RELATING TO FEMALE  
LABOR.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Chapter 3, Title 19, Delaware Code, is repealed.

Approved December 14, 1965.

## CHAPTER 219

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF MILLSBORO TO BORROW \$600,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF IMPROVING AND EXTENDING THE WATER SYSTEM AND OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF MILLSBORO AND TO CONTROL AND REGULATE THE SAME" BEING CHAPTER 27, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, BY PROVIDING FOR DISPOSITION OF EXCESS FUNDS OF CONSTRUCTION.**

WHEREAS, the General Assembly of the State of Delaware passed an Act in the year 1963 being Chapter 27, Volume 54, Laws of Delaware, as amended, authorizing the Commissioners of Millsboro to borrow \$600,000.00 and to issue bonds for the repayment of the sum of money borrowed; and

WHEREAS, general obligation bonds in the total amount of \$600,000.00 were authorized to be issued by the Commissioners of Millsboro of which total amount \$375,000.00 was actually issued as the total estimated cost of the sewage disposal system; and

WHEREAS, it appears that the cost of sewage disposal system will be less than \$375,000.00 and that provision should be made for the transfer of funds not actually used in construction;

**NOW THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Chapter 27, Volume 54, Laws of Delaware, as amended, is hereby further amended by inserting therein a new Section to be known as Section 14A as follows:

Section 14A. Any proceeds of the bond issue authorized by the voters at the Special Election as required by this Act and not utilized in the manner authorized by the voters may be transferred, following the completion of construction, to the general fund of the municipality; provided, however, that no funds shall be so transferred without a favorable vote of the qualified voters at a Special Election.

Approved December 14, 1965.

## CHAPTER 220

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DEPARTMENT OF CORRECTION FOR THE  
PURPOSE OF CORRECTING A DEFICIT IN THE SAL-  
ARIES AND WAGES OF EMPLOYEES ACCOUNT AND  
FOR THE EMPLOYMENT OF FIVE (5) PROBATION  
AND PAROLE OFFICERS FOR THE FISCAL YEAR END-  
ING JUNE 30, 1966.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$28,960 is hereby appropriated to the Department of Correction for the purpose of employing 9 additional Correction Officers, 3 Clerk-typists and 1 Assistant Bookkeeper on or after January 1, 1966, for the fiscal year ending June 30, 1966, and for the purpose of providing payment to certain employees (106 in number and not now receiving such payment) for working the holidays of January 1, February 22, Good Friday and May 30 of 1966, unless compensatory time is granted to said employees by the Department in lieu of working said holidays.

Section 2. The sum of \$12,250 is hereby appropriated to the Department of Correction for the purpose of employing four (4) Probation and Parole Officers for the Division of Probation and Parole during the fiscal year ending June 30, 1966.

Section 3. This Act is a supplementary appropriation act and the monies hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved December 17, 1965.

## CHAPTER 221

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO  
THE PRISONERS AID SOCIETY OF DELAWARE FOR  
THE OPERATION OF THE 308 WEST RESIDENCE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of Five Thousand Dollars (\$5,000.00) is hereby appropriated to the Prisoners Aid Society of Delaware to cover the expenses of the 308 West Residence in operating the program as provided for by Chapter 322, Volume 51, Laws of Delaware, for the fiscal year ending June 30, 1966.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware not otherwise appropriated.

Approved December 17, 1965.

## CHAPTER 222

**AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 3314, Chapter 33, Title 19, Delaware Code, is amended by adding in line 2 of subparagraph (3) before the word "provided" the following:

"provided, however, that an employee, not otherwise disqualified or ineligible for benefits under this Chapter, who is temporarily laid off for a period of not more than 45 calendar days following the last day he worked, shall, during said period, be deemed to be available for work, except that said employee shall be available to return to work upon 3 days' notice of his employer, and actively seeking work if his employer notifies the Commission in writing or the Commission otherwise determines that such lay-off is temporary and that work is reasonably expected to be available for said employee within said period or within a lesser period estimated by the employer; and"

Approved December 17, 1965.

## CHAPTER 223

**AN ACT TO AMEND SECTION 522, TITLE 28, DELAWARE CODE, RELATING TO THE AWARD OF DATES AND MAXIMUM RACING DAYS FOR HARNESS RACING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 522 (c), Title 28, Delaware Code, is amended by striking the figure "60" as it appears in Line 4 thereof and inserting in lieu thereof the figure "100".

Section 2. Section 522 (c), Title 28, Delaware Code, is amended by striking the figure "40" after the word "county" and before the word "days" in Line 5 thereof and inserting in lieu thereof the figure "70".

Section 3. Section 522 (c), Title 28, Delaware Code, is amended by striking the figure "40" as it appears after the word "and" and before the word "days" in Line 5 thereof and inserting in lieu thereof the figure "70".

Section 4. Section 522 (c), Title 28, Delaware Code, is amended by adding a new sentence at the end thereof to read as follows:

The racing dates awarded for Sussex County shall be between November 15 and December 31 in any year and between January 1 and March 31 in the next year. Provided, however, that there shall be no racing between December 19 and December 25, inclusive.

Section 5. Section 522 (c), Title 28, Delaware Code, is amended by adding a new sentence to read as follows:

The racing dates awarded for Kent County shall be between September 1 and October 31; provided, however, that this shall not affect the award of racing days for Kent County in the year —1966. Any left over racing days from their required period can be raced during the year as long as they do not conflict with any of the racing days assigned to the other two counties.

Approved December 17, 1965.

## CHAPTER 224

**AN ACT TO AMEND CHAPTER 21, TITLE 24, DELAWARE CODE, RELATING TO OPTOMETRY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2102 (b), Title 24, Delaware Code, is amended to read:

(b) The Board shall be appointed by the Governor, and shall consist of 3 persons engaged in the actual practice of optometry, and residing in this State, one from each county. Each member of the Board shall hold office for a term of 3 years, beginning on the seventh day of November in the year of appointment. Each member shall hold office until his successor is appointed, and vacancies caused by death, resignation or removal shall be made for the residue of such terms by the Governor.

Section 2. § 2102 (e), Title 24, Delaware Code, is amended to read:

(e) The Board of Examiners in Optometry shall be appointed by the Governor from a list of practitioners submitted in writing to the Governor by the Delaware Optometric Association at least 4 weeks prior to date of appointment. This list shall include at least 2 names for each vacancy.

Section 3. § 2105 (a), Title 24, Delaware Code, is amended to read:

(a) Each member of the Board shall receive, as compensation, the sum of \$15 for each day actually engaged in the duties of his office and shall be reimbursed for actual expenses incurred in the performance of his duties. Provided, however, that there shall be no compensation for more than eighteen meetings in any single year.

Section 4. The appointments by the Governor to the Board of Examiners in Optometry following the effective date of this act, shall be: one for a term of 3 years, one for a term



of 2 years and one for a term of 1 year. Thereafter appointments shall be for a term of 3 years as is provided in § 2102 (b), Title 24, Delaware Code, amended herein.

Approved December 20, 1965.

## CHAPTER 225

**AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO DELAWARE STATE HOSPITAL BY PROVIDING FOR THE DISCHARGE AND RELEASE OF PATIENTS AT DELAWARE STATE HOSPITAL, REHOSPITALIZATION, RETURN OF PATIENTS ESCAPED OR ON UNAUTHORIZED LEAVE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5130, Title 16, Delaware Code, is repealed.

Section 2. Title 16, Delaware Code, is amended by adding thereto the following:

**§ 5132. Discharge of patients at Delaware State Hospital; release on convalescent status; notice of release review**

(a) The Superintendent of the Delaware State Hospital shall as frequently as practicable, but not less often than every 6 months, examine or cause to be examined every hospitalized patient admitted under section 5125 of this Title, and whenever he determines that any patient is not a mentally ill person, as that term is defined in section 5125 of this Title, or whenever he determines that, otherwise, the care, treatment and supervision of the Hospital are no longer necessary, the patient shall be discharged. The Certificate of Discharge shall state the basis for the discharge.

(b) The Superintendent of the Delaware State Hospital may release an improved patient, who was admitted under section 5125 of this Title, on convalescent status when he believes that such release is in the best interests of the patient.

(c) Release on convalescent status shall include provisions for continuing responsibility to and by the Hospital, including a plan of treatment on an out-patient or non-hospital patient basis.

(d) Prior to the end of a year on convalescent status, and not less frequently than annually thereafter, the Superintendent shall examine the facts relating to the condition of the patient on convalescent status and whenever he determines that the patient is not a mentally ill person, as that term is defined in section 5125 of this Title, or whenever he determines that, otherwise, the care, treatment and supervision of the Hospital are no longer necessary, the patient shall be discharged. The Certificate of Discharge shall state the basis for the discharge.

**§ 5133. Return of patients; order; notice; custody**

(a) Prior to a discharge the Superintendent may at any time readmit a patient. If the Superintendent believes it is to the best interests of the patient to be rehospitalized he may issue a written order for the immediate rehospitalization of the patient.

(b) If a Hospital patient has escaped, or is on unauthorized leave from the Hospital, the Superintendent may issue an order for the immediate rehospitalization of the patient.

(c) The Superintendent may notify any escaped patient or any patient on unauthorized leave of the existence of a rehospitalization order by any means of communication open to him. Such an order, whether the patient has received notice of it or not, shall when delivered to any peace officer of the State authorize any such officer to take the patient into custody and transport him to the Hospital.

Approved December 21, 1965.

## CHAPTER 226

**AN ACT TO PROVIDE PENALTIES FOR CAUSING UNWARRANTED HOSPITALIZATION IN DELAWARE STATE HOSPITAL OR DENIAL OF RIGHTS ACCORDED IN CHAPTER 51, TITLE 16, DELAWARE CODE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 51, Title 16, Delaware Code, is amended by adding thereto a new section to read:

**§ 5134. Unwarranted hospitalization in Delaware State Hospital or denial of rights; penalties**

(a) Any person who wilfully causes, or conspires with or assists another to cause (1) the unwarranted hospitalization of any individual in the Delaware State Hospital under the provisions of this chapter, or (2) the denial to any individual of any of the rights accorded to him under the provisions of this chapter, shall be punished by a fine not exceeding \$500, or imprisonment not exceeding 1 year, or both.

(b) The Superior Court shall have jurisdiction of offenses under this section.

Approved December 21, 1965.

## CHAPTER 227

**AN ACT TO AMEND SECTION 5123, TITLE 16, DELAWARE CODE, RELATING TO VOLUNTARY HOSPITALIZATION OF PATIENTS AT DELAWARE STATE HOSPITAL, AUTHORITY TO RECEIVE, PROCEDURE, AND DISCHARGE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5123, Title 16, Delaware Code, is repealed and a new Section 5123 enacted in lieu thereof to read:

**§ 5123. Voluntary hospitalization of patients at Delaware State Hospital; authority to receive; procedure; discharge**

(a) The Superintendent of the Delaware State Hospital may admit for observation, diagnosis, care and treatment any individual who is mentally ill or has symptoms of mental illness and who, being 16 years of age or over, applies therefor, subject to the payment of charges for care, maintenance and support as provided in section 5127 of this Title.

(b) If the applicant is under the care and treatment of a medical doctor licensed to practice medicine or surgery in the State of Delaware, the application shall be accompanied by a letter from the doctor recommending voluntary hospitalization, and setting forth a description of the behavior and symptoms of the patient which led him to his decision to recommend voluntary hospitalization. If the applicant is not under the care and treatment of such a medical doctor, he shall not be admitted unless the Superintendent first determines that the applicant has sufficient insight and capacity to make responsible application for voluntary hospitalization.

(c) If any applicant is under the age of 21 years, the application shall also be signed by either of his parents or his legal guardian.

(d) The Superintendent shall discharge any voluntary patient who has recovered or whose hospitalization he determines to be no longer advisable.

(e) A voluntary patient who requests his discharge or whose discharge is requested, in writing, by his legal guardian, parent, spouse, or adult next of kin shall be discharged within 5 days from the receipt of the request, except that (1) if the request for discharge is made by a person other than the patient, discharge may be conditioned upon the agreement thereof of the patient, and (2) if the patient is under the age of 21 years his discharge may be conditioned upon the consent of his parent or guardian.

(f) Nothing contained in subsection (e) hereof shall require the discharge of a voluntary patient if within the 5 day period from receipt of the request for discharge he is admitted or committed to the said Hospital under some other provision of law.

Approved December 21, 1965.

## CHAPTER 228

**AN ACT TO AMEND SECTION 5125, TITLE 16, DELAWARE CODE, RELATING TO INVOLUNTARY DETENTION IN DELAWARE STATE HOSPITAL FOR AN INDETERMINATE PERIOD OF TIME.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5125, Title 16, Delaware Code, is repealed and a new Section 5125 enacted in lieu thereof to read:

**§ 5125. Involuntary detention in Delaware State Hospital for an indeterminate period of time; medical certificate; liability; immunity**

Subject to the provisions of sections 5121-5124 of this Title, no person shall be received as a patient for detention for an indeterminate period of time in the Delaware State Hospital, except as follows:

(1) A certificate shall be made and signed by at least 2 medical doctors licensed to practice medicine or surgery in the State that they have examined the person alleged to be suffering from mental illness. If reasonably possible, one of the medical doctors shall be a psychiatrist.

(2) The certificate shall be filed with the Superintendent of the Hospital at or before the time of admission of the patient to the Hospital.

(3) The certificate shall be made within 1 week after the examination of such person and within 2 weeks of the time of the filing of the same with the Superintendent.

(4) The certificate shall state that such person, in the opinion of the doctors, is mentally ill in that he has a psychiatric or other disease which substantially impairs his mental health, and because of his mental illness, either (i) he is likely to injure himself or others if allowed to remain at liberty, or (ii) he is in need of care or treatment in a mental hospital and

lacks sufficient insight or capacity to make responsible application therefor. The certificate shall set forth a description of the behavior and symptoms which led them to their conclusion.

(5) No medical doctor shall be subject to civil damages or criminal penalties for any harm resulting from the performance of his functions under this section unless such harm was intentional, or the result of wilful or wanton misconduct on his part.

Approved December 21, 1965.



## CHAPTER 229

**AN ACT TO AMEND SECTION 5122, TITLE 16, DELAWARE CODE, AND PROVIDING FOR EMERGENCY APPREHENSION OF THE DANGEROUS MENTALLY ILL, AND DETENTION AND TREATMENT IN DELAWARE STATE HOSPITAL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5122, Title 16, Delaware Code, is repealed and a new section 5122 enacted in lieu thereof to read:

§ 5122. **Emergency apprehension of the dangerous mentally ill; complaint; detention and treatment in the Delaware State Hospital; discharge; fees; liability immunity**

(a) As used in this section—

(i) "Dangerous mentally ill person" means a person so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment or restraint.

(ii) "Peace officer" means any public officer authorized by law to make arrests in a criminal case.

(b) Upon the signed complaint of any person stating he has knowledge of the facts that a designated person appears to be so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment or restraint, setting forth a description of the behavior and symptoms which led him to his conclusion, such alleged mentally ill person shall be promptly taken into custody by any peace officer of the State to whom the complaint is delivered, without the necessity of a warrant. The complaint shall also set forth the address of the signer, his relationship or other connection to the alleged mentally ill person and, if known, the name of the spouse or closest relatives.

(c) Such alleged mentally ill person shall be taken by the peace officer, with all reasonable promptness, to a medical doctor licensed to practice medicine or surgery in the State for examination. The written complaint shall be delivered to the doctor who shall, if reasonably possible, give telephonic notice of the examination to the nearest relative as shown on the complaint, unless such person has signed the complaint. If it reasonably appears to the doctor that the alleged mentally ill person is a dangerous mentally ill person, the said doctor shall so certify in writing, and the alleged mentally ill person shall be transported by the peace officer to the Delaware State Hospital with all reasonable promptness and delivered to the officials of the said Hospital, together with the complaint and the certificate of the examining doctor. If the examining doctor finds that the alleged mentally ill person is not a dangerous mentally ill person, the said doctor shall so certify in writing, the alleged mentally ill person shall be discharged from custody forthwith and the doctor shall forward the complaint and his certificate to the Delaware State Hospital. The doctor's certificate shall set forth a description of the behavior and symptoms of the alleged mentally ill person which led him to his conclusion. It shall also set forth whether or not the nearest known relative was notified of the examination.

(d) Upon receiving an alleged mentally ill person at the Delaware State Hospital, the Superintendent shall detain, care for and treat the said patient for a period not to exceed 72 hours, excluding Saturdays, Sundays, and holidays. If it appears that the nearest known relative has not received prior notice of the proceedings the Superintendent shall, if reasonably possible, promptly give such notice. Unless the patient is discharged from the Hospital as cured within that period, then at the termination of the period he shall be discharged unless he is admitted or committed to the said Hospital under some other provision of law.

(e) The State Treasurer shall pay constables, sheriffs and deputy sheriffs for services as peace officers under this section, 10 cents for each mile necessarily traveled and a custody fee of \$5 and shall pay medical doctors for services under this section \$15 for each case.

(f) No peace officer or medical doctor shall be subject to civil damages or criminal penalties for any harm resulting from the performance of his functions under this section unless such harm was intentional, or the result of wilful or wanton misconduct on his part.

Approved December 21, 1965.

## CHAPTER 230

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE DISTRIBUTION AGENCY.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$9,755.00 is appropriated to the State Distribution Agency for the fiscal year ending June 30, 1966 to be expended as follows:

Wages and Salaries of Employees .....	\$3,725.00
Contractual Services .....	780.00
Supplies and Materials .....	250.00
Capital Outlay .....	5,000.00
	<hr/>
	\$9,755.00

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved December 21, 1965.

## CHAPTER 231

**AN ACT TO AMEND CHAPTER 108, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF CAMDEN", BY ADDING A NEW AREA THERETO.**

WHEREAS, a referendum was duly held pursuant to resolution first adopted by the Town Council of the Town of Camden and pursuant to Chapter 120, Volume 42, Laws of Delaware, as amended; and

WHEREAS, a majority of the qualified voters and real estate owners of the territory proposed to be annexed and included in the limits of the said Town of Camden voted approval to be included within the limits of the Town of Camden; and

NOW, THEREFORE:

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1, Chapter 108, Volume 47, Laws of Delaware be and is hereby amended by adding thereto a new section to be known as Section 1, Section (2) E. and which shall read as follows:

Section 1. Section (2) E. All that certain tract or parcel of arable, woodland, meadow and cripple land situated in North Murderkill Hundred, Kent County and State of Delaware, lying on the northerly side of Old North Road, which leads westerly from North Main Street in Camden to Front Street in Wyoming, and is bounded on the north by the stream of Isaac's Branch Creek, and lands and premises of the late Albert B. Carter, Sr. estate, lands of Edward Nelson, and lands of the late George Minner, now Howard Talley; on the east by the State Highway Route #13-A leading from Camden to Rodney Village and Dover; on the south by the aforesaid Old North Road and lands of the Hartman Estate, other lands of Lord Brothers and lands and premises of others now within the old corporate limits of the Town of Camden, being more fully de-

scribed in accordance with a survey made by J. E. Haddaway, Engineer-Surveyor, during October 1965, as follows, to-wit:

BEGINNING at a corner in the thread of the stream of Isaac's Branch Creek for this land and lands of the A. B. Carter Estate, thence therewith South thirty-six (36) degrees East and passing over a part of an old mill stone along the former water line of Howell's Mill Pond and also over a stone recently set as a corner for the proposed Caesar Rodney School grounds, eight hundred thirty-four and seven-tenths (834.7) feet to a stone corner for the Carter lands and this land; thence continuing with the Carter lands and lands of Edward Nelson and the former George Minner land and premises, now of Talley, South forty-one (41) degrees East, twelve hundred (1,200) feet to a stone formerly set along the westerly right of way line of State Highway Route #13-A leading to Rodney Village and Dover, a corner for this land and the former Minner land; thence turning and running with the said westerly right of way line of State Highway Route #13-A, toward Camden, South forty-seven (47) degrees ten (10) minutes West, about nine hundred five (905) feet to the southerly curb line of Old North Road in the old corporate line of The Town of Camden; thence turning and running with said south curb line of Old North Road and the old corporate line of The Town of Camden, toward Wyoming, North forty-five (45) degrees fifteen (15) minutes West, nine hundred thirty-seven (937) feet to a slight curve to the left in said curb line; thence continuing therewith in a north westerly direction about two hundred seven (207) feet more or less to a point of tangent in said curb; thence North fifty-two (52) degrees West about four hundred sixty-five (465) feet to a point in or near the middle of West Street in Camden; thence continuing northwesterly and westerly with the south curb of Old North Road and the old corporate line of The Town of Camden, in a long curve to the left eight hundred sixty (860) feet more or less to a point in the southerly curb line opposite a corner in said Old North Road for the Weeks Sub-division annex to Camden; thence turning and crossing said road, North thirteen (13) degrees West about eleven hundred ninety (1,190) feet and running with the east line of Weeks annex to Camden, to a corner in the thread of the stream of Isaac's Branch Creek in line of the Kemp Annex to

The Town of Wyoming; thence running down and with said stream in a northeasterly and easterly direction, its several courses and meanderings about two thousand forty (2,040) feet more or less back to the beginning and containing an area, including the road area, of about ninety (90) acres of land, be the same more or less.

This act shall be effective immediately.

Approved December 21, 1965.

## CHAPTER 232

**AN ACT TO AMEND CHAPTER 163, VOLUME 55, LAWS OF DELAWARE, ENTITLED: "AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, ENTITLED LIMITATIONS UPON TAXING POWER BY ADDING THERE-TO A NEW SUBCHAPTER CONCERNING EXEMPTIONS FROM TAXATION ON REAL PROPERTY OF CITIZENS AND RESIDENTS OF THIS STATE OF THE AGE OF 65 OR MORE YEARS HAVING AN INCOME NOT IN EXCESS OF \$3,000 PER YEAR."**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 163, Volume 55, Laws of Delaware, is amended by striking out the words "As used in this title" as they appear in § 8131 of section 1 of said act and inserting in lieu thereof the words "As used in this subchapter".

Approved December 21, 1965.



## CHAPTER 233

**AN ACT TO FURTHER AMEND CHAPTER 182 OF VOLUME 45, LAWS OF DELAWARE 1944-5, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" BY INCREASING THE LIMIT OF FLOATING DEBT BY WHICH THE COUNCIL IS AUTHORIZED TO ANTICIPATE REVENUE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. That Section 31 of Chapter 182 of Volume 45, Laws of Delaware, is amended by striking out the words and figure "Five Thousand Dollars, (\$5,000.00)", as they appear on the fourth and seventh lines of said Section and inserting in lieu thereof, the words and figure "Thirty Thousand Dollars, (\$30,000.00)".

Approved December 21, 1965.

## CHAPTER 234

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
DELMAR, CHAPTER 182, VOLUME 45, LAWS OF DEL-  
AWARE, RELATIVE TO SEWER RENTALS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 15, Chapter 182, Volume 45, Laws of Delaware, as amended, is further amended:

The Town Council may by ordinance or resolution prescribe and fix sewer rentals not to exceed \$55.00 per year for each outlet.

Approved December 21, 1965.

## CHAPTER 235

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
FOR CERTAIN SCHOOLS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$74,797.03 is appropriated to the following School Districts for the following named purposes:  
Lincoln No. 3:

Cost of installing partitions in assembly room:	\$ 1,942.03
Lewes:	
Preparing temporary classrooms:	3,215.00
Supplies:	3,640.00
Felton No. 54:	
Additional costs resulting from mergers:	25,000.00
Hartly No. 96:	
Acquisition of Trailers:	1,000.00
Kenton No. 9:	
Additional costs resulting from mergers:	15,000.00
Ellendale No. 125:	
Additional costs resulting from mergers:	25,000.00

Section 2. The sum of \$139.02 is hereby appropriated to the State Board of Education for the purpose of paying obligations incurred in prior fiscal years as follows:

To Pay gas bill at closed Rehoboth No. 200 School	\$66.70
To Pay insurance bill at closed Newport No. 106 School	\$72.32

Section 3. This act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware, not otherwise appropriated.

Section 4. The sums appropriated in Section 1 of this Act shall not be used to pay salaries to any employees of the Public School System and any unused funds shall revert to the General Fund on June 30, 1968. Any portion of the sum appropriated in Section 2 and unexpended on June 30, 1967 shall revert to the General Fund.

Approved December 21, 1965.

CHAPTER 236

**AN ACT MAKING AN APPROPRIATION TO J. WALTER CARMEAN.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$1,402.50 is appropriated to J. Walter Carmean for services rendered as an employee of the 123rd General Assembly.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Section 3. The sum hereby appropriated shall be paid to J. Walter Carmean notwithstanding any other law of this state.

Approved December 21, 1965.

## CHAPTER 237

**AN ACT TO AMEND SECTION 1621 OF CHAPTER 16, TITLE 10, DELAWARE CODE, RELATING TO THE COURT OF COMMON PLEAS FOR SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 1621 of Chapter 16, Title 10, Delaware Code, is amended by striking out all of subsections (a), (b), (c) and (d) therein and inserting in lieu thereof new subsections (a), (b), (c) and (d), to read as follows:

(a) The Judge shall appoint a Clerk for the Court and such other officers and employees as he deems necessary to perform the business of the Court.

(b) The Clerk, other officers and employees, shall hold office at the pleasure of the Judge.

(c) The Clerk, other officers and employees, shall receive such salary or compensation as shall be fixed from time to time by the Judge.

(d) The salary of the Clerk shall be paid in equal monthly installments by the Levy Court of Sussex County, and the salary or compensation of the other officers and employees of the Court shall be paid by the Levy Court of Sussex County in equal monthly installments or upon presentation of bill for such compensation as shall be determined and approved by the Judge.

Approved December 21, 1965.

## CHAPTER 238

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DELAWARE COMMISSION FOR THE AGING.**

WHEREAS, the 122nd General Assembly created the Delaware Commission for the Aging whose functions include the disbursal of all funds received by the State of Delaware for programs and projects to benefit the aged; and

WHEREAS, the Delaware Commission for the Aging has been designated by the Governor as the State Agency responsible for the development of a State Plan for the administration and supervision of the program of benefits for the aging provided by the Congress of the United States in the Older Americans Act; and

WHEREAS, The Delaware Commission For The Aging has undertaken to raise the sum of \$6,500 from local and private sources for such purpose;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$5,000 is hereby appropriated to the Delaware Commission For The Aging for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 2. This Act is a supplementary appropriation and shall be paid by the State Treasurer from funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved December 21, 1965.

## CHAPTER 239

**AN ACT MAKING AN APPROPRIATION TO CAMDEN-WYOMING FIRE COMPANY FOR MAINTENANCE OF AN AMBULANCE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of \$750.00 is appropriated to Camden-Wyoming Fire Company, Camden for the maintenance and operation of an ambulance in the public service for the fiscal year ending June 30, 1966.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved December 21, 1965.



## CHAPTER 240

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF DELAWARE, BEING ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$122,707,827.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1966" BY MAKING AN ADDITIONAL APPROPRIATION TO THE CHIEF JUSTICE FOR THE SUPERVISION OF THE JUSTICES OF THE PEACE IN THE AMOUNT OF \$7,300.00.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by making the following changes under the heading in Section 1 which is worded "Chief Justice-Supervision of Justice of Peace" and changing the totals accordingly:

(a) Opposite the heading "Wages and Salaries of Employees" change the amount from \$4,200.00 to \$10,250.00;

(b) Opposite the words "Travel" change the amount from \$1,000.00 to \$1,800.00;

(c) Opposite the words "Supplies and Materials" change the amount from \$500.00 to \$950.00.

Approved December 21, 1965.

## CHAPTER 241

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE GOVERNOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$28,000.00 is appropriated to the Governor to be expended by the Governor's Goals Committee to study the organization of state government.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Section 3. The sums hereby appropriated shall not revert to the General Fund until the said study is completed or until June 30, 1968 whichever first occurs.

Approved December 21, 1965.

CHAPTER 242

**AN ACT RELATING TO THE CORPORATION INCOME TAX  
BY INCREASING THE INTEREST RATE ON TAXES  
DUE.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 1910 (a) and (d); and § 1911 (a) and (b);  
and § 1912 (d), Title 30, Delaware Code, are amended by  
striking the words "one-third of one per cent" where they ap-  
pear therein and inserting in lieu thereof the words and figures  
" $\frac{1}{2}$  of 1 per cent".

Section 2. The provisions of this act shall become effec-  
tive on January 1, 1966.

Approved December 21, 1965.

## CHAPTER 243

**AN ACT RELATING TO THE INCOME TAX BY INCREASING THE INTEREST RATE ON TAXES DUE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1171 (e), Title 30, Delaware Code, is amended by striking out the words and figure "4 per cent per annum" and inserting in lieu thereof the words and figure "6% per annum".

Approved December 21, 1965.

## CHAPTER 244

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO STATE TAXES BY REQUIRING FOREIGN PERSONS OR FIRMS TO POST BONDS SECURING THE PAYMENT OF TAXES WITHHELD FROM EMPLOYEES OR DUE TO THE STATE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 3, Title 30, Delaware Code, is amended by adding thereto a new subchapter to read:

**SUBCHAPTER V. GENERAL REGULATIONS**

**§ 375. Furnishing of bonds by foreign persons or firms**

(a) All nonresident persons or firms, whether incorporated or not, engaging in construction contracting in this state as contractor or subcontractor and not otherwise regularly engaged in business in this state, shall file a surety bond with the State Tax Department, payable to the State of Delaware, to guarantee the payment of income taxes, required unemployment compensation contributions, and income taxes withheld from wages of employees, together with any penalties and interest thereon. The department shall approve the form and contents of the bond. The amount of the bond shall be 3 per cent of the contract or subcontract price on all contracts of \$50,000 or more, or 3 per cent of contractor's or subcontractor's estimated cost-and-profit under a cost-plus contract of \$50,000 or more. When the aggregate of 2 or more contracts in one calendar year is \$50,000 or more, the amount of the bond or bonds shall be 3 per cent of the aggregate amount of such contracts. Such surety bond must be filed within 30 days after construction is begun in this state by any such contractor or subcontractor on any contract the price of which is \$50,000 or more (or the estimated cost-and-profit of which is \$50,000 or more), or within 30 days after construction is begun in this state on any contract for less than \$50,000, when the amount of such contract, when aggregated with any other contracts, construction on which was begun in this state in the same

calendar year, equals or exceeds \$50,000. If the Department concludes that no bond is necessary to protect the tax revenues of the state, the requirements under this subsection may be waived by the State Tax Commissioner, or his designated departmental representative. The bond shall remain in force until the liability thereunder is released by the commissioner or his designated departmental representative.

(b) A construction contractor required to file a surety bond pursuant to this section may, in lieu of such requirement, but subject to approval by the Tax Department, deposit with the State Treasurer an amount of cash equal to the face of the bond that would otherwise be required. If an offer to deposit is made, the Tax Department shall issue a certificate to the State Treasurer authorizing him to accept payment of such moneys and to give his receipt therefor. A copy of such certificate shall be mailed to the contractor who shall, within the time fixed by the department, pay such amount to said Treasurer. A copy of the receipt of the State Treasurer shall be filed with the department. Upon final determination by the Department of such contractor's liability for state income taxes, required unemployment compensation contributions and income taxes withheld from wages of employees, interest and penalties, by reason of such contract or contracts, the Department shall certify to the State Treasurer the amount of taxes, penalties and interest as finally determined, shall instruct him as to the proper distribution of such amount, and shall state the amount, if any, to be refunded to such contractor. The State Treasurer shall make the payments directed by such certificate within 30 days after receipt thereof. Amounts refunded to the contractor shall be without interest.

(c) All persons or firms subject to the provisions of this subsection shall notify the State Tax Department of the completion of a construction project in this state within 30 days after such completion.

(d) Any person who fails or refuses to comply with the provisions of this section shall be fined not more than \$5,000.

Section 2. § 1198, Title 30, Delaware Code, enacted by Chapter 110, Volume 55, Laws of Delaware, is repealed.

Approved December 21, 1965.

## CHAPTER 245

**AN ACT TO ESTABLISH THE OFFICE OF THE COUNTY  
ENGINEER OF SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Title 9, Part III, Delaware Code, is amended  
by adding a new Chapter to read:

**CHAPTER 66. COUNTY ENGINEER AND OTHER  
EMPLOYEES: APPOINTMENT AND DUTIES**

(a) The Levy Court may appoint a County Engineer for such term, and at such compensation as it deems proper. The County Engineer shall be responsible for and have general supervision over all public engineering work in the County including, but not limiting the generality of the foregoing, the construction of water production and distribution facilities and the construction of sanitary sewers, trunk lines, sewerage disposal plants, sanitary sewer systems in general and maintenance thereof, drainage, construction, lighting service, and other projects of a public nature.

(b) The Levy Court may employ, for such periods and for such compensation as it deems proper, such draftsmen, rodmen, and assistants as, in its opinion, are necessary to carry on such public work.

Approved December 21, 1965.

Note: This Act was codified as § 6601, title 9, Delaware Code.

## CHAPTER 246

**AN ACT TO AMEND CHAPTER 384, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND FOR IMPROVEMENTS TO THE PUBLIC SCHOOL SYSTEM OF THE STATE AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO VARIOUS AGENCIES OF THE STATE" BY ENLARGING THE PURPOSES FOR WHICH THE APPROPRIATIONS TO THE YOUTH SERVICES COMMISSION MAY BE USED AND EXTENDING THE TIME IN WHICH TO COMMENCE CONSTRUCTION.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. Subsection 6 (k) of Chapter 384, Volume 54, Laws of Delaware, is amended by adding the following words at the end of said subsection:

and residential cottages, improvements, alterations, additions, and replacements to present facilities at Wood's Haven-Kruse School for Girls and Ferris School for Boys.

Section 2. Section 10, Chapter 384, Volume 54, Laws of Delaware, is amended by adding the following sentence at the end of Section 10:

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Except that the construction authorized for the Youth Services Commission by subsection 6 (k) of this Act may be started or moneys borrowed for such construction within 4 years after the effective date of this Act.

Approved December 21, 1965.



## CHAPTER 247

**AN ACT TO AMEND CHAPTER 3, TITLE 25, DELAWARE CODE, RELATING TO TITLES AND CONVEYANCES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 3, Title 25, Delaware Code, is amended by adding thereto new sections 309 and 310 to read as follows:

**§ 309. Conveyance of real estate between husband and wife**

(a) A married man may convey by deed, duly executed and acknowledged, real estate or any interest therein directly to his wife, and a married woman may convey by deed, duly executed and acknowledged, real estate or any interest therein directly to her husband, and every such conveyance of real estate or any interest therein, located in this state, heretofore or hereafter made, shall be valid and effective in law and equity to convey the grantor's title and interest therein and thereto, whether both the grantor and grantee or either, respectively, shall have resided at the time of such conveyance within or without this state, and notwithstanding the wife or the husband, respectively, did not or does not join therein.

(b) This section shall be construed as authorizing a conveyance of an interest in real property (a) by either spouse without the joinder of the other spouse to themselves as tenants by the entireties, (b) by husband and wife as tenants by the entireties to either husband or wife alone, and (c) by either tenant by the entireties alone to the other without the other joining in the deed.

**§ 310. Release of rights of curtesy or dower**

A married man may relinquish or release to his wife his right of curtesy in any real estate whereof his wife is seized of an estate of inheritance, and a married woman may relinquish or release to her husband her right of dower in any real estate whereof her husband is seized of an estate of inheritance,

by deed duly executed and acknowledged, in the manner provided by law for deeds to be recorded, or by deed conveying such estate of inheritance in the real estate by the husband to the wife, or by the wife to the husband, wherein the husband's right of curtesy or the wife's right of dower is specifically relinquished or released and thereafter the real estate may be conveyed, encumbered, devised, or otherwise disposed of, and shall descend, free and clear of any such right or estate of curtesy or dower, but the real estate may descend to the husband or wife, as the case may be, in case of the death of the wife or husband intestate, in accordance with law, notwithstanding such relinquishment or release.

Approved December 21, 1965.

## CHAPTER 248

**AN ACT TO AMEND CHAPTER 9, TITLE 13, DELAWARE CODE, RELATING TO ADOPTION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 906, Title 13, Delaware Code, is amended by striking subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The petition shall state: the name and place of residence of the petitioner or petitioners; the sex and date of birth of the child whose adoption is sought; and a general description of the contents of the exhibits to be attached to the petition after its execution, as described herein. After execution of the petition by the petitioner there shall be attached to it, in such a way as to preserve the confidential nature of the information contained therein as required by § 923 of this title, an exhibit or exhibits setting forth the name of the child whose adoption is sought; the name and residence of the person, persons or organization legally qualified to consent to the adoption and the basis for the existence in such person, persons or organization of the legal right to so consent; and the actual consent.

Section 2. § 912, Title 13, Delaware Code, is amended by striking subsection (b) and designating subsections (c) and (d) as (b) and (c) respectively.

Section 3. § 915, Title 13, Delaware Code, is amended by striking subsection (c) (3) and inserting in lieu thereof a new subsection (c) (3) to read as follows:

(3) The original name of the child.

Section 4. § 915, Title 13, Delaware Code, is amended by adding an additional subsection to be known as subsection (d) to read as follows:

(d) Upon the entry of a decree of adoption the Clerk of the Orphans' Court shall issue to the adopting parent or par-

ents a Certificate of Adoption stating the date of the decree, the age and sex of the child, the name by which the child is henceforth to be known, and the names of the adopting parent or parents. Neither the original name of the child nor the names of its natural parents shall be included in the Certificate of Adoption.

Approved December 21, 1965.

## CHAPTER 249

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF WYCLIFFE CIVIC ASSOCIATION, INC., FROM ASSESSMENT AND TAXATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as the "Wycliffe Civic Association, Inc."

Approved December 21, 1965.

## CHAPTER 250

**AN ACT TO AMEND CHAPTER 3, TITLE 9, DELAWARE CODE, RELATING TO COUNTY CAPITATION TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 345, Chapter 3, Title 9, Delaware Code, is amended by striking in subsection (a) the words "The Levy Court of New Castle County annually at a meeting held during the month of October, the" and inserting in lieu thereof the word "The", and by striking in subsection (b) the words "In New Castle County such capitation tax shall in no case exceed the sum of one dollar and twenty-five cents, nor be less than the sum of twenty-five cents, and in" and inserting in lieu thereof the word "In".

Section 2. § 345, Chapter 3, Title 9, Delaware Code, is amended by adding a new sub-section (d) to read as follows:

(d) In New Castle County no capitation tax shall be levied or collected.

Section 3. Section 3, Chapter 85, Volume 55, Laws of Delaware, is amended by striking subparagraph C.

Section 4. The provisions of this act shall become effective on July 1, 1966.

Approved December 21, 1965.

CHAPTER 251

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF BLUE ROCK COMMUNITY CLUB FROM ASSESSMENT AND TAXATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as the Blue Rock Community Club.

Approved December 21, 1965.

## CHAPTER 252

**AN ACT AMENDING CHAPTER 81, VOLUME 55, LAWS OF DELAWARE, BY MAKING AN ADDITIONAL APPROPRIATION TO THE DELAWARE BOARD OF NURSING TO DEFRAY THE COST OF PROFESSIONAL EXPENSES.**

WHEREAS, the Delaware Board of Nursing is required by Section 1906, Title 24, Delaware Code, to examine applicants for licenses as professional and practical nurses; and

WHEREAS, the said Board requested the appropriation of the sum of \$4,997 for contractual services, including testing, but only \$3,750 was appropriated; and

WHEREAS, the number of applicants for testing in the fiscal year 1965-1966 can reasonably be expected to require examinations costing the Board \$1,672;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking from Section 1, Page 11, under Delaware Board of Nursing the line "Contractual Services \$3,-750" and inserting in lieu thereof the line "Contractual Services \$5,002.00" and by changing the totals accordingly.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved December 21, 1965.



## CHAPTER 253

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION FOR THE FISCAL YEAR 1964-1965 TO THE DELAWARE BOARD OF NURSING TO DEFRAY THE COST OF CERTAIN EXAMINATIONS.**

WHEREAS, the 121st General Assembly in Section 926, Chapter 153, Volume 54 of the Laws of Delaware, provided for the testing by the Delaware Board of Nursing, of certain applicants for licensing as professional nurses and practical nurses; and

WHEREAS, no additional appropriation was provided for such testing, the expense of which was not covered by the budget request of the agency; and

WHEREAS, such testing has been held pursuant to the said statute and expenses incurred in connection therewith;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$986.45 is hereby appropriated to the Delaware Board of Nursing, for the fiscal year 1964-1965 from funds not otherwise appropriated, for use in defraying the costs of licensing examinations of professional nurses and practical nurses required by § 1926, Chapter 153, Volume 54 of the Laws of Delaware.

Section 2. This Act is a supplementary appropriation act and any funds herein provided and not expended on or before June 30, 1966 shall revert to the General Fund of the State of Delaware.

Approved December 21, 1965.

## CHAPTER 254

**AN ACT TO PROVIDE FOR THE CREATION OF SANITARY OR WATER DISTRICTS IN KENT COUNTY, AUTHORIZING THE LEVY COURT OF KENT COUNTY TO ISSUE REVENUE OR GENERAL OBLIGATION BONDS TO SECURE THE PAYMENT FOR IMPROVEMENTS NECESSARY TO WATER OR SANITARY DISTRICTS, AND PERMITTING THE LEVY COURT OF KENT COUNTY TO COLLECT REVENUES AND CHARGES FOR WATER AND SEWER SERVICES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 9, Delaware Code, is amended by adding thereto a new Chapter 46, as follows:

**CHAPTER 46. SANITARY AND WATER DISTRICTS****§ 4601. Conditions for establishment of sanitary sewer or water district**

(a) Whenever contiguous territory containing one or more centers of population, whether incorporated or not, shall be so situated that the construction of interceptor sewers, out-fall sewers and sewage treatment plants will be conducive to the preservation of the public health, the territory shall be established by the Kent County Levy Court as a sanitary sewer district.

(b) Whenever contiguous territory containing one or more centers of population, whether incorporated or not, shall be so situated that the construction of water mains, pipes and distribution facilities is economically feasible and conducive to the preservation of health, the territory shall be established by the Levy Court as a water district. The Levy Court may employ expert assistance in making a determination of economic feasibility and effect on health, but the determination of the Levy Court as to economic feasibility and effect on health shall be conclusive and binding.

**§ 4602. Establishment or revision of sanitary or water districts without election**

(a) Where the Levy Court has already constructed sewers or water mains to which 50 or more houses have been connected, the Levy Court may establish, upon request of the County Engineer, a new district or revise the boundaries of an established district without further petitions or hearings by posting at four public places in the district notices describing the new or revised boundaries, and, in the case of the establishment of a new district, the same cost and assessment data required for districts established by vote of electors.

(b) Within 30 days after the posting of the notices of the establishment of the district in accordance with the provisions of subsection (a) of this section, the Levy Court shall pass a formal resolution establishing the district, which shall (1) contain a description of the boundaries of the district; (2) direct the County Engineer and the attorney of the Levy Court to procure the necessary land and rights-of-way by purchase, agreement, or condemnation in accordance with existing statutes; and (3) authorize the County Engineer to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any or all structures required to provide for the safe disposal of the sewage or furnishing of water in the sanitary or water district.

**§ 4603. Establishment of sanitary or water district upon petition of voters**

Fifty or more legal voters, residents of a proposed sanitary sewer or water district, may petition the Levy Court to submit the question of organizing a sanitary sewer or water district to a vote of electors residing in that district. The petition shall contain a description of the proposed district and shall be accompanied by a map drawn to scale showing the boundaries of the proposed district together with the limits of any incorporated areas which may be included in the district. The execution of the petition by an elector shall be acknowledged by him or it may be proved by the oath of a witness who shall swear that he knows the elector and that the petition was signed by the elector in the presence of the witness.

**§ 4604. Public hearing; notice**

The Levy Court, upon receipt of a petition submitted as provided in section 4603 of this title, shall, and the Levy Court may, upon its own motion and without having received such a petition, set a date for a public hearing on the question of organizing a sanitary sewer or water district. The hearing shall be held at such time as may be fixed by the Levy Court and shall be previously advertised by posting a notice, in four of the most public places within the proposed district, at least 10 days prior thereto and by publishing a notice in a newspaper published within the County and having a general circulation therein, once in each of two weeks immediately preceding the week in which the hearing is to be held. All interested persons, officials, residents, voters, tax payers, property owners or other persons or corporations in any way affected by the granting of the petition shall be heard on any question dealing with the location of the boundaries of the district. Such notice shall contain a description of the boundaries of the proposed sanitary or water district and if the public hearing be ordered as a result of the filing of a petition such boundaries shall be those described in the petition.

**§ 4605. Action of Levy Court following hearing**

(a) After the public hearing referred to in section 4604 of this title shall have been closed, the Levy Court shall, by resolution, determine whether or not it is in the public interest to establish the district and, if it deems it to be in the public interest to establish the district, the Levy Court shall, by such resolution, determine what shall be the boundaries of the district. Such boundaries may be those set forth in the petition or may be boundaries which will include in the district the property and property-owners, and only the property and property-owners, that will be benefited by the establishment of the district and the construction of sewage disposal or water facilities therein.

(b) After establishing the boundaries of the district, the Levy Court shall also cause to be prepared by the County Engineer or Consulting Engineers, an estimate of the cost of proposed immediate construction and also an approximate esti-

mate of the assessment per front foot and the amount to be included in the assessment necessary to take care of interest amortization and costs of construction and financing. The construction cost estimates and assessment estimates shall be advertised in the same manner as provided in Section 4604 of this title for advertising the public hearing.

**§ 4606. Election on question of establishment of district**

(a) Whenever the determination on the question of establishing the district, as required by section § 4605 of this title, is in the affirmative, and after the other requirements of that section have been complied with, the Levy Court then shall cause an election to be held within six months following the date of the hearing, at which the question shall be submitted to the voters residing within the boundaries of the sanitary sewer district as fixed by the Levy Court as to whether the district shall be established or not. Notice of the election shall be advertised in the same manner as provided in section 4604 of this title for advertising the public hearing. The cost of the election shall be borne by the Levy Court, which shall be reimbursed for such cost by the district, if established by the election.

(b) The proposition shall be submitted to the voters substantially in the following form:

FOR THE SANITARY SEWER DISTRICT .....

AGAINST THE SANITARY SEWER DISTRICT .....

(c) The majority of votes casts shall decide the matter.

(d) The election shall be managed and the votes canvassed in such manner as may be prescribed by the Levy Court. Every citizen who resides in the proposed sanitary sewer district in which the election is being held and who would be entitled at the time of the holding of such election to register and vote in any election district in which the proposed sanitary sewer district is a part, at a general election, if such general election were held on the day of such election in the proposed sanitary sewer district, may vote at such election whether or not he is at the time a registered voter.

**§ 4607. Action of Levy Court following election favoring establishment of district**

(a) If the majority of the voters are in favor of establishing the sanitary sewer district, the Levy Court shall within 30 days following the election, issue a determination to that effect which shall contain a description of the district. The Court shall file a certified copy of the determination with the Clerk of the Peace.

(b) Within 30 days after the election, the Levy Court shall authorize the County Engineer and the Levy Court attorney to procure the necessary land and rights-of-way by purchase, agreement, or by condemnation in accordance with existing laws, and shall authorize the County Engineer to prepare maps, plans, specifications and estimates for any or all structures required to provide for the installation of sewers or water systems, and to let contracts for, supervise the construction and maintenance of, or the enlarging or remodeling of such systems, and to carry on such other activities as may be required by this chapter or considered necessary to perform the duties prescribed in this chapter.

**§ 4608. Construction of system adequate for future connections**

The Levy Court may construct and maintain main sewers or water mains and sewage or water treatment works in order to provide a satisfactory outlet for any subdivision which may at any future time connect sub-main or lateral sewers to it.

**§ 4609. Construction or maintenance of sewers or water systems for municipalities**

The Levy Court may construct or maintain sub-mains or laterals as agent for municipalities when officially requested so to act and when the cost of such work is to be borne by local assessments against the property benefited or by assessment by the Levy Court in the same manner as for unincorporated areas.

**§ 4610. Adjustment of assessment for cost of existing sewers included in a district**

In the case where a sanitary sewer or water district shall include areas wherein sanitary sewers or water systems have been constructed under the authority of the Levy Court, or by municipalities, corporations or individuals, the necessary adjustments shall be made with each property owner for those costs already incurred by the property owner when those sewers or water systems were constructed. Such excess costs shall be credited to future assessments levied by the district.

**§ 4611. Bonds; power to issue; terms**

(a) The Levy Court may issue bonds of Kent County to finance the cost of constructing sewage disposal or water facilities in any sanitary sewer or water district. The moneys raised by the issuance of such bonds shall be held in a separate account and shall be expended only for the construction of sewage disposal or water facilities in the sanitary sewer or water district for which the bonds are issued.

(b) The bonds shall bear interest at a rate which shall not exceed six per cent per annum and the bonds shall be exempt from taxation by the State or any Political subdivision thereof for any purpose. Each issue of such bonds shall be payable within 40 years after the date of the bonds of such issue. The interest coupons and face amount of the bonds shall be payable at the branch of the Farmers Bank of Delaware located in Kent County. The reasonable expenses of issuing such bonds shall be deemed a part of the cost of constructing the sewer or water facilities. The full faith and credit of Kent County shall be pledged to the payment of such bonds and the interest thereon.

**§ 4612. Advertisement for bids; notice of sale; sale and issuance of bonds**

(a) Any bonds issued pursuant to this chapter shall be sold at public sale and the Levy Court shall advertise that they will receive bids at such place or places as may be named in said advertisement for such bonds as may be determined by the Levy Court.

(b) Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once 10 or more days before the date of sale, in at least one newspaper published in the County and in a financial journal published in the city of New York, and no other publication of such notice of sale shall be necessary, and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest.

(c) In the event that the bonds so offered for sale are not bid for, or if no legally acceptable bid is received for the bonds, they may be sold under the direction of the Levy Court at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest and at a rate which shall not exceed 6% per annum.

(d) Without limiting the power granted the Levy Court as to the terms and conditions which they may set forth in a notice of sale, the Levy Court may request bids and award the bonds upon any of the following conditions:

(1) Bidders may be invited to name a single rate of interest for the issue or issues contained in the notice of sale, in which event the bonds can be awarded to the bidder offering to take all of the bonds at the lowest rate of interest, and as between bidders naming the same lowest rate of interest, the amount of premium will determine the award; or

(2) Bidders may be invited, with respect to a single issue, a combined issue or several other issues of bonds included in one notice of sale, to name one rate of interest for part of the bonds (having the earliest maturities) and another rate or rates for the balance of the bonds, and may permit a different interest rate for each maturity, or may limit the number of rates which may be proposed. If proposals are so invited, the bonds should be awarded to the bidder offering to purchase the bonds at the lowest net interest cost to the County the net interest cost to be determined by computing the aggregate amount of interest payable on the bonds from their date to their



amount of interest payable on the bonds from their date to their respective maturities and by deducting from such aggregate amount the premium offered, if any.

(e) The bonds shall be executed, sealed, and delivered in accordance with the issuing resolution of the Levy Court, which resolution may include a declaration that all acts necessary for the validity of the bonds have been performed and such declaration shall be conclusive and binding upon the Levy Court.

**§ 4613. Annual assessment; procedure for fixing amount**

(a) The Levy Court each year, at a time to be fixed by it, shall, after a public hearing, establish an annual assessment roll for the sanitary sewer or water district which shall be known as the "Sanitary Sewer District Assessment", or "Water District Assessment".

(b) The total amount assessed for each year shall be sufficient to provide funds required to reimburse the County for sums to be expended for retiring the bonds which have been issued and for the payment of the interest due on the same and for maintaining or improving the sewerage or water system and paying the necessary general expenses of the sanitary sewer or water district.

(c) Notice of the public hearing shall state that the assessment roll has been completed and filed and that at the time and place fixed for the public hearing the Levy Court will meet and hear and consider any objections which may be made to the assessment roll. Notice of the public hearing shall be published in a newspaper published within Kent County, and having a general circulation therein, once in each of the two weeks immediately preceding the week in which the public hearing is to be held.

(d) After holding the public hearing, the Levy Court may change or amend the assessment roll as it deems necessary or just, and may confirm and adopt the assessment roll as originally proposed or as amended or changed.

**§ 4614. Collection of assessments**

The annual assessments, including front foot assessments, shall be collected by the Levy Court as are other county taxes. The properties against which such assessments are levied shall

be liable for the payment of the assessments in the same manner as they are liable for other county taxes. No assessment shall be made against any property which is not subject to taxation and assessment for county and municipal purposes.

**§ 4615. Rules and regulations governing use of sewage disposal and water facilities.**

The Levy Court may promulgate from time to time and enforce such rules and regulations, as may be necessary, governing the use of the whole or any parts of such sewerage or waters systems or sewage treatment plans constructed under their control either within or without the district.

**§ 4616. Grants or loans from Federal, State or interstate agencies**

The Levy Court may accept grants or loans of money, labor, materials, equipment or technical assistance from agencies of the Federal or State government or from inter-state agencies established by law, to accomplish the purposes of this chapter and may pay the interest and amortization on such loans in the same manner as is authorized in this chapter for bonds.

**§ 4617. Order to connect to sanitary sewer; enforcement**

(a) The Levy Court may, where it deems it necessary to the preservation of public health, order the owner of any lot or parcel of land within a sanitary or water district which abuts upon a street or other public way containing a sanitary sewer or water main, which is part of or which is served or may be served by the county sewerage or water system and upon which lot or parcel of land a building shall have been constructed for residential, commercial or industrial use, to connect such building with such sanitary sewer or water main.

(b) If any owner shall fail to comply within 60 days with such order to connect with a sanitary sewer or water main, the Levy Court shall forthwith institute action in the Court of Chancery of the State of Delaware to compel accordance with such order.

**§ 4618. Exception to limitation on borrowing power**

Title 9, Delaware Code, § 4111, shall not apply tot his chapter.

Approved December 21, 1965.

## CHAPTER 255

**AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO CONSTRUCT AND OPERATE SYSTEMS FOR THE COLLECTION AND TREATMENT OF SEWAGE AND THE COLLECTION, TREATMENT AND DISTRIBUTION OF WATER, TO BORROW MONEY FOR THE COST THEREOF PLEDGING THE REVENUES OF THE SYSTEMS AND THE GENERAL CREDIT OF KENT COUNTY, TO MAKE CHARGES FOR THE USE OF THE SYSTEMS, TO PLACE LIENS FOR UNPAID CHARGES, AND TO CAUSE INSPECTIONS OF WATER AND SEWER FACILITIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 9, Delaware Code, is hereby amended by adding thereto a new Chapter 45, as follows:

**CHAPTER 45. SEWERS AND WATER****§ 4501. Definitions**

As used in this chapter, unless a different meaning clearly appears from the context—

“County” means Kent County;

“Revenue bonds” means bonds to the payment of which all or any part of the revenues derived from the operation of any water or sewerage system are pledged in accordance with this chapter;

“Service charges” means rents, rates, fee or other charges charged or collected under section 4509 of this title;

“Sewerage system” means the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by the County for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or in-

dustrial wastes, garbage and storm water, including sewers, conduits, pipe lines, mains, pumping and ventilating stations, sewage treatment or disposal system, plants and works, connections, and outfalls, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for such purposes.

"Water system" means all real and personal property necessary or useful in the collection, acquisition, treatment, purification, and distribution of water, together with any principal or ancillary rights appurtenant thereto.

#### § 4502. Powers of County

In addition to the other powers which it has, the County may, under this chapter—

(1) Plan, construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any sewerage or water system, and acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land in connection therewith;

(2) Operate and maintain any water or sewerage system and furnish the services and facilities rendered or afforded thereby;

(3) Enter into and perform contracts, whether long term or short term, with any industrial establishment, municipality or agency of the State or Federal Government for the provision and operation by the County of the sewerage system to abate or reduce the pollution of waters caused by discharges of industrial wastes by such industrial establishment, municipality or agency of the State or Federal Government and the payment periodically by the industrial establishment, municipality or agency of the State or Federal Government to the County of amounts at least sufficient, in the judgment of the Levy Court, to compensate the County for the cost of providing (including payment of principal and interest charges, if any), and of operating and maintaining, the sewerage system or part thereof serving such industrial establishment, municipality or agency of the State or Federal Government;

(4) Issue its negotiable or non-negotiable bonds to finance, either in whole or in part, the cost of the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any sewerage or water system, pledging the full faith and credit of the County to the punctual payment of the bonds and the interest thereon;

(5) Pledge to the punctual payment of the bonds and the interest thereon an amount of the revenues derived from the operation of such sewerage or water system (including the revenues of the existing facilities, if any, comprising a sewerage or water system which is being improved, bettered, extended or acquired, and the revenues to be derived from any improvements, betterments, extensions thereafter constructed or acquired), or of any part of any such sewerage or water system, sufficient to pay, on either equal or priority basis, the bonds and interest as the same become due and create and maintain reasonable reserves therefor, which amount may consist of all or any part or portion of such revenues;

(6) Accept from any authorized agency of the State or Federal Government, or from persons, firms, or corporations, grants or contributions for the planning, construction, acquisition, lease, reconstruction, improvement, betterment or extension of any sewerage or water system and enter into agreements with such agency respecting such loans and grants;

(7) Enter into a contract or contracts with any city or town situated within the County providing for the disposal of sewage collected by any sewerage system either for a specified or an unlimited time and for the charge to be made for such service by or to any such city or town;

(8) Enter into and perform contracts with any person for the sale of effluent products; and

(9) Enter into and perform a contract or contracts with any person, municipality, or agency of the State or Federal Government for the sale, purchase, treatment, purification, transmission, or distribution of water.

**§ 4503. Sewerage and water system within city or town**

No sewerage or water system, or any part thereof, shall be constructed or maintained within the boundaries of any city

or town situated in the County without the consent of such city or town, except that transmission lines or mains may be constructed or maintained without consent. The consent shall be given only by an ordinance adopted by the council or other governing body of the city or town in question, but once given shall be irrevocable.

**§ 4504. Bonds; authorization, amount, terms, sale and interest rate**

(a) The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any sewerage or water system may be authorized under this chapter and bonds may be authorized to be issued under this chapter to provide funds for such purposes by resolution of the Levy Court.

(b) The Levy Court, in determining the cost of acquiring or constructing any sewerage or water system, may include all costs and estimated costs of the issuance of the bonds, all planning, engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this chapter.

(c) The bonds shall bear interest at such rates, may be in one or more series, may bear such dates, may mature at such times not exceeding forty years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as the resolution or subsequent resolutions provide.

(d) (1) Any bonds issued pursuant to this chapter shall be sold at public sale and the Levy Court shall advertise that they will receive bids at such place or places as may be named in said advertisement for such bonds as may be determined by the Levy Court.

(2) Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once 10 or more days before the date of sale, in at least

one newspaper published in the County and in a financial journal published in the city of New York, and no other publication of such notice of sale shall be necessary, and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest.

(3) In the event that the bonds so offered for sale are not bid for, or if no legally acceptable bid is received for the bonds, they may be sold under the direction of the Levy Court at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest and at a rate which shall not exceed 6% per annum.

(4) Without limiting the power granted the Levy Court as to the terms and conditions which they may set forth in a notice of sale, the Levy Court may request bids and award the bonds upon any of the following conditions:

(i) Bidders may be invited to name a single rate of interest for the issue or issues contained in the notice of sale, in which event the bonds can be awarded to the bidder offering to take all of the bonds at the lowest rate of interest, and as between bidders naming the same lowest rate of interest, the amount of premium will determine the award; or

(ii) Bidders may be invited, with respect to a single issue, a combined issue or several other issues of bonds included in one notice of sale, to name one rate of interest for part of the bonds (having the earliest maturities) and another rate or rates for the balance of the bonds, and may permit a different interest rate for each maturity, or may limit the number of rates which may be proposed. If proposals are so invited, the bonds should be awarded to the bidder offering to purchase the bonds at the lowest net interest cost to the County the net interest cost to be determined by computing the aggregate amount of interest payable on the bonds from their date to their respective maturities and by deducting from such aggregate amount the premium offered, if any.

(e) Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the Levy Court determines may be issued to the purchasers of bonds sold pursuant to this act.

(f) The rate of interest may be determined in advance of sale, or the bonds may be offered for sale at a rate of interest to be fixed by the purchaser of such bonds.

**§ 4505. Authorized signatures on bonds; validity of issuance**

(a) Bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon have ceased to be officers of the County.

(b) The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the sewerage or water system for which the bonds are issued. The resolution authorizing the bonds may provide that the bonds shall contain a recital that they are issued pursuant to this chapter, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

**§ 4506. Payment of bonds, faith and credit of County; tax levy**

The full faith and credit of the County is pledged to the payment of any bonds issued by the County under this chapter. The Levy Court of the County shall, annually appropriate to the payment of such bonds and the interest thereon the amounts required to pay such bonds and interest as the same become due and payable. Notwithstanding the provisions of any other law the Levy Court may levy an ad valorem tax, without limitation as to rate or amount, upon all property taxable by the County to raise the moneys necessary to meet any such appropriation. Title 9, Delaware Code, Section 4111 is hereby repealed to the extent said section is inconsistent with this Chapter.



§ 4507. Authorization of covenants in bonds

(a) In the event that the County issues bonds, the resolutions authorizing the issuance of such bonds may contain covenants as to—

(1) The purpose to which the proceeds of sale of the bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the revenue of the sewerage or water systems, the revenues of which are pledged to the payment of such bonds, including the creation and maintenance of reserves;

(3) The issuance of other or additional bonds payable from the revenues of such sewerage or water systems;

(4) The operation and maintenance of such sewerage or water systems;

(5) The insurance to be carried thereon and the use and disposition of insurance moneys;

(6) Books of account and the inspection and audit thereof;

(7) The terms and conditions upon which the holders of the bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the appropriate court, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of the sewerage or water systems, operate and maintain them, prescribe service charges therefor, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the County itself might do; and

(b) The provisions of this chapter and any such resolution or resolutions shall be a contract with the holders of the bonds, and the duties of the County and of the Levy Court and officers under this chapter and any such resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

**§ 4508. Service charges; amount and application**

(a) If the County issues bonds under this chapter, the Levy Court shall prescribe and collect reasonable service charges for the services and facilities rendered or afforded by the sewerage or water systems, the revenues of which are pledged to the payment of such bonds, and shall revise such service charges from time to time whenever necessary.

(b) The service charges prescribed shall be such as will procure revenue at least sufficient (1) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (2) to provide for all expenses of operation and maintenance of such sewerage or water systems, including reserves therefor.

(c) The service charges when collected shall be applied to the payment of the bonds and interest and to the expenses of such operation and maintenance in accordance with the resolutions authorizing the bonds.

**§ 4509. Power to make charges; liability of users; computation of rates**

(a) The Levy Court may charge and collect rents, rates, fees or other charges (in this chapter sometimes referred to as "service charges") for direct or indirect connection with, or the use or services of, any sewerage or water system. Such service charges may be charged to and collected from any person contracting for such connection or use or service or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with a sewerage or water system, or from or on which originates or has originated sewage which directly or indirectly has entered or may enter into a sewerage system, or into which water from a water system may enter directly or indirectly, and the owner or occupant, or both of them, of any such real property shall be liable for and shall pay such service charges to the County at the time when and place where the Levy Court, by ordinance, rule or regulation, determines that such charges are due and payable.

(b) Such service charges shall, as near as the Levy Court deems practicable and equitable, be uniform throughout the area served by the sewerage or water system, and may be based or computed either on the consumption of water on or in connection with the real property, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on a front footage basis, or on other factors determining the type, class and amount of use or service of the sewerage or water system, or on any combination of any such factors.

#### **§ 4510. Penalties for failure to pay charges**

(a) In the event that a service charge with regard to any parcel of real property is not paid as and when due, interest shall accrue and be due to the County on the unpaid balance at the rate of one per centum per month until the service charge, and the interest thereon, shall be fully paid to the County.

(b) In the event that any service charge with respect to any parcel of real property is not paid as and when due, the Levy Court of the County may, in its discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewerage or water system to be cut and shut off until the service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon is fully paid.

#### **§ 4511. Lien of service charges on real estate**

(a) In the event that any service charge is not paid as and when due, the unpaid balance thereof and any interest accrued thereon shall be a lien on the parcel of real property with regard to which the service charge was made. The lien shall be superior and paramount to the interest in such parcel of any owner, lessee, tenant, mortgagee or other person, except the lien of taxes.

(b) If any service charge or any part of a service charge remains unpaid at the end of five years after the due date the Levy Court of the County shall cause to be brought proper proceedings for the enforcement of the lien and levy the service charge as an assessment with interest thereon accrued, and all costs thereon, upon the grounds and buildings with regard to which a service charge was made. Such grounds and buildings, or any part thereof, shall be sold by the Sheriff of the County, after like notice given by the Sheriff, as is provided by law in cases of other sales of real estate by the Sheriff, and a deed from the Sheriff shall convey to the purchases of such grounds and buildings as full and complete a title to the premises, in fee simple or otherwise, as if the same were executed by the owner thereof.

(c) The Sheriff shall, out of the purchase money of the premises so sold, pay all costs arising from the process and sale to the parties entitled thereto respectively, and shall pay the amount of the service charge with accrued interest thereon to the Levy Court. The residue of the purchase money shall be immediately deposited in the Farmers Bank, at Dover, Delaware, to the credit of the owner or owners of the property so sold.

#### § 4512. Sewer and water lien docket

The Prothonotary shall, under the supervision and direction of the Levy Court, prepare a docket to be known as "The Kent County Sewer and Water Lien Docket" in which shall be recorded the liens for service charges. The docket shall be prepared at the expense of the Levy Court in substantially the same form as the judgment docket for Kent County, and contain in the back thereof an index according to the name of the owner against which such lien has been assessed. No sewer lien shall be valid unless duly recorded as provided in this section. All sewer liens duly recorded in the docket shall continue in full force and effect until the liens have been satisfied by payment, and when such liens are satisfied by payment the Prothonotary, acting under the supervision and direction of the Levy Court, shall satisfy the record by entering thereon the date of final payment and the words "satisfied in full". The Prothonotary, for the use of the Levy Court, shall receive a fee of fifty cents for each satisfaction so entered.

**§ 4513. Water consumption statement and other information for Levy Court or its designated agent**

(a) Each municipality or public corporation, or other person, owning or operating any system of water distribution serving three or more parcels of real property in the County shall, from time to time after request therefor by the Levy Court or its designated agent, deliver to the Levy Court or its designated agent a statement showing the amount of water supplied to every such parcel of real property as shown by the records of the municipality or public corporation or other person. The statements shall be delivered to the Levy Court or its designated agent within ten days after request is made for them, and the Levy Court or its designated agent shall pay the reasonable cost of preparation and delivery of such statements.

(b) The occupant of every parcel of property the sewage from which is disposed of or treated by any sewerage system of the County, or the water for which is supplied by any water system of the County, shall, upon request therefor by the Levy Court or its designated agent, furnish to the Levy Court or its designated agent information as to the amount of water consumed by such occupant or in connection with such parcel and the number and kind of water outlets, and plumbing or sewerage fixtures or facilities on or in connection with such parcel and the number of persons working or residing therein.

**§ 4514. Discontinuance of water supply for failure to pay service charge**

Each city or town or other public corporation owning or operating any water distribution system serving three or more parcels of real property in the County, and every other person owning or operating any such system may enter into and perform a contract with the County that it will, upon request by the Levy Court of the County specifying a parcel of real property in the County charged with any unpaid service charge under section 4509 of this title, cause the supply of water from its system to such parcel of real property to be stopped or restricted, as the Levy Court may request, until the service charge and any subsequent service charge charged to such parcel and

the interest accrued thereon is fully paid or until the Levy Court directs otherwise. No such city or town or other public corporation or other person shall be liable for any loss, damage or other claim based on or arising out of the stopping or restricting of such supply, and the Levy Court shall pay the reasonable cost of so stopping or restricting such supply and of restoring the same and may agree to indemnify such city or town or other public corporation or other person from loss or damage by reason of such stopping or restriction, including loss of profits.

**§ 4515. Contract with municipality for disposal or treatment of sewage or the filtering, purifying or supplying of water**

(a) The Levy Court may contract with any municipality within the territorial limits of the County for the disposal or treatment by means of any sewerage system of the County or municipality the sewage originating in such city or town or elsewhere. Any such contract may be authorized by resolution duly adopted by the Levy Court and may be made with or without consideration and may contain provisions obligating the County or municipality to dispose of and treat all or any part of the sewage originating in such city or town or elsewhere and obligating such city or town to permit the County to dispose of or treat such sewage, either for a specific period of time or for an unlimited time. Any such contract may contain other and different provisions relative to the kind and character of sewage to be disposed of and treated and the compensation, if any, to be paid for such services.

(b) The Levy Court may contract with any municipality within the territorial limits of the County to buy, sell, process, filter, treat or purify water. Such filtration, treatment, processing or purification may be done in any plant or facility of the County or the municipality for such time, on such terms, and in such volume as the Levy Court may, by resolution, determine.

**§ 4516. Connection of property with sewer or water mains**

Permits for connecting any property by a drain or pipe with any County sewer or water main shall be obtained from the Levy Court and shall be issued only to plumbers licensed

to do business in the State of Delaware. No permit will be granted for connecting any property by a drain or pipe with any sewer or water main unless application is made therefor to the Levy Court in writing upon blanks furnished by the Levy Court. The application shall state the full name of the owner, the size and kind of drain or pipe to be used and a full description of the premises, its location, the number and size of each building located thereon to be drained, the area of each floor thereof, including the floor of the cellar or basement, all of the purposes for which the drain or pipe is to be used, the time when the connection is to be made and other particulars for a full understanding of the subject and that the owner will be subject to all the rules and regulations prescribed by the Levy Court. The application shall be signed by the owner of the property to be drained or supplied with water and by a plumber licensed to do business in the State of Delaware. The owner shall also execute a release to the Levy Court releasing the Levy Court, its officers and agents and the County from all liability or damage which may in any manner result to the premises by reason of such connection. No permit shall be deemed to authorize anything not therein specifically stated.

**§ 4517. Licensed plumber to connect property with sewers or mains**

All necessary plumbing work to be done in connecting any property with a County sewer or water main shall be done by a plumber licensed to do business in this State in a good and workmanlike manner and with good and proper materials, and shall be subject to the approval of the Levy Court or its designated agent.

**§ 4518. Misrepresentations in application and unauthorized connections with sewer or water main; penalty**

Whoever wilfully makes any misrepresentation in any application or makes or maintains any connection with any sewer or water main contrary to the authority granted by permits issued therefor by the Levy Court, or without a permit therefor in accordance with the provisions of this chapter, shall be fined not less than \$5 nor more than \$500.

**§ 4519. Surveys and inspections by Levy Court; penalty for refusal to permit**

(a) The Levy Court or its designated representatives may go upon any land for the purpose of making surveys for sewers, sewer systems, sewage disposal plants, water mains, water systems, water treatment plants, or pumping plants or for rights-of-way or other property rights required for the sewerage or water systems.

(b) The Levy Court or its designated representatives may inspect, at reasonable hours, any premises, dwellings or other buildings in the vicinity of a County sewer to determine if it is connected to the County sewer or water main, or to determine if the sewer or water main connection has been made or is being maintained in accordance with the regulations of the Levy Court.

(c) Whoever refuses to permit inspections and surveys at reasonable hours shall be fined not less than \$10 for every such refusal.

**§ 4520. Construction of chapter with other laws**

The powers conferred by this chapter shall be in addition to and not in substitution for the powers conferred by any other general, special or local law. The powers conferred by this chapter may be exercised notwithstanding that any other general, special or local law may confer such powers, and without regard to the requirements, restrictions, limitations or other provisions contained in such other general, special or local law.

**§ 4521. Annexation**

Any annexation by any municipality of any previously unincorporated area shall not confer upon the annexing municipality any right, title or interest in any part of any water or sewer system constructed, acquired, extended or improved pursuant to this chapter, except as a resolution of the Levy Court may so provide. No such resolution shall be adopted by the



Levy Court unless the annexing municipality shall have deposited a fund sufficient to pay when due any outstanding bonds issued hereunder for the purchase, construction, acquisition, extension or improvement of all systems wholly or partly within the annexed area, with interest to the date of call or redemption and any redemption or call premium applicable thereto.

Approved December 21, 1965.

## CHAPTER 256

**AN ACT TO AMEND SECTION 704, TITLE 21, DELAWARE CODE, RELATING TO JURISDICTION OF JUSTICES OF THE PEACE.**

*Be it enacted by two-thirds of all Members elected to each House thereof concurring therein:*

Section 1. Section 704, Title 21, Delaware Code, is amended by striking the period following the second sentence of said section and inserting in lieu thereof a comma and adding the following "notwithstanding the fact that the court of said Justice of the Peace is situated in a county other than that in which the violation is alleged to have occurred".

Section 2. Section 704, Title 21, Delaware Code, is further amended by striking the words "or at his residence", appearing in the last sentence of said section.

Approved December 21, 1965.

## CHAPTER 257

**AN ACT TO AMEND SECTION 1704, TITLE 15, DELAWARE CODE, DIRECTING EACH DEPARTMENT OF ELECTIONS TO REMOVE NAMES OF PERSONS DISQUALIFIED AS VOTERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1704, Title 15, Delaware Code, is amended by adding a new paragraph to read as follows:

In the event that the Commissioner shall not have prepared such a list by December 31 of any odd numbered year, each Department shall examine its record to determine the name of every voter who has not voted in the preceding two general elections or who since his registration has become disqualified or for any reason has ceased to be a qualified voter in the election district in which he was registered, and shall remove from the election District record the original permanent registration record of every such person and follow the procedure provided in this section.

Approved December 21, 1965.

## CHAPTER 258

**AN ACT TO AUTHORIZE "THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE" TO BORROW \$1,000,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF SELBYVILLE AND TO CONTROL AND REGULATE THE SAME.**

WHEREAS, the General Assembly passed an Act in the year of 1947 being Chapter 280, Volume 46, Laws of Delaware, authorizing the Mayor and Council of the Town of Selbyville, under certain conditions to borrow the sum of \$250,000 and to issue bonds to secure the repayment of any sum so borrowed; and

WHEREAS, it has been determined that the said sum of \$250,000 will not be sufficient to pay for the construction and installation of a sewage disposal system and plant; and

**NOW, THEREFORE:**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

Section 1. Chapter 280, Volume 46, Laws of Delaware, be and the same is hereby amended by repealing all of the afore-said Act and substituting in lieu thereof the following:

Section 2. The Mayor and Council of the Town of Selbyville, a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow money and issue bonds to secure the payment thereof on the full faith and credit of the said The Mayor and Council of the Town of Selbyville to provide funds for the construction, installation, repair, improvement, extension or enlargement of a sewage disposal system including a sewage treatment plant; PROVIDED, HOWEVER, that the borrowing of the money therefor shall have

been authorized by the Mayor and Council of the Town of Selbyville and shall have been approved by the qualified voters in the following manner.

Section 3. The Mayor and Council of the Town of Selbyville shall propose to the electors of the Town of Selbyville by resolution which shall state the amount of money to be borrowed for any of the purposes authorized by Section 2 above. The resolution shall also state the purpose for which the money is desired to be borrowed, the manner of securing the loan, and other facts relating to the loan which are deemed pertinent by the Mayor and Council of the Town of Selbyville and in their possession, and shall fix a time and place for holding a public hearing on the said resolution.

Section 4. Notice of the time and place of the hearing on the resolution authorizing the said loan shall be printed in a newspaper having a general circulation in the Town of Selbyville at least one week before the time and date set for said hearing.

Section 5. A second resolution shall then be passed by the Mayor and Council ordering a special election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second resolution calling the special election shall ipso facto be considered the Mayor and Council's determination to proceed in the matter in issue.

Section 6. The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper having a general circulation in the Town of Selbyville within thirty (30) days prior to the election, or distributed in circular form at least fifteen (15) days prior to the date of the said special election or both at the discreption of the Mayor and Council.

Section 7. At the special election, every owner of property, whether individual, partnership or corporation, shall have one (1) vote for every one hundred dollars (\$100.00) or part

thereof of assessed valuation of real estate located in said Town, and the said vote may be cast either in person or by proxy.

Section 8. The Mayor and Council of the Town of Selbyville shall cause to be prepared, printed and have available for distribution a sufficient number of sample ballots marked or defaced in such a manner that they cannot be used at the election not less than five days prior to the date of the special election.

Section 9. The Mayor of the Town of Selbyville, shall prior to the date of the election, appoint and designate a Presiding Officer and sufficient Judges to act as a Board of Elections. The members of the Board of Election shall be the judges of the special election and shall decide upon the legality of the votes offered and shall keep a list of all voters thereat. The Board of Election shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Elections shall make a certificate under their hands of the number of votes cast for and against the proposed loan and shall deliver the same to the Mayor and Council which said certificate shall be entered on the minutes of the Mayor and Council and the original shall be filed with the papers of the Mayor and Council of he Town of Selbyville.

Section 10. The form of bond, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Mayor and Council aftert he said special election. The bonds may be sold at either public or private sale, as determined by the Mayor and Council. The Mayor and Council shall provide, in the annual budget and in the fixing of any tax, sewer charge or tax, for the payment of interest on and the principal of said bonds at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of "The Mayor and Council of the Town of Selbyville" shall be deemed to be pledged for the prompt payment of the bonds and interest issued pursuant to the provisions of this Act, when the same have been properly executed and delivered for value.

Section 11. The bonded indebtedness for any purpose authorized by Section 2 of this Act shall not at any one time exceed the sum of one million dollars (\$1,000,000.00).

Section 12. That the said "The Mayor and Council of the town of Selbyville" is hereby authorized and empowered to do all things necessary for the location, erection, construction, equipment and operation of said sewer system and sewage disposal works, and to provide for the care and maintenance of the same, and to purchase all such instruments, appliances and supplies as may be necessary for establishing and operating the said sewer system and sewage disposal works in said Town, and for furnishing the citizens and inhabitants thereof with proper and adequate sewerage facilities and to effect the same "The Mayor and Council of the Town of Selbyville" shall have the power and authority to lay pipes and conduits under and along any of the streets, lanes, alleys or highways of said Town, or any road adjacent thereto, and also to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary for the purpose of carrying into effect the provisions of this Act. In the event however, that any owner of property shall fail to agree with the Town, "The Mayor and Council of the Town of Selbyville" shall have full power of eminent domain over any lands or property rights required for any purpose connected with the installation or operation or extension or improvement of the said sewer system and shall be able to condemn property rights for the use of the sewer system in the same manner and to the same extent as the Mayor and Council of the Town of Selbyville are authorized to do in connection with the public streets within the said Town. "The Mayor and Council of the Town of Selbyville" shall have authority to require any premises to be connected to the sewer system, and in the event that any property owner should neglect to connect his property immediately after ordered to do so by "The Mayor and Council of the Town of Selbyville", the said Mayor and Council shall have the authority to connect the premises with the sewer system as ordered and to collect the cost of such connection by the same process as Town Taxes are collectible. The said "The Mayor and Council of the Town of Selbyville" shall have the supervision and control of all public pipes, sewers and drains connected with said sewer system and sewerage disposal works whether within or without the corporate limits of the said Town of Selbyville, and may alter, repair and remove the same and may cause new pipes, drains and sewers to be made and opened.

The said "The Mayor and Council of the Town of Selbyville" may cause such pipes, sewers and drains to be laid in any of the said streets, lanes, alleys or highways of the said Town in such manner and of such material as it, the said "The Mayor and Council of the Town of Selbyville" may deem proper. The said "The Mayor and Council of the Town of Selbyville" is hereby authorized to make rules regulating the tapping or use of public sewers by the owners by abutting land, and shall provide for the granting of permits for the same and for the payment of such tapping fees and sewer rental as the said "The Mayor and Council of the Town of Selbyville" shall deem proper; and it shall prescribe the material of all private drains or sewers which shall enter into any public sewer and shall direct the manner in which they shall be laid.

Section 13. That the said "The Mayor and Council of the Town of Selbyville" is authorized and empowered to engage the services of such agents and servants as it may deem necessary in the erection, completion, extension or improvement of said sewer system and sewerage disposal works as herein provided.

Section 14. That the said "The Mayor and Council of the Town of Selbyville" is hereby authorized and empowered to adopt such ordinances as it may deem necessary for the operation, management and control of said sewer system and sewerage disposal works and may grant all persons and corporations in the said Town of Selbyville the privilege of using said sewer system in such manner and upon such terms and conditions as may seem just and proper to the said "The Mayor and Council of the Town of Selbyville".

Section 15. Any Act inconsistent with the provisions hereof be and the same is hereby repealed to the extent of such inconsistency.

Approved December 21, 1965.



## CHAPTER 259

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO MERGER OF ELECTION DISTRICTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 15, Delaware Code, is amended by adding thereto a new section 4105 to read as follows:

**§ 4105. Merger of Election Districts**

(a) Each Department shall merge with an adjoining Election District such election district, and such only, as by the election last preceding such division shall be found to contain less than 200 registered voters.

(b) Such merger shall be made before the first day of March in any year.

Approved December 21, 1965.

## CHAPTER 260

**AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND DESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO DELETE THE REQUIREMENT THAT THE CITY MANAGER WHEN ORIGINALLY APPOINTED, SHALL NOT BE A RESIDENT OF THE CITY OF REHOBOTH BEACH.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 17, Chapter 197, Volume 54, Laws of Delaware, is amended by striking subsection b. and inserting in lieu thereof a new subsection b. to read as follows:

b. No person shall be appointed to the office of City Manager of the Commissioners of Rehoboth Beach unless he shall have received a degree in engineering from an approved college or university, or shall have served as City Manager of some other incorporated municipality for a period not less than four (4) years or shall have had practical engineering experience for a period not less than four (4) years; provided, however, that nothing contained herein shall prohibit the Commissioners of Rehoboth Beach from imposing such other qualifications as may be deemed necessary; And provided further, that no person holding the office of Mayor of the City of Rehoboth Beach or the office of Commissioner shall be chosen to be City Manager during his term of office as Mayor or Commissioner.

Approved December 21, 1965.

## CHAPTER 261

**AN ACT TO AMEND TITLE 9, DELAWARE CODE, BY ADDING A CHAPTER ESTABLISHING PENSIONS FOR SUSSEX COUNTY EMPLOYEES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 9, Delaware Code, is amended by adding thereto a new chapter as follows:

**CHAPTER 64. PENSIONS FOR SUSSEX COUNTY EMPLOYEES****§ 6401. Short Title**

This chapter shall be known as the "Sussex County Employees Retirement Act".

**§ 6402. Term "covered employee" defined**

An employee shall be considered in "covered employment" within the meaning of this chapter while the employee receives a regular salary or wages wholly or in part directly or indirectly from the County Treasurer of Sussex County, or the State Treasurer of the State of Delaware; provided, however, that an employee shall not be considered in covered employment if he is a part-time or seasonal employee who is not regularly employed for more than 120 working days in any one calendar year, unless the said employee is an elected official.

**§ 6403. Eligibility for retirement benefits**

(a) An employee who is in covered employment on the date of retirement and who shall have served in covered employment for at least 15 years during the period that ends on the date of retirement, and who has served in covered employment for at least five years immediately preceding the date of retirement, and whose service includes no interruption from continuous covered employment, except allowable interruptions aggregating not more than ten years, shall be considered eligible for retirement benefits within the meaning of this chapter, except as otherwise provided.

(b) Allowable interruptions from continuous covered employment shall be interruptions arising from (1) leaves of absence granted to employees; or (2) for entering the armed services of the United States of America as provided in section 6404 of this title; or (3) involuntary severance of employment not due to any fault or neglect on the part of such employee; or (4) voluntary severance of employment for a period not to exceed one year; but the employee shall not be considered in covered employment during any period of such interruption. The usual vacation allowed any employee of any department or agency shall not be considered an interruption from continuous employment.

(c) No employee shall be eligible for retirement benefits under the provisions of this chapter who is covered or potentially covered by any other State, County or municipal pension plan or statute in effect on or after June 18, 1957, except as otherwise provided.

**§ 6404. Service in armed forces of the United States or in National Guard**

(a) In the case of an employee of Sussex County who is called to the service of, or voluntarily enters the armed forces of the United States of America, or the National Guard of this State when in continuous active service, the Board or Department employing such employee, shall grant to such employee a leave of absence which shall cover the entire period of service, not exceeding four years, and upon the completion of such leave of absence and service, shall reinstate the employee in the position which he held at the time that his leave of absence was granted.

(b) If any employee of Sussex County who shall have entered the armed services, as provided in subsection (a) of this section, shall have been employed in any Board or Department of Sussex County which shall come under any pension plan enacted or to be enacted by the Legislature of this State, the time spent by such employee in the armed services shall accrue to his benefit in establishing his right to a pension.

(c) The provisions of this section, in regard to time spent in the armed services of the United States of America in time of war, shall be deemed an exception to the provisions of section 6403 of this title.

#### **§ 6405. Retirement age**

(a) Every covered employee within the meaning of this chapter, now or hereafter employed, may be retired after such employee shall have served in covered employment for 25 years, or on or after attaining the age of 60 years in the case of a female employee, or the age of 65 years in the case of a male employee, and shall after retirement during the remainder of his or her life receive the pension fixed by this chapter, subject to such qualifications and reservations as are contained in this chapter; provided that a covered employee may continue active work at the option of the department or agency by which he or she is employed up to the age of 65 years for female employees or 75 years of age for male employees.

(b) Nothing in this chapter shall be construed to make mandatory the retirement of any employee who is not in "covered employment" as such term is defined in section 6402 of this title or who is ineligible to receive a pension because he has not worked the required number of years, except as is specifically authorized in this chapter to the contrary.

#### **§ 6406. Retirement pension benefits**

(a) Any pension payable under this chapter shall be subject to the limitation that the monthly pension payment shall not exceed \$200 nor be less than \$85 per month.

(b) The monthly pension payment shall be one-fiftieth of the monthly retiring base pay, multiplied by the number of years (a fractional period of six months shall not be counted) which the employee shall have served in covered employment during the period that ends on the date of retirement and includes no interruptions from continuous covered employment except allowable interruptions aggregating not more than ten years.

Where a person eligible for a pension under this chapter shall have served in covered employment for at least 25 years and shall have served for at least 15 years thereof without interruption up to the date of retirement, his monthly pension payment shall be one-sixtieth of the monthly retiring base pay multiplied by the total number of years served regardless of interruption.

(c) In the case of an employee who shall have been continuously in covered employment during the 60 consecutive months ending on the date of retirement, the "monthly retiring base pay" shall be the regular pay for covered employment paid to the employee by the Levy Court of Sussex County, during such 60 months (excluding any pay received for overtime or special work), divided by 60.

#### **§ 6407. Disability pension benefits**

(a) An employee who shall become disabled while in covered employment and after having served in covered employment for at least 15 years during the period that ends on the inception of such disability and that includes no interruptions from continuous covered employment, except allowable interruptions aggregating not more than five years, so as to be prevented by such disability from performing his or her active duties, may be retired on a disability pension.

(b) Such disabled employee shall be kept on the active payroll during the remainder of the calendar month in which such disability shall begin and for the next ensuing three months.

(c) At the end of such third calendar month, such disabled employee shall be retired, and shall receive a pension calculated in accordance with section 6406 of this title and payable during the subsequent uninterrupted continuance of such disability until the date when such disabled employee would otherwise become eligible for retirement on pension in accordance with section 6405 of this title; provided, however, that if the retired employee while so disabled shall engage in any gainful occupation or business, then such disability pension shall be reduced by the excess, if any, of the compensation or

profit earned from such occupation or business over one-half of the salary or wages last received by such employee for active service in covered employment. If such disability shall continue until the date when such disabled employee would otherwise become eligible for retirement on pension in accordance with section 6405 of this title, then the disability pension shall cease but such disabled employee shall simultaneously enter upon the pension provided by section 6406 of this title.

(d) The provisions relating to payment of disability pension as provided in this section shall not apply if the disabled employee receives compensation equal to or in excess of the benefits provided by this chapter pursuant to the provisions of the Delaware Workmen's Compensation Law, Title 19, Chapter 23.

If the amount of compensation received pursuant to the Delaware Workmen's Compensation Law by the disabled employee is less than the amount he would otherwise receive under the provisions of this section then an amount equal to the difference shall be paid to the employee as disability pension.

(e) Decision as to whether such disability exists or continues shall be by majority vote of the Arbitration Commission referred to in section 6412 of this title. The Arbitration Commission shall, at least once a year or oftener, at its discretion, while the disabled employee is receiving disability pension, require such disabled employee to furnish satisfactory proof of the continuance of such disability. Whenever, in the opinion of the Arbitration Commission, it appears that such employee has recovered to the extent of being able to perform his or her active duties, the Arbitration Commission shall so notify the employee and shall also notify the Department or agency wherein such employee was employed; whereupon the employee shall be required to resume active service and no further pension payments shall be made under the provisions of this section for such disability.

(f) The period for which the disability pension shall have been paid shall be considered an allowable interruption which is allowable in addition to the allowable interruptions aggregating not over five years, in determining subsequent eligibility for retirement on pension under section 6405 of this title.

**§ 6408. Submission of pension data to Levy Court for determination of amount required to be raised by taxation**

(a) Each department or agency of Sussex County that shall come within the provisions of this chapter shall, not less than 30 days prior to the date when the County tax rate shall be fixed by the Levy Court of Sussex County in each year, submit a salary or wage payroll record to include employees eligible for pension and which shall contain the names, addresses and amounts for those employees who are carried on the pension rolls, plus the names and addresses and amounts to be paid employees of such department or agency who might become eligible for retirement during the following fiscal year.

(b) At the time of the establishment of the tax rate, the Levy Court of Sussex County shall include, in addition to an amount for active employees' salaries or wages, the amounts for those employees who are carried on the pension roll, plus the amount for those employees who might become eligible for retirement during the period covered in such budget.

**§ 6409. Pension benefits; time and manner of payment; list of pensioners**

(a) The payment of the pension benefits under this chapter shall be made at the same time and in the same manner as salaries and wages are paid for active employees, except as otherwise provided in this chapter.

(b) The name and address of each employee receiving benefits under the provisions of this chapter, together with the amount of pension to be received at each payment by each such employee, shall be filed in the office of the Receiver of Taxes and County Treasurer.

**§ 6410. Retirement of employee**

(a) A covered employee may request retirement with pension in accordance with this chapter by making a written request therefor to the president or chairman or other principal person of the department or agency by which he or she is employed, at least 30 days prior to the date of retirement; or the



president or chairman or other principal person of the department or agency may, with the approval of a majority of the governing board of such department or agency, and in accordance with this chapter, retire a covered employee of his or their department or agency by giving written notice to the employee at least 30 days prior to the date of retirement.

(b) In either event, the president or chairman or other principal person of the department or agency shall prepare a statement in such form as may be prescribed by the Receiver of Taxes and County Treasurer to enable him to comply with the provisions of this chapter. The president, chairman or other principal person as such department or agency shall, at least 15 days prior to the date of retirement, give a certified copy of such statement to the Receiver of Taxes and County Treasurer. A copy of such statement shall also be given to the employee at least 15 days prior to the date of retirement.

**§ 6411. Preservation of pension records by Receiver of Taxes and County Treasurer**

All records of whatever kind or character received or to be received by the County Treasurer on pension cases shall be kept by him as all other official records of his office are preserved.

**§ 6412. Arbitration Commission**

For the purpose of settling any controversy that may arise out of the administration of this chapter, the Arbitration Commission for Sussex County is created. It shall consist of three persons, not more than two of whom shall be of the same political party, to be appointed by the Levy Court of Sussex County, for a term of four years. The Commission shall adjudicate such controversy at a time and place to be fixed by the Commission, after due notice in writing has been given to all interested parties at least 10 days prior to the date of hearing. The Commission may administer oaths and do such acts and make such rules in the premises as the Commission deems necessary to carry into effect the provisions of this chapter. The written concurring decision of any two members of the Commission shall be final. The members of the Commission shall serve without compensation, but the Levy Court of Sussex County shall provide for the payment of the necessary expenses of the Commission.

**§ 6413. Notice to employee of qualification for pension; resolution of Levy Court**

When the employee is not entitled to the pension benefits of this chapter, the Receiver of Taxes and County Treasurer shall so advise the employee by letter, but if the employee is entitled to the pension benefits of this chapter, the Receiver of Taxes and County Treasurer shall so advise the Levy Court of Sussex County, whereupon such Levy Court shall prepare, sign and seal, and deliver to the employee, an appropriate resolution in the following form:

**RESOLUTION**

WHEREAS, The retirement of .....  
 an employee of Sussex County, State of Delaware, from  
 ..... duties as .....  
 in the ..... presents a suitable opportunity  
 for expressing the esteem in which we hold .....  
 as a faithful and satisfactory public servant; therefore, BE IT  
 RESOLVED, That the County of Sussex express its warmest  
 appreciation and thanks to .....  
 for the able and loyal manner in which .....  
 has uniformly performed .....  
 public duties and BE IT FURTHER RESOLVED, That this  
 Resolution be ..... evidence of  
 a right to the pension provided by the Sussex County Pension  
 Law.

(Signed) .....  
 President of the Levy Court of Sussex County,  
 State of Delaware.

.....  
 Member of the Levy Court of Sussex County,  
 State of Delaware.

.....  
 Member of the Levy Court of Sussex County,  
 State of Delaware.

(SEAL)

**§ 6414. Effect of receipt of pension or other benefits under other law**

If any Federal or other law in effect on June 18, 1957 or thereafter enacted shall provide for annuities, pension, disability, allowances, social security, or other benefits, on account of or arising from the same service for which a pension is granted under the provisions of this chapter, then the benefits provided in this chapter shall be reduced to the extent of any such benefits so granted, or if such benefits shall be equal to or greater than the benefits provided in this chapter, no payment shall be made under this chapter.

**§ 6415. Restrictions upon other employment by pensioner**

No person, while receiving a pension under this chapter, shall be employed by the Levy Court of Sussex County, or any department or agency of such Levy Court, in any capacity unless elected by popular vote at an election; and during such elected term, he shall not be entitled to a pension unless he serves such term of office without pay.

**§ 6416. Exemption of pension benefits from taxation, attachment, etc.; assignability of benefits**

The pension benefits mentioned in this Chapter shall not be subject to attachment or execution, nor to any State or local income tax, and shall be payable only to the beneficiary designated, and shall not be subject to assignment or transfer.

Approved December 21, 1965.

Note: This act has been codified as Chapter 63, Title 7, Delaware Code.

## CHAPTER 262

**AN ACT TO PROVIDE FOR THE CREATION OF SANITARY OR WATER DISTRICTS IN SUSSEX COUNTY, AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO ISSUE REVENUE OR GENERAL OBLIGATION BONDS TO SECURE THE PAYMENT FOR IMPROVEMENTS NECESSARY TO WATER OR SANITARY DISTRICTS, AND PERMITTING THE LEVY COURT OF SUSSEX COUNTY TO COLLECT REVENUES AND CHARGES FOR WATER AND SEWER SERVICES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 9, Delaware Code, is amended by adding thereto a new Chapter 65 as follows:

**CHAPTER 65. SANITARY AND WATER DISTRICTS**

**§ 6501. Conditions for establishment of sanitary sewer or water district**

(a) Whenever contiguous territory containing one or more centers of population, whether incorporated or not, shall be so situated that the construction of interceptor sewers, out-fall sewers and sewage treatment plants will be conducive to the preservation of the public health, the territory shall be established by the Sussex County Levy Court as a sanitary sewer district.

(b) Whenever contiguous territory containing one or more centers of population, whether incorporated or not, shall be so situated that the construction of water mains, pipes and distribution facilities is economically feasible and conducive to the preservation of health, the territory shall be established by the Levy Court as a water district. The Levy Court may employ expert assistance in making a determination of economic feasibility and effect on health, but the determination of the Levy Court as to economic feasibility and effect on health shall be conclusive and binding.

**§ 6502. Establishment or revision of sanitary or water districts without election**

(a) Where the Levy Court has already constructed sewers or water mains to which 50 or more houses have been connected, the Levy Court may establish, upon request of the County Engineer, a new district or revise the boundaries of an established district without further petitions or hearings by posting at four public places in the district notices describing the new or revised boundaries, and, in the case of the establishment of a new district, the same cost and assessment data required for districts established by vote of electors.

(b) Within 30 days after the posting of the notices of the establishment of the district in accordance with the provisions of subsection (a) of this section, the Levy Court shall pass a formal resolution establishing the district, which shall (1) contain a description of the boundaries of the district; (2) direct the County Engineer and the attorney of the Levy Court to procure the necessary land and rights-of-way by purchase, agreement, or condemnation in accordance with existing statutes; and (3) authorize the County Engineer to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any or all structures required to provide for the safe disposal of the sewage or furnishing of water in the sanitary or water district.

**§ 6503. Establishment of sanitary or water district upon petition of voters**

Fifty or more legal voters, residents of a proposed sanitary sewer or water district, may petition the Levy Court to submit the question of organizing a sanitary sewer or water district to a vote of electors residing in that district. The petition shall contain a description of the proposed district and shall be accompanied by a map drawn to scale showing the boundaries of the proposed district together with the limits of any incorporated areas which may be included in the district. The execution of the petition by an elector shall be acknowledged by him or it may be proved by the oath of a witness who shall swear that he knows the elector and that the petition was signed by the elector in the presence of the witness.

**§ 6504. Public hearing; notice**

The Levy Court, upon receipt of a petition submitted as provided in section 6503 of this title, shall, and the Levy Court may, upon its own motion and without having received such a petition, set a date for a public hearing on the question of organizing a sanitary sewer or water district. The hearing shall be held at such time as may be fixed by the Levy Court and shall be previously advertised by posting a notice, in four of the most public places within the proposed district, at least 10 days prior thereto and by publishing a notice in a newspaper published within the County and having a general circulation therein, once in each of two weeks immediately preceding the week in which the hearing is to be held. All interested persons, officials, residents, voters, tax payers, property owners or other persons or corporations in any way affected by the granting of the petition shall be heard on any question dealing with the location of the boundaries of the district. Such notice shall contain a description of the boundaries of the proposed sanitary or water district and if the public hearing be ordered as a result of the filing of a petition such boundaries shall be those described in the petition.

**§ 6505. Action of Levy Court following hearing**

(a) After the public hearing referred to in section 6504 of this title shall have been closed, the Levy Court shall, by resolution, determine whether or not it is in the public interest to establish the district and, if it deems it to be in the public interest to establish the district, the Levy Court shall, by such resolution, determine what shall be the boundaries of the district. Such boundaries may be those set forth in the petition or may be boundaries which will include in the district the property and property-owners, and only the property and property-owners, that will be benefited by the establishment of the district and the construction of sewage disposal or water facilities therein.

(b) After establishing the boundaries of the district, the Levy Court shall also cause to be prepared by the County Engineer or Consulting Engineers, an estimate of the cost of proposed immediate construction and also an approximate esti-

mate of the assessment per front foot and the amount to be included in the assessment necessary to take care of interest amortization and costs of construction and financing. The construction cost estimates and assessment estimates shall be advertised in the same manner as provided in Section 6504 of this title for advertising the public hearing.

**§ 6506. Election on question of establishment of district**

(a) Whenever the determination on the question of establishing the district, as required by section 6505 of this title, is in the affirmative, and after the other requirements of that section have been complied with, the Levy Court then shall cause an election to be held within six months following the date of the hearing, at which the question shall be submitted to the voters residing within the boundaries of the sanitary sewer district as fixed by the Levy Court as to whether the district shall be established or not. Notice of the election shall be advertised in the same manner as provided in section 6504 of this title for advertising the public hearing. The cost of the election shall be borne by the Levy Court, which shall be reimbursed for such cost by the district, if established by the election.

(b) The proposition shall be submitted to the voters substantially in the following form:

FOR THE SANITARY SEWER DISTRICT .....  
AGAINST THE SANITARY SEWER DISTRICT.....

(c) The majority of votes cast shall decide the matter.

(d) The election shall be managed and the votes canvassed in such manner as may be prescribed by the Levy Court. Every citizen who resides in the proposed sanitary sewer district in which the election is being held and who would be entitled at the time of the holding of such election to register and vote in any election district in which the proposed sanitary sewer district is a part, at a general election, if such general election were held on the day of such election in the proposed sanitary sewer district, may vote at such election whether or not he is at the time a registered voter.

**§ 6507. Action of Levy Court following election favoring establishment of district**

(a) If the majority of the voters are in favor of establishing the sanitary sewer district, the Levy Court shall within 30 days following the election, issue a determination to that effect which shall contain a description of the district. The Court shall file a certified copy of the determination with the Clerk of the Peace.

(b) Within 30 days after the election, the Levy Court shall authorize the County Engineer and the Levy Court attorney to procure the necessary land and rights-of-way by purchase, agreement, or by condemnation in accordance with existing laws, and shall authorize the County Engineer to prepare maps, plans, specifications and estimates for any or all structures required to provide for the installation of sewers or water systems, and to let contracts for, supervise the construction and maintenance of, or the enlarging or remodeling of such systems, and to carry on such other activities as may be required by this chapter or considered necessary to perform the duties prescribed in this chapter.

**§ 6508. Construction of system adequate for future connections**

The Levy Court may construct and maintain main sewers or water mains and sewage or water treatment works in order to provide a satisfactory outlet for any subdivision which may at any future time connect sub-main or lateral sewers to it.

**§ 6509. Construction or maintenance of sewers or water systems for municipalities**

The Levy Court may construct or maintain sub-mains or laterals as agent for municipalities when officially requested so to act and when the cost of such work is to be borne by local assessments against the property benefited or by assessment by the Levy Court in the same manner as for unincorporated areas.



**§ 6510. Adjustment of assessment for cost of existing sewers included in a district**

In the case where a sanitary sewer or water district shall include areas wherein sanitary sewers or water systems have been constructed under the authority of the Levy Court, or by municipalities, corporations or individuals, the necessary adjustments shall be made with each property owner for those costs already incurred by the property owner when those sewers or water systems were constructed. Such excess costs shall be credited to future assessment levied by the district.

**§ 6511. Bonds; power to issue; terms**

(a) The Levy Court may issue bonds of Sussex County to finance the cost of constructing sewage disposal or water facilities in any sanitary sewer or water district. The moneys raised by the issuance of such bonds shall be held in a separate account and shall be expended only for the construction of sewage disposal or water facilities in the sanitary sewer or water district for which the bonds are issued.

(b) The bonds shall bear interest at a rate which shall not exceed six per cent per annum and the bonds shall be exempt from taxation by the State or any political sub-division thereof for any purpose. Each issue of such bonds shall be payable within 40 years after the date of the bonds of such issue. The interest coupons and face amount of the bonds shall be payable at the branch of the Farmers Bank of Delaware located in Sussex County. The reasonable expenses of issuing such bonds shall be deemed a part of the cost of constructing the sewer or water facilities. The full faith and credit of Sussex County shall be pledged to the payment of such bonds and the interest thereon.

**§ 6512. Advertisement for bids; notice of sale; sale and issuance of bonds**

(a) Any bonds issued pursuant to this chapter shall be sold at public sale and the Levy Court shall advertise that they will receive bids at such place or places as may be named in said advertisement for such bonds as may be determined by the Levy Court.

(b) Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once 10 or more days before the date of sale, in at least one newspaper published in the County and in a financial journal published in the city of New York, and no other publication of such notice of sale shall be necessary, and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest.

(c) In the event that the bonds so offered for sale are not bid for, or if no legally acceptable bid is received for the bonds, they may be sold under the direction of the Levy Court at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest and at a rate which shall not exceed 6% per annum.

(d) Without limiting the power granted the Levy Court as to the terms and conditions which they may set forth in a notice of sale, the Levy Court may request bids and award the bonds upon any of the following conditions:

(1) Bidders may be invited to name a single rate of interest for the issue or issues contained in the notice of sale, in which event the bonds can be awarded to the bidder offering to take all of the bonds at the lowest rate of interest, and as between bidders naming the same lowest rate of interest, the amount of premium will determine the award; or

(2) Bidders may be invited, with respect to a single issue, a combined issue or several other issues of bonds included in one notice of sale, to name one rate of interest for part of the bonds (having the earliest maturities) and another rate or rates for the balance of the bonds, and may permit a different interest rate for each maturity, or may limit the number of rates which may be proposed. If proposals are so invited, the bonds should be awarded to the bidder offering to purchase the bonds at the lowest net interest cost to the County the net interest cost to be determined by computing the aggregate amount of interest payable on the bonds from their date to their respective maturities and by deducting from such aggregate amount the premium offered, if any.

(e) The bonds shall be executed, sealed, and delivered in accordance with the issuing resolution of the Levy Court, which resolution may include a declaration that all acts necessary for the validity of the bonds have been performed and such declaration shall be conclusive and binding upon the Levy Court.

**§ 6513. Annual assessment; procedure for fixing amount**

(a) The Levy Court each year, at a time to be fixed by it, shall, after a public hearing, establish an annual assessment roll for the sanitary sewer or water district which shall be known as the "Sanitary Sewer District Assessment", or "Water District Assessment".

(b) The total amount assessed for each year shall be sufficient to provide funds required to reimburse the County for sums to be expended for retiring the bonds which have been issued and for the payment of the interest due on the same and for maintaining or improving the sewerage or water system and paying the necessary general expenses of the sanitary sewer or water district.

(c) Notice of the public hearing shall state that the assessment roll has been completed and filed and that at the time and place fixed for the public hearing the Levy Court will meet and hear and consider any objections which may be made to the assessment roll. Notice of the public hearing shall be published in a newspaper published within Sussex County, and having a general circulation therein, once in each of the two weeks immediately preceding the week in which the public hearing is to be held.

(d) After holding the public hearing, the Levy Court may change or amend the assessment roll as it deems necessary or just, and may confirm and adopt the assessment roll as originally proposed or as amended or changed.

**§ 6514. Collection of assessments**

The annual assessments, including front foot assessments, shall be collected by the Levy Court as are other county taxes. The properties against which such assessments are levied shall

be liable for the payment of the assessments in the same manner as they are liable for other county taxes. No assessment shall be made against any property which is not subject to taxation and assessment for county and municipal purposes.

**§ 6515. Rules and regulations governing use of sewage disposal and water facilities**

The Levy Court may promulgate from time to time and enforce such rules and regulations, as may be necessary, governing the use of the whole or any parts of such sewerage or waters systems or sewage treatment plants constructed under their control either within or without the district.

**§ 6516. Grants or loans from Federal, State or inter-state agencies**

The Levy Court may accept grants or loans of money, labor, materials, equipment or technical assistance from agencies of the Federal or State government or from inter-state agencies established by law, to accomplish the purposes of this chapter and may pay the interest and amortization on such loans in the same manner as is authorized in this chapter for bonds.

**§ 6517. Order to connect to sanitary sewer; enforcement**

(a) The Levy Court may, where it deems it necessary to the preservation of public health, order the owner of any lot or parcel of land within a sanitary or water district which abuts upon a street or other public way containing a sanitary sewer or water main, which is part of or which is served or may be served by the county sewerage or water system and upon which lot or parcel of land a building shall have been constructed for residential, commercial or industrial use, to connect such building with such sanitary sewer or water main.

(b) If any owner shall fail to comply within 60 days with such order to connect with a sanitary sewer or water

main, the Levy Court shall forthwith institute action in the Court of Chancery of the State of Delaware to compel compliance with such order.

**§ 6518. Exception to limitation on borrowing power**

Title 9, Delaware Code, § 6111 shall not apply to this chapter.

Approved December 21, 1965.

## CHAPTER 263

**AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO CONSTRUCT AND OPERATE SYSTEMS FOR THE COLLECTION AND TREATMENT OF SEWAGE AND THE COLLECTION, TREATMENT AND DISTRIBUTION OF WATER, TO BORROW MONEY FOR THE COST THEREOF PLEDGING THE REVENUES OF THE SYSTEMS AND THE GENERAL CREDIT OF SUSSEX COUNTY, TO MAKE CHARGES FOR THE USE OF THE SYSTEMS, TO PLACE LIENS FOR UNPAID CHARGES, AND TO CAUSE INSPECTIONS OF WATER AND SEWER FACILITIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 9, Delaware Code, is hereby amended by adding thereto a new Chapter 64, as follows:

**CHAPTER 64. SEWERS AND WATER****§ 6401. Definitions**

As used in this chapter, unless a different meaning clearly appears from the context—

“County” means Sussex County;

“Revenue bonds” means bonds to the payment of which all or any part of the revenues derived from the operation of any water or sewerage system are pledged in accordance with this chapter;

“Service charges” means rents, rates, fee or other charges charged or collected under section 6409 of this title;

“Sewerage system” means the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by the County for the collection, treatment, purification of disposal in a sanitary

manner of any sewage, liquid or solid wastes, night soil or industrial wastes, garbage and storm water, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal system, plants and works, connections and outfalls, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, appurtenances necessary or useful and convenient for such purposes.

"Water system" means all real and personal property necessary or useful in the collection, acquisition, treatment, purification, and distribution of water, together with any principal or ancillary rights appurtenant thereto.

#### § 6402. Powers of County

In addition to the other powers which it has, the County may, under this chapter—

(1) Plan, construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any sewerage or water system, and acquire by gift, purchase, or exercise of the right of eminent domain, lands or rights in land in connection therewith;

(2) Operate and maintain any water or sewerage system and furnish the services and facilities rendered or afforded thereby;

(3) Enter into and perform contracts, whether long term or short term, with any industrial establishment, municipality or agency of the State or Federal Government for the provision and operation by the County of the sewerage system to abate or reduce the pollution of waters caused by discharges of industrial wastes by such industrial establishment, municipality or agency of the State or Federal Government and the payment periodically by the industrial establishment, municipality or agency of the State or Federal Government to the County of amounts at least sufficient, in the judgment of the Levy Court, to compensate the County for the cost of providing (including payment of principal and interest charges, if any), and of op-

erating and maintaining, the sewerage system or part thereof serving such industrial establishment, municipality or agency of the State or Federal Government;

(4) Issue its negotiable or non-negotiable bonds to finance, either in whole or in part, the cost of the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any sewerage or water system, pledging the full faith and credit of the County to the punctual payment of the bonds and the interest thereon;

(5) Pledge to the punctual payment of the bonds and the interest thereon an amount of the revenues derived from the operation of such sewerage or water system (including the revenues of the existing facilities, if any, comprising a sewerage or water system which is being improved, bettered, extended or acquired, and the revenues to be derived from any improvements, betterments, extensions thereafter constructed or acquired), or of any part of any such sewerage or water system, sufficient to pay, on either equal or priority basis, the bonds and interest as the same become due and create and maintain reasonable reserves therefor, which amount may consist of all or any part or portion of such revenues;

(6) Accept from any authorized agency of the State or Federal Government, or from person, firms, or corporations, grants, or contributions for the planning, construction, acquisition, lease, reconstruction, improvement, betterment or extension of any sewerage or water system and enter into agreements with such agency respecting such loans and grants;

(7) Enter into a contract or contracts with any city or town situated within the County providing for the disposal of sewage collected by any sewerage system either for a specified or an unlimited time and for the charge to be made for such service by or to any such city or town;

(8) Enter into and perform contract with any person for the sale of effluent products; and

(9) Enter into and perform a contract or contracts with any person, municipality, or agency of the State or Federal Government for the sale, purchase, treatment, purification, transmission, or distribution of water.



**§ 6403. Sewerage and water system within city or town**

No sewerage or water system, or any part thereof, shall be constructed or maintained within the boundaries of any city or town situated in the County without the consent of such city or town, except that transmission lines or mains may be constructed or maintained without consent. The consent shall be given only by an ordinance adopted by the council or other governing body of the city or town in question, but once given shall be irrevocable.

**§ 6404. Bonds; authorization; amount; terms; sale and interest rate**

(a) The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any sewerage or water system may be authorized under this chapter and bonds may be authorized to be issued under this chapter to provide funds for such purposes by resolution of the Levy Court.

(b) The Levy Court, in determining the cost of acquiring or constructing any sewerage or water system, may include all costs and estimated costs of the issuance of the bonds, all planning, engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this chapter.

(c) The bonds shall bear interest at such rates, may be in one or more series, may bear such dates, may mature at such times not exceeding forty years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as the resolution or subsequent resolutions provide.

(d) (1) Any bonds issued pursuant to this chapter shall be sold at public sale and the Levy Court shall advertise that

they will receive bids at such place or places as may be named in said advertisement for such bonds as may be determined by the Levy Court.

(2) Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once 10 or more days before the date of sale, in at least one newspaper published in the County and in a financial journal published in the city of New York, and no other publication of such notice of sale shall be necessary, and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest.

(3) In the event that the bonds so offered for sale are not bid for, or if no legally acceptable bid is received for the bonds, they may be sold under the direction of the Levy Court at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest and at a rate which shall not exceed 6% per annum.

(4) Without limiting the power granted the Levy Court as to the terms and condition which they may set forth in a notice of sale, the Levy Court may request bids and award the bonds upon any of the following conditions:

(i) Bidders may be invited to name a single rate of interest for the issue or issues contained in the notice of sale, in which event the bonds can be awarded to the bidder offering to take all of the bonds at the lowest rate of interest, and as between bidders naming the same lowest rate of interest, the amount of premium will determine the award; or

(ii) Bidders may be invited, with respect to a single issue, a combined issue or several other issues of bonds included in one notice of sale, to name one rate of interest for part of the bonds (having the earliest maturities) and another rate or rates for the balance of the bonds, and may permit a different interest rate for each maturity, or may limit the number of rates which may be proposed. If proposals are so invited, the bonds should be awarded to the bidder offering to purchase the

bonds at the lowest net interest cost to the County the net interest cost to be determined by computing the aggregate amount of interest payable on the bonds from their date to their respective maturities and by deducting from such aggregate amount the premium offered, if any.

(e) Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the Levy Court determines may be issued to the purchasers of bonds sold pursuant to this act.

(f) The rate of interest may be determined in advance of sale, or the bonds may be offered for the sale at a rate of interest to be fixed by the purchases of such bonds.

**§ 6405. Authorized signatures on bonds; validity of issuance**

(a) Bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon have ceased to be officers of the County.

(b) The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the sewerage or water system for which the bonds are issued. The resolution authorizing the bonds may provide that the bonds shall contain a recital that they are issued pursuant to this chapter, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

**§ 6406. Payment of bonds, faith and credit of County; tax levy**

The full faith and credit of the County is pledged to the payment of any bonds issued by the County under this chapter. The Levy Court of the County shall, annually appropriate to the payment of such bonds and the interest thereon the amounts required to pay such bonds and interest as the same become due and payable. Notwithstanding the provisions of any other law the Levy Court may levy an ad valorem tax, without limi-

tations as to rate or amount, upon all property taxable by the County to raise the moneys necessary to meet any such appropriation. Title 9, Delaware Code, Section 6111 is hereby repealed to the extent said section is inconsistent with this Chapter.

**§ 6407. Authorization of covenants in bonds**

(a) In the event that the County issues bonds, the resolutions authorizing the issuance of such bonds may contain covenants as to—

(1) The purpose to which the proceeds of sale of the bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the revenue of the sewerage or water systems, the revenues of which are pledged to the payment of such bonds, including the creation and maintenance of reserves;

(3) The issuance of other or additional bonds payable from the revenues of such sewerage or water systems;

(4) The operation and maintenance of such sewerage or water systems;

(5) The insurance to be carried thereon and the use and disposition of insurance moneys;

(6) Books of account and the inspection and audit thereof;

(7) The terms and conditions upon which the holders of the bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the appropriate court, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of the sewerage or water systems, operate and maintain them, prescribe service charges therefor, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the County itself might do; and

(b) The provisions of this chapter and any such resolution or resolutions shall be a contract with the holders of the bonds, and the duties of the County and of the Levy Court and officers under this chapter and any such resolutions shall

be enforceable by any bondholder, by mandamue or other appropriate suit, action or proceeding in any court of competent jurisdiction.

**§ 6408. Service charges; amount and application**

(a) If the County issues bonds under this chapter, the Levy Court shall prescribe and collect reasonable service charges for the services and facilities rendered or afforded by the sewerage or water systems, the revenues of which are pledged to the payment of such bonds, and shall revise such service charges from time to time whenever necessary.

(b) The service charges prescribed shall be such as will procure revenue at least sufficient (1) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (2) to provide for all expenses of operation and maintenance of such sewerage or water systems, including reserves therefor.

(c) The service charges when collected shall be applied to the payment of the bonds and interest and to the expenses of such operation and maintenance in accordance with resolution authorizing the bonds.

**§ 6409. Power to make charges; liability of users; computation of rates**

(a) The Levy Court may charge and collect rents, rates, fees or other charges (in this chapter sometimes referred to as "service charges") for direct or indirect connection with, or the use or services of, any sewerage or water system. Such service charges may be charged to and collected from any person contracting for such connection or use or service or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with a sewerage or water system, or from or on which originates or has originated sewage which directly or indirectly has entered or may enter into a sewerage system, or into which water from a water system may enter directly or indirectly, and the owner or

occupant, or both of them, of any such real property shall be liable for and shall pay such service charges to the County at the time, when and place where the Levy Court, by ordinance, rule or regulation, determines that such charges are due and payable.

(b) Each service charges shall, as near as the Levy Court deems practicable and equitable, be uniform throughout the area served by the sewerage or water system, and may be based or computed either on the consumption of water on or in connection with the real property, making due allowance for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property or on a front foot-age basis, or on other factors determining the type, class and amount of use or service of the sewerage or water system, or on any combination of any such factors.

#### **§ 6410. Penalties for failure to pay charges**

(a) In the event that a service charge with regard to any parcel of real property is not paid as and when due, interest shall accrue and be due to the County on the unpaid balance at the rate of one per centum per month until the service charge, and the interest thereon, shall be fully paid to the County.

(b) In the event that any service charge with respect to any parcel of real property is not paid as and when due, the Levy Court of the County may, in its discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewerage or water system to be cut and shut off until the service charge and any subsequent service charges with regard to such parcel and all interest accrued thereon is fully paid.

#### **§ 6411. Lien of service charges on real estate**

(a) In the event that any service charge is not paid as and when due, the unpaid balance thereof and any interest accrued thereon shall be a lien on the parcel of real property with

regard to which the service charge was made. The lien shall be superior and paramount to the interest in such parcel of any owner, lessee, tenant, mortgagee or other person, except the lien of taxes.

(b) If any service charge or any part of a service charge remains unpaid at the end of five years after the due date, the Levy Court of the County shall cause to be brought proper proceedings for the enforcement of the lien and levy the service charge as an assessment with interest thereon accrued, and all costs thereon, upon the grounds and buildings with regard to which a service charge was made. Such grounds and buildings, or any part thereof, shall be sold by the Sheriff of the County, after like notice given by the Sheriff, as is provided by law in cases of other sales of real estate by the Sheriff, and a deed from the Sheriff shall convey to the purchaser of such grounds and buildings as full and complete a title to the premises, in fee simple or otherwise, as if the same were executed by the owner thereof.

(c) The Sheriff shall, out of the purchase money of the premises so sold, pay all costs arising from the process and sale to the parties entitled thereto respectively, and shall pay the amount of the service charge with accrued interest thereon to the Levy Court. The residue of the purchase money shall be immediately deposited in the Farmers Bank, Georgetown, Delaware, to the credit of the owner or owners of the property so sold.

#### **§ 6412. Sewer and water lien docket**

The Prothonotary shall, under the supervision and direction of the Levy Court, prepare a docket to be known as "The Sussex County Sewer and Water Lien Docket" in which shall be recorded the liens for service charges. The docket shall be prepared at the expense of the Levy Court in substantially the same form as the judgment docket for Sussex County, and contain in the back thereof an index according to the name of the owner against which such lien has been assessed. No sewer lien shall be valid unless duly recorded as provided in this section. All sewer liens duly recorded in the docket shall continue in full force and effect until the liens have been satisfied by

payment, and when such liens are satisfied by payment the Prothonotary, acting under the supervision and direction of the Levy Court, shall satisfy the record by entering thereon the date of final payment and the words "satisfied in full". The Prothonotary, for the use of the Levy Court, shall receive a fee of fifty cents for each satisfaction so entered.

**§ 6413. Water consumption statement and other information for Levy Court or its designated agent**

(a) Each municipality or public corporation, or other person, owning or operating any system of water distribution serving three or more parcels of real property in the County shall, from time to time after request therefor by the Levy Court or its designated agent, deliver to the Levy Court or its designated agent a statement showing the amount of water supplied to every such parcel of real property as shown by the records of the municipality or public corporation or other person. The statements shall be delivered to the Levy Court or its designated agent within ten days after request is made for them, and the Levy Court or its designated agent shall pay the reasonable cost of preparation and delivery of such statements.

(b) The occupant of every parcel of property the sewage from which is disposed of or treated by any sewerage system of the County, of the water for which is supplied by any water system of the County, shall, upon request therefor by the Levy Court or its designated agent, furnish to the Levy Court or its designated agent information as to the amount of water consumed by such occupant or in connection with such parcel and the number and kind of water outlets, and plumbing or sewerage fixtures or facilities on or in connection with such parcel and the number of persons working or residing therein.

**§ 6414. Discontinuance of water supply for failure to pay service charge**

Each city or town or other public corporation owning or operating any water distribution system serving three or more parcels of real property in the County, and every other person owning or operating any such system may enter into and per-



form a contract with the County that it will, upon request by the Levy Court of the County specifying a parcel of real property in the County charged with any unpaid service charge under section 6409 of this title, cause the supply of water from its system to such parcel of real property to be stopped or restricted, as the Levy Court may request, until the service charge and any subsequent service charge charged to such parcel and the interest accrued thereon is fully paid or until the Levy Court directs otherwise. No such city or town or other public corporation or other person shall be liable for any loss, damage or other claim based on or arising out of the stopping or restricting of such supply, and the Levy Court shall pay the reasonable cost of so stopping or restricting such supply and of restoring the same and may agree to indemnify such city or town or public corporation or other person from loss or damage by reason of such stopping or restriction, including loss of profits.

**§ 6415. Contract with municipality for disposal or treatment of sewage or the filtering, purifying or supplying of water**

(a) The Levy Court may contract with any municipality within the territorial limits of the County for the disposal or treatment by means of any sewerage system of the County or municipality the sewage originating in such city or town or elsewhere. Any such contract may be authorized by resolution duly adopted by the Levy Court and may be made with or without consideration and may contain provisions obligating the County or municipality to dispose of and treat all or any part of the sewage originating in such city or town or elsewhere and obligating such city or town to permit the County to dispose of or treat such sewage, either for a specific period of time or for an unlimited time. Any such contract may contain other and different provisions relative to the kind and character of sewage to be disposed of and treated and the compensation, if any, to be paid for such services.

(b) The Levy Court may contract with any municipality within the territorial limits of the County to buy, sell, process, filter, treat or purify water. Such filtration, treatment, pro-

cessing or purification may be done in any plant or facility of the County or the municipality for such time, on such terms, and in such volume as the Levy Court may, by resolution, determine.

**§ 6416. Connection of property with sewer or water mains**

Permits for connecting any property by a drain or pipe with any County sewer or water main shall be obtained from the Levy Court and shall be issued only to plumbers licensed to do business in the State of Delaware. No Permit will be granted for connecting any property by a drain or pipe with any sewer or water main unless application is made therefor to the Levy Court in writing upon blanks furnished by the Levy Court. The application shall state the full name of the owner, the size and kind of drain or pipe to be used and a full description of the premises, its location, the number and size of each building located thereon to be drained, the area of each floor thereof, including the floor of the cellar or basement, all of the purposes for which the drain or pipe is to be used, the time when the connection is to be made and other particulars for a full understanding of the subject and that the owner will be subject to all the rules and regulations prescribed by the Levy Court. The application shall be signed by the owner of the property to be drained or supplied with water and by a plumber licensed to do business in the State of Delaware. The owner shall also execute a release to the Levy Court releasing the Levy Court, its officers and agents and the County from all liability or damage which may in any manner result to the premises by reason of such connection. No permit shall be deemed to authorize anything not therein specifically stated.

**§ 6417. Licensed plumber to connect property with sewers or mains**

All necessary plumbing work to be done in connecting any property with a County sewer or water main shall be done by a plumber licensed to do business in this State in a good and workmanlike manner and with good and proper materials, and shall be subject to the approval of the Levy Court or its designated agent.

**§ 6418. Misrepresentations in application and unauthorized connections with sewer or water main; penalty**

Whoever wilfully makes any misrepresentation in any application or makes or maintains any connection with any sewer or water main contrary to the authority granted by permits issued therefor by the Levy Court, or without a permit therefor in accordance with the provisions of this chapter, shall be fined not less than \$5 nor more than \$500.

**§ 6419. Surveys and inspections by Levy Court; penalty for refusal to permit**

(a) The Levy Court or its designated representatives may go upon the land for the purpose of making surveys for sewers, sewer systems, sewage disposal plants, water mains, water systems, water treatment plants, or pumping plants or for right-of-way or other property right required for the sewerage or water systems.

(b) The Levy Court or its designated representatives may inspect, at reasonable hours, any premises, dwellings or other buildings in the vicinity of a County sewer to determine if it is connected to the County sewer or water main, or to determine if the sewer or water main connection has been made or is being maintained in accordance with the regulations of the Levy Court.

(c) Whoever refuses to permit inspections and surveys at reasonable hours shall be fined not less than \$10 for every such refusal.

**§ 6420. Construction of chapter with other laws**

The powers conferred by this chapter shall be in addition to and not in substitution for the powers conferred by any other general, special or local law. The powers conferred by this chapter may be exercised notwithstanding that any other general, special or local law may confer such powers, and without regard to the requirements, restrictions, limitations or other provisions contained in such other general, special or local law.

**§ 6421. Annexation**

Any annexation by any municipality of any previously unincorporated area shall not confer upon the annexing municipality any right, title or interest in any part of any water or sewer system constructed, acquired, extended or improved pursuant to this chapter, except as a resolution of the Levy Court may so provide. No such resolution shall be adopted by the Levy Court unless the annexing municipality shall have deposited a fund sufficient to pay when due any outstanding bonds issued hereunder for the purchase, construction, acquisition, extension or improvement of all systems wholly or partly within the annexed area, with interest to the date of call or redemption and any redemption or call premium applicable thereto.

Approved December 21, 1965.

## CHAPTER 264

**AN ACT TO AMEND SECTION 1731, TITLE 24, DELAWARE CODE, BY EXCLUDING CERTAIN PERSONS FROM THE DEFINITION OF PRACTICING MEDICINE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1731 (b), Title 24, Delaware Code, is amended by striking the word "Professor" from line 3 thereof.

Section 2. Section 1731, Title 24, Delaware Code, is amended by adding a new section under subsection (c) to read as follows:

(5) Prevent a person who has earned a doctorate degree from a recognized college or university from using the letters "Dr" in connection with his name or from calling himself Doctor, except in matters related to medicine or health, and in such matters the type of doctorate held shall be specified.

Approved December 21, 1965.

## CHAPTER 265

**AN ACT TO AMEND SECTION 101, TITLE 22, DELAWARE CODE, TO ALLOW THE EXTENSION OF THE BOUNDARIES OF A CITY OR TOWN TO INCLUDE LANDS OWNED BY THE ANNEXING CITY OR TOWN WITHOUT AN ELECTION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 101, Title 22, Delaware Code, is amended by adding the following:

However, any city or town may extend its corporate limits without an election by ordinance duly passed by the city or towns governing body if the lands to be annexed are owned wholly by the city or town which is extending its limits.

Approved December 21, 1965.

## CHAPTER 266

**AN ACT TO AUTHORIZE, EMPOWER AND DIRECT THE GOVERNOR TO SELL CERTAIN REAL ESTATE IN DELAWARE CITY, DELAWARE, OWNED BY THE STATE FOR THE USE OF GOVERNOR BACON HEALTH CENTER AND TO AUTHORIZE AND EMPOWER HIM TO EXECUTE AND DELIVER A DEED THEREFOR.**

WHEREAS, Alice T. Foard departed this life on or about July 15, 1955, and by her will devised certain real estate in Delaware City, Delaware, in trust for the benefit of her sister Leonora F. Keeney, and upon the death of her said sister the said property, by the terms of the will was devised "in equal shares, unto the Bacon Health Center of Delaware City, and Christ Church of Delaware, absolutely, and this trust shall thereupon cease and determine", the said will being dated May 17, 1947, and now of record in the Office of the Register of Wills in and for New Castle County in Will Record Q, Volume 8, Page 373 & c.; and

WHEREAS, the beneficiary, Leonora F. Keeney, departed this life on or about December 21, 1961; and

WHEREAS, a question arose, in connection with the title to the said real estate as to the meaning of the words in the will "Bacon Health Center of Delaware City" and whether the devise was valid in light of the provisions of 16 Delaware Code, Section 5310; and

WHEREAS, the Attorney General and the Board of Trustees of the Delaware State Hospital at Farnhurst petitioned the Court of Chancery of the State of Delaware in and for New Castle County for instructions as to the meaning of the said devise, the case being docketed in Civil Action No. 1821; and

WHEREAS, the Court of Chancery, by its Order dated May 19, 1965, instructed the petitioners that the devise was to "The State of Delaware for the Use of the Governor Bacon Health Center" and that the State had the power to sell and convey its interest in the said real estate free of any trust; and

WHEREAS, George A. Keeney has offered to buy the said real estate for \$5,500.00, of which the State is to receive one-half thereof for its undivided interest, and the other co-owner has agreed to sell its undivided one-half interest on this basis, the said real estate having been appraised at the value of between \$5,250.00 and \$5,400.00 by a licensed real estate broker of Wilmington, Delaware, Paul Wiley, who was employed by the State to make the appraisal, the sale price being in excess of the appraised value; and

WHEREAS, the said real estate in Delaware City is more particularly bounded and described in a deed from The Delaware City National Bank to Alice T. Foard, dated November 4, 1941, and now of record in the Office of the Recorder of Deeds in and for New Castle County in Deed Record W, Volume 42, Page 245 & c.; and

WHEREAS, it is advantageous for the State to carry out the proposed sale of the said real estate, and there is no State Officer authorized and empowered to make the sale and execute and deliver a deed of conveyance to the purchaser;

NOW, THEREFORE;

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Governor is authorized, empowered and directed to sell the undivided one-half interest in real estate situate in Delaware City, New Castle County, State of Delaware, more particularly bounded and described in a deed from The Delaware City National Bank to Alice T. Foard, dated November 4, 1941, and now of record in the Office of the Recorder of Deeds in and for New Castle County in Deed Record W, Volume 42, Page 245 & c., owned by The State of Delaware for the Use of Governor Bacon Health Center, to George A. Keeney, based upon a total sale price of \$5,500.00, of which the State is to receive one-half, and the Governor is further authorized and empowered to execute a deed of conveyance, sealed with the Great Seal of the State of Delaware, and to deliver the deed to the said purchaser, conveying the said undivided one-half in-



terest in the said real estate to the said purchaser, including all the estate, right, title and interest of The State of Delaware for the Use of Governor Bacon Health Center in and to the said parcel of real estate, free and discharged of any trust and without liability on the part of the purchaser or grantee as to the application of the undivided interest of the State of Delaware in the purchase money.

Approved December 21, 1965.

## CHAPTER 267

**AN ACT TO AMEND SECTION 1303, TITLE 15, DELAWARE CODE, RELATING TO TRANSFER OF NAMES WHEN ELECTION DISTRICT DIVIDED; PROCEDURE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1303, Title 15, Delaware Code, is hereby repealed and a new Section 1303 is enacted in lieu thereof to read as follows:

When the boundaries of an election district are changed, the Department having jurisdiction, not later than the first day of March in the year in which such change is made, shall transfer the original permanent registration records of registered voters whose voting districts have been changed into the appropriate Election District Record, make the necessary notation of the transfer on each duplicate permanent registration record in the County Master Record. The Commissioner of Elections shall be notified of all changes. The registration of any voter shall not be invalidated nor shall the right of any registered voter to vote be prejudiced by any error in making transfer of the registration records.

Approved December 21, 1965.

CHAPTER 268

**AN ACT TO AMEND SECTION 2301, TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONAL LICENSE TAXES BY PROVIDING CERTAIN PARTIAL EXEMPTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Section 2301, Title 30, Delaware Code, by denoting the present section as "(a)".

Section 2. Amend Section 2301, Title 30, Delaware Code, by adding a new Subsection (b) after Subsection (a) to read as follows:

(b) Any person 65 years of age or older whose gross income is less than \$1,200.00 per year shall pay one-half of the annual license tax specified in Subsection (a).

Approved December 21, 1965.

CHAPTER 269

**AN ACT TO AMEND SECTION 873, TITLE 11, DELAWARE CODE, RELATING TO WILFUL TRESPASSING AND INJURY TO REAL OR PERSONAL PROPERTY BY MAKING IT APPLICABLE TO ALL COUNTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 873, Title 11, Delaware Code, is amended by striking the words "in New Castle County" from Line 1 thereof.

Approved December 21, 1965.

## CHAPTER 270

**AN ACT TO AMEND SECTION 516, TITLE 24, DELAWARE CODE, RELATING TO THE RIGHT OF CHIROPODISTS AND/OR PODIATRISTS FOR COMPENSATION UNDER CERTAIN INSURANCE PLANS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 516, Title 24, Delaware Code, is amended to read:

**§ 516. Right to compensation from insurance and related programs**

For purposes of disability, Workmen's Compensation, standard health and accident, sickness and other such insurance plans, whether or not they be considered insurance policies, if the Chiropodist and/or Podiatrist is authorized by law to perform the particular services, he shall be entitled to compensation for his services under such plans.

Approved December 21, 1965.

## CHAPTER 271

**AN ACT TO APPROPRIATE MONEY TO WHYY, INC.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch thereof concurring therein):*

Section 1. The sum of \$50,000 is appropriated to WHYY, Inc., to be used to aid and support the operation of WHYY-TV as an educational, non-profit, non-commercial, instructional and cultural television station serving the State, for the fiscal year ending June 30, 1966.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved December 21, 1965.

CHAPTER 272

**AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE A SUM OF MONEY TO THE KENT COUNTY S.P.C.A.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Kent County is hereby authorized to pay the Kent County S.P.C.A., the sum of \$4,000.00.

Approved December 21, 1965.

## CHAPTER 273

**AN ACT TO AMEND SECTION 2143, TITLE 21, DELAWARE CODE, RELATING TO INSPECTION OF MOTOR VEHICLES BEFORE REGISTRATION BY CREATING CERTAIN EXCEPTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2143, Title 21, Delaware Code, is amended by adding a new subsection after Subsection (b) to be known as Subsection (c) to read as follows:

(c) Upon application, subject to the approval by the Commissioner, the Department may waive such registration requirements with respect to new or used motor vehicles where a fleet account is involved. A fleet account shall consist of 15 or more vehicles. The inspection requirements may be waived provided there are adequate inspection and repair facilities at the fleet headquarters.

Approved December 21, 1965.



## CHAPTER 274

**AN ACT TO INCORPORATE THE TOWN OF SOUTH BETHANY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

**Section 1. Incorporation**

The Commissioners elected pursuant to Section 37 and their successors in office chosen as hereinafter provided shall hereby be constituted a body politic and corporate, in fact and in law, shall be known as the "Commissioners of South Bethany", and shall have a common seal and may sue and be sued by that name.

**Section 2. Boundaries**

(a) The boundaries of the Town of South Bethany are hereby established and declared to be as follows:

Beginning at an iron pipe at the high water line of the Atlantic Ocean at a corner for the lands of York Beach, Inc.; thence with the high water line of the Atlantic Ocean northerly a distance of approximately 3,180 feet to the line of the Middlesex Development; thence in a west northwest direction with the line of the Middlesex Development to a common corner for Middlesex and South Bethany; thence southerly and parallel to the Ocean Highway, with the westerly line of Canal Drive and Canal Drive Extended northerly, to the Jefferson Creek Canal; thence along Jefferson Creek to the east until a point in the center of the lagoon separating South Bethany and York Beach, Inc.; thence along the center line of said lagoon easterly until the lagoon turns at right angle to the south; thence southerly along the center of said lagoon until the end of said lagoon; thence from the last mentioned point in a straight line, a distance of approximately 1,100 feet, easterly to the iron pipe at the high water line of the Atlantic Ocean, the point of the BEGINNING.

(b) The aforescribed lands are hereby divided into two tracts, contiguous each to the other, as follows:

### TRACT ONE

BEGINNING at an iron pipe at the high water line of the Atlantic Ocean at a corner for the lands of York Beach, Inc.; thence with the high water line of the Atlantic Ocean northerly a distance of approximately 2,765 feet to the north line of North Sixth Street; thence westerly at a right angle from the Ocean Highway and with the north line of North Sixth Street a distance of approximately 492.2 feet to the easterly line of the Ocean Highway; thence crossing the Ocean Highway westerly on the same line a distance of 100 feet to the westerly line of the Ocean Highway; thence with the westerly line of the Ocean Highway in a northerly direction a distance of approximately 180 feet to the northerly line of the Jefferson Creek Canal; thence westerly with the northerly line of the Jefferson Creek Canal to the easterly line of Sussex Avenue Extended in a southerly direction; thence with the easterly line of Sussex Avenue, and said line extended southerly, in a northerly direction and parallel to the Ocean Highway to the Middlesex Development; thence with the line of the Middlesex Development in a west northwest direction to a common corner for Middlesex and South Bethany; thence southerly and parallel to the Ocean Highway with the westerly line of Canal Drive and Canal Drive Extended northerly to the Jefferson Creek Canal; thence along Jefferson Creek to the east until a point in the center of the lagoon separating South Bethany and York Beach, Inc.; thence along the center of said lagoon easterly until the lagoon turns at right angle to the south; thence southerly along the center of said lagoon until the end of said lagoon; thence from the last mentioned point in a straight line, a distance of approximately 1,100 feet easterly to the iron pipe at the high water line of the Atlantic Ocean, the point of the BEGINNING.

### TRACT TWO

BEGINNING at a point of TRACT ONE and the north line of North Sixth Street, with the high water line of the Atlantic Ocean, northerly a distance of approximately 415 feet to the

line of the Middlesex Development; thence with the line of the Middlesex Development to the easterly line of Sussex Avenue extended in a northerly direction; thence along the easterly line of Sussex Avenue Extended in a southerly direction, to the northerly line of the Jefferson Creek Canal; thence easterly with the northerly line of the Jefferson Creek Canal to the westerly line of the Ocean Highway; thence southerly along the Ocean Highway to the north line of North Sixth Street, extended in a westerly direction; thence easterly along said north line of North Sixth Street to the high water line of the Atlantic Ocean, the point of the BEGINNING OF TRACT TWO. The commissioners of South Bethany, as hereinafter defined, may at any time and from time to time hereafter, cause a survey and a plot to be made of the aforescribed lines and of any subsequently acquired lands by annexation procedures as hereinafter provided, and when made and approved by the Commissioners shall be recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, and shall be evidential in all courts of law and equity in this State.

### Section 3. Annexation

The said Corporation shall have the power to annex any additional contiguous territory when a majority of the qualified voters and real estate owners in such contiguous territory have a special election held for that purpose and voted in favor of being included within the limits of the Town of South Bethany and the said majority of voters and real estate owners have presented a petition seeking to have the territory annexed to the Town of South Bethany.

Before any additional territory shall be annexed to the Town the Commissioners of South Bethany shall pass a resolution accurately describing and defining the territory proposed to be annexed and notice of the petition for annexation shall be posted in at least four public places in the Town. After the expiration of 14 days from the posting of the said notices and within 35 days after the posting of the said notices the Commissioners of South Bethany may, by ordinance, two-thirds of all the Commissioners concurring therein, annex to the Town the territory described and defined in said resolution, and such territory shall become a part of the Town of South Bethany.

#### Section 4. Powers of Government

(a) The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Commissioners of South Bethany, seven in number, whose presiding officer shall be called "Mayor".

(b) The government of the Town shall not, in its assessment procedures, increase the taxes upon lands in Tract Two, identified above, to result in a figure in excess of 1/10th of the rate levied upon equivalent land areas in Tract One, similarly identified. Furthermore, the assessment of the land identified as Tract Two may not exceed the Sussex County assessment for the same land. In addition, the government of the Town may not exercise any control over the laying out of roads and lagoons in the area described as Tract Two above, their right being reserved to the owners to widen, deepen or connect existing lagoons with Jefferson Creek according to a plan or design prepared by said owners. The said land use may be either residential or commercial and if it is residential it may be for either single family dwellings or multi-family dwellings, as the owner may elect, provided nothing herein contained shall be construed to include the construction of facilities for mobile homes or trailers. All of these limitations upon the powers of the government of the Town referable to land described in Tract Two shall be terminated as soon as seventy-five per cent (75%) of the area described therein, exclusive of roads and lagoons, shall be used for income producing purposes or may be owner-occupied.

#### Section 5. Elections

(a) An election shall be held in the Town of South Bethany for an Alderman, Town Commissioners, Treasurer and Assessor on the first Saturday in June, 1966, and annually thereafter on the first Saturday in June, from two o'clock until seven o'clock in the afternoon, and at such places as shall be determined and fixed by the Town Commissioners. At least ten days previous to such election, due notice thereof and of the time and place thereof shall be received by three qualified voters of said Town appointed by the Commissioners. At all

such elections the votes shall be received by three qualified voters of said Town appointed by the Commissioners at any regular or special meeting of said Commissioners, held in the month of May, preceding such election. Said persons so appointed shall be known as Judges of Election, and the result of the balloting for said officers of said Town shall be ascertained by the said Judges of Election. The persons who shall conduct such election as provided in this Act shall be the Judges thereof, and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted, and the persons having the highest number of votes for Alderman, Assessor or Treasurer shall be declared elected.

(b) The four candidates for Commissioner having the highest number of votes for such office shall be declared elected, the three highest thereof for a two-year term, and the third highest thereof for a one-year term. In case of a tie of any of the persons voted for, the election shall be determined by lot, that is, the names of the persons having a tie vote shall be written on identical slips and concealed from the person who shall draw the same, and one of the said Judges of Election shall draw one of said slips, and the person whose name appears on said slip shall be the person elected. Immediately after such election, said Judges of Election shall enter in a book to be provided for that purpose, a minute of such election, containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each, and they shall subscribe to the same and deliver said book to said Commissioners at their organization meeting. They shall also give to the persons so elected certificates of their election. The book containing such minutes shall be preserved by the Commissioners and shall be evidence in all Courts in this State or elsewhere. In case of the absence, inability or failure of any of said Judges of Election to serve and perform his duties, as required by this Act, then and in such case it shall be the duty of the Commissioners of South Bethany, or a majority of them without formal meeting, to select an additional Judge of Election and who shall possess the same qualifications of the other Judges of Election and who shall perform the duties herein required in connection with the conduct of said election.

(c) Not more than two Commissioners shall be elected from among those qualified pursuant to Section 9 (a) who are residents of that part of the Town situated to the west of Ocean Highway No. 14 which portion of the Town is referred to as "Lagoon"; provided, however, that three Commissioners shall be elected from the Town At-Large and such At-Large Commissioner may be a resident of the Lagoon area.

(d) At least four of the Commissioners serving at one time shall be resident of the State of Delaware.

#### Section 6. Ballots

Immediately after the expiration of the time for filing names of candidates, the said Town Commissioners shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for; for instance, "Vote for one", or "Vote for two", or as many as the voters shall be entitled to vote for in any particular case. The voters shall designate their choice of candidates to be voted for under each particular office at such election, by drawing a line through the names of all persons who are candidates for each particular office, except those candidates in each group desired to be voted for; provided, however, that no elector at any such election shall be allowed to vote for more candidates for any particular office (but may vote for less) than the number to be elected at such election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. The form of ballot shall be substantially as follows:

# OFFICIAL BALLOT

Candidates for election to Elective Offices in the  
Town of South Bethany

## FOR ALDERMAN

.....  
.....  
.....

(Vote for One)

## FOR COMMISSIONERS At-Large

.....  
.....  
.....

(Vote for One)

## Lagoon

.....  
.....  
.....

(Vote for Two)

## Ocean Beach

.....  
.....  
.....

(Vote for Two)

## FOR TREASURER

.....  
.....  
.....

(Vote for One)

## FOR ASSESSOR

.....  
.....  
.....

(Vote for One)

The method of voting shall be by striking out the names of those not voted for, so that the eligible number of candidates for any particular office shall remain on the ballot.

### **Section 7. Qualifications for voting**

Every person who shall have reached the age of twenty-one years, who is a citizen of the United States, who for at least three months preceding the day of election has been the legal owner of real estate in the Town of Bethany, and who on the day of election is not delinquent in the payment of taxes either to the State of Delaware or the Town of Bethany Beach shall be entitled to vote at the annual municipal elections, special elections and referenda, except as otherwise provided in this Charter.

### **Section 8. Registration of voters**

The Commissioner's shall by ordinance provide for the registration of voters and may prescribe registration and voting places, provided there shall be at least two registration days per year, the last one not more than thirty (30) days prior to any election or referendum. The hours of registration shall be as provided by ordinance. The ordinance may provide for permanent registration lists.

### **Section 9. Qualifications for office**

(a) **Commissioners.** No person shall be eligible to hold office as a Commissioner except a person who at the time of filing as a candidate has been a real property owner of the Town for a period of one year immediately preceding the date of filing, is a citizen of the United States, has attained the age of twenty-one years, and is on non-delinquent taxpayer.

(b) **Treasurer, Alderman and Assessor.** No person shall be eligible to hold office as Treasurer, Alderman or Assessor except a person who at the time of filing as a candidate has been a real property owner of the Town for a period of one year immediately preceding the date of filing, is a citizen of the United States, has attained the age of twenty-one years. and is a non-delinquent taxpayer.

### **Section 10. Filing for office**

No person shall be voted upon as a candidate for the offices of Commissioner, Treasurer, Alderman or Assessor unless at



least thirty (30) days before the date set for the election of said officers he shall have filed with the Secretary or Mayor of the Commissioners of South Bethany a letter or other certificate setting forth that he will be candidate for a certain designated office. The Commissioners of South Bethany shall not permit the name of any such candidate to be filed except such candidate as shall meet the requirements of Section 9 of this Charter.

#### **Section 11. Organization meeting**

An organization meeting of the Commissioners of South Bethany shall be held within one day following the annual election of officers. At the organization meeting the Commissioners elected shall select one of the Commissioners as the presiding officer of the commissioners of South Bethany for the term of one year. If the Commissioners are unable to select one of their number as a presiding officer, than such officer shall be chosen for the Commissioners by lot by the Commissioners. The presiding officer shall be called the "Mayor".

At the organization meeting of Commissioners to be held following the enactment of this Act, the seven Commissioners shall by lot determine four of their number to serve for a one-year term, and three of their number to serve for a two-year term.

#### **Section 12. Meeting of Commissioners**

In addition to the organization meeting there shall be three stated meetings of the said Commissioners in every year, viz: one on the second Saturday in June, July and August, and special meetings upon two days' notice at such times as the same shall be called by any four of the Commissioners. All meetings except organization meetings shall be open to attendance by the public.

#### **Section 13. Compensation**

Compensation for each Commissioner shall be fixed by the Commissioners except that such compensation shall not exceed one hundred dollars (\$100) per annum. The Commissioners

also shall fix the compensation for the Mayor, Treasurer, Assessor, Alderman, Secretary, Collector of Taxes, and other officials, except that such compensation for any official shall not exceed two hundred dollars (\$200) per annum. Any compensation to such officials for special services, in addition to that fixed for regular service, shall be fixed by the Commissioners.

#### **Section 14. Procedure**

The Commissioners shall determine their own rules of procedure and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection. Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have the affirmative vote of a majority of the Commissioners. Vote on any ordinance shall be by voice vote and the vote of each Commissioner on any ordinance shall be entered on the record.

#### **Section 15. Vacancies in office**

(a) **Temporary absence or inability to act.** In case of the temporary absence or inability to act of the Mayor, the Commissioners shall appoint a President pro tempore from among themselves to act in such temporary absence or inability of the Mayor. The President pro tempore when lawfully acting as Mayor shall have all the powers conferred upon the Mayor by this Charter. The compensation of the President pro tempore shall be fixed by the Commissioners as provided in Section 13 of this Charter.

In the case of the temporary absence or inability to act of the Secretary, Alderman, Treasurer, Assessor or a Commissioner, the majority of the Commissioners may appoint an officer pro tempore to act in any such temporary absence or inability.

(b) **Permanent vacancies.** If, by death, resignation or otherwise, any vacancy shall occur in the office of Mayor, Commissioner, Alderman, Treasurer, Assessor or Secretary, a majority of the Commissioners are hereby authorized to fill said vacancies at the next regular meeting or at a special meeting for the unexpired term of said office or offices.

### **Section 16. Duties of Mayor**

It shall be the duty of the Mayor to preside at all meetings of the Commissioners and he shall have a vote therein and in case of his absence a President pro tempore shall be appointed in his place. He shall execute on behalf of the Town when authorized by a majority of the Commissioners all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. He shall have the power to appoint the other four Commissioners to be in charge of any departments or divisions of the Town government created by the Commissioners. At least one Commissioner must be appointed to each department or division created by the Commissioners. The Mayor shall also have the power to appoint the Secretary of the Town. It shall be the duty of the Mayor to see that the laws and ordinances of the said Town are faithfully executed and the Mayor shall perform all duties imposed upon him by this Charter. The Mayor shall also have the power to administer oath and affirmation.

### **Section 17. Duties of Secretary**

It shall be the duty of the Secretary to record all the proceedings of the Commissioners and keep a correct journal of the same in a book or books provided for that purpose, said journal must show all bills approved by the Commissioners, the amount of said bills and to whom payable. The Secretary shall file and keep in a safe place the Seal of the Town, and deliver the same to his successor in office. The Secretary shall attest the Seal of the Town when authorized by the Commissioners and shall perform such duties and such other powers as may be prescribed by the Commissioners. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of the Commissioners. The Secretary may also serve as a Commissioner.

### **Section 18. Duties of Treasurer**

(a) **Duties.** It shall be the duty of the Treasurer to deposit all moneys in his possession belonging to said Town, in the name of the Town of South Bethany, in a bank selected by the Commissioners; the said Treasurer shall be the custodian

of all moneys belonging to said Town and shall pay out of any moneys in his possession belonging to said Town all bills approved in writing by the Commissioners or a majority of them and presented to him for payment, and take a receipt for the same to be preserved and delivered to his successor in office; he shall settle his accounts with the said Commissioners annually at the end of each calendar year and at such other times as the said Commissioners may require. The Treasurer shall attend all meetings of the Commissioners. The Treasurer may be a Commissioner.

(b) **Audit of accounts.** The Commissioners are hereby required to appoint one or more suitable and capable persons to audit the account of the Treasurer at the end of each calendar year and at such other times as said Commissioners may deem advisable.

(c) **Bond of Treasurer.** The Treasurer before entering upon the duties of his office shall give bond to the Commissioners, with sufficient surety, to be approved by the Commissioners in penal sum equal to the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of said office, and for the delivery to his successor in office all books, papers, etc., relating to said Treasurer and all sums of money belonging to the Town which are in his hands upon the termination of his office and the settlement of his final account; to which said bond and condition shall be annexed a warrant for the confession of judgment for said penalty. The cost of said bond shall be paid out of Town funds.

(d) **Failure to give bond.** If the Treasurer shall fail to bond as required by this section, he shall thereby forfeit his office and the same shall become vacant; in case such vacancy occurs the Commissioners are authorized to appoint a Treasurer to serve for the unexpired term.

#### **Section 19. Collection of taxes**

The Commissioners shall elect some suitable person Tax Collector for the Town; and after having ascertained the sum necessary to be raised on the said Town for the purposes of this Act, and having apportioned the same on the assessment

and valuation aforesaid, shall, yearly, on or before the fifteenth day of May, furnish the Tax Collector of said Town with a list containing the names of the taxables, as well as the owners of real estate, and opposite the names of each the amount of the real estate, the tax levied on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the Commissioners or a majority of them.

The Tax Collector, on the fifteenth day of May, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collectors of the county rates and levies. All taxes shall be due and payable on the fifteenth day of May of the year during which said taxes are levied. A discount of five per centum may be allowed on all taxes paid on or before the last day of June; five per centum shall be added to all taxes paid after the last day of August. No legal proceedings shall be instituted for the collection of taxes until after the last day of August of the year during which said taxes are levied, provided, that if any person or persons shall remove from said Town his or their taxes shall become due and collectible by law.

The said Tax Collector shall also before entering upon his duties give bond to the Commissions of South Bethany, with sufficient surety, to be approved by the Commissioners of said Town in the penal sum equal to the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of his office; to which said bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty. The cost of said bond shall be paid out of money belonging to said Town.

The said Tax Collector shall render an account, and pay unto the Town Treasurer all money in his hands, on the first Monday of every third month and upon the expiration of his term of office and at such other time or times as the Commissioners, or a majority of them, shall require. He shall have all the power conferred upon or vested in the Receiver of Taxes and the County Treasurer for Sussex County.

The citizens of the Town of South Bethany are hereby exempted from the payment of all Hundred and Road Taxes.

## Section 20. Alderman

The Alderman is hereby constituted a conservator of the peace within said Town and is authorized and empowered to exercise within said Town all the authority which a Justice of the Peace may exercise under the laws of the State; with all the powers of the Justice of the Peace to take recognizance, to arrest, hold for bail, or fine and imprison offenders in such amounts and/or for such terms as are set out by the laws of the State; provided, that in the case of a violation of an ordinance he shall impose no penalty or fine in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days a person who is in default in the payment of a fine imposed for the violation of a Town ordinance; provided further, that he shall have no jurisdiction in any civil matter other than to carry out the provisions of this Act.

He shall have jurisdiction and authority over all neglect, omissions or defaults of the Town police, Assessor, Collector of Taxes, Treasurer or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to the said Town or to execute or obey any law or ordinance thereof.

The fees of said Alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Alderman to keep a book of record, or docket, to be called the "Alderman's Docket of South Bethany", to be provided by the Commissioners, in which all his official acts shall be entered, and he shall, upon expiration of his term of office, deliver over to his successor all the books and papers pertaining to his office within ten days after the election and qualification of his successor and shall pay over to the Treasurer of the Town all moneys in his hand belonging to the Town within five days after the expiration of his term; upon his neglect or failure to deliver to his successor in office within the time aforesaid all the books and papers belonging to his office or upon neglect or failure to pay over to the Treasurer of the Town within the time aforesaid all moneys belonging to the Town, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not

less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

All fines collected by the Alderman belong to the Town and its use. The Alderman at every regular meeting of the Commissioners shall report to it all fines and penalties imposed by him since the Commissioners' last meeting and pay to the Treasurer of the Town all such fines and penalties received by him during the said time and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100).

Prosecution by the Alderman shall be by information without indictment by a Grand Jury or trial or Petit Jury. Processes issued by the Alderman may be directed to any county constable, the Sheriff of any county or any member of the Town Police Force who shall execute the same in like manner and be subject to the same penalties as in other cases.

#### **Section 21. Constables**

The Commissioners may appoint such number of Town Constables as deemed necessary who shall constitute the Town Police and who shall have such authority as shall be vested in them by the Commissioners for enforcing the laws and ordinances of the Town.

#### **Section 22. Assessor**

The Assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed before one of the Commissioners or a Justice of the Peace to diligently, faithfully and impartially perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the Commissioners containing the certificate of the election of the Alderman, Commissioners and Assessor.

### Section 23. Assessment procedure

The Assessor of the Town shall, annually, in the month of March, make a true, just and impartial valuation or assessment of the real estate within said Town, said assessment shall be made of all registered real estate owners in said Town above the age of twenty-one years which assessment may be done by adoption of the current year's assessment made by the Sussex County Board of Tax Assessors, but which in no event shall exceed the same, and the said Assessor shall forthwith after making such assessment deliver to the Commissioners a duplicate containing the name of all the persons assessed and the amount of their assessments. The Commissioners shall, between the first and fifteenth days of April, cause a full and complete transcript of said duplicate to be posted in a public place in said Town, there to remain for the space of twenty days thereafter for public inspection, and said Commissioners shall on the Wednesday next after the expiration of the said twenty days hold a court of appeals, which shall continue open from six o'clock p. m. until ten o'clock p. m. of the said day, when they shall hear and determine appeals from said assessments. Notice of the posting of the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said Town. The decision of the Commissioners upon any appeals shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the other Commissioners.

After the valuation and assessment shall be examined and adjusted by the said Commissioners, all taxes shall be levied, assessed and raised on the real estate thus valued and assessed.

### Section 24. Powers of the Town

The Town of South Bethany shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The Town of South Bethany shall continue to enjoy all powers which have been granted to it by special acts



of the General Assembly of the State of Delaware, except insofar as they may be superseded by the enactment of this Charter.

The Town of South Bethany may have and use a corporate seal, may sue and be sued; and except as prohibited by the Constitution of the State of Delaware or restricted by this Charter, the Town shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of South Bethany shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town, whether express or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Commissioners.

#### **Section 25. Powers of the Commissioners**

The Commissioners shall constitute the legislative body of the Town of South Bethany and together shall be designated as the Commissioners.

The Commissioners shall have power to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the Town, which power shall extend to the area outside the Town limits and within one mile from said limits.

The Commissioners may also pass ordinances to ascertain and fix boundaries of streets, squares, lanes and alleys, or repair and amend the same, and provide for the paving thereof; or to alter, extend or widen any street, square, lane or alley; to open and lay out new ones subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes, and alleys; to fix the building lines upon the same; to direct the paving of foot ways and to prescribe

the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors, and other inlets to yards and buildings; to provide police and the lighting of streets at the expense of the Town; and generally to prescribe and regulate the use of the streets, lanes and allays of the Town and to have and exercise control over the same, subject to the provisions in that behalf hereinafter contained.

The Commissioners shall have the power to prescribe the rules and regulations directed toward the prevention of fires and explosions; to adopt municipal zoning regulations; to adopt traffic regulations; to regulate itinerant peddlers and canvassers within the Town; to regulate signs and bill boards and to provide for permits for the erection and maintenance thereof.

The Commissioners shall have the power to provide for the regulation of auctions and auctioneers, also to regulate public amusements, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the heights, thickness of walls, and materials of buildings and the mode of erecting the same within said Town; and for providing for and securing the safety of the inmates thereof, and making provisions for the enforcements of such regulations.

The Commissioners shall have the power to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets or other public places within the Town of South Bethany, and to fix the license fee thereof and to license the conduct of business generally within the Town and fix license fees for same and to make all necessary rules and regulations and provide necessary penalties for the enforcement of such ordinances and the collection of such license fees; provided, however, that no license fee shall exceed \$50.00 per year and in its discretion to provide for the payment of the expenses thereof, to provide for the measuring or weighing of coal, lime, grain, or other matter sold in the said Town.

The Commissioners shall have the power to lay and collect fines on the owners of any domestic or other animal which

may be found at large in any of the streets, squares, lanes or alleys aforesaid, and in general shall have power to do all those matters and things for the well being of the said Town, which shall not be in a contravention of any existing laws of this State or the Constitution thereof.

The Commissioners shall not have the power to exempt any individual from the operation of any general ordinance or municipal regulation. The Commissioners shall have the power to require all persons owning or keeping any male or female dog or dogs within the limits of the said Town to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have the power to fix the time and manner of registering the amount of the annual fee thereof, and the penalty for not registering by ordinance.

The Commissioners shall have the power to create a Community Welfare Fund and to pay into said Fund from Town income from time to time sums of money not to exceed two per centum (2%) in any one year of the gross amount of money collected by the Town for taxes in that year. The proceeds of the Community Welfare Fund may be used by the Town for community projects or donated to worthwhile organizations in the Town that provide community services or protection to the Town and its citizens. Any donation by the Town from the Community Welfare Fund to an organization must be first approved by a majority of the Commissioners.

The Commissioners shall have all other powers requisite to and appropriate for the government of the Town of South Bethany, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well being of its population, and for the protection and preservation of public and private property.

#### **Section 26. Business operations**

The Town of South Bethany shall have the right and power to acquire, own and maintain, within the corporate limits of such Town, all real estate for municipal purposes for sites and

rights-of-way, for public buildings, or other municipal and general welfare purposes; and for the location, erection and maintenance thereof of public facilities for the uses aforesaid.

In any cases where the Commissioners may deem it to be to the best interests of the people of the Town to acquire the properties of any privately owned sewer system, sewage treatment plants, water systems, water plants or utilities within the present or future boundaries of the Town, the question shall be submitted to a vote of the freeholders of the Town of South Bethany. The Commissioners may at any time call a special election for such purposes upon thirty days' notice. In acquiring said utility property, the Town shall respect the franchise rights of the owners and shall in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility property by municipalities. The Commissioners shall be authorized to negotiate the aforementioned purchase only upon the approval of a majority of the freeholders of the Town of South Bethany.

#### Section 27. Control of streets

The several posts and mark stones now set and fixed or which may hereafter be established in the middle of the streets of said Town, as well as all such other posts and mark stones as shall from time to time be set and fixed in the earth by the Town shall in all cases and in all courts of law within the State be deemed, taken and allowed as land marks. The said Town by itself or by its servants or agents shall have the right to enter upon any land within the limits of the Town and thereon set and fix such posts and mark stones as in the judgment of the Commissioners are necessary; and if any person shall wilfully tamper with or remove any of said posts or mark stones such person shall, for each such offense, forfeit and pay a fine of one hundred dollars (\$100); and the Town may reward the informer of such offense by allowing him a portion of said penalty not exceeding one-half thereof.

The Commissioners shall have the power and authority to lay out, locate and open new streets and to widen or to alter

existing streets or parts thereof, whenever they shall deem it for the best interests of the Town.

#### Section 28. Paving

The paving, graveling, or guttering of the streets shall be done by the Commissioners at the expense of the Town, except in case of property exempt from taxation, in which case the Commissioners may in their discretion require the owner or owners of said exempt property to pay for the paving, graveling, or guttering of the streets, and in case said owners refuse so to pay, the Commissioners may proceed to have the same done and when done the Treasurer of the Town shall as soon as convenient thereafter present to the said owner or owners of such tax-exempt lands, a bill showing the expense of paving, graveling or guttering. If such owner or owners be not resident in said Town, such bill may be presented to the occupier or tenant of said land with a copy of said bill to be mailed to the owner or owners at his or their last known address, or there is no occupier or tenant resident in the Town, such bill may be sent by mail to such owner or owners at his or their last known address. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of the Commissioners to issue an order in the name of the Town of South Bethany under the hand of the Mayor, and the seal of the said Corporation, directed to the Treasurer, commanding him to proceed to collect such delinquent assessment as levied in accordance with the authority granted under Section 34, "Collection of Taxes and Special Assessments," of this Act. The claim for paving shall be a lien on the premises in front of which the said work was done, and shall have the same priority and be collectible in the same manner as municipal property taxes.

If any new paving is ordered by the Commissioners as aforesaid, in front of lot or lots held or owned by a widow or widows as and for her on their dower, such expense incurred as aforesaid shall be paid by the owner or owners of the reversion in the fee simple. All subsequent repairs named in this Act are to be kept up at the expense of such tenant in dower.

Any notice required by this section to one co-owner shall be notice to all; and in case no owner shall reside in the Town,

notice may be served upon the occupier or tenant of said premises resident in the Town, and if there be no such occupier or tenant, it shall be sufficient to send said notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her residence.

The provisions hereinbefore contained in this section shall apply to any order made by the Commissioners in respect to any such paving, graveling or guttering heretofore done, which the Commissioners may deem insufficient or to need repairing. The Commissioners in addition to the provisions of this section hereinbefore shall have power and authority to enforce by ordinance all the requirements of this section by imposing such fines and penalties as shall be in the judgment of the Commissioners necessary and proper.

#### **Section 29. Acquisition of property**

The Town of South Bethany is hereby authorized and empowered whenever it shall deem it necessary and expedient for any municipal purpose to obtain and acquire property by purchase, gift, devise or lease within the boundaries of said Town and to obtain legal title to said property by appropriate conveyances. If the Town fails to reach an agreement with an owner or owners of said property it shall have the power to take such property by condemnation in the manner and according to the procedure as set forth in Title 10, Chapter 61, Delaware Code of 1953; provided, however, that the right of condemnation shall not extend to property owned by the State of Delaware or any agency thereof.

#### **Section 30. Special assessments**

The Town of South Bethany is hereby authorized and empowered to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement; and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the proceeds of such special assessments.

The Commissioners may provide for the payment of special assessments, for whatever purpose levied, by installments, but assessments for permanent improvements shall be within ten years in annual or more frequent installments, and assessments for current services shall be payable within one year.

The amount assessed against any property for any work or improvement shall not exceed the value of the benefits accruing to the property therefrom.

### **Section 31. Power to raise revenue**

The Commissioners shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than the sum determined by applying the Sussex County tax rate to the total assessments appearing on the Assessor's duplicate, as hereinbefore provided, in any one year clear of all delinquencies and expenses of collection, without a referendum vote as hereinafter provided. The Commissioners shall have the right to grant or refuse, and to charge fees for licenses, or permits for traveling shows, and other businesses of any description within the limits of the Town, to control their use of any property within the Town. The Commissioners shall also have the power to levy and collect franchise fees.

The Commissioners shall have the power by ordinance to allow discounts for early payment of taxes, to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

The Commissioners shall have the power to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.

### **Section 32. Power to borrow money**

The Commissioners under the restrictions hereinafter provided may borrow for municipal purposes on the credit of the

Town such sum or sums of money at such time or times as they may deem proper not to exceed ten per cent of the assessed value of the real estate of said Town and issue bonds for the payment of same.

If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town within the meaning of the bonded indebtedness limitation set out above; provided, however, that in the event of some emergency, the Town may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the Town out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Commissioners shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking including reserves therefor.

Before the Town may incur indebtedness by the issuance of bonds as aforesaid, the borrowings of money shall have been authorized by the Commissioners and shall have been approved in the following manner:

1. The Commissioners shall by resolution propose to the freeholders of the Town the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the reso-



lution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in the Town at least once a week for three successive weeks prior to the hearing date.

2. A public hearing shall be held at which time all persons of interest wishing to be heard shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Commissioners.

3. If the Commissioners desire to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than thirty days nor more than sixty days after the date of such resolution.

4. The notice of the time and place for holding the said special election shall be printed in a newspaper of general circulation in the Town once a week for three successive weeks prior to the election.

5. The Commissioners shall cause to be prepared, printed and made available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said referendum all freeholders of the town shall be entitled to one vote.

6. All votes for and against the proposed loan shall be counted and the results announced and delivered to the Commissioners and entered on the minutes of the Commissioners. Provided, however, no bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.

7. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Commissioners. The bonds shall be sold to the highest bidder after at least one month's notice published at least twice in a newspaper of general circulation in the Town and at least once in publication carrying municipi-

pal bond notices and devoted primarily to financial news. The Commissioners shall provide, in its budget, for revenues sufficient to pay the interest and principal on said bonds or certificates of indebtedness at the maturity or maturities thereof. The faith and credit of the Town shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.

### **Section 33. Borrowing for current expenses**

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Commissioners shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed; provided, however, the amount of such indebtedness shall not at any time exceed the sum of one-half per cent of the assessed value of real estate.

To exercise the power aforesaid the Commissioners shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Commissioners. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the bonded debt of the Town when limitations under indebtedness, as set forth elsewhere in this Charter, are computed.

### **Section 34. Collection of taxes and special assessments**

In addition to all existing methods and authority for the collection of taxes or special assessments due to the Town of South Bethany, the following methods and authority are hereby established:

The Tax Collector may recover the amount of tax in an action of debt against the person taxed, before any Justice of the Peace in Sussex County, or before the Court of Common Pleas or Superior Court of Sussex County; and it shall be sufficient to set forth that the action is to recover a specified sum

of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions.

If judgment be rendered in favor of the Tax Collector, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, not in excess of five per centum of the amount of taxes plus accrued interest, to be taxed by the Court in the costs, and execution shall issue against the real estate of the defendant; provided, no execution against the real estate shall issue except out of the Superior Court of Sussex County.

Where such judgment is recovered before a Justice of the Peace or Court of Common Pleas, and it is the desire of the Tax Collector to proceed against the real estate of the defendant, the said Tax Collector shall take a transcript of the judgment from the Justice of the Peace or Court of Common Pleas and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered, the subsequent proceedings, including enforcement, shall be the same as upon other judgments.

#### **Section 35. Limitation of action for damages**

No action, suit, or proceedings shall be brought or maintained against the Commissioners of South Bethany for damages on account of physical injuries, death or injury to property by reason of the negligence of the said Commissioners or any of its departments, officers, agents or employees thereof, unless the person by or on behalf whom such claim or demand is asserted shall notify the Commissioners in writing of the time, place, cause and character of the injuries sustained, within 90 days thereof.

#### **Section 36. Severability of charter provisions**

If any provision of this Charter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or

applications, and to this end the provisions of this Charter are declared to be severable.

**Section 37. Effective date of public act**

(a) This Act shall be deemed and considered to be a Public Act and the unincorporated association known as South Bethany Association shall be deemed to be a municipal corporation under the style and name of Commissioners of South Bethany upon the approval of a majority of voters voting at a Special Election called for the purpose of approving the Charter as passed by the General Assembly and approved by the Governor of the State of Delaware.

(b) No later than fifteen (15) days following the approval of this Act by the Governor, the Resident Judge of Sussex shall name as Temporary Commissioners three persons who shall have been the legal owner of real estate in the area described in Section 2 hereof for at least three months preceding the date of said approval. Not later than thirty (30) days following the approval of this Act by the Governor, the Temporary Commissioners shall by resolution propose to the electors of the Town of South Bethany the approval of the Charter. The resolution as passed by the Commissioners shall fix a time and place for a public hearing on the said resolution.

(c) Notice of the time and place of the said public hearing shall be posted in at least five (5) places within the proposed limits of the Town of South Bethany as described in Section 2 of this Act at least three weeks prior to the date of the public hearing and shall be printed in a newspaper of general circulation in the Town once a week for three successive weeks.

(d) After the public meeting, a second resolution shall then be passed by the Temporary Commissioners ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days following the date of the public hearing for the purpose of voting for or against the approval of the Charter.

(e) Notice of the time and place of holding the said Special Election shall be posted in at least five (5) places with-

in the proposed limits of the Town of South Bethany as described in Section 2 of this Act or at least three weeks prior to the date of said Special Election and shall be printed in a newspaper of general circulation in the Town once a week for three successive weeks.

(f) At the Special Election every person over the age of twenty-one years who for at least three months preceding the date of the election has been the legal owner of real estate in the Town of South Bethany shall be entitled to vote for or against the approval of this Act. Each such voter shall be entitled to one vote.

(g) The polls for the said Special Election shall open at one o'clock in the afternoon and shall close at six o'clock in the afternoon on the day advertised.

(h) The vote shall be by ballot on which is printed or written the following:

☐ For the approval of the Charter

☐ Against the approval of the Charter

(i) Any qualified voter who for any reason cannot appear to vote in person at said Special Election shall be permitted to cast an absentee ballot by mail. The Commissioners named in Section 1 of this Act shall make fair and adequate provision for the casting of such ballot and notice thereof shall be included in the posted and printed notice pursuant to subsection (e) of this Section.

(j) If the majority of the votes cast at the Special Election are cast in favor of the Approval of this Act, the Temporary Commissioners shall by resolution order an Election to be held no less than forty (40) nor more than forty-five (45) days from the date of the Special Election, at which Election Commissioners, Alderman, Treasurer and Assessor shall be chosen who shall serve until the election to be held in June, 1966. Such Election shall be conducted in the manner prescribed in this Section except that the Ballot used shall comply with Section 6. The Tem-

porary Commissioners shall serve as Judges of the Election and perform the duties prescribed for that office in Section 5. Sections 5 (c) and 7 shall apply to the Election. The Temporary Commissioners shall perform the duties imposed on the Commissioners by Sections 8 and 10, except that a candidate may file for office for this Election only at least fifteen days (15) days before the date set for the election.

(k) The Temporary Commissioners shall act as a Board of Election and shall count the votes for and against the approval of the Charter; shall announce the results thereof; shall make a certificate under their hands of the number of votes cast for and against the approval of this Act and the number of void votes. The original of said certificate shall be filed with the papers of the Commissioners.

(l) The Commissioners of South Bethany, elected at the Election provided by subsection (j) hereof, shall, be deemed and considered to be a municipal corporation of this State as of the date of the said Election.

(m) No Temporary Commissioner shall be a candidate for any office at the election provided in Section 37 (j). In the event of the resignation, death or disability of a Temporary Commissioner, a successor Temporary Commissioner shall be chosen by the Resident Judge of Sussex County.

Approved December 22, 1965.

## CHAPTER 275

**AN ACT PROVIDING FOR THE IMPOSITION OF A PROPERTY TAX ON MOBILE HOMES BASED ON THEIR ACTUAL VALUE AND REQUIRING THE OWNER THEREOF TO OBTAIN A PLACEMENT PERMIT, THE PARK OPERATOR TO MAKE ANNUAL REPORTS CONCERNING SAID HOMES AND PROVIDING PENALTIES AGAINST BOTH THE OWNER AND COURT OPERATOR FOR THEIR FAILURE TO DO SO.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Sub-chapter 2, Chapter 19, Title 14, Delaware Code, is hereby repealed.

Section 2. Chapter 19, Title 14, Delaware Code, is amended by adding a new Sub-chapter at the end thereof, with sections 1930 through 1938, as follows:

**SUBCHAPTER II. TAX ON MOBILE HOMES**

Section 1930. On and after the passage of this Act, mobile homes in Delaware shall be subject to a property tax based on their actual value. Said mobile homes shall be assessed at the same tax rate as real property is assessed in the County and in the School District in which the said mobile home is located.

Section 1931. It shall be the duty of the owner of a mobile home to apply for a placement permit from the Board of Assessment for each mobile home owned by him within thirty (30) days after the owner acquires the said vehicle or moves the same into Delaware, whichever is the sooner.

Section 1932. To notify owners of their obligation in this regard and to assist owners in applying for placement permits, each mobile home park operator, if furnished copies of this law and applications for the said placement permits by the Board of Assessment of his County, must give a copy of

the law and the permit application to said owner within ten (10) days after the said mobile home has been moved into his Park.

Section 1933. All mobile home park operators, which shall mean every person who leases land to two or more persons for the purpose of allowing such persons to locate a mobile home thereon, shall maintain a record of such leases which shall be open for inspection at all times by one or more of the County Tax Assessors. On or before April 1 of each year the mobile home court operator shall send a report to the Board of Assessment in the County in which his park is located of the names and addresses of all persons having mobile homes on his land.

Section 1934. All mobile homes shall be assessed in the names of the owner or owners of such mobile homes who shall be the persons named in the titles of such mobile homes, irrespective of whether the titles are issued by the State of Delaware or by another state.

Section 1935. Whoever being the titled owner of a mobile home which is subject to a property tax, as herein provided, and having received an official tax notice levying a property tax thereon, thereafter for the purpose of evading the payment of such tax removes such mobile home from the County levying such tax, shall upon conviction thereof, be sentenced to pay a fine of not more than \$50.00 or shall be imprisoned not more than ten (10) days.

Section 1936. Whoever being an operator of a mobile home park, shall fail to submit to the Board of Assessment of the County in which such court is located, on or before April 1 of each year, after written notice to do so, the report herein required shall be sentenced to pay a fine of not more than fifty (\$50.00) dollars.

Section 1937. The tax imposed by this sub-chapter shall not apply:

(a) To unoccupied mobile homes located on a dealer's display lot; and



(b) To mobile homes bearing a current license tag of the State of Delaware.

Section 1938. All statutes of the State of Delaware, or parts thereof, in conflict with this Act are hereby repealed to the extent of such inconsistency.

Approved December 22, 1965.

## CHAPTER 276

**AN ACT TO AMEND CHAPTER 13, SECTION 1324, TITLE 14, DELAWARE CODE, RELATING TO SALARY SCHEDULE FOR ATTENDANTS AND AIDES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 13, Section 1324, Title 14, Delaware Code, is amended by striking the present subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Each school district that has classes for the trainable mentally handicapped and or, classes for the orthopedically handicapped and or, classes for the partially deaf or hard of hearing as provided for in Section 1703 of this title may employ such attendants and or aides as required subject to the qualifications promulgated by the certifying board.

Approved December 22, 1965.

## CHAPTER 277

**AN ACT TO AMEND CHAPTER 53, TITLE 30, AND CHAPTER 23, TITLE 11, DELAWARE CODE, RELATING TO CIGARETTE TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 53, Title 30, Delaware Code, is amended by striking § 5328 and inserting in lieu thereof a new § 5328 to read as follows:

**§ 5328. Invoices or delivery tickets and purchase orders required in certain cases**

Every person who shall possess or transport 200 or more unstamped cigarettes upon the public highways, roads or streets of this State for the purpose of delivery, sale or disposition shall be required to have in his possession invoices or delivery tickets and purchase orders for such cigarettes which shall show the true name and complete and exact address of the consignor or seller, the true name and complete and exact address of the consignee or purchaser, the true name and complete and exact address of the person transporting the cigarettes, the quantity and brand of the cigarettes transported, and the true name and complete and exact address of the person who has been licensed to assume the payment of the Delaware tax or the tax, if any, of the State or foreign country at the point of ultimate destination; provided, that any common carrier which has issued a bill of lading for shipment of cigarettes and is without notice to itself or to any of its agents or employees that said cigarettes are not stamped as required by this Chapter, shall be deemed to have complied with this Chapter. The absence of such proper invoices or delivery tickets and purchase orders shall be prima facie evidence that such person is in violation of this Chapter and subject to the penalties of this Chapter.

Section 2. § 5342 (b) and § 5343, Chapter 53, Title 30, Delaware Code, are amended by striking the words after the

word "misdemeanor" and inserting in lieu thereof the words "and shall be fined not less than \$100 nor more than \$1000, or imprisoned not more than 90 days, or both."

Section 3. Chapter 53, Title 30, Delaware Code, is amended by striking § 5351 and inserting in lieu thereof a new § 5351 to read as follows:

**§ 5351. Forfeiture of cigarettes; disposal**

(a) In the event of a conviction under section 5342 of this chapter, the cigarettes which were the subject of the violation shall automatically be forfeited to the State.

(b) The Department shall sell any cigarettes forfeited under this section to the affixing agent who submits the highest sealed bid therefor and shall deposit the proceeds therefrom in the general fund of the State.

Section 4. Chapter 53, Title 30, Delaware Code, is amended by striking § 5352 and inserting in lieu thereof a new § 5352 to read as follows:

**§ 5352. Forfeiture of vehicle used in transporting cigarettes**

Any vehicle used in the transporting of cigarettes in violation of this chapter shall be subject to the provisions of subchapter II, chapter 23 of Title 11.

Section 5. § 2322, Subchapter II, Chapter 23, Title 11, Delaware Code, is amended by inserting before the word "it" in line 6 the following: "or in the transporting of cigarettes in violation of Chapter 53 of Title 30,"

Section 6. § 2325, Subchapter II, Chapter 23, Title 11, Delaware Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: ", or in the transporting of cigarettes in violation of chapter 53 of Title 30."

Approved December 22, 1965.

## CHAPTER 278

**AN ACT TO INCORPORATE THE VILLAGE OF ARDEN.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):*

**NAME AND GENERAL POWERS**

Section 1. (a) The inhabitants of the Village of Arden, in New Castle County, Delaware, and their successors within the limits hereinafter prescribed or hereafter established, are hereby constituted, created and established a municipal corporation and body politic forever, by the name and style of the "Village of Arden", hereinafter "the Village".

(b) Under that name they shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued; for any public, municipal, educational or charitable purposes, may acquire by gift, grant, purchase, lease, demise, bequest or otherwise hold, real and personal property within and without the limits hereinafter prescribed; for the common benefit may dispose of real and personal property owned or held by it; and shall possess, in addition to the powers expressly enumerated or specifically mentioned in this Act, all powers, which under the Constitution of the State of Delaware, it is now or in the future may be, lawful for this Act to enumerate. All powers of the village, whether expressed or implied, shall be exercised as prescribed by this Act. If no procedure or manner of exercise be prescribed herein the same shall be exercised as prescribed by an appropriate ordinance or resolution of the Commissioners of the Village or their successors.

**TERRITORIAL LIMITS**

Section 2. The corporate limits of the Village are hereby established and declared to be as follows:

BEGINNING at the point of intersection of the center line of Marsh or Hay Road with the center line of Grubbs Road

(Grubb Landing Road); thence from said point of Beginning and along the said center line of Marsh Road, North 61 degrees, 35 minutes East, 1400 feet more or less to a point in the center line of Naamans Creek; thence thereby, by the various courses thereof in a generally South-easterly direction 3550 feet more or less to a point, said point being distant by a tie line of South 67 degrees, 17 minutes, 40 seconds East, 2785.59 feet from the last described point; thence along the North-westerly line of land formerly of Lewis B. Harvey, North 64 degrees, 42 minutes West, 2344 feet more or less to a point in the said center line of Grubbs Road and a corner for lands formerly of John A. Harris; thence along the North-westerly line of said land formerly of John A. Harris, South 56 degrees, 08 minutes West, 1684.32 feet to a point, a corner for land formerly of James Cochran; thence along the Northeasterly line of said land formerly of James Cochran, North 25 degrees, 07 minutes West, 2200 feet more or less to a point in the said center line of Marsh Road; thence along the said center line of Marsh Road, North 61 degrees, 13 minutes East, 742.5 feet to a point in the said center line of Grubbs Road and the point and place of Beginning. Containing within said described metes and bounds, 155.93 acres of land, be the same more or less.

### STRUCTURE OF GOVERNMENT

Section 3. The government of the Village and the exercise of all powers conferred by this Act, except as otherwise provided herein, shall be vested in the Commissioners of the Village of Arden, hereinafter referred to as the "the Commissioners". The Commissioners shall consist of three members, each of whom shall be above the age of 21 years and a resident of the Village.

Section 4. The persons serving as trustees under a certain Indenture referred to in Section 15 hereof shall by this Act be appointed to serve and shall continue to serve and act as the Commissioners of the Village until their successors are duly chosen as hereafter provided. The Commissioners now and hereafter shall serve without compensation for the duties of Commissioners, as such. The Commissioners shall elect and appoint such officials, employees, agents, and committees or

commissions of the Village which the Commissioners may deem proper and necessary for the proper conduct and management of the Village and for the operation and enforcement of the provisions of this Act and of any ordinances or resolutions adopted hereunder. Any person so appointed shall serve at the pleasure of the Commissioners but in no event longer than two (2) years, unless reappointed. His or her compensation shall be fixed by the Commissioners.

### MUNICIPAL ELECTIONS

Section 5. The general municipal election shall be held on the second Saturday in May of each odd numbered calendar year following the approval of this Act. The election shall be held at such public places in the Village as shall be determined by the Registration Committee, due notice of which shall be given by posting notices thereof in five public places within the Village not less than ten days before the day of the election. At such election three Commissioners shall be elected to succeed to the offices of the Commissioners and shall serve until their successors are duly chosen. A general municipal election shall be held and conducted in the following manner:

(a) Candidates for the office of Commissioner shall be nominated by petition signed by not less than twenty-five (25) nor more than forty (40) qualified voters of the Village, which petition or petitions shall be filed with the Registration Committee on or before 12:00 o'clock noon on the second Saturday preceding the general election;

(b) No nominating petition shall designate more than one person to be voted for as Commissioner of the Village;

(c) No qualified voter shall sign the nominating petition of more candidates than there are vacancies of the Commissioners to be filled at such general election.

(d) There must be attached to each nominating petition an affidavit of the circulator thereof stating: the number of signers; that each signature appended thereto was made in his presence; that each signature is the genuine signature of the

person whose name it purports to be; and that all of the said signers are entitled to vote at the election referred to therein.

The form of the nominating petition shall be substantially as follows:

"We, the undersigned, qualified voters of the Village of Arden, hereby nominate ..... for the office of Commissioner, to be voted for at the general election to be held in the Village of Arden upon the ..... day of ..... in the year .....; and we individually certify that we are qualified to vote for a candidate for Commissioner as aforesaid and that we have truly designated the capacity in which we sign this petition as such qualified voter.

NAME	QUALIFIED VOTER	ADDRESS
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(Signatures)

(x)

(e) Whenever a petition nominating a person for the office of Commissioners of the Village shall have been filed as above prescribed, the name of such person shall be printed on the ballot prepared by the Registration Committee for the general election.

(f) Every election shall be held under the supervision of the Registration Committee. The Registration Committee shall appoint one Inspector of Election and two Judges of Election. The Judges and Inspector shall be qualified voters of the Village and shall be appointed for that purpose by the Registration Committee at least two weeks before such election.

(g) At any such election every person, male or female, above the age of twenty-one years, who shall have been a resident of the Village for a period of six months immediately preceding such election shall have one vote. The term "qualified voter" used hereinbefore and hereinafter in this Act shall refer to any such person. All votes shall be offered in person. No voter shall vote for more candidates than there are offices to be filled at the election, and in voting shall mark an "X" in a



box opposite the name of each candidate for whom the voter decides to cast his or her vote.

(h) The Judges and the Inspector shall decide upon the legality of the votes offered. If a majority of the Judges and the Inspector shall not be satisfied that any person offering to vote at the election is qualified to do so, they shall receive the ballot but shall not count on it, and shall return it in a separate package to the Registration Committee with the name of the person presenting the ballot. The Registration Committee shall have final and exclusive jurisdiction over the right to vote of any person offering to vote at the election.

(i) Upon the closing of the election, the votes shall be read and counted publicly and the three candidates having the highest number of votes shall be declared by the Registration Committee to be duly chosen as Commissioners and they shall continue in office until their successors are duly chosen.

(j) The Registration Committee referred to in this Charter is and shall at all times consist of those persons serving as and on the "Registration Committee" appointed and empowered under the By-Laws of the Town Assembly of Arden now and hereafter in effect.

Section 6. In case of vacancy in the office of Trustee either by death, resignation or failure to remain a resident of the Village, the remaining Trustees shall appoint a duly qualified person as Trustee to fill the remainder of the term.

### MEETINGS OF THE TRUSTEES

Section 7. All meetings of the Commissioners shall be held in some public room in the Village and shall be open at all times to the qualified voters in the Village excepting during such time or times as the Commissioners shall deem it advisable to discuss any matter in executive session; provided, however, that no vote or ballot shall be taken by the Commissioners upon any question or matter coming before them except in open, public session and any vote or ballot taken by the Commissioners upon any matter or subject while in executive ses-

sion shall be absolutely null and void. The Commissioners shall hold their first meeting within sixty (60) days after the approval of this Act. Notice of the time, date and place of such meeting shall be mailed to all qualified voters of the Village. At such meeting the Commissioners by resolution shall appoint a time, date and place for their regular meetings which shall be held no less than once every three months. A copy of such resolution shall be mailed to all qualified voters of the Village. Special meetings of the Commissioners shall be called by the Clerk of the Commissioners upon the written request of any two Commissioners stating the date, hour and place of such meeting. Notice of such call shall be posted in three public places in the Village at least forty-eight hours before the time of such special meeting and the Clerk shall mail a copy of such notice to all the Commissioners at least five days before the time of such special meeting.

Except for the resolution hereinabove referred to, no ordinance or resolution shall be voted upon by the Commissioners unless submitted to or by the Commissioners in writing and read at the two consecutive meetings, whether regular or special, next preceding the meeting at which any such ordinance or resolution shall be passed upon.

Section 8. A majority of the Commissioners shall constitute a quorum. The Commissioners shall determine their rules and order of business and shall appoint a person, not a Commissioner, as Clerk of the Commissioners to keep a journal of their proceedings. The Yeas and Nays shall be taken upon the passing of every ordinance or resolution. A majority of the Commissioners shall have the power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any meeting of the Commissioners.

### **CLERK OF THE COMMISSIONERS**

Section 9. The Clerk appointed by the Commissioners shall have charge and custody of the books, journal, records, papers and other effects of the Village and shall keep the same in a safe and secure place. He or she shall keep a full and com-

plete record of all the transactions of the Commissioners. He or she shall file and keep in a safe place the seal of the Commissioners of the Village and all papers and documents arising out of the proceedings of the Commissioners and relative to the affairs of the Village. He or she shall deliver the same to his or her successor in office. He shall attest the seal of the Commissioners of the Village when authorized by the Commissioners and shall perform such duties and have such other powers as may be prescribed by ordinance.

Section 10. All books, records and journals of the Village in the custody of the Clerk may, in the presence of the Clerk, or any one of the Commissioners, be inspected by any qualified voter of the Village desiring legitimate information at any time or times as may be convenient, but only during ordinary business hours on business days of the week. All records, books, papers and documents in the custody of the Clerk shall at all times be open for the inspection of any of the Commissioners. The compensation of the Clerk for his duties as such, shall be determined by the Commissioners.

### **ALDERMAN**

Section 11. The Commissioners are empowered to appoint an Alderman who shall be sworn or affirmed to perform the duties of his office with fidelity. The Alderman shall serve at the pleasure of the Commissioners, but in no event longer than two (2) years, unless reappointed by the Commissioners. In his absence or disability or otherwise, the Commissioners, at any meeting, may appoint a resident to serve as acting Alderman. The Alderman shall have all powers of a Justice of the Peace within the Village, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the Village as far as to arrest and hold to bail, or fine and imprison offenders; of all fines, penalties and forfeitures prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware; provided, that he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty (30) days. The New Castle County Correctional Institution may be used for imprisonment under the provisions

of this Charter provided that the Commissioners shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

The Alderman shall also have jurisdiction in suits of civil nature, for the collection of ground rents, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the Village under the provisions of this Charter; and within his jurisdiction he shall have all the powers and authority and shall be subject to all the limitations of the Justice of the Peace of New Castle County, except as herein otherwise provided. For any service or duty for which no fee is provided by law, such fee shall be established by ordinance.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Commissioners all moneys in his hands belonging to the Village. Upon the failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction of the State of Delaware, shall be fined not more than \$500 or imprisoned for not more than one year or shall suffer both fine and imprisonment at the discretion of the Court.

Upon the request of the Commissioners, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other moneys received by him during the preceding month or months belonging to the Village. He shall pay all such moneys to the Commissioners within ten days after making report thereof to the Commissioners and failure to make report to the Commissioners or for failure to make payment to the Commissioners for the space of ten days, he shall be deemed guilty of a misdemeanor and shall be punished upon conviction as hereinabove provided.

The Alderman shall keep a docket in which all his official

acts shall be entered which shall be open to public inspection and examination at all times.

### **POLICE FORCE**

Section 12. The Commissioners shall appoint a police force consisting of such person or persons as the Commissioners may deem wise and advisable; and the Commissioners shall, from time to time make rules and regulations as may be necessary for the organization, government and control of the police force. The members of the force shall be subject to the direction of the Commissioners, and may be removed by the Commissioners at any time. They shall preserve peace and order and shall compel obedience within the Village limits to the ordinances of the Village and the laws of the State, and they shall have such other duties as the Commissioners shall from time to time prescribe.

Each member of the police force shall be vested with all powers and authority of a constable of New Castle County within the Village limits and within one mile outside said limits, and in the case of the pursuit of an offender, his power and authority shall extend to all parts of the State of Delaware.

Every person sentenced to imprisonment by the Alderman shall be delivered by a member of the police force to the New Castle County Correctional Institution, to be there imprisoned for the term of the sentence. In the case of any arrest at a time when the Alderman shall not be available to hear and determine the charge, the person arrested may be delivered to the New Castle County Correctional Institution for imprisonment until such reasonable time thereafter as shall enable the Alderman to hear and determine the charge against such person.

It shall be the duty of the police to suppress riotous, disorderly or turbulent assemblages of persons in the streets and public places of the Village, or the noisy conduct of any person in the same, and upon view of the above, or upon the view of the violation of any ordinances of the Village relating to the peace and good order thereof, the police shall have the right and power to arrest without warrant and to take the offender before the Alderman for hearing.

## REVENUE

Section 13. Revenues of the Village, in addition to any fines, penalties or other assessments specifically provided for in this Charter, shall be collected in the manner provided for in this Section, that is to say,

By indenture made the 31st day of January, 1908, certain lands in Brandywine Hundred, New Castle County, State of Delaware were conveyed to three persons therein named as trustees, upon certain trust. All the lands within the boundaries described in Section 2 of this Charter are subject to the provisions of the aforesaid Indenture and are held by the Successors of the persons therein named as trustees on the trusts therein set forth. The aforesaid Indenture empowered and directed said persons and their successors to lease such portions of the lands therein conveyed as may seem good to such persons and their successors, the lease in each case to reserve, as rent, the full rental value of the premises demised by said lease. The aforesaid Indenture further empowered and directed said persons to pay all State and local taxes out of and from the rents received, and, to apply all sums of money received as rents, in excess of the amount needed for the purposes of paying the taxes, to such common uses, desired by the majority of the residents, as in the judgment of the persons therein named as Commissioners and their successors are properly public, in that they cannot be left to individuals without giving one an advantage over others.

The Commissioners serving under the provisions of this Charter may, from time to time, as they deem wise and advisable, request the use of any excess of such rents as hereinabove described, for any governmental and municipal purposes authorized hereunder. Any such request shall be made in writing to the persons serving as trustees under the aforesaid Indenture. Such persons shall not be obliged to honor any such request, but if they do so, any appropriation of said rents to the Commissioners under this Charter and any disposition thereof shall be deemed, for all purposes, to be in compliance with the provisions of the aforesaid Indenture, that is to say, for the common good and use.

### **SPECIFIC POWERS OF THE COMMISSIONERS**

Section 14. Not by way of limitation upon the power vested in the Commissioners to exercise all powers delegated by this Charter to the municipal corporation of the Village, except as may expressly appear herein to the contrary, but, rather, by way of enumeration and for purposes of clarity, the Commissioners are vested by this Charter with the following powers, to be exercised by said Commissioners in the interest of good government and the safety, health and welfare of the Village, its inhabitants and affairs, that is to say,

1. To prevent vice, drunkenness and immorality.
2. To provide for and preserve the health, peace, safety, cleanliness, ornament and good order of the Village and its inhabitants.
3. To prohibit all gaming and fraudulent devices.
4. To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games.
5. To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, drain, aqueduct or pipe line, or portion thereof, or any new or present sidewalk, curb or gutter, or portion thereof, in the Village; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State Highway Department of the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other highway within the Village.
6. To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or

fowl running at large, and to authorize the destruction of the same, and to impose license fees on the owners of dogs.

7. To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer or manure plants or establishments, swine pens, privies, water closets and any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or noxious nature.

8. To enforce the removal of snow, ice, dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.

9. To prohibit, remove, or regulate the erection and maintenance of, any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection or projection in, over, upon or under any street, highway, alley, lane, watercourse, park, lake, strand, sidewalk, crosswalk, sewer, drain, aqueduct or pipeline of the Village.

10. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.

11. To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Village; to regulate and prescribe for what private or public purposes the system may be used, the manner of its use, the amount to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to, or interference with the said system, plant or facilities; to furnish or refuse to furnish, sewer disposal service from the Village system to places and properties outside of the Village limits; in the interest of the public's health, to compel any and all properties in the Village to be connected to the sewer system of the Village; and to contract for and purchase sewer disposal service and to resell the same to users within or



without the Village with the same full powers as though such service had been initially provided by the facilities therefor of the municipal corporation itself.

12. To fully control within the Village the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, runs or rivulet within the Village, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend, maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Village.

13. To grant franchises or licenses to any responsible person, firm, association or corporation, for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as the Commissioners shall deem wise, to use the present and future streets, highways, lanes, alleys, water courses, parks, lakes, strand, sidewalks, crosswalks, and other public places of the Village for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the Village and to the persons, firms, or corporations residing or located therein and for the purpose of transmitting the same from or through the Village to points outside the limits thereof, and for the purposes of vending any article of merchandise or service upon, or from any vehicle upon, any such present and future street, highway, lane, alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.

14. To regulate and control the exercise of any license or franchise mentioned in Section 16 (13) of this charter or intended so to be.

15. To direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds of the Village and to authorize or prohibit the removal or destruction of said trees.

16. To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Village which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

17. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.

18. To regulate, control or prevent the use or storage of gunpowder, firewoods, tar, pitch, resin and all other combustible materials and the use of candles, lamps and other lights in stores, shops, stables and other places; to suppress, remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fire.

19. To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping offices of the Village.

20. To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean-shooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.

21. To provide for the punishment of a violation of any ordinance of the Village by fine or imprisonment, or both, not exceeding \$100 or thirty (30) days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.

22. To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Village) of such various amounts as the Commissioners from time to time shall fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Village; provided, however, that nothing herein shall be so construed as to make it mandatory upon any resident of the State to apply for a license in order to sell in the Village any farm

produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

23. To provide for the collection of and disbursement of all moneys to which the Village may become entitled by law, including licenses and fines, where no provisions for the collection and disbursement thereof is otherwise provided in the Charter.

24. To acquire, and/or to vacate the use of, lands, tenements, personalty, property, easements, rights of way, or any interest in property, either within or without the limits of the Village, by way of condemnation and eminent domain, for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the municipal corporation by this Charter. Notwithstanding any statute, act or law of the State of Delaware to the contrary, the power to acquire and/or to vacate the use of lands, tenements, personalty, property, easements, rights of way or any interest in property within the limits of the Village, as described in Section 2 hereof, by way of condemnation and eminent domain shall be and is vested exclusively in the Commissioners; provided, however, that the Commissioners may, but are not obliged to do so, consent to the exercise of any such power by an agency, commission or department of the State of Delaware for any lawful public purpose.

25. To appropriate money to pay the debts, liabilities and expenditures of the Village, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Village in case of emergency.

26. To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge or other amount due the Village by the performance of labor or service for the Village by any person owing the same.

27. To inquire into and investigate the conduct of any office, officer, agent, or employee of the Village or any municipal affair, and for any such purpose or purposes to subpoena wit-

nesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.

28. To make, adopt and establish all such ordinances, regulations, rules and by-laws, as the Commissioners may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Village, the protection and preservation of persons and property and of the public health and welfare of the Village and its inhabitants; provided, that any ordinance relating to the public health of the Village and its inhabitants, or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same, shall apply not only within the corporate limits of the Village but as well to all areas and persons outside the Village within one mile from said limits.

### USE OF VILLAGE FUNDS

Section 15. The Commissioners of the Village shall have full power and authority to use the money in the Treasury of the Village or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interest of the Village, as the Commissioners may deem proper, and to use Village money to accomplish and carry into effect all acts and things which the municipal corporation has power to do by virtue of the laws of Delaware, this Charter and all lawful ordinances and resolutions of the Village. In the general performance of their duties and particularly in the expenditure of moneys of the Village, the acts, doings and determinations of the majority of the Commissioners shall be as good as the acts, doings and determinations of all of the Commissioners. In case of the absence or other incapacity of any of the Commissioners, or in case of a vacancy in the Commissioners, the remaining members, provided they constitute a majority of the Commissioners, are empowered to do all things which the Commissioners may legally do, but no funds of the Village shall be used for any purposes without the affirmative action of a majority of the Commissioners.

## STREETS

Section 16. The Commissioners shall have power and authority to locate, lay out and open new streets and to widen or abandon streets or parts thereof, whenever they shall deem it for the best interest of the Village. The procedure in every case as aforesaid, shall be as follows: The Commissioners shall, by a majority vote, adopt a resolution favorable to the opening of the new street or to the widening or altering of a street or to the vacating or abandoning of a street, or any part thereof, as the case may be, and giving a general description of the street to be opened or widened, or altered or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the Commissioners will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the Village at least ten days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution the Commissioners shall hear such residents of the Village or owners of the property affected as shall attend, and they shall at said meeting, or at a subsequent day, as they shall deem proper, adopt a resolution by a majority vote, to proceed with or to abandon as they shall deem for the best interest of the Village, the opening of the street or streets or the widening, altering, vacating or abandoning of the existing street or streets or part thereof as the case may be, as contemplated in their prior resolution. And in case the determination of the Commissioners shall be to proceed with the plan contemplated by the resolution first aforesaid, the Commissioners shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the Commissioners upon delivery of a document conveying to the Commissioners all of the right, title and interest of the person or persons deprived of property. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Commissioners, the Commissioners shall proceed to condemn the property in accordance with the provisions of Chapter 61, Title 10, Delaware Code.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes and alleys for all the purposes of this Section.

The word "property" shall be deemed and held to comprehend and include leases, leaseholds, personalty, fee simple interests, and all interests in real and/or personal property affected by any resolution of and action taken by the Commissioners pursuant to the provisions of this Section.

### **SIDEWALKS, CURBS AND GUTTERS**

Section 17. The Commissioners shall have the power to pave or repave the sidewalks of the Village or any part or portion thereof, and shall have power to have existing curbs or gutters or both, repaired or relaid, or new curbs or gutters, or both, constructed or any part or portion thereof, in the Village, with such materials and of such width or size, and subject to such specifications as the Commissioners shall determine. Before the exercise of such power in any particular instance, the Commissioners shall adopt an ordinance or resolution stating in effect that on a named day and at named hour and place the Commissioners will meet to consider the question of paving or repaving the sidewalks with a specified material or materials, or repairing existing curbs, gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials and according to the stated specifications on a named street in front of the property of named leaseholders and of assessments of the costs thereof against such leaseholders. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the Village or in a newspaper published elsewhere in New Castle County, if there be none in the Village published. The Commissioners shall hold a meeting in the Village in accordance with said ordinance or resolution and there at shall hear the aforesaid leaseholders of the property and other residents of the Village appearing on the question referred to in the said ordinance or resolution.

After such hearing, the Commissioners either at said meeting or at a subsequent meeting, shall decide whether or

not to proceed with the improvements referred to in said ordinance or resolution, and if they shall decide to proceed, they shall determine whether the whole or some specified portion of the cost of the improvements aforesaid in front of the property of a leaseholder or leaseholders named in the aforesaid ordinance or resolution shall be borne by said leaseholders. If said determination shall be that the whole or specified proportion of said cost shall be borne by such leaseholders, then and in such case the said leaseholder shall be compelled to pay the whole or specified proportion of the cost aforesaid, as the case may be, the amount to be paid by the leaseholder of each parcel of property effected to be determined by the lineal frontage of the parcel on the sidewalk to be paved or repaved or the gutter to be repaired or laid or on the curb to be repaired or constructed, or any or all of said improvements, as the case may be.

When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them, have been done and the costs thereof ascertained, the Commissioners shall ascertain the amount that the leaseholder or each parcel of property aforesaid shall pay as hereinbefore stated, and shall give written notice thereof to such leaseholder, or one of the co-leaseholders, by mailing the same to his or her last known address. If such leaseholder shall fail to pay the specified amount within thirty (30) days after the mailing of such notice, the same may be collected by the sale of his aforesaid leasehold. Such sale shall be made by the Alderman who shall advertise the leasehold for sale in at least two issues of a newspaper published in New Castle County, before the day and sale and shall post five such notices in the Village at least ten days before the date of sale. Such advertisements shall give such general description of the day, hour and place in the Village at which the sale will be held.

Unless a sum of money, for the payment of which the said leasehold is to be sold as aforesaid, together with the cost of advertisements of the sale, shall be paid prior to the sale, the said leasehold shall be sold by the Alderman at public sale on the day and at the hour and place named in the advertisement for the sale to the highest and best bidder for the same.

Upon the payment to the Alderman of the price for which the leasehold is sold at such sale, an assignment of the leasehold sold shall be executed in the name of the Village by the Commissioners and bearing an imprint of the corporate seal of the Village and delivered to the purchaser. Such assignment of lease shall vest in the purchaser the same estate or interest in the leasehold sold as the leaseholder or leaseholders of the parcel at the time of the sale had therein or thereto, subject to the same liens and encumbrances of record against said leasehold at the date of the first appearance of the newspaper advertisement of the sale as aforesaid.

The money paid to the Commissioners by the Alderman as the price of the leasehold sold as aforesaid shall be dealt with by the Commissioners as follows:

They shall first deduct the costs of the sale which shall include the cost of the advertisements of the sale, the charges of any auctioneer, and all other expenses incident to the sale and also 10% of the amount that the leaseholder of the property had failed to pay for the costs of the improvements aforesaid, which 10% shall be paid to the Alderman as his fee for the sale.

The Commissioners shall then deduct the amount that the leaseholder of the property failed to pay to the Village aforesaid and shall pay the same so deducted into the Village treasury.

Any balance remaining shall be paid by the Commissioners to the person or persons who were the leaseholders of the property sold or, if this be not possible for any reason, the Commissioners shall deposit said balance to their credit in any bank in New Castle County.

### CONTRACTS OF THE COMMISSIONERS

Section 18. The Commissioners are vested with authority on behalf of the Village to enter into contracts for the rendering of services to the Village and/or the purchase of supplies and doing of work for any municipal purpose of the Village, provided:



(a) No contract shall be made by the Commissioners for any purposes, the contract price of which is in excess of \$5,000 without public competition bidding. Nothing in this sub-section shall be construed to apply to contracts for the provision of utility service at rates regularly on file with the Public Service Commission of Delaware or any federal regulatory body.

(b) The contract shall be awarded to the lowest responsible bidder, but the Commissioners may reject any and all bids for any cause by them deemed advantageous to the Village.

(c) All formal contracts shall be signed by the Commissioners with the seal of the Village attached, attested by the Clerk of the Commissioners.

### **FINES AND PENALTIES**

Section 19. The Commissioners shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations thereof, relating to the use of streets, highways, lanes and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

### **FIRE, ZONING AND HOUSING CODES**

Section 20. For protection against fire and for the preservation of the beauty of the Village and the health of the inhabitants, the Commissioners may adopt ordinances to zone or district the Village and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind, to condemn and/or vacate buildings or structures, or portions thereof, that constitute a fire and/or health menace and to require or cause the same to be torn down or removed or so altered as to eliminate the menace of fire or danger to health; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof; and to establish a building line for buildings to be erected.

The Commissioners may adopt zoning ordinances limiting and specifying districts and regulating thereon buildings, structures and uses according to their construction and according to the nature and extent of the use or business to be carried on therein.

The powers to be exercised under and by virtue of this Section shall be deemed to have been exercised under the police power and for the general welfare of the inhabitants of the Village.

The Commissioners may create a Village Zoning Commission for the development, improvement and beautification of the Village and may prescribe its powers and duties.

The Commissioners may provide for the issuance of building permits and may forbid the construction of any new building or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

The Commissioners may adopt a housing code to regulate and govern the occupancy of residential structures in the Village, the structural requirements of residential and commercial properties for the health, safety, welfare and comfort of occupants thereof, and to appoint a commission to carry out and enforce the provisions of the housing code.

### COMPILATION OF LAWS

Section 21. It shall be the duty of the Commissioners, at reasonable time or times, to compile the ordinances, codes, orders, and rules of the Commissioners of the Village. The Commissioners shall have a reasonable number of copies printed for the use of the officials of the Village and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments for the same, the Commissioners shall enroll the same in the journal of the Commissioners and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined.

Section 22. Nothing herein contained shall be deemed, held or construed to limit, impair or otherwise adversely affect the powers, functions, acts and doings of the Town Assembly of Arden, any committees appointed pursuant to the by-laws of said Town Assembly, or any provisions of the by-laws of said Town Assembly now and hereafter in effect.

### SEVERABILITY

Section 23. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of this Act.

Section 24. This Act shall be deemed and taken to be a public Act.

### REFERENDUM

Section 25. This Act to incorporate the Village of Arden or any section or provision hereof shall not take effect or be deemed to have changed or altered in any respect whatever any existing law or laws of the State of Delaware until it shall have been accepted by the electors residing within the metes and bounds of the Village of Arden as described in Section 2 hereof.

The persons serving as trustees under the Indenture referred to in Section 15 hereof shall be and they are hereby authorized and empowered to call and provide for a referendum election; provided, that such referendum election shall not be held within thirty (30) days after the approval of this Act by the Governor.

This referendum election shall be held in substantially the same manner as provided in this Act for the holding of general municipal elections in the Village. Such election shall be supervised and conducted by the Registration Committee and each qualified voter of the Village, as defined in Section 5 hereof shall be entitled to cast one (1) vote thereat.

Such referendum election shall be called for the purpose of voting for the acceptance or the rejection of this Act as

adopted and approved by the General Assembly of the State of Delaware. This Act shall not be deemed to have been accepted by the electors in any other manner whatsoever save by a majority vote in favor of its acceptance cast at such referendum election by the electors residing within the boundaries of the Village as prescribed by this Act. The Registration Committee shall provide ballots, at least as many in number as the number of qualified electors entitled to vote at such referendum election. The ballots shall be in such form as the Registration Committee shall deem fit and proper. If a majority of votes cast shall be in favor of the acceptance of this Act, the Registration Committee shall declare this Act to be in full force and effect. If a majority of the votes cast at such referendum election shall be for the rejection of this Act, the Registration Committee shall so certify.

If a majority of votes cast at such referendum election shall be in favor of the acceptance of this Act, the Registration Committee, upon declaring this Act to be in full force and effect, shall likewise make and cause a written Certificate to that effect to be signed by all or a majority of the members of such Registration Committee and to be duly acknowledged by them and the same to be delivered to the persons serving as trustees under the aforesaid Indenture, who shall then cause such Certificate to be recorded in the Office of the Recorder of Deeds, in and for New Castle County, and such Certificate, or the record thereof, or a duly certified copy of such record shall be evidence in all Courts of Law or Equity in this State.

Approved December 22, 1965.

## CHAPTER 279

**AN ACT TO AMEND PART II, TITLE 9, DELAWARE CODE,  
RELATING TO NEW CASTLE COUNTY, BY ADDING A  
CHAPTER ON PUBLIC HEALTH.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Part II, Title 9, Delaware Code, is amended  
by adding a new Chapter 29 to read as follows:

**CHAPTER 29. PUBLIC HEALTH**

**§ 2901. Removal of weeds, grasses, refuse, rubbish, trash or  
other waste material; recovery of expense of removal  
by civil action; civil liability precluded; applicability**

(a) No person shall permit weeds or grasses to grow, or refuse, rubbish, trash or other waste material to be placed or to accumulate upon, land or improved premises so as to create a nuisance detrimental to adjoining property or to the health or safety of other persons.

(b) If within 15 days after due notice by the Levy Court to the owner and/or possessor of said land or improved premises, such weeds, grasses, refuse, rubbish, trash or other waste material are not removed, the Levy Court may cause such weeds, grasses, refuse, rubbish, trash or other waste material to be removed. The Levy Court may incur any expense of removal and may maintain a civil action for the recovery thereof against such owner and/or possessor.

(c) No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section.

(d) The provisions of this section shall apply to any land or improved premises in any district or zone classified residential in whole or in part under regulations adopted pursuant to Chapter 26 of this title; to any land or improved premises

in any residential area, locality or development within any such district or zone; and to any land or improved premises immediately adjoining any land or improved premises in any such district or zone or any such residential area, locality or development within any such district or zone.

**§ 2902. Securing refuse, rubbish, trash or other waste material deposited outside of commercial property; penalty for violation; injunctive relief**

(a) No refuse, rubbish, trash or other waste material shall be deposited by any person on land or improved premises outside of any commercial establishment except that such refuse, rubbish, trash or other waste material shall be securely bound or placed in a container in either case sufficient to prevent the same from being scattered or carried away by nature upon adjoining land or improved premises. For the purpose of this section, the owner of such land or improved premises or commercial establishment, any officer of a corporation being the owner of such land or improved premises or commercial establishment, and any agent having the management thereof, who knowingly permit any person to violate the provisions of this section shall be deemed to be in violation of the provisions of this section.

(b) Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each such offense. Each day of a continuing violation shall be deemed a separate offense. The Superior Court shall have exclusive jurisdiction of offenses under this section.

(c) The Levy Court, in addition to other remedies provided by law, may apply to the Court of Chancery for injunctive relief against the owner and/or possessor of such land or improved premises to prevent, enjoin or abate any continuing violation of the provisions of this section.

Approved December 22, 1965.

CHAPTER 280

**AN ACT TO AMEND § 105, TITLE 15, DELAWARE CODE,  
RELATING TO QUALIFICATIONS OF MEMBERS OF  
ALL DEPARTMENTS OF ELECTIONS.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 105, Title 15, Delaware Code, is amended by adding the following words after the word "office" in the last line thereof:

"or any elective office of any City or Municipality that has its election on the biennial general election day which occurs on the Tuesday next after the first Monday in the Month of November."

Approved December 22, 1965.

## CHAPTER 281

**AN ACT TO AMEND AN ACT BEING CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES WHICH SHALL ESTABLISH, CONTROL, AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS, AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS, "AS AMENDED BY CHAPTER 274, VOLUME 49, LAWS OF DELAWARE AND BY CHAPTER 218, VOLUME 51, LAWS OF DELAWARE, TO ESTABLISH QUALIFICATIONS OF CANDIDATES FOR ELECTION TO THE BOARD OF PUBLIC WORKS; TO ESTABLISH QUALIFICATIONS OF VOTERS AT THE ELECTION OF MEMBERS TO THE BOARD OF PUBLIC WORKS; TO ESTABLISH A RESERVE FUND TO BE HELD IN TRUST FOR THE EXPANSION, REPLACEMENT, REBUILDING OR IMPROVEMENT OF THE ELECTRIC LIGHT PLANT AND ELECTRIC TRANSMISSION LINES, THE WATER WORKS AND THE SEWER SYSTEM.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 1, Chapter 196, Volume 22, Laws of Delaware, as amended, is amended by striking out all of the following language:

No person shall be elected or act as a member of the said Board of Public Works who is not a substantial freeholder of the town.

Section 2. Section 1, Chapter 274, Volume 49, Laws of Delaware, be and the same is hereby repealed.

Section 3. Section 1, Chapter 196, Volume 22, Laws of



Delaware, as amended, is hereby further amended by adding at the end thereof, the following language:

The qualifications of a member for the Board of Public Works shall be as follows:

(1) A bona fide citizen of the United States and of the State of Delaware and a resident substantial freeholder of the Town of Lewes or a resident substantial leaseholder on the public land under the jurisdiction of the Commissioners of Lewes for at least one (1) year next preceding the date of the annual election for members of the Board of Public Works; and

(2) At least twenty-one (21) years of age on the date of the annual election for members of the Board of Public Works; and

(3) A non-delinquent taxpayer of all capitation taxes, property taxes, taxes on improvements located on public land under the jurisdiction of Commissioners of Lewes, rental due under a lease from the State of Delaware or from the Commissioners of Lewes, sewer services charges, front foot assessments, and water service charges due to the Town of Lewes or to the Board of Public Works for at least one (1) year next preceding the date of the annual election for members of the Board of Public Works.

Section 4. For the purposes of determining whether a member of the Board of Public Works is a resident substantial freeholder or a resident substantial leaseholder, the following definitions shall be applicable:

(1) A resident substantial freeholder shall mean any person who holds either fee simple title or title as a tenant by the entirety of real property within the corporate limits of the Town of Lewes of an assessed valuation as shown by the books of the Commissioners of Lewes of at least One Thousand Dollars (\$1,000.00) and said title is of record in the Office of the Recorder of Deeds, in and for Sussex County and who is a qualified voter of the 35th Representative District residing

within the corporate limits of the Town of Lewes or on public lands under the jurisdiction of the Commissioners of Lewes, located northeast of the Lewes and Rehoboth Canal and between Broadkiln River on the north and Gills Neck Road Extended on the South.

(2) A resident substantial leaseholder shall mean any person who holds public land under a valid lease from the State of Delaware or from the Commissioners of Lewes and who has erected on said land an improvement which has an assessed valuation as shown by the books of the Commissioners of Lewes of at least One Thousand Dollars (\$1,000.00) and who is a qualified voter of the 35th Representative District residing within the corporate limits of the Town of Lewes or on public land under the jurisdiction of the Commissioners of Lewes, located northeast of the Lewes and Rehoboth Canal and between Broadkiln River on the north and Gills Neck Road Extended on the South.

Section 5. Section 1, Chapter 218, Volume 51, Laws of Delaware, is hereby amended by striking out all of said section and substituting in lieu thereof the following:

(1) At the annual election for members of the Board of Public Works, every person who is, on the date when the list hereinafter provided for is compiled and who is on the date of the annual election, a resident freeholder of the Town of Lewes or who is a resident leaseholder on public land under a valid lease from the State of Delaware or from the Commissioners of Lewes of the age of twenty-one (21) years or upwards and who is a non-delinquent taxpayer of all capitation taxes, property taxes, taxes on improvements located on public lands under the jurisdiction of the Commissioners of Lewes, rental due under a lease from the State of Delaware or from the Commissioners of Lewes, sewer service charges, front foot-age assessments, and water service charges assessed to him for at least thirty (30) days prior to the date of said annual election or who shall have become a resident of the Town of Lewes, including the public land under the jurisdiction of the Commissioners of Lewes, since the last previous election for members of the Board of Public works and who shall have been

a resident of said Town for a period of six (6) months prior to the date of said annual election for members of the Board of Public Works or who shall have attained the age of twenty-one (21) years since the last annual election for members of the Board of Public Works and who will be twenty-one (21) years of age on the date of the instant annual election for members of the Board of Public Works shall be entitled to cast one (1) vote.

(2) Every person who is, on the date when the list hereinafter provided for is compiled and who is on the date of the annual election, a freeholder of the Town of Lewes or a leaseholder on public land under a valid lease from the State of Delaware or from the Commissioners of Lewes, whether a resident or a non-resident, and who for a period of thirty (30) days next preceding the date of the said annual election is a non-delinquent taxpayer of all capitation taxes, property taxes, taxes on improvements erected on public land under the jurisdiction of the Commissioners of Lewes, rental due to the Commissioners of Lewes under a valid lease from said Commissioners or from the State of Delaware, all sewer service charges, front foot assessments, and water service charges, together with all penalties and interest thereon, shall be entitled to one (1) vote for every dollar and fractional part of a dollar of property tax paid upon his or her freehold, or, in the case of leaseholders holding land under a valid lease from the State of Delaware or from the Commissioners of Lewes, one (1) vote for each dollar or fractional part of a dollar of tax paid upon improvements erected on public land under the jurisdiction of the Commissioners of Lewes and for rental paid to the Commissioners of Lewes pursuant to a valid lease existing with the State of Delaware or the Commissioners of Lewes.

(3) The General Manager of the Board of Public Works shall compile and deliver to the Treasurer of the Town of Lewes at least twenty-five (25) days prior to the date of said annual election a list of names of all persons who, thirty (30) days prior to the date of the said annual election, were not delinquent in the payment of any sewer service charge, front foot assessment or water service charge.

(4) The Treasurer of the Town of Lewes shall deliver to the President of the Board of Public Works at least twenty (20) days prior to the date of said election a list of names of persons who are entitled to vote at the said election alphabetically arranged together with the number of votes each such person is entitled to cast, dated and duly certified. This list so certified shall be evidence as to the right of any person to vote at the said election. Those freeholders whose names do not appear on the list so certified must present at the time of offering themselves to vote sufficient evidence that all their capitation taxes, property taxes, sewer service charges, front foot assessments and water service charges were paid prior to the date when the list was compiled by the Treasurer. (1) Those leaseholders whose names do not appear on the list so certified must present at the time of offering themselves to vote sufficient evidence that all their capitation taxes, taxes on improvements located on public land under the jurisdiction of the Commissioners of Lewes, rental under a valid lease from the State of Delaware or from the Commissioners of Lewes, sewer service charges, front foot assessments, water service charges were paid prior to the date when the list was compiled by the Treasurer.

(5) Those persons desiring to vote in the annual election for members of the Board of Public Works who have become residents of the Town of Lewes or on the public lands under the jurisdiction of the Commissioners of Lewes under a valid lease from the State of Delaware or from the Commissioners of Lewes, since the last previous assessment of taxes and who have resided in said Town of Lewes or on the public lands under the jurisdiction of the Commissioners of Lewes under a valid lease for at least six (6) months next preceding the date of the said election and those persons who shall be residents of the Town of Lewes or on the public land under the jurisdiction of the Commissioners of Lewes under a valid lease and who shall have attained the age of twenty-one (21) years since the last annual election for members of the Board of Public Works and desire to vote in the said election and to whom no capitation tax, property tax, tax on improvements located on public lands under the jurisdiction of the Commissioners of Lewes, rental under a valid lease from the Commis-

sioners of Lewes, sewer service charge, front foot assessment, or water service charge has been assessed shall register at the Town Hall with the Treasurer of the Town of Lewes at least thirty (30) days prior to the date of said election. The Town Treasurer, at least twenty (20) days prior to the date of said election, shall deliver a list of names of all persons who so registered alphabetically arranged, date and duly certified. These lists so certified shall be evidence as to the right of any person so classified to vote at said Election. Any person not so registered shall not be permitted to vote.

(6) All persons desiring to vote in the said annual election for members of the Board of Public Works who have become freeholders of the Town of Lewes or of public lands under the jurisdiction of the Commissioners of Lewes or leaseholders under a valid lease from the State of Delaware or the Commissioners of Lewes and who would have been such for six (6) months prior to the date of said annual election, (2) and to whom no sewer service charge, front foot assessment, or water service charge has been assessed or if so assessed was paid thirty (30) days prior to the date of said election, and who desire to cast a vote for every dollar and fractional part of a dollar of property tax paid upon his or her freehold, or, in the case of leaseholders holding land under valid lease from the State of Delaware or from the Commissioners of Lewes, one (1) vote for each dollar or fractional part of a dollar of tax paid upon improvements erected on public lands under the jurisdiction of the Commissioners of Lewes and for rental paid to the Commissioners of Lewes pursuant to a valid lease existing with the State of Delaware or the Commissioners of Lewes, whether paid by such persons or by the prior landowners or leaseholder, shall register at the Town Hall with the treasurer of the Town of Lewes at least thirty (30) days prior to the date of said election. The Town Treasurer, at least twenty (20) days prior to the date of said election, shall deliver a list of the names of all persons who so registered alphabetically arranged, dated and duly certified. These lists so certified shall be evidence as to the right of any person so classified to vote at said Election. Any person not so registered shall not be permitted to vote.

(7) All votes shall be offered in person.

Section 6. Section 5, Chapter 196, Volume 22, Laws of Delaware, as amended, is hereby further amended by adding at the end of such Section the following:

The Board of Public Works is hereby enjoined to set aside all funds received from the operation of the utilities in excess of the amount which is necessary to operate the utilities as a reserve fund to be held in trust for the expansion, replacement, rebuilding or improvement of either the electric light plant, electric transmission lines, water works or sewer system; PROVIDED, HOWEVER, that at no time shall the total amount of the said reserve fund exceed ten per cent (10%) of the total capital investment of the Board of Public Works in the said utilities.

Approved December 22, 1965.

## CHAPTER 282

**AN ACT TO AMEND THE FOURTH PARAGRAPH OF SECTION 5501, CHAPTER 55, TITLE 29, DELAWARE CODE, BY MAKING A CHANGE IN THE DEFINITION OF "COVERED EMPLOYMENT".**

*Be it enacted by the General Assembly of the State of Delaware:*

Amend § 5501, Title 29, Delaware Code, by changing the fourth paragraph thereof, defining "covered employment", to read as follows:

"Any other provision of this chapter notwithstanding, an employee shall be considered in covered employment (1) while the employee was a regular salaried employee of the National Reemployment Service, working in the State of Delaware, (2) while the employee was a regular salaried employee of the Federal Government, engaged in employment service functions in this State during the period from January 1, 1942 to November 15, 1946, with respect to which period of federal service the employee is not entitled to credit under the Federal Civil Service Retirement System, and after which period of federal service the employee returned to State service in the Delaware Unemployment Compensation Commission in accordance with the provisions of the Act of Congress (Public Law 549, approved July 26, 1946) known as the Labor-Federal Security Appropriation Act of 1947, and (3) while the employee receives or has received a regular salary from a State agency that is supported wholly or in part by funds granted to the State by the Federal Government. Such employee shall not be considered eligible for any pension under this chapter based upon such covered employment with respect to any period for which such federal funds are not made available for the purposes of this chapter.

Approved December 22, 1965.

## CHAPTER 283

**AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE TO PERMIT THE SALE BY FOOD CONCESSIONAIRES OF WINES AND SPIRITS AT HORSE RACE TRACK MEETINGS IN THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 512, Title 4, Delaware Code, is amended by adding a new paragraph at the end thereof to read:

A food concessionaire dispensing food at a horse race track meeting may apply for a license to purchase spirits and wine from the commission, or through the commission as provided in section 702 of this title, from a manufacturer or from an importer, and to receive, keep and sell such spirits and wine to patrons in dining rooms, or at counters for consumption on the premises as authorized by the commission, subject, however, to such rules and regulations as may be promulgated by the Delaware Alcoholic Beverage Control Commission.

Section 2. Section 543, subsection (d), title 4, Delaware Code, is amended by deleting therefrom the words "race track meeting".

Section 3. Section 555, title 4, Delaware Code, is amended by adding thereto a new subsection to read:

"(aa) For a license to sell wine and spirits at a horse track meeting the fee shall be \$250."

Section 4. Section 712, title 4, Delaware Code, is amended as follows: By deleting the word "beer" from said section and substituting in lieu thereof the words "alcoholic liquors".

Approved December 22, 1965.



## CHAPTER 284

**AN ACT TO AMEND SUBCHAPTER VII, TITLE 16, DELAWARE CODE, ENTITLED OPTOMETRIC CLINICS, BY PROVIDING COMPENSATION FOR OPTOMETRIC SERVICES RENDERED IN PUBLIC HEALTH CLINICS AND PROVIDING FOR AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That Section 182, Title 16, of the Delaware Code, is amended by striking out "without compensation" in line 5 and inserting in lieu thereof "and receive such compensation for services rendered as shall be determined by the Board."

Section 2. The sum of Three Thousand Dollars (\$3,000) is hereby appropriated to the State Board of Health for the purpose of effectuating the provisions of this amendment.

Section 3. This Act is a Supplementary Appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from monies not otherwise appropriated.

Approved December 22, 1965.

## CHAPTER 285

**AN ACT TO AMEND SECTION 2804, TITLE 10, DELAWARE CODE, RELATING TO CONSTABLES FOR JUSTICES OF THE PEACE BY INCREASING THEIR SALARY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 2804, Title 10, Delaware Code, is amended by striking the figure "\$4,000" and inserting in lieu thereof the figure "\$5,000".

Approved December 22, 1965.

CHAPTER 286

**AN ACT TO AMEND CHAPTER 109, VOLUME 55, LAWS OF  
DELAWARE, ENTITLED "AN ACT TO IMPOSE A REAL-  
TY TRANSFER TAX".**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 5406 (b), Title 30, Delaware Code, is amended by adding at the end thereof the following:

The commissions allowed to a Recorder of Deeds shall be turned over to the County Treasurer in which the tax is collected, for the use of the County.

Approved December 23, 1965.

## CHAPTER 287

**AN ACT TO AMEND ARTICLE VI, SECTION 602, OF THE  
CHARTER OF THE CITY OF NEWARK AS ADOPTED  
PURSUANT TO CHAPTER 260, VOLUME 53, LAWS OF  
DELAWARE, BY STRIKING THAT LIMITATION UPON  
COMMITMENT UPON DEFAULT OF PAYMENT OF  
FINE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Article VI, Section 602, is amended by striking from the seventh sentence thereof the words "and shall not commit to prison for a longer term than 30 days in default of the payment of a fine imposed by him."

Approved December 27, 1965.

## CHAPTER 288

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE", THE SAME BEING CHAPTER 649, VOLUME 18, LAWS OF DELAWARE, AS AMENDED, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED EACH YEAR BY TAXATION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Chapter 649, Volume 18, Laws of Delaware, as amended, is hereby further amended by striking the first sentence of Section 23 and inserting in lieu thereof the following:

Section 23. The Council of said town, shall have the right to raise by taxation such sums of money as it shall deem necessary, which shall in no single year exceed Ten Thousand Dollars (\$10,000.00).

Approved December 27, 1965.

## CHAPTER 289

**AN ACT TO AMEND SECTION 404, ARTICLE IV, OF THE CHARTER OF THE CITY OF NEWARK, AS ADOPTED PURSUANT TO CHAPTER 260, VOLUME 53, LAWS OF DELAWARE, BY AUTHORIZING THE TAXATION OF TELEPHONE, TELEGRAPH AND POWER POLES AND PRIVATE UTILITY INSTALLATIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 404 of Article IV, of the Charter of the City of Newark is amended by adding thereto a new paragraph as follows:

The Council shall have the right to levy and collect taxes upon all gas mains, water lines and telephone, telegraph, power poles or other erections of like character erected within the limits of the City of Newark, together with the wires, cables and appliances thereto or thereon attached, as well as such wires, cables and appliances which may be installed underground, and to this end may, at any time, direct the same to be included in or added to the City assessment. In case the owner or lessee of such poles or erections and such wires, cables and appliances shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected as in the case of other taxes.

Approved December 27, 1965.

## CHAPTER 290

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$122,707,827.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1966", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$10,200.00 FOR THE PROPOSED AMENDMENTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the following items as indicated under the heading "State Department of Labor and Industrial Relations":

(a) Opposite the words "Wages and Salaries of Employees", change the amount from \$23,400.00 to \$30,900.00;

(b) Opposite the words "Contractual Services", change the amount from \$12,770.00 to \$14,770.00;

(c) Opposite the words "Supplies and Materials", change the amount from \$2,400.00 to \$2,600.00; and changing the totals accordingly.

Section 2. This Act is a supplementary appropriation and shall be paid by the State Treasurer from funds in the General Fund of the State not otherwise appropriated.

Approved December 27, 1965.

## CHAPTER 291

**AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO LICENSES AND TAXES UPON THE SALE OF ALCOHOLIC LIQUORS BY PROHIBITING THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION FROM REQUIRING IMPROVEMENTS PRIOR TO THE GRANT OF THE LICENSE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 5, Title 4, Delaware Code, is amended by adding a new section to read as follows:

**§ 545. Improvements to premises**

The Commission may not require an applicant to make improvements as to the condition of the premises to be used for the sale of alcoholic liquors before the issuance of a license. However, the Commission may issue a license to sell alcoholic liquor in a store upon the condition that certain improvements are made to the premises.

Approved December 27, 1965.



## CHAPTER 292

**AN ACT TO AMEND CHAPTER 45, TITLE 31, OF THE DELAWARE CODE, TITLED AS THE SLUM CLEARANCE AND REDEVELOPMENT AUTHORITY LAW, BY REDEFINING BLIGHTED AREA AND DEFINING CERTAIN OTHER TERMS AS USED IN CONNECTION WITH URBAN RENEWAL, TO MAKE THE DETERMINATION OF BLIGHTED AREAS BY GOVERNING BODIES A BASIS FOR ACQUIRING LAND AND IMPROVEMENTS THEREON FOR A PUBLIC PURPOSE; TO ENABLE THE GOVERNING BODIES OF COMMUNITIES TO PROVIDE CONSERVATION AND REHABILITATION PROJECTS FOR SLUM AND BLIGHTED AREAS; TO PROVIDE FOR NEIGHBORHOOD AND COMMUNITY WIDE RENEWAL PLANS; AND TO GIVE ADDITIONAL POWERS TO THE COMMUNITY OR SUCH AGENCY AS IT BE DESIGNATED TO CARRY OUT THE PROVISIONS OF THIS ACT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That Chapter 45 of Title 31, Delaware Code, § 4501 be amended by striking out the definition of "Blighted Area" and substituting in lieu thereof the following:

"Blighted area" means that portion of a municipality or community which by reason of, or because of, any of the conditions hereinafter enumerated is (found and determined by law to be) a social or economic liability to such municipality or community:

(1) The generality of buildings used as dwellings or the dwelling accommodations therein are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics, or are so lacking in light, air, space, as to be conducive to unwholesome living;

(2) the discontinuance of the use of buildings previously used for commercial, manufacturing or industrial purposes, the abandonment of such buildings or the same being allowed

to fall into so great a state of disrepair as to be untenable;

(3) unimproved vacant land, which has remained so for a period of ten years prior to the date of the public hearing as set out in Section 4524 of this chapter, and which land by reason of its location, or remoteness from developed sections or portions of such municipality or community, or lack of means of access to such other parts thereof, topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;

(4) areas (including slum areas) with buildings or improvements which by reason of dilapidation, obsolescence, deteriorated or deteriorating structures, overcrowding, faulty arrangement or design in relation to size, adequacy, accessibility or usefulness, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, predominance or defective or inadequate street layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the municipality or community; and

(5) a growing or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein, tax or special assessment delinquency exceeding the fair value of the land, or the existence of conditions which endanger life or property by fire or other causes and other conditions, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

Section 2. That Chapter 45 of Title 31, Delaware Code, § 4501, be amended by striking out the definition of "Redevelopment project" and substituting in lieu thereof the following:

"Urban renewal project" means undertakings and activities of a municipality or community in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in

accordance with an urban renewal plan. Such undertakings and activities may include:

(1) acquisition of a slum area or a blighted area or portion thereof;

(2) clearance of any such areas by demolition or removal of existing buildings, structures, streets, utilities, parks, playgrounds or other improvements thereon;

(3) installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;

(4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the municipality or community itself) at its fair value for uses in accordance with the urban renewal plan;

(5) carrying out plans for a program of voluntary or compulsory repair, rehabilitation and conservation of buildings or other improvements in accordance with the urban renewal plan;

(6) acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures and resale of the property;

(7) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(8) acquisition of slum areas or blighted areas or portions thereof, including lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clear-

ance, development or redevelopment or to the conservation or rehabilitation of such slum or blighted area or to the prevention of the spread or recurrence of slum conditions or conditions of blight;

(9) Urban renewal project shall also be construed as including and meaning redevelopment project wherever the context of this chapter requires.

Section 3. That Chapter 45 of Title 31, Delaware Code, § 4501, be amended by striking out the definition of "Redevelopment Plan" and substituting in lieu thereof:

"Urban Renewal Plan" means a plan, as it exists from time to time, for an urban renewal project, which plan:

(1) shall conform to the general plan for the municipality or community as a whole; and

(2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, rehabilitation and conservation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities and building requirements.

(3) The term urban renewal plan shall be also construed as including and meaning redevelopment plan wherever the context of this Chapter requires.

Section 4. That Chapter 45 of Title 31, Delaware Code, § 4501, be amended by adding thereto the following:

"Conservation" means the preservation of an area or section of a community and the supervision and care of such area or section for the prevention, recurrence, or spread of slum conditions or conditions of blight.

"General neighborhood renewal plan" means a plan for an area of such size that it will encompass two or more projects that will entail renewal activities which may have to be spread

over a period of up to ten years, and for which programming of the entire area is desirable in advance of the planning and carrying out of specified projects.

"Rehabilitation" means the reconstruction, alteration or repair of improvements, structures and buildings in accordance with the requirements of the municipality or community in its codes, laws or regulations pertaining to building, fire prevention, health, housing, and zoning, and also the use of land, and the use and occupancy of buildings and improvements.

"Related activities" means (1) planning work for the preparation of a general neighborhood renewal plan, or for the preparation or completion of a community-wide plan or program pursuant to (1) § 4520 of this Chapter, as amended, and (2) the functions related to the acquisition and disposal of real property pursuant to § 4516 (9) (a) of this Chapter, as amended.

"Urban renewal area" means a slum area or a blighted area of any combination thereof which the local governing body designates as appropriate for an urban renewal project.

Section 5. That Chapter 45 of Title 31, Delaware Code, § 4518, be repealed and in lieu thereof the following be substituted:

**§ 4518. Finding of necessity by local governing body**

An authority shall not exercise the authority hereafter conferred upon municipalities or communities by this Chapter until after the local governing body shall have adopted a resolution finding that:

(1) one or more slum or blighted areas shall exist in such municipality or community, and

(2) the rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality or community.

Section 6. That Chapter 45 of Title 31, Delaware Code, § 4516, be amended by adding thereto the following:

(4) (a) Within its area of operation to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

(9) (a) With the approval of the local government body, (1) prior to approval of an urban renewal plan, or by approval of any modification of the plan, to acquire real property in an urban renewal area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses; and (2) to assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection in the event that the real property is not made part of the urban renewal project;

(9) (b) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this chapter, as amended, and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but are not limited to: (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (3) appraisals, title searches, surveys, studies and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to develop, test, and report methods and techniques, and carry out demonstrations and activities, for the prevention and the elimination of slums and urban blight, and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(9) (c) To engage in rehabilitation and conservation activities as defined in Section 4501 of this chapter as amended.

Section 7. That Chapter 45 of Title 31, Delaware Code, § 4502, be amended by adding thereto the following declaration:

It is hereby found and declared that (a) there exists in communities of the State blighted and deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the State, and the findings and declarations heretofore made in Chapter 45, Title 31, Delaware Code, § 4502, are hereby affirmed and restated (b) certain blighted, deteriorated, or deteriorating areas, or portions thereof, may require acquisition and clearance, as provided in the act to which this act is supplement, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in this chapter susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and to the extent feasible salvable blighted, deteriorated, or deteriorating areas should be conserved and rehabilitated through voluntary action and the regulatory process, and (c) all powers conferred by this chapter as amended, are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for the provisions of this chapter is hereby declared as a matter of legislative determination. A municipality or community to the greatest extent it determines to be feasible in carrying out the provisions of this act and the act to which his act is a supplement shall afford maximum opportunity, consistent with the sound needs of the municipality or community as a whole, to the conservation or rehabilitation or redevelopment of areas by private enterprise.

Section 8. That Chapter 45 of Title 31, Delaware Code, § 4525, be repealed and in lieu thereof the following be substituted:

Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality or community as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality or community as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; provided, that if the urban renewal area consists of an area of open land to be acquired by the municipality or community, such areas shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality or community; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality or community, or (2) if it is to be developed for a non-residential uses, the local governing body shall determine that such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this chapter, because of defective or unusual conditions of title, diversity or ownership, tax delinquency, improper subdivisions out moded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correla-



tion of the area with other areas of a municipality or community, by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

Section 9. That Chapter 45, Title 31, Delaware Code, § 4520, be amended by adding thereto the following:

(a) The Authority or any public body authorized to perform planning work may prepare a general neighborhood renewal plan for urban renewal areas which may be of such scope that urban renewal activities may have to be carried out in stages over an estimated period of up to 10 years. Such plan may include, but is not limited to, a preliminary plan which (1) outlines the urban renewal activities proposed for the area involved, (2) provides a framework for the preparation of urban renewal plans, and (3) indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment. A general neighborhood renewal plan shall, in the determination of the local governing body, conform to the general plan of the locality as a whole and the workable program of the municipality.

(b) The Authority or any public body authorized to perform planning work may prepare or complete a community-wide plan or program for urban renewal which shall conform to the general plan for the development of the municipality or community as a whole and may include, but is not limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated and scheduling of urban renewal activities.

Approved December 27, 1965.

## CHAPTER 293

**AN ACT TO AMEND CHAPTER 5, TITLE 22, DELAWARE CODE, RELATING TO PARKING AUTHORITIES BY CONFERRING UPON SUCH AUTHORITIES THE POWER TO LEASE THE RIGHT TO OCCUPY AND USE THE SPACE ABOVE ANY PARKING FACILITY FOR COMMERCIAL USES OTHER THAN PARKING AND BY CONFERRING UPON SUCH AUTHORITIES THE POWER TO CONTRACT WITH MUNICIPALITIES FOR USE OF SPACE ABOVE MUNICIPAL STREETS AND BY CONFERRING UPON SUCH AUTHORITIES LIMITED POWER TO TAKE BY EMINENT DOMAIN PROCEEDINGS PROPERTY ALREADY BEING USED FOR PARKING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 504 (a), Title 22, Delaware Code, as heretofore amended, is further amended by repealing the second paragraph thereof and substituting in lieu of such paragraph, a new paragraph as follows:

The Authority shall not have the power to directly engage in the sale of gasoline, the sale of automobile accessories, automobile repair and service or any other garage service, other than the parking of vehicles, and the Authority shall not directly engage in the sale of any commodity of trade or commerce; provided, however, that the Authority shall have the power to lease space in any of its facilities for use by the lessee for the sale of gasoline, the sale of automobile accessories, automobile repair and service or any other garage service and to lease portions of any of its garage buildings or structures for commercial use by the lessee, where, in the opinion of the Authority, such leasing is necessary and feasible for the financing and operation of such facilities; and, provided further, where, in the opinion of the Authority, the space above any parking facility is not needed for parking, the Authority may lease the right to occupy and use the space above any parking facility for commercial uses other than parking, together with the right to use and occupy such space within the parking facility as may

be necessary for the purposes of access to and support of structures occupying the space above such parking facility. Any such lease shall be granted by the Authority to the highest and best bidder, upon terms specified by the Authority, after due public notice has been given, asking for competitive bids; provided, however, that if after such public notice no bid is received and/or the Authority rejects any bid or bids received, thereafter the Authority may negotiate any such lease or leases without further public notice but on a basis more favorable than that contained in any bid or bids rejected, if any. The phrase "due public notice," as used in this section, shall mean a notice published at least 10 days before the award of any such lease in a newspaper of general circulation published in a municipality where the Authority has its principal office, and if no newspaper is published therein, then by publication in a newspaper of general circulation in the County where the Authority has its principal office. The Authority may reject any or all bids if, in the opinion of the Authority, any such lease granted as a result of any such bid or bids would not be adequate or feasible for the financing and operation of such facilities.

Section 2. Section 504, Title 22, Delaware Code, as heretofore amended is further amended by adding thereto a new subsection entitled Section 504 (b) (17) as follows:

(17) To make contracts with municipalities concerning the use of the space above municipal streets, and sidewalks.

Section 3. Section 508, Title 22, Delaware Code, as heretofore amended is further amended by repealing the first paragraph thereof and substituting in lieu of such paragraph a new first paragraph as follows:

The Authority may acquire by purchase or eminent domain proceedings either the fee or such rights, title, interest or easement in such lands as the Authority deems necessary for any of the purposes mentioned in this chapter. The following shall not be taken under the right of eminent domain: property devoted to a public use; property of a public service company; property used for burial purposes; place of public worship; or property used as a facility or facilities for the parking

of motor vehicles, unless the total square footage to be utilized for the parking of motor vehicles in the total proposed project which the eminent domain proceedings concern (including square footage that may be provided on levels other than the ground level) shall be at least twice the total square footage being utilized at the time of taking for the parking of motor vehicles in the facility or facilities so taken. The right of eminent domain shall be exercised by the Authority in the manner provided by Chapter 61 of Title 10.

Approved December 27, 1965.

## CHAPTER 294

**AN ACT TO AMEND CHAPTER 232, VOLUME 52, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE AND EMPOWER THE WILMINGTON PARKING AUTHORITY, A "PARKING AUTHORITY" CREATED BY "THE MAYOR AND COUNCIL OF WILMINGTON" PURSUANT TO THE PROVISIONS OF CHAPTER 369, VOLUME 48, LAWS OF DELAWARE, TO SURRENDER AND TRANSFER, GRANT AND CONVEY UNTO "THE MAYOR AND COUNCIL OF WILMINGTON", A MUNICIPAL CORPORATION, ALL OF ITS RIGHT, TITLE, AND INTEREST IN AND TO CERTAIN OF THE REAL PROPERTY SITUATE BETWEEN AND BOUNDED BY SEVENTH STREET, EIGHTH STREET, FRENCH STREET AND WALNUT STREET IN THE CITY OF WILMINGTON, COUNTY OF NEW CASTLE AND STATE OF DELAWARE".**

WHEREAS, The One Hundred and Twentieth Session of the General Assembly of The State of Delaware, by Chapter 232, Volume 52, Laws of Delaware, authorized and directed the Wilmington Parking Authority, a body corporate and politic organized and incorporated by an ordinance of the "The Council" of "The Mayor and Council of Wilmington" passed July 19, A. D. 1951 pursuant to the provisions of Chapter 369, Volume 48, Laws of Delaware, to surrender and transfer, grant and convey, all of its rights, title, interest in and to the lands situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware to "The Mayor and Council of Wilmington", a municipal corporation of the State of Delaware, for use by "The Mayor and Council of Wilmington" for the construction of a municipal facility to house a public market and to serve such other municipal purposes as were authorized by "The Mayor and Council" including the leasing to said parking authority of so much of the building to be constructed on said site as may be found unnecessary by "The Council" by resolution for the public market or for other municipal purposes; and

WHEREAS, The City of Wilmington acting by and through the Wilmington Housing Authority, which is the duly authorized Urban Renewal and Redevelopment Agency of the City of Wilmington, has approved the "Civic Center Urban Renewal Plan (Redevelopment Plan)" for downtown Wilmington and said plan has received approval of the Federal Urban Renewal Administration and said project is presently in execution; and

WHEREAS, Civic Center Urban Renewal Plan (Redevelopment Plan) designates the land situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington for use as public parking as part of the Civic Center Urban Renewal Project;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 2 of Chapter 232, Volume 52, Laws of Delaware, is hereby amended by repealing said Section and by enacting in lieu thereof a new Section 2 to read as follows:

Section 2. The City of Wilmington, a municipal corporation of the State of Delaware, is hereby authorized to use the lands situated between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware for any Lawful Municipal purpose including the conveyance or leasing of said lands to the Wilmington Parking Authority for such uses as said parking authority may enjoy and exercise pursuant to the powers, privileges, and authorities set forth in the "Parking Authority Laws", Chapter 369, Volume 48, Laws of Delaware, as amended.

Approved December 27, 1965.

## CHAPTER 295

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE V,  
SECTION 2, OF THE CONSTITUTION OF THE STATE  
OF DELAWARE RELATING TO ELECTIONS BY A-  
MENDING THE RESIDENCE REQUIREMENTS TO AL-  
LOW CERTAIN VOTERS RECENTLY MOVING INTO  
OR WITHIN THE STATE OR ELECTION DISTRICTS TO  
VOTE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Article 5, of the Constitution of the State of Delaware, is amended by adding thereto a new section which shall be known as Section 2A and shall read as follows:

Section 2A. The General Assembly shall extend to any elector in the state who shall have changed his residence from one county, hundred, or election district to another, but who has not resided therein for a sufficient time so as to be eligible to vote in the county, hundred or election district to which he has removed, the right to vote for the choice of electors for President and Vice-President of the United States, but for no other offices, provided such citizens would have been eligible to vote within this state had he not moved, and provided that he is not entitled to vote for the choice of electors for President or Vice-President of the United States in any other place and provided further that such citizen would be an otherwise qualified voter under this Constitution except that he has not resided in his county, hundred or election district for a sufficient length of time.

Section 2. Article 5, of the Constitution of the State of Delaware, is amended by adding a new section thereto which shall be known as Section 2B and shall read as follows:

Section 2B. The General Assembly shall extend to a citizen of the United States who has resided in this State for at least 3 months next preceding an election but who does not

meet the residence requirements established in Article V, Section 2 of this Constitution, the right to vote for the choice of electors for President and Vice-President of the United States, but for no other offices, provided such citizen was either a qualified voter in another state immediately prior to his removal to this State, or would have been eligible to vote in such other state had he remained there until such election, and provided that he is not entitled to vote for the choice of electors for President or Vice-President of the United States in any other state and provided further that such citizen would be an otherwise qualified voter under this Constitution except that he had not resided in this State for one year.



## CHAPTER 296

**AN ACT TO AMEND SUBCHAPTER VI, CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO CANCELLATION OR SUSPENSION OF LICENSES GRANTED BY THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 561 (b), Title 4, Delaware Code, is amended by striking the words "it has reasonable ground to believe that" where they appear in the second line thereof.

Section 2. § 562, Title 4, is stricken and a new § 562 is inserted in lieu thereof to read as follows:

**§ 562. Public hearing and right of appeal**

(a) No license shall be cancelled or suspended (1) until the licensee has been given a public hearing by the Commission at which time the licensee shall be entitled to legal representation and to present witnesses and (2) unless the ground therefor shall be established by clear and convincing evidence. A full and complete record shall be kept of all proceedings incident to such hearing. All testimony shall be recorded but need not be transcribed unless an order of the Commission shall be appealed to the Superior Court as set forth in Subsection (c) hereof.

(b) Any order of the Commission relative to suspension or cancellation of a license shall become final 10 days after the licensee receives notice thereof, unless an appeal is timely made.

(c) Within 10 days after receipt of notice of an order of suspension or cancellation of a license by the Commission, the licensee affected thereby may secure judicial review thereof by commencing an action in the Superior Court in the County in which the licensee's place of business is located. No bond shall be required for entering such appeal.

(d) In such action, a petition, which need not be verified, but which shall state the grounds upon which a review is sought, shall be served upon the Commission. Service upon the Executive Secretary or in his absence, upon his temporary successor, shall be deemed completed service. With its answer, the Commission shall certify and file with the Court all documents and papers and a transcript of all testimony taken in the matter, together with the Commission's findings therein.

(e) An appeal without bond may be taken from the decision of the Superior Court to the Supreme Court of this State in the same manner as is provided in civil cases. Upon the final determination of judicial proceedings, the Commission shall enter an order in accordance with such determination or shall take such further or other action as the Court may order. A petition for judicial review shall act as a supersedeas.

Approved February 18, 1966.

## CHAPTER 297

**AN ACT TO AMEND CHAPTERS 93, 95 AND 96, TITLE 10,  
DELAWARE CODE, BY INCREASING THE JURISDIC-  
TION OF THE JUSTICES OF THE PEACE IN CIVIL  
MATTERS TO \$1,000.00.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 9301, Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00", wherever the same appears therein, and by inserting in lieu thereof the figure "\$1,000.00."

Section 2. § 9303 (a), Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00" and by inserting in lieu thereof the figure "\$1,000.00."

Section 3. § 9303 (b), Title 10, Delaware Code, is amended by striking therefrom the figure "\$100.00" and by inserting in lieu thereof the figure "\$1,000.00."

Section 4. § 9304, Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00" and by inserting in lieu thereof the figure "\$1,000.00."

Section 5. § 9540, Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00", wherever the same shall appear, and by inserting in lieu thereof the figure "\$1,000.00."

Section 6. § 9547, Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00", wherever the same shall appear, and by inserting in lieu thereof the figure "\$1,000.00."

Section 7. § 9580, Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00" in subsection (b) and by inserting in lieu thereof the figure "\$1,000.00."

Section 8. § 9590, Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00" and by inserting in lieu thereof the figure "\$1,000.00."

Section 9. § 9616, Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00" in subsection (a) and by inserting in lieu thereof the figure "\$1,000.00."

Section 10. § 9657 (c), Title 10, Delaware Code, is amended by striking therefrom the figure "\$500.00" and by inserting in lieu thereof the figure "\$1,000.00."

Approved February 18, 1966.

## CHAPTER 298

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND FOR IMPROVEMENTS TO THE PUBLIC SCHOOL SYSTEM OF THE STATE AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE STATE BOARD OF EDUCATION.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The State Board of Education may pay the cost of non-ordinary and non-recurring repairs to the public school buildings of the state. The State Board shall establish criteria for the types of repairs which it will approve under this Act, provided that the State Board shall pay only for the actual expenses of repairs of a capital nature, including but not limited to the rebuilding or major repair of roofs, floors, windows, sash and frames, doors and door frames, heating systems, electrical, plumbing and water systems. The State Board shall not pay for ordinary or minor repairs such as repainting, replacing of broken glass, refinishing floors, or for other repairs of a temporary duration.

Section 2. Before any repairs authorized under the provisions of this Act are undertaken, the local school district desiring the repairs shall send a request for such repairs to the State Board of Education. The request shall itemize the repairs needed and show the estimated cost of each item. The State Board, using the criteria established pursuant to Section 1 of this Act, shall decide as to the right of payment for any repairs, and the decision of the State Board shall be final.

Section 3. The State Board shall establish such rules and regulations as are necessary to carry out the purpose of this Act.

Section 4. In order to carry out the provisions of this Act, there is hereby appropriated to the State Board of Educa-

tion the sum of \$990,000.00 or so much thereof as may be necessary to be expended by the State Board for the purposes set forth in Section 1 of this Act, and an additional sum of \$10,000.00 which shall be used by the State Board of Education to pay the administration costs under this Act.

Section 5. The State Board of Education shall, if and when the criteria established in this Act are met, pay for the school building repairs and improvements authorized in this Act, except that the amount of work done in any local school district shall not exceed the amount shown opposite the name of the school district in the following table:

NAME OF DISTRICT	MAXIMUM AMOUNT
Wilmington	\$199,213
Claymont	26,150
Alexis I. duPont	26,550
Mount Pleasant	41,720
Newark	17,220
New Castle	45,650
Smyrna	24,000
Dover	40,650
Caesar Rodney	27,480
Harrington	4,150
Milford	30,450
Georgetown	17,000
Seaford	33,450
Laurel	21,050
Lewes	20,760
Rehoboth	6,600
Arden	1,600
Gunning Bedford	12,250
Henry C. Conrad	28,300
John Dickinson	4,700
Alfred I. duPont	56,000
Marshallton	25,950
Middletown 60	5,700
Newport 21	14,450
Oak Grove	17,284
Odessa	1,320
Richardson Park	11,000

De La Warr	20,552
Stanton	29,000
Townsend	4,000
Middletown 120	3,875
Felton	7,490
Frederica	900
Hartly	6,300
Houston	2,000
Kenton	4,500
Magnolia	1,495
William Henry	6,800
Blades	1,300
Bridgeville 90	17,900
John M. Clayton	13,470
Delmar	53,361
Ellendale 125	2,400
Greenwood	10,006
Lincoln	2,050
Lord Baltimore	6,800
Millsboro 23	9,350
Milton	10,250
Selbyville 32	5,550
Frankford 206	1,085
William C. Jason	2,032
Millsboro 204	2,800
Selbyville 210	1,600
Sussex County Vocational	430
1-2-3 Teacher Schools	2,057
<b>TOTAL</b>	<b>\$990,000</b>

Section 6. Any of the funds appropriated herein remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act. Any sums unexpended by June 30, 1967, shall be deposited to a special account to be applied against future school construction bond requirement.

Section 7. The said sum of One Million Dollars (\$1,000,000) shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State

of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable.

For purposes of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "School-Capital Improvement Bonds of 1966".

Section 8. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 9. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved February 18, 1966.



## CHAPTER 299

**AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE,  
RELATING TO THE CONCURRENT RECEIPT OF DIFFERENT CATEGORIES OF PUBLIC ASSISTANCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 505, Title 31, Delaware Code, is amended by substituting a comma for the period after the words "needy blind" and adding the following:

if the payment of such assistance would be inconsistent with any requirement for Federal aid with respect thereto as set forth in rules and regulations of the Department and the Delaware Commission for the Blind.

Section 2. Section 504 (5), Title 31, Delaware Code, is amended by deleting therefrom the following:

who are not recipients of Old Age Assistance

Section 3. Section 2303, Title 31, Delaware Code, is amended by deleting paragraph (5) thereof, by striking out the number "(6)" as it appears therein and substituting in lieu thereof the number "(5)", and by striking out the number "(7)" as it appears therein and substituting in lieu thereof the number "(6)".

Approved February 23, 1966.

## CHAPTER 300

**AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 904 (f), Chapter 9, Title 4, Delaware Code, is amended by striking the words "within any private home" and inserting in lieu thereof the words "by members of the same family within the private home of any of said members".

Approved February 23, 1966.

## CHAPTER 301

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, BY ADDING SECTION 760 SO AS TO DEFINE THE CRIME OF MALICIOUS OBSTRUCTION OF EMERGENCY TELEPHONE CALLS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding the following section:

**Section 760. Malicious obstruction of emergency telephone calls; jurisdiction**

(a) Any person who willfully refuses to immediately relinquish a party line when informed that the line is needed for an emergency call to a fire department or police department or for medical aid or ambulance service, or any person who secures the use of a party line by falsely stating that the line is needed for an emergency call, is guilty of the offense of malicious obstruction of emergency telephone calls, and upon conviction thereof shall, for the first offense, be sentenced to pay a fine not exceeding fifty dollars (\$50), and for the second, or any subsequent offense, be sentenced to pay a fine not exceeding three hundred dollars (\$300), or to undergo imprisonment not exceeding 30 days, or both.

(b) "Party line," as used in this section, means a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. "Emergency," as used in this section, means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

(c) Justices of the Peace shall have jurisdiction of offenses under this section.

Approved February 23, 1966.

## CHAPTER 302

**AN ACT TO AMEND SECTION 758, CHAPTER 3, TITLE 11, DELAWARE CODE, RELATING TO DISTURBING PRIVACY BY USE OF TELEPHONE FACILITIES OR EQUIPMENT.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 758, Chapter 3, Title 11, Delaware Code, is amended to read as follows:

**Section 758. Disturbing privacy by use of telephone facilities or equipment; jurisdiction**

(a) Whoever makes use of telephone facilities or equipment and therein communicates language, suggestions or proposals which are obscene, profane, vulgar, lewd, lascivious, or indecent in a manner reasonably to be expected to annoy, abuse, torment, or embarrass another, or whoever anonymously telephones another person repeatedly for the purpose of annoying, molesting or harassing such other person or his or her family, shall be fined not more than \$200 or imprisoned for not more than one year, or both.

(b) Justices of the peace shall have jurisdiction of offenses under this section.

Approved February 23, 1966.

CHAPTER 303

**AN ACT TO AMEND CHAPTER 5, TITLE 28, DELAWARE CODE, RELATING TO HARNESS RACING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 530, Chapter 5, Title 28, Delaware Code, is amended by striking the period at the end of the first sentence of subsection (a) and inserting in lieu thereof the following:

and excepting admissions of spouses of jockeys, owners and trainers of horses participating in the meet.

Section 2. § 530, Chapter 5, Title 28, Delaware Code, is amended by inserting after the word "licensee" and before the word "excepted" in the third line of subparagraph (b) the following:

and spouses of jockeys, owners and trainers of horses.

Approved February 23, 1966.

## CHAPTER 304

**AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 330, Chapter 3, Title 28, Delaware Code, is amended by striking the period at the end of the first sentence of subsection (a) and inserting in lieu thereof the following:

and excepting admissions of spouses of jockeys, owners and trainers of horses participating in the meet.

Section 2. § 330, Chapter 3, Title 28, Delaware Code, is amended by inserting after the word "licensee" and before the word "excepted" in the third line of subparagraph (b) the following:

and spouses of jockeys, owners and trainers of horses.

Approved February 23, 1966.

## CHAPTER 305

**AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE BLIND FOR DIRECT PAYMENTS TO THE NEEDY BLIND OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Delaware Commission for the Blind the sum of \$25,000 for the fiscal year beginning July 1, 1965, and ending June 30, 1966, to be used as direct financial aid to the needy blind of the State of Delaware. Any funds not used for this specific purpose by June 30, 1966, shall revert to the General Fund of the State of Delaware.

Section 2. This act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved February 23, 1966.

## CHAPTER 306

**AN ACT TO ESTABLISH THE INSURANCE STUDY AND REVISION COMMITTEE AND MAKING AN APPROPRIATION THERETO FOR A COMPREHENSIVE REVIEW AND STUDY OF THE INSURANCE LAW OF THE STATE FOR THE PREPARATION OF A REPORT CONTAINING RECOMMENDED REVISIONS OF SUCH LAW FOR SUBMISSION TO THE GENERAL ASSEMBLY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby established The Insurance Study and Revision Committee comprised of the Insurance Commissioner, the Chairman of the Senate Banking and Insurance Committee, the Chairman of the House Insurance and Banking Committee and four other members appointed by the Governor. No more than a majority of the members of The Insurance Study and Revision Committee shall belong to the same major political party and the remainder shall belong to the other major political party.

Section 2. There is hereby appropriated to The Insurance Study and Revision Committee the sum of \$25,000 to be used for a comprehensive review and study of the Insurance Law of the State of Delaware, and for the preparation of a report containing recommended revisions of such law for submission to the General Assembly not later than September 30, 1966.

Section 3. The Insurance Study and Revision Committee is authorized to spend the money appropriated by Section 2 of this act for consultants and assistance in such manner as will, in its discretion, most expeditiously accomplish the purposes of this act and will include a report of its expenditure of such funds to the Governor and the General Assembly in the report required by Section 2 hereof.

Section 4. This act is a supplementary appropriation act and the money hereby appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State



of Delaware not otherwise appropriated. The money hereby appropriated shall remain available to The Insurance Study and Revision Committee until the purposes of this act have been accomplished or until June 30, 1967 and any of said money remaining unexpended upon the completion of the project or on June 30, 1967, shall revert to the General Fund of the State.

Approved February 24, 1966.

## CHAPTER 307

**AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO STATE INCOME TAX DEDUCTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1118, Chapter 11, Title 30, Delaware Code, is amended by striking sub-paragraph (3) and inserting in lieu thereof a new sub-paragraph (3) to read as follows:

(3) Taxes imposed upon and accreud or paid by the taxable, including Delaware liquor and gasoline taxes, within the income year, except Delaware income tax, taxes assessed for local benefits of a kind tending to increase the value of the property assessed, Federal income taxes in excess of \$300, and Federal gift taxes.

Section 2. The provisions of this act shall become effective immediately upon approval by the Governor.

Approved February 25, 1966.

## CHAPTER 308

**AN ACT TO AMEND CHAPTER 3, TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS BY AMENDING THE LAW RELATING TO THE COMPOSITION OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 301, Title 4, Delaware Code, is amended to read:

**§ 301. Name; composition; qualifications; chairman; appointment; term; compensation; vacancy; quorum**

(a) The Delaware Alcoholic Beverage Control Commission shall consist of 5 members.

(b) The members of the Commission shall be appointed by the Governor by and with the consent of a majority of the members elected to the Senate.

(c) Four Commissioners shall be appointed for terms of 3 years each, commencing, in each case, from the date of appointment. The 4 Commissioners appointed for a term of 3 years shall reside; 1 in the City of Wilmington, 1 in the remainder of New Castle County, 1 in Kent County and 1 in Sussex County. The fifth member may reside anywhere in the State, shall serve at the pleasure of the Governor and shall be Chairman of the Commission. He may be removed at any time by the Governor and shall serve until he is removed by the Governor.

(d) No more than 3 Commissioners shall be members of same political party.

(e) Each Commissioner shall be a citizen of the United States, a qualified voter of this state and a resident of this state for at least 3 years preceding his appointment.

(f) A Commissioner shall continue to reside in the political subdivision of which he was a resident at the time of his appointment.

(g) In case of a vacancy on the Commission for any reason other than expiration of the term of office, the Governor shall fill such vacancy for the unexpired term by and with the consent of a majority of the members elected to the Senate.

(h) Each member of the Commission shall receive compensation at the rate of \$25 for each meeting of the Commission attended by him plus his travel expenses. Meetings for which compensation shall be paid to each member shall not exceed 24 in number in any one year.

(i) Three members of the Commission shall constitute a quorum. A majority of the members present at any meeting and constituting a quorum shall be sufficient for any action by the Commission.

Section 2. The original appointments of the members of the Commission authorized to be appointed by this act for a fixed term, shall be staggered so that One Commissioner shall be appointed for a term of 1 year, 1 Commissioner shall be appointed for a term of 2 years, and 2 Commissioners shall be appointed for a term of 3 years, thereafter all such Commissioners shall be appointed for a term of 3 years as provided in this act.

Section 3. The provisions of this act shall not affect the terms of the members of the Commission serving at the time this act becomes law and they shall continue to serve out the term for which they were originally appointed unless they resign or die. Upon the expiration of the term of office of any member serving at the time this act becomes law, or in the event that such member resigns or dies, his position on the Commission shall be abolished.

Section 4. The initial appointment of members to the Delaware Alcoholic Beverage Control Commission, as authorized by section 1 of this Act, shall not be limited by the existence

of holdover members of the Commission, therefore, the Governor may make the initial appointments authorized by section 1 of this act without being limited in any way by the existence of holdover members of the Commission in office at the time this Act becomes law.

Approved February 25, 1966.

## CHAPTER 309

**AN ACT TO INCREASE THE NUMBER OF SUPERIOR COURT JUDGES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend § 509, Title 10, Delaware Code, by striking out the words and figure "There shall be 2 Associate Judges of the Superior Court" where they appear in said section and inserting in lieu thereof the words and figure "There shall be 4 Associate Judges of the Superior Court".

Section 2. The sum of \$19,000 is appropriated to the Superior Court for the fiscal year ending June 30, 1966, to pay the cost of implementing this act.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved February 25, 1966.

## CHAPTER 310

**AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO INFORMATION RETURNS TO THE STATE TAX DEPARTMENT FROM THOSE MAKING CERTAIN PAYMENTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1166, Chapter 11, Title 30, Delaware Code, is hereby amended by striking out the word "interest" where it appears in the 4th line of the first paragraph thereof.

Section 2. § 1166, Chapter 11, Title 30, Delaware Code, is hereby further amended by striking out the 2nd unnumbered paragraph in its entirety and substituting the following in lieu thereof:

All corporations making payments to a Delaware taxable of dividends amounting to ten dollars (\$10.00) or more in any taxable year shall render a true and accurate return to the Tax Department under such regulations and in such form and manner and to such extent as may be prescribed by the Tax Department, setting forth the amount of any and all such payments made and the names and addresses of the recipients of such payments.

Section 3. § 1166, Chapter 11, Title 30, Delaware Code, is hereby further amended by the addition of the following new unnumbered paragraph:

All persons, fiduciaries, associations of persons, syndicates, joint ventures, copartnerships or corporations in whatever capacity acting, including lessees and mortgagors of real or personal property making payment to a Delaware taxable of interest amounting to ten dollars (\$10.00) or more in any taxable year shall render a true and accurate return to the Tax Department under such regulations and in such form and manner and to such extent as may be prescribed by the Tax Department setting forth the amount of any and all such payments made and

the names and addresses of the recipients of such payments; provided, however, that this section shall not apply to interest paid on evidences of indebtedness issued by a corporation otherwise than in registered form.

Section 4. This act shall be effective for all tax years beginning subsequent to December 31, 1965.

Approved March 9, 1966.



## CHAPTER 311

**AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE, RELATING TO THE SALE OF ALCOHOLIC LIQUOR BY PERMITTING SALES OF ALCOHOLIC LIQUORS ON SUNDAYS UNDER CERTAIN CONDITIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 717 (e), Title 4, Delaware Code, is amended by striking out the word "Sunday" and inserting in lieu thereof the following:

Sundays, except as permitted by subsection (g).

Section 2. § 717, Title 4, Delaware Code, is amended by adding thereto a new subsection to read:

(g) A holder of a special Sunday Sales license, issued pursuant to section 521A of this title, may sell alcoholic liquors on Sundays with meals only between the hours of 1 o'clock in the afternoon and 9 o'clock in the evening for consumption on the premises where served and in a room where meals are customarily served by the licensee.

Section 3. Chapter 7, Title 4, Delaware Code, is amended by adding thereto a new section to read:

**§.521A. Special license for Sunday sales; application; fees**

(a) For purpose of this section—"restaurant", "hotel" and "club" means a licensed premises where meals are served at regular hours on a daily basis, from menus and where alcoholic liquors are served merely as an accommodation to those consuming food or as a supplement to meals and not as the principal activity in the premise.

(b) Any holder of a restaurant, hotel or club license may apply for a special license to sell and serve alcoholic liquors on

Sundays with meals only between the hours of 1 o'clock in the afternoon and 9 o'clock in the evening for consumption on the premises where served and in a room where meals are customarily served by the licensee.

(c) Any holder of a license to sell alcoholic liquors in the passenger cars of a railroad may apply for a special license to sell, and serve alcoholic liquors on Sundays with meals only in the dining car or cars only, between the hours of 1 o'clock in the afternoon and 9 o'clock in the evening.

(d) If The Commission determines that any applicant for a license pursuant to this section is not primarily engaged in the sale and serving of meals in the rooms where such Sunday sales are proposed, it shall deny the application.

(e) The license fee for the special Sunday sales license shall be an additional \$200 to that license fee assessed in subsections 555 (a), (c), (d) and (e) of this title.

Approved March 28, 1966.

CHAPTER 312

**AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO WELFARE BY INCREASING THE AMOUNT OF PUBLIC AID TO CERTAIN PERSONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 503, Title 31, Delaware Code, is amended by adding thereto a new subsection to read:

(f) Public Assistance recipients engaged in program activities or work and training projects, administered by the Department of Public Welfare under Section 1115 of the Social Security Act or under various titles of the Federal Economic Opportunity Act of 1964, shall be exempted from the ceilings on amount of assistance set forth by this section for the period in which they are active in such programs and continue to be eligible for Public Assistance payments.

Approved March 28, 1966.

## CHAPTER 313

**AN ACT TO AMEND TITLE 21, CHAPTER 27, DELAWARE CODE, BY PROVIDING THAT PERSONS OPERATING MOTORCYCLES AND MOTORBIKES BE SEPARATELY LICENSED.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 21, Section 2701, Delaware Code, is hereby repealed and a new section inserted in lieu thereof to read as follows:

**§ 2701. Prohibition against driving without a license**

(a) No person, except those expressly exempted under this chapter, shall drive any motor vehicle upon a highway in this State unless such person upon application has been licensed as an operator or chauffeur by the Department under the provisions of this chapter.

(b) No person shall operate a motorcycle, motorbike or other two-wheeled motor-driven vehicle upon a highway in this State unless such person upon application has been licensed as an operator or chauffeur as required in subsection (a), and has passed to the satisfaction of the Department, an examination demonstrating his ability to safely operate a motorcycle, motorbike or other two-wheeled, motor-driven vehicle, the passage of such examination to be noted by the Department either by the issuance of a separate license or by special notation upon the operator's or chauffeur's license.

Section 2. The provisions of this Act shall become effective at the discretion of the Motor Vehicle Commissioner but not later than six months after its enactment.

Approved April 27, 1966.

## CHAPTER 314

**AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF DELAWARE FOR CERTAIN CAPITAL IMPROVEMENTS, AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY AND ISSUE BONDS AND NOTES THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. There is hereby appropriated to the University of Delaware the sum of Six Hundred Thousand Dollars (\$600,000) to be expended by the Board of Trustees of the University of Delaware for capital improvements to include the completion of the renovation to the existing Carpenter Fieldhouse and gymnasium in conjunction with the construction of the new physical education and athletic facilities.

Section 2. Any of said appropriated funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 3. The said sum of Six Hundred Thousand Dollars (\$600,000) shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, where applicable. For purposes of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Capitol Improvement Bonds of 1966".

Section 4. There is hereby appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the

said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 5. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 6. Any unexpended funds authorized by this Act remaining after the completion of the construction authorized by this Act shall be deposited in a special account and such funds shall be applied against future capital improvement bond requirements.

Section 7. The Issuing Officers may advertise for bids as provided in Chapter 74, Title 29, Delaware Code, and may issue and sell the bonds and bond anticipation notes provided for in Section 3 hereof, immediately after the effective date of this Act, and the moneys appropriated by this Act may be used prior to July 1, 1966. No construction shall be started nor any moneys shall be borrowed under the authority of this Act later than 2 years after the effective date of this Act, except such moneys as are necessary to complete construction started prior to two years after the effective date of this Act.

Approved April 28, 1966.

CHAPTER 315

**AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO NARCOTICS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4701, Title 16, Delaware Code, is amended by striking the words "Chloral-hydrate" from the definition "Narcotic Drugs" therein.

Approved April 29, 1966.

CHAPTER 316  
AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE  
CODE, RELATING TO PHARMACY.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2554, Title 24, Delaware Code, is amended to read:

**§ 2554. Hearings on applications; notice; hearing; records**

(a) Before refusing an application to conduct a pharmacy, and in other cases where deemed advisable, the Board shall hold a hearing at which time, the applicant shall be afforded an opportunity to be heard after reasonable notice.

(b) The notice shall include a statement of the time, place and nature of the hearing.

(c) Opportunity shall be afforded the applicant to respond and present evidence and argument on the issues involved.

(d) The record in the case shall include:

- (1) All pleadings, motions, intermediate rulings;
- (2) Evidence received or considered;
- (3) A statement of matters officially noticed;
- (4) Questions and offers of proof, objections, and rulings thereon;
- (5) Proposed findings and exceptions;
- (6) Any decisions, opinion, or report by the officer presiding at the hearing;
- (7) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.



(e) Oral proceedings or any part thereof shall be transcribed on request of any party.

(f) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(g) The Board shall notify the applicant in writing of its decision and reasons therefor.

Section 2. § 2527 (c), Title 24, Delaware Code, is amended by striking the word and figures "Section 2588" where they appear therein and inserting in lieu thereof the word and figures "Section 2587".

Section 3. § 2507, Title 24, Delaware Code, is amended by adding the following at the end thereof:

For issuing a permit for wholesalers of narcotics, licensed pursuant to Chapter 47, Title 16, Delaware Code, \$10.

Approved April 29, 1966.

## CHAPTER 317

**AN ACT TO APPROPRIATE MONEY TO KLINE COOK VOSHELL, A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN'S MILITARY PAY ACT NO. 11, BUT WHO DID NOT RECEIVE HIS BONUS.**

WHEREAS, Kline Cook Voshell, now of 217 French Street, Wilmington, Delaware, was a lifetime legal resident of the State of Delaware prior to his entry into the United States Army on October 16, 1950 and is a legal resident of Delaware now; and

WHEREAS, said Kline Cook Voshell served in the United States Army during the Korean Conflict from October 16, 1950 until August 1, 1951; and

WHEREAS, since his service was between June 25, 1950 and January 31, 1955, he would have been entitled to a bonus under the Veteran's Military Pay Act II as appears in Chapter 449, Volume 50, Laws of Delaware, but through oversight he failed to apply timely for such bonus; and

WHEREAS, he served 8 months in the United States Army and would, therefore, be entitled to the bonus of \$120;

**NOW, THEREFORE,**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of \$120 is appropriated to Kline Cook Voshell.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved April 29, 1966.

## CHAPTER 318

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$122,707,827.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1966", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$5,000.00 FOR THE PROPOSED AMENDMENT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by adding one new item under the heading "Contingency Fund (Administered by State Budget Commission)" to read as follows:

To pay the cost of the transportation of children attending schools in Wilmington who have to cross Third Street Bridge in going to and from school. ....\$5,000.00

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and changing the totals accordingly.

Approved April 29, 1966.

## CHAPTER 319

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF  
DELAWARE, RELATING TO LINE ITEM SALARIES.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. Section 13, Chapter 81, Volume 55, Laws of Delaware, is hereby amended by striking the period at the end of the first sentence and inserting in lieu thereof the following:

“, provided, however, that this shall not prevent such employee from receiving additional compensation from a different State Agency for services that are not a responsibility of the agency under which such employee's title is a line item.”

Approved April 29, 1966.

CHAPTER 320

**AN ACT TO AMEND § 155, TITLE 16, DELAWARE CODE,  
RELATING TO THE FINANCES OF THE EMILY P. BIS-  
SELL HOSPITAL.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. § 155, Title 16, Delaware Code, is hereby repealed and a new § 155 inserted in lieu thereof to read as follows:

**§ 155. Accounting by Board of Health**

The Board of Health, administrator of the Emily P. Bissell Hospital, shall keep or have kept, true and accurate account of all monies received for the board, for care and attention of patients by the hospital and all monies arising from any other source than the annual appropriation made to the hospital by the State. All such funds shall be considered as revenue to the State and shall be paid to the State Treasurer for deposit into the General Fund except as provided in § 6102 (a), Title 29, Delaware Code.

Approved April 29, 1966.

## CHAPTER 321

**AN ACT AMENDING CHAPTER 69, TITLE 29, DELAWARE CODE, BY REQUIRING THAT CERTAIN BUILDINGS AND FACILITIES CONSTRUCTED WITH STATE FUNDS ADHERE TO CERTAIN PRINCIPLES, STANDARDS AND SPECIFICATIONS TO MAKE THE SAME ACCESSIBLE TO AND USABLE BY THE PHYSICALLY HANDICAPPED, AND PROVIDING FOR ENFORCEMENT.**

WHEREAS, the President's Committee on Employment of the handicapped has recommended the institution of requirements in public works contracts for the construction of facilities for the convenience of handicapped persons; and

WHEREAS, several states have enacted legislation creating such standards; and

WHEREAS, the public policy of this State favors assistance to handicapped persons enabling them to participate as fully as possible in the life of our community;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 69, Title 29, Delaware Code, is amended by adding thereto a new Section 6918 to read as follows:

**§ 6918. Standards of construction; protection of physically handicapped**

Every public works contract shall require construction performed pursuant to the contract to conform to the following standards, compliance with which shall be enforced by the State Department of Labor:

(a) Walks. Public walks shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. These

walks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways, or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least 5 feet by 5 feet, if a door swings out onto the platform or toward the walk. This platform shall extend at least 1 foot beyond each side of the doorway. A walk shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least 1 foot beyond each side of the doorway.

(b) **Special Parking Areas.** At least one parking area shall be made accessible to the building by either placing it at the grade level of the building or providing ramps at curbs or steps between the parking area and the building.

(c) **Ramps for the Handicapped.** Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

(1) The ramp shall not have a slope greater than 1 foot rise in 12 feet, or 8.33 percent, or 4 degrees 50 minutes.

(2) The ramp shall have handrails on at least one side, and preferably two sides. The top of handrails shall be 32 inches above the surface of the ramp and shall extend 1 foot beyond the top and bottom of the ramp.

(3) The ramp shall be at least 32 inches wide (inside clear measurements) and have a surface that is nonslip.

(4) If a door swings out onto the platform of the ramp shall be at least 5 feet by 5 feet. This platform shall be clear of door frame.

(5) If the door does not swing onto the platform or toward the ramp, this platform shall be at least 3 feet deep and 5 feet wide. This platform shall be clear of door frame.

(6) The bottom of the ramp shall have at least a 6 foot level run.

(7) Where the ramp exceeds 30 feet in length, level platforms shall be provided at 30 foot intervals. Level platform shall also be provided at turns in the ramp. Platforms shall be at least 32 inches wide by 5 feet long.

(d) Entrances and Doors. Each building shall have at least one entrance which is accessible to individuals in wheelchairs. This entrance shall provide access to elevators either on a level plane or by ramp.

Doors shall have a clear opening of no less than 32 inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of 5 feet from the door in the direction the door swings and shall extend 1 foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the floor.

(e) Stairs. Steps in stairs shall be designed wherever practicable so as not to have abrupt (square) nosing. Stairs shall have handrails 32 inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed 7 inches.

(f) Floors. Floors shall wherever practicable have a surface that is nonslip. Floors on the same story shall be of a common level throughout or be connected by a ramp in accord with subsection (c) of this section.

(g) Rest Rooms.

(1) Toilet rooms shall be accessible to, and usable by, the physically handicapped and shall have space to allow traffic of individuals in wheelchairs.

(2) Toilet rooms shall have at least one toilet stall that:

(i) is 3 feet wide,



- (ii) is at least 4 feet 8 inches, preferably 5 feet deep,
- (iii) has a door (where doors are used) that is 32 inches wide and swings out,
- (iv) has handrails on each side, 33 inches high and parallel to the floor,  $1\frac{1}{2}$  inches in outside diameter, with  $1\frac{1}{2}$  inches clearance between rail and wall, and fastened securely at ends and center,
- (v) has a water closet with the seat 20 inches from the floor.

(3) Toilet rooms shall have lavatories with narrow aprons, which when mounted at standard height are usable by individuals in wheelchairs; or shall have lavatories mounted higher, when particular designs demand, so that they are usable by individuals in wheelchairs.

(4) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(5) Toilet rooms for men shall have an approximate number of wall-mounted urinals with the opening of the basin 19 inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room.

(6) Toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than 40 inches from the floor.

(h) Fountains. An appropriate number of water fountains or other water-dispensing means shall be accessible to, and usable by, the physically disabled.

Water fountains or coolers shall have up-front spouts and controls. Water fountains or coolers shall be hand-operated or hand-and-foot operated.

(i) Elevators. Where elevators are to be provided they shall be accessible to, and usable by, the physically disabled at all levels normally used by the general public. Elevators shall be designed to allow for traffic by wheelchairs.

(j) Controls. Switches and controls for light, heat, ventilation, windows, draperies, elevators, fire alarms, and all similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs.

(k) Hazards. Every effort shall be exercised to obviate all hazards to individuals with physical disabilities.

Section 2. This Act shall not apply to the case of buildings or facilities for which contracts for the planning and/or design have been awarded prior to July 1, 1966, although the General Assembly strongly recommends that in such cases, the standards herein prescribed be followed whenever feasible.

Approved May 4, 1966.

## CHAPTER 322

## AN ACT TO CREATE A LEGISLATIVE COUNCIL.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code, is amended by repealing Chapter 11 and inserting in lieu thereof a new Chapter 11 to read:

## CHAPTER 11. LEGISLATIVE COUNCIL

## § 1101. Creation of Legislative Council; composition

(a) There is created a Legislative Council which shall be composed of 10 members of the General Assembly as follows:

(1) From the Senate: the President Pro Tem, the Majority Leader, the Minority Leader, one member appointed by the President Pro Tem and one member appointed by the Minority Leader.

(2) From the House: the Speaker of the House, the Majority Leader, the Minority Leader, one member appointed by the Speaker and one member appointed by the Minority Leader.

(b) The Governor or his designated alternate and the Executive Director of the Legislative Reference Bureau shall be ex-officio members of the Council without vote.

## § 1102. Term of office; vacancy

(a) The members of the Council who are not appointed shall serve during their term of office in the General Assembly and until their successors are selected. The members of the Council who are appointed shall be appointed at the first annual session of every new General Assembly and shall serve during their term of office in the General Assembly and until their successors are selected.

(b) In the case of a vacancy in the office of any member of the Council who is not appointed, his successor shall serve during his term of office in the General Assembly and until his successor has been selected. In the case of a vacancy in the office of any member of the Council who is appointed, his successor shall be appointed by the member of the Council occupying at the time of the vacancy the office from which the appointment was made.

#### **§ 1103. Chairman and Vice-Chairman of the Council**

(a) The President Pro Tem shall be Chairman of the Council during odd-numbered years and Vice-Chairman during even-numbered years.

(b) The Speaker shall be Chairman of the Council during even-numbered years and Vice-Chairman during odd-numbered years.

#### **§ 1104. Duties of the Council**

The Council shall

(1) summarize and digest information on matters relating to the general welfare of the State;

(2) on its own initiative or at the direction of the General Assembly or of the Senate or House, make studies on subjects of interest and concern, and based thereon, recommend such legislation as the welfare of the State may require;

(3) recommend such codification and general revision of the Constitution and the laws of the State as may from time to time be necessary;

(4) recommend such changes in the rules and procedures of the Senate and House as may advance the consideration of legislation by the General Assembly;

(5) cooperate with and assist the work of interim committees or commissions appointed at the direction of the General Assembly or of the Senate or House;

(6) cooperate with the appropriate committees of the General Assembly or of the Senate or House to assure efficient utilization of its employees;

(7) arrange for the obtaining of the printing needs and supplies and equipment of the General Assembly, subject to the laws of the State relating to the purchasing of state supplies;

(8) employ such staff as it deems necessary to carry out the provisions of this chapter.

#### **§ 1105. Powers of the Council**

The Council shall:

(1) receive recommendations and suggestions for studies or legislation from all sources;

(2) appoint committees and subcommittees which shall include only members of the General Assembly and at least one Council member, and which shall be subject to the authority of the Council;

(3) adopt such rules and procedures as may be necessary or appropriate to carry out its duties;

(4) request information from any officer or agency of the State or of its political subdivisions bearing on subjects under consideration by the Council or by any of its committees or subcommittees.

#### **§ 1106. Director of Research; qualifications; compensation; removal**

(a) The Council shall appoint with the consent of a majority of the members elected to each House of the General Assembly a Director of Research who shall serve full time. He shall (1) be licensed to practice law before the Supreme Court of the State of Delaware, or (2) have been awarded a master of arts or master of science degree from an accredited college

or university, or (3) have been awarded a bachelor of arts or a bachelor of science degree from an accredited college or university and have had three years' experience in governmental research.

(b) The Director of Research shall receive such compensation as shall be determined by the Council, subject to the limitations contained in the annual appropriation act.

(c) The Director of Research, upon appointment, shall serve for so long as he properly performs his duties and shall not be removed except for cause and only then upon the affirmative vote of 8 members of the Council.

#### **§ 1107. Duties of the Director of Research**

(a) The Director of Research shall:

(1) organize and supervise the research division of the Council;

(2) submit and publish such reports as the Council directs;

(3) employ or engage assistants, stenographers and other persons or research agencies, subject to the approval of the Council;

(4) assist any member of the General Assembly with respect to present or prospective legislation, within the limits of his staff and budget.

(b) The Director of Research shall be the Secretary of the Council. He shall prepare the agenda for meetings pursuant to the direction of the Chairman. He shall cause to be kept the minutes of the Council and shall submit a copy thereof to the members of the General Assembly within 15 days of each meeting of the Council.

#### **§ 1108. Meetings; quorum**

(a) The Council shall meet at least once every 3 months at the call of the Chairman and at such place as he shall desig-

nate. Meetings of the Council shall also be called by the Chairman upon the written request of 6 members and upon 48 hours notice to the members of the Council.

(b) No less than 6 members of the Council shall constitute a quorum, and no act of the Council shall be valid unless approved by at least 6 members.

**§ 1109. Annual report**

The Council shall submit an annual report of its activities to the members of the General Assembly and to the Governor, which shall become a part of the Journal of the Senate and House.

Approved May 4, 1966.

## CHAPTER 323

**AN ACT TO PROHIBIT DEBT ADJUSTING FOR PROFIT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding a new Subchapter LVII to read as follows:

**SUBCHAPTER LVII. DEBT ADJUSTING****§ 881. Debt Adjusting**

(a) For the purpose of this section, "debt adjusting" means the making of a contract, express or implied, with a particular debtor whereby the debtor agrees to pay a certain amount of money periodically to the person engaged in the debt adjusting business who shall for a consideration distribute the same among certain specified creditors in accordance with a plan agreed upon.

(b) Whoever engages in the business of debt adjusting shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500, or be imprisoned not more than 6 months, or both. The Superior Court shall have exclusive jurisdiction of offenses under this section.

(c) The provisions of this section shall not apply to those situations involving debt adjusting incurred incidentally in the lawful practice of law in this state nor shall anything in this subchapter be construed to apply to any non-profit or charitable corporation or association which engages in debt-adjusting even though the non-profit corporation or association may charge and collect nominal sums as reimbursement for expenses in connection with such services.

Approved May 5, 1966.



## CHAPTER 324

**AN ACT TO AMEND CHAPTER 33, TITLE 15, DELAWARE CODE, RELATING TO NOMINATIONS OF CANDIDATES BY PARTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 33, Title 15, is amended by striking out § 3303 and inserting in lieu thereof a new § 3303 to read as follows:

**§ 3303. Time of filing declaration and certificate**

(a) On or before the fifteenth day of July, six o'clock P. M. (Eastern Standard Time), of the year of any general election, and if the fifteenth of July is a Sunday or a legal holiday, then on the next day, and if the next day shall be a holiday, then on the succeeding day, the State Chairman or County Chairman of each county of each political party shall file with the Secretary of State and the Clerk of the Peace for each county, respectively, a declaration in writing that the political party intends to file certificates of nominations required by sub-section (b). If for any reason whatsoever a declaration of intention as required by this sub-section is not filed, as aforesaid, the Secretary of State and Clerk of the Peace for each county shall not thereafter accept a certificate of nomination as required by sub-section (b) hereof.

(b) On or before the first day of September, six o'clock P. M. (Eastern Standard Time), of the year of any general election, and if the first day of September is a Sunday or legal holiday, then on the next day, and if the next day shall be a holiday, then on the succeeding day, certificates of nominations shall be filed with the Secretary of State, or the Clerk of the Peace, as the case may be, only by the State Chairman or County Chairman of each political party which has filed the declaration required in sub-section (a).

Approved May 5, 1966.

## CHAPTER 325

**AN ACT TO AMEND SECTION 6102, TITLE 29, DELAWARE CODE, RELATING TO THE DISPOSITION OF MONIES RECEIVED BY AN AGENCY PURSUANT TO THE SALE OF EQUIPMENT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 6102, Title 29, Delaware Code, is hereby amended by adding a new subsection (c) at the end thereof to read as follows:

(c) If an agency, in the process of replacing an item of State owned equipment, should sell such equipment, the proceeds of the sale may be credited to the appropriate General Fund Appropriation Account of the agency and applied toward the cost of the replacement in accordance with regulations established by the Budget Director.

Approved May 5, 1966.

## CHAPTER 326

**AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY ESTABLISHING PROCEDURES FOR THE SALE OF STATE OWNED MATERIEL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code, is hereby amended by adding a new Chapter thereto to read as follows:

**CHAPTER 70. SALE OF STATE OWNED MATERIEL****§ 7001. Definitions**

(a) As used in this chapter, the term "agency" shall have the same meaning as defined in section 6301 of this title.

(b) As used in this chapter, the term "materiel" shall mean materials, equipment, vehicles, tools, supplies and any other personal property, but does not include real property such as but not limited to land, ponds and buildings.

**§ 7002. Sale of State owned materiel**

Every agency shall have the authority to trade in materiel in the purchase of replacement materiel, and to sell surplus or obsolete materiel under its jurisdiction, subject to the following limitations: before an agency sells any single item or quantity of similar items of materiel having a fair value of \$100 or more it shall give two weeks written notice of the availability of such materiel to all State agencies. Agencies having a requirement for such materiel may submit sealed bids on the items to be opened at a time designated by the agency disposing of the materiel and said items shall be sold to the agency submitting the highest bid. In the event no State agency submits a bid on such materiel it may be placed for public sale, either at auction or by written, sealed bids, provided that notice of such sale shall be advertised at least once a week for

2 consecutive weeks in a newspaper published or circulated in each county of the State, and the materiel shall be sold to the highest bidder.

Approved May 9, 1966.

## CHAPTER 327

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO "STATE SHARE—SOCIAL SECURITY CONTRIBU-  
TIONS."**

WHEREAS, enactment by the United States Congress of the Medical Aid benefits under Social Security has caused the State's Social Security contribution for its employees to be increased substantially on January 1, 1966; and

WHEREAS, this increase could not have been predicted when the Budget for Fiscal 1966 was enacted;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$350,000.00 is hereby appropriated to the State Treasurer for the purpose of paying the State share of Social Security Contributions during the fiscal year ending June 30, 1966.

Section 2. This is a Supplementary Appropriation and the sum appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 11, 1966.

## CHAPTER 328

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE CUSTODIAN.**

*Be it enacted by the General Assembly of the State  
of Delaware:*

Section 1. The sum of \$40,000 is appropriated to the State Custodian to be expended for improvements in the electrical system of state buildings.

Section 2. The sums hereby appropriated shall not revert to the General Fund until the purposes for which they are appropriated are completed or until June 30, 1968 whichever first occurs.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved May 11, 1966.

## CHAPTER 329

**AN ACT TO AMEND SECTION 1721, TITLE 7, DELAWARE CODE, BY CHANGING THE NUMBER OF SPECIAL DOG TRAINING AREAS WHICH MAY BE CREATED IN A SINGLE COUNTY FROM TWO TO FOUR.**

WHEREAS, it has come to the attention of the members of the 123rd General Assembly that a general public need exists for an increase in the number of permits which shall be issued for each county pursuant to Title 7, Section 1721, Delaware Code, for special dog training areas; and

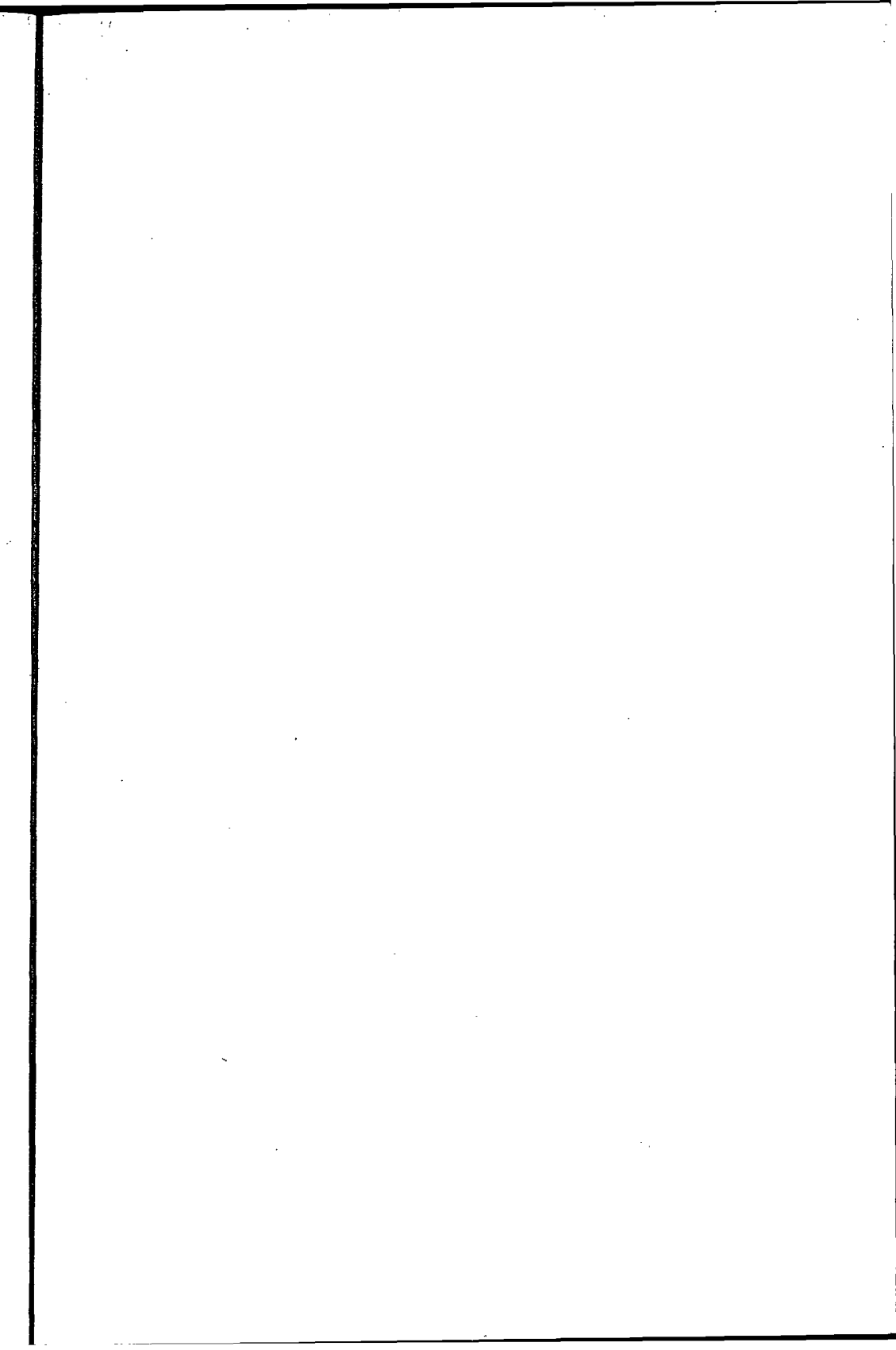
WHEREAS, the members of the 123rd General Assembly have concluded that it is in the general public interest to increase the number of such areas permitted in each county from two to four;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 7, Section 1721, Delaware Code, is amended by striking from the last sentence thereof the words "two special dog training areas" and by inserting in lieu thereof the words "four special dog training areas".

Approved May 11, 1966.





**END  
OF  
VOLUME**