

LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND TWENTY-FOURTH
GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 3, A. D.
1967

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, February 6, A. D.
1968

PART I

VOLUME LVI

CHARLES PRINTING CO., WILMINGTON, DELAWARE

LAWS OF DELAWARE

CHAPTER 1

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS FOR MENTAL HEALTH IN THE AMOUNT OF \$2,750,000 AND FOR DELAWARE INSTITUTE OF TECHNOLOGY IN THE AMOUNT OF \$1,540,000 AND TO ISSUE BONDS AND NOTES 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. There is appropriated to the agencies of this State set forth in Section 7 hereof the sum of \$4,290,000, or so much thereof as shall be received from the sale of bonds and notes hereinafter authorized, which shall be used for the purposes set forth in Section 7 of this Act.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in Section 7 of this Act and are to include but not be limited to design, planning, land acquisition, acquisition of utility and service areas, construction, repairing, remodelling, equipping, landscaping and inspection costs but are not to be used for ordinary or normal maintenance expenses of properties or for education supplies.

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.

Section 4. The said sum of \$4,290,000 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 purposes of identification, the bonds issued pursuant to this authorization act may be known, styled or referred to as "Capital Improvement Bonds of 1968".

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 monies 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 monies appropriated herein, or so much thereof as is necessary to carry out the purposes of this Act, shall be expended by the following agencies as follows:

(a) Department of Mental Health for construction of Sussex County Treatment Unit and construction of addition to Kent County Treatment Unit \$2,750,000

(b) Board of Trustees of the Delaware Institute of Technology for the conversion of the William Jason High School at Georgetown into a Technical School Facility \$1,540,000

Total \$4,290,000

Section 8. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs authorized by this Act, and any funds borrowed pursuant to this Act and remaining unexpended because a project authorized by this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements.

Section 9. Any Federal funds received as reimbursement for funds appropriated by this Act shall be deposited in a special account and applied against future capital improvement bond requirements.

Section 10. None of the monies appropriated by this Act shall be expended unless a contract for the expenditure of such monies is entered into before July 1, 1968, and the actual work on the construction contract for any construction authorized by this Act is commenced prior to July 1, 1968.

Section 11. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after July 1, 1970.

Approved March 3, 1967.

CHAPTER 2

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF MENTAL HEALTH.

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

Section 1. In addition to other sums previously appropriated, the sum of \$31,684 is appropriated to the Department of Mental Health for the fiscal year June 30, 1967 to be expended as follows:

Hospital for the Mentally Retarded

Contractural Services	\$ 4,455
Supplies and Materials	22,441
	<hr/>
Total	\$26,896

Department of Mental Health -**Governor Bacon Health Center**

Supplies and Materials	\$ 4,788
	<hr/>
Total	\$ 4,788

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 March 27, 1967.

CHAPTER 3

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 \$219,500 is appropriated to the Department of Public Welfare for the fiscal year ending June 30, 1967, for the following purposes:

Agency 360

Travel	\$ 600.00
Blue Cross Account Service ..	15,000.00
Supplies and Materials	3,900.00
Grants - Contingency	200,000.00
<hr/>	
Total	\$219,500.00

Section 2. 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", "Aid and Service to Needy Families", or "Direct Care - Child Welfare Services" by the Budget Director upon receipt of justification of such needs from the Department.

Section 3. 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 April 10, 1967.

CHAPTER 4

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

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

Section 1. The sum of \$25,000 is appropriated to the Secretary of State for the fiscal year ending June 30, 1967, for the purpose of preparing for his administration of the Uniform Commercial Code.

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 10, 1967.

CHAPTER 5

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE PERSONNEL COMMISSION FOR THE
FISCAL YEAR ENDING JUNE 30, 1967.**

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

Section 1. There is hereby appropriated to the State Personnel Commission the sum of \$53,500 to be allocated as follows:

Salaries of Employees	\$11,000.00
Travel	1,500.00
Contractual Services	500.00
Supplies and Materials	1,000.00
Capital Outlay	1,000.00
Classification Survey	38,500.00

Total \$53,500.00

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund. Any portion of the sum appropriated remaining unexpended on June 30, 1967 shall revert to the General Fund.

Approved April 19, 1967.

CHAPTER 6

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE PARK COMMISSION FOR THE PUR-
POSE OF MAKING CERTAIN IMPROVEMENTS AT
INDIAN RIVER PARK.**

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

Section 1. The sum of \$62,650 is hereby appropriated to the State Park Commission for the purpose of making certain improvements at Indian River Park during the fiscal year ending June 30, 1967. The aforementioned sum shall be allocated as follows:

Wages and Salaries	\$16,400.00
Contractual Services	10,000.00
Supplies and Materials	4,250.00
Capital Outlay	32,000.00
<hr/>	
Total	\$62,650.00

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds appropriated shall be paid by the State Treasurer from the General Fund. Any portion of the sum appropriated remaining unexpended on June 30, 1967 shall revert to the General Fund.

Approved April 19, 1967.

CHAPTER 7

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE AIR AND WATER RESOURCES COMMIS-
SION FOR THE FISCAL YEAR ENDING JUNE 30, 1967.**

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

Section 1. There is hereby appropriated to the Air and Water Resources Commission the sum of \$50,000 for the fiscal year ending June 30, 1967, as follows:

Contractual Services	\$14,356.89
Supplies and Materials	6,696.47
Capital Outlay	28,946.64
	<hr/>
Total	\$50,000.00

Section 2. 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 not otherwise appropriated.

Approved April 19, 1967.

CHAPTER 8

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 the 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 and one-fourth per centum" as they appear in the first paragraph thereof and inserting in lieu thereof the words "three per centum".

Approved April 20, 1967.

CHAPTER 9

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."

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 11 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 11 thereof and by substituting and enacting in lieu thereof a new Section 11 as follows:

Section 11. The Council shall, every year, when determining the amount necessary to be raised on the persons and estates in the City of Wilmington for public use, also include the sum necessary to be raised on the persons and estates for executing the foregoing provisions; provided that the amount to be raised by taxation for school expenses in any one year, including all the expenses which the Board of Education is authorized to incur under the provisions of this Act for the maintenance and operation of said schools, but not including interest on bonded debt and retirement of bonds falling due, shall not exceed ten and five tenths (10.5) mills on each one dollar of the value of real and personal property as assessed and taxable for City purposes. The amount collected for school purposes shall be paid into the City Treasury as other taxes are paid.

Approved April 20, 1967.

CHAPTER 10

AN ACT TRANSFERRING \$600,000 FROM THE CAPITAL INVESTMENT FUND TO BE USED FOR PARK DEVELOPMENT.

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

Section 1. There is transferred and appropriated out of the Capital Investment Fund, existing pursuant to Chapter 62, title 29, Delaware Code, the sum of \$600,000, or so much thereof as may from time to time be needed, to the State Park Commission for the following purposes:

(a) Indian River Inlet - construction of camping area facilities including campsites, roads site preparation, sanitary facilities, registration building, and utilities \$300,000

(b) Indian River Inlet - construction of day-use area and maintenance facilities to include planning, day-use parking lots, roads sanitary facilities, maintenance buildings, control stations and bathhouses \$300,000

Total \$600,000

Section 2. Any monies which remain unexpended upon completion of the projects or on June 30, 1968, whichever first occurs, shall revert to the Capital Investment Fund.

Section 3. Before the State Park Commission may develop the facilities authorized by this Act, such development proposals shall be referred to the State Planning Office for approval.

Approved April 20, 1967.

CHAPTER 11

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DE-
PARTMENT FOR THE PROCURING OF A FLOAT.**

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

Section 1. The sum of \$2,500 is appropriated to the Delaware State Development Department to be expended for a parade float.

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. This Act is excluded from the competitive bidding provisions of S 6904, Title 29, Delaware Code as amended.

Section 4. Any funds hereby appropriated and not expended by June 30, 1967, shall revert to the General Fund.

Approved May 11, 1967.

CHAPTER 12

AN ACT TO AMEND CHAPTER 82, TITLE 14, DELAWARE CODE, BEING THE COMPACT FOR EDUCATION.

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

Section 1. Article III, A of the Educational Compact as set forth in Chapter 82, title 14, Delaware Code, is amended by striking out the words "The Educational Commission of the States" and inserting in lieu thereof the words "The Education Commission of the States."

Section 2. Article VI, A of the Educational Compact as set forth in Chapter 82, title 14, Delaware Code, is amended to read:

ARTICLE VI. COMMITTEES

A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the steering committee shall consist of Governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of

any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

Approved May 25, 1967.

CHAPTER 13

AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO PAY CERTAIN OBLIGATIONS INCURRED IN A PRIOR FISCAL YEAR AND WAIVING THE STATE BIDDING CODE AND CERTAIN OTHER FINANCIAL REQUIREMENTS.

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

Section 1. The Department of Mental Health is hereby authorized and directed to pay the sum of \$3,246.10 from funds heretofore appropriated for the fiscal year beginning July 1, 1966, to the Saddler Plumbing Company of Seaford for work performed for said agency during the fiscal year beginning July 1, 1965.

Section 2. For the purpose of making this payment the provisions of Chapter 69, Title 29, Delaware Code (Bidding laws), and Chapter 65, Title 29, Delaware Code, are hereby waived to the extent necessary to carry out the purpose of this Act.

Section 3. Any law of the State of Delaware inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Approved May 25, 1967.

CHAPTER 14

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR FOR THE GOVERNOR'S COM-
MITTEE FOR REVISION OF CRIMINAL LAW.**

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

Section 1. The sum of \$3,000 or so much thereof as is necessary, is appropriated to the Governor to be expended for the study of the criminal law of this state by the Governor's Committee for Revision of Criminal Law for the fiscal year ending June 30, 1967.

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 May 25, 1967.

CHAPTER 15

AN ACT TO AMEND CHAPTER 23, TITLE 21, DELAWARE CODE, RELATING TO TITLE AND LIENS OF MOTOR VEHICLES.

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

Section 1. Title 21, Delaware Code, is amended by adding thereto a new section to read:

§ 2332 A. Uniform Commercial Code filing requirements not applicable when there is compliance with this subchapter

In accordance with subsection 9-302(3) and 9-302(4) title 5A (Uniform Commercial Code), where a lien is required to be filed and noted on a certificate of title pursuant to this subchapter, no additional filing shall be required under Article 9, title 5A (Uniform Commercial Code).

Section 2. Title 21, Delaware Code, is amended by adding thereto a new section to read:

§ 2332 B. Uniform Commercial Code requirements applicable to security interest in inventory of motor vehicles

This subchapter does not apply to the creation or perfection of a security interest in a motor vehicle held by the debtor as inventory held for sale. The validity and effect of such security interest shall be governed by the applicable provisions of Article 9, title 5A (Uniform Commercial Code).

Section 3. The provisions of this Act shall become effective on June 30, 1967, at midnight.

Approved May 25, 1967.

CHAPTER 16

AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967," AND MAKING NO SUPPLEMENTAL APPROPRIATION.

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by striking "Subsection (a) of Section 12" and inserting in lieu thereof a new "Subsection (a) of Section 12" to read:

"(a) The allocation to any district shall be the sum of the allotments for each school building in the district based upon the following formula: \$5.00 for each year since the date of pupil occupancy of the building up to a maximum of 30 such years multiplied by the full number of units of 25 pupils in the building on a full-time basis as of September 30, 1966.

In addition to the foregoing allocation, each district shall be allotted for each school building a sum based on the following formula: \$2.00 for each year since the date of pupil occupancy of the building up to a maximum of 30 such years multiplied by the full number of units of 25 pupils in the building on a full-time basis as of September 30, 1966; and the 10% obligation referred to in subsection (c) of this section shall not apply to this additional sum provided the district has fulfilled this obligation on the basic allocation set forth in the first sentence."

Approved May 26, 1967.

CHAPTER 17

AN ACT APPROPRIATING MONIES TO THE STATE DEVELOPMENT DEPARTMENT TO INSURE APPROPRIATE REPRESENTATION OF THE STATE OF DELAWARE IN THE MISS AMERICA PAGEANT.

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

Section 1. There is hereby appropriated to the State Development Department the sum of \$1,000 to be employed by that Department to assist the person selected as Miss Delaware and who is to represent the State in the Miss America contest, such funds to be utilized in a manner consistent with the requirement that the representative of the State of Delaware possess the necessary scholastic, aesthetic and cultural attributes.

Section 2. This act shall be known as a supplementary appropriation act and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 1, 1967.

CHAPTER 18

AN ACT TO AMEND CHAPTER 45, TITLE 21, AS AMENDED, OF THE DELAWARE CODE RELATING TO THE MAXIMUM GROSS LOAD FOR VEHICLES EQUIPPED WITH THREE AXLES.

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

Section 1. § 4503(h), as amended, is hereby further amended by striking out the figures "46,000" and inserting in lieu thereof the figures "65,000," and further by striking the period at the end thereof and adding in lieu of said period the following:

" "; provided, however, that if there shall be any laws, rules or regulations of the United States of America or of any of its agencies or commissions which impose weight limitations or restrictions for any such vehicles on federal interstate highways which are a part of, and which have been or are constructed pursuant to the Act creating, the National System of Interstate and Defense Highways described in sub-section (d) of Title 23 United States Code § 103, as amended (better known as the "Interstate System"), and if such weight limitations or restrictions shall be less than 65,000 pounds, then no such vehicle shall lawfully be operated on any such federal interstate highway located in this State with a gross weight, including vehicle and load, in excess of that permitted by such limitations and restrictions in force at the time.

Section 2. § 4503(1), as amended, is hereby further amended by striking the colon as it appears after the word "axles" and immediately before the table contained in said § 4503(1), and by adding in lieu of said colon the following:

" "; provided, however, that none of the provisions of this subsection (1) shall apply to or govern the total or maximum gross weight of any vehicle described or defined in sub-section (h) of this Section 4503:"

Approved June 2, 1967.

CHAPTER 19

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 123rd 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 shall receive an annual salary of Nine Thousand Dollars (\$9,000), payable quarterly. The members of the General Assembly shall receive an annual salary of Six Thousand Dollars (\$6,000), 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 branch in the said 123rd General Assembly, NOW, THEREFORE

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

Effective May 2, 1967.

CHAPTER 20

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO ELECTIONS BY AMENDING THE RESIDENCE REQUIREMENTS TO ALLOW CERTAIN VOTERS RECENTLY MOVING INTO OR WITHIN THE STATE OR ELECTION DISTRICTS TO VOTE.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 123rd General Assembly as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO ELECTIONS BY AMENDING THE RESIDENCE REQUIREMENTS TO ALLOW 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 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 citizen 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.", AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each House in the said 123rd 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 branch thereof concurring therein):

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

Effective May 18, 1967.

CHAPTER 21

AN ACT TO REQUIRE THE STATE HIGHWAY DEPARTMENT TO INSTALL A TRAFFIC LIGHT CONTROL FOR THE ODESSA FIRE COMPANY, INC., AT ODESSA, NEW CASTLE COUNTY, DELAWARE.

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

Section 1. The State Highway Department is authorized and directed to install a traffic light control in the Fire Hall of the Odessa Fire Company, Inc., at Odessa, New Castle County, Delaware, which will, when operated, instantly cause the traffic lights on the southbound and northbound lanes of U.S. Route 13 in Odessa near the said Fire Hall to turn red for all traffic and stay red for a necessary period before returning to their normal operation.

Section 2. There is hereby appropriated to the State Highway Department the sum of \$5,000 for the sole purpose of installing the said traffic light control. Such sum shall be paid by the State Treasurer out of the General Fund from money not otherwise appropriated. Any portion of the said sum of \$5,000 which shall remain unexpended after the installation of the traffic light control or which remains unexpended on June 30, 1968, whichever first occurs, shall revert to the General Fund of the State of Delaware.

Approved June 5, 1967.

CHAPTER 22

AN ACT TO AMEND SECTION 2005, TITLE 9, DELAWARE CODE, RELATING TO APPROPRIATIONS FOR MAINTENANCE OF RESCUE SQUADS.

Be it enacted by the 124th General Assembly of the State of Delaware:

SECTION 1. Section 2005, Title 9, Delaware Code, is amended by adding to the alphabetical list of fire companies: "Christiana Fire Company." The Christiana Fire Company becomes the third fire company so listed.

SECTION 2. Section 2005, Title 9, Delaware Code, is amended by providing that the sum authorized to be appropriated to the Christiana Fire Company by Section 1 of this act should be paid by County Council to the Christiana Fire Company on the first day of July of each year.

Approved June 8, 1967.

CHAPTER 23

**AN ACT TO AMEND SECTION 1562, TITLE 9, DELAWARE
CODE, RELATING TO APPROPRIATIONS TO THE
NEW CASTLE COUNTY LIBRARY, WILMINGTON IN-
STITUTE BY THE COUNCIL OF NEW CASTLE
COUNTY.**

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

Section 1. § 1562 (a), title 9, Delaware Code, is amend-
ed to read:

(a) The County Council of New Castle County may ap-
propriate public monies toward the maintenance and support
of free public libraries for the use of residents of New Castle
County and for all purposes incident thereto.

Approved June 8, 1967.

CHAPTER 24

AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," AS AMENDED, BY INCREASING THE SALARIES OF THE MAYOR, THE MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF LAUREL AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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. Paragraph 10, Section 7, Chapter 277, Volume 49, Laws of Delaware, as amended, is further amended by striking out all of said Paragraph and substituting in lieu thereof the following:

The Mayor shall receive an annual salary of Seven Hundred Dollars (\$700.00).

Section 2. Paragraph 11, Section 7, Chapter 277, Volume 49, Laws of Delaware, as amended, is further amended by striking out all of said Paragraph 11 and substituting in lieu thereof the following:

Each member of the Council shall receive an annual salary of Three Hundred Fifty Dollars (\$350.00).

Section 3. The salary increases herein authorized shall be effective as of April 3, 1967.

Approved June 8, 1967.

CHAPTER 25

AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30 1967," AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR IN THE AMOUNT OF \$20,500.00.

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding a new subsection to Section 1 immediately following the subsection which reads "General Assembly" and preceding the sub-section which reads "Legislative Reference Bureau"

Legislative Council

Contractual Services	\$5,000.00
Supplies and Materials	7,500.00
Capital Outlay	8,000.00

Approved June 8, 1967.

CHAPTER 26

AN ACT TO AMEND SECTIONS 8131, 8132, 8133, 8134, 8136, 8138, TITLE 9, DELAWARE CODE, RELATING TO EXEMPTIONS FROM TAXATION ON REAL PROPERTY OF RESIDENTS OF THIS STATE OF THE AGE OF SIXTY-FIVE OR MORE YEARS HAVING AN INCOME NOT IN EXCESS OF \$3,000.00 PER YEAR.

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

Section 1. Section 8131, Title 9, Delaware Code, is amended by striking therefrom the words "or the taxpayers fiscal year . . ." under the definition of "Income". Further amend Section 8131 by striking the words ". . . 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."

Section 2. Section 8131, Title 9, Delaware Code, is amended by striking therefrom the last paragraph set forth therein containing a definition "of family."

Section 3. Section 8132, Title 9, Delaware Code, is amended by striking that section in its entirety and inserting in lieu thereof a new Section 8132 to read as follows:

Section 8132. Qualifications and amount of exemption

Every person a resident of this State of the age of sixty-five 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 therefrom, to exemptions from taxation on such real property to an assessed valuation not exceeding \$5,000 in aggregate, except that (1) no such exemption shall be in addition to any other exemption to which said person may be entitled, and (2) no such exemption shall be permitted where said person's spouse lives in said dwelling house and has an income in excess of \$3,000 per year.

Nothing in this chapter shall be construed to apply to property taxes levied within and by a municipality.

Section 4. Amend Section 8133, Title 9, Delaware Code, by changing the first sentence to read, "No exemption from taxation on the valuation of real property as provided herein shall be allowed except on written application therefor, which application shall be on a form prescribed by the Department of Finance for New Castle County or the Board of Assessment for Kent County or the Board of Assessment for Sussex County and provided for the use of the claimants hereunder by the governing body of the taxing district in which such claim is to be filed.

Section 5. Section 8134, Title 9, Delaware Code, is amended by deleting the present section and inserting in lieu thereof the following section:

Section 8134. Contents of application

Every fact essential to support a claim for exemption under this subchapter shall exist on September 1 of the pretax year. Every application by a claimant therefor shall establish that he was, on September 1 of the pretax year (a) a 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 such exemption is claimed, (d) residing in said dwelling house. Such applicant shall also establish that his income for the yearly period as provided by this subchapter, did not exceed \$3,000 and that no spouse of the claimant lives in said dwelling house and has an income in excess of \$3,000 per year

Section 6. Amend Section 8136 by deleting the present section and inserting in lieu thereof the following section:

Section 8136. Continuance of exemption.

It shall be the duty of the claimant to establish his qualifications as outlined in this law each year and any 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 the continuance of the exemption.

Section 7. Amend Section 8138, Title 9, Delaware Code, by striking the words "Receiver of Taxes and County Treasurer" and substituting therefor the words "Department of Finance of New Castle County or Board of Assessment for Kent County or Board of Assessment for Sussex County."

Further amend Section 8138 by changing the singular pronoun "he" to the plural form "they" whenever it appears in said section, and the possessive pronoun "his" to the plural form "their".

Approved June 8, 1967.

CHAPTER 27

AN ACT TO AMEND SECTION 131, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES.

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

Section 1. § 131, Title 23, Delaware Code, is amended to read:

§ 131. PILOTAGE RATES

The rates of pilotage for conducting a vessel from the Capes of the Delaware to a point on the Delaware River no further upriver than the bridge of The Pennsylvania Railroad Company between Philadelphia, Pennsylvania and Delair, New Jersey, or from a point on the Delaware River no further upriver than the Bridge of the Pennsylvania Railroad Company between Philadelphia, Pennsylvania and Delair, New Jersey to the Capes of the Delaware, shall be in either case, every half foot of water which a vessel shall draw, the sum of \$5.00. Every such vessel bound to the Breakwater for orders shall pay pilotage fees as follows: A sum equal to one-half of the inward rates of pilotage to the Port of Philadelphia, and the same fees when outward-bound from the Breakwater.

Approved June 8, 1967.

CHAPTER 28

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT.**

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

Section 1. In addition to other sums previously appropriated, the sum of \$114, 307.05 is appropriated to the State Highway Department for the fiscal year ending June 30, 1967, to be expended for the costs of snow removal.

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 June 8, 1967.

CHAPTER 29

AN ACT TO AMEND CHAPTER 167, VOLUME 55, LAWS OF DELAWARE, ENTITLED, "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS 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 Members elected to each Branch thereof concurring therein) :

Section 1. Section 3, Chapter 167, Volume 55, Laws of Delaware, is amended by striking out the last sentence of that Section which reads:

"Any sums unexpended by June 30, 1971, shall revert to the General Fund."

Section 2. Section 15, Chapter 167, Volume 55, Laws of Delaware, is amended to read:

Section 15. No construction or other work authorized by Section 7 of this Act shall be started nor any monies shall be borrowed for the construction or other work authorized by Section 7 of this Act after June 30, 1968, except such monies as are necessary to complete construction or other work started prior to July 1, 1968.

Approved June 15, 1967.

CHAPTER 30

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE X OF THE CONSTITUTION OF THE STATE OF DELAWARE BY PROVIDING THAT THE GENERAL ASSEMBLY MAY PROVIDE FOR THE TRANSPORTATION OF STUDENTS OF NON-PUBLIC, NON-PROFIT ELEMENTARY AND HIGH SCHOOLS.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 123rd General Assembly as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE X OF THE CONSTITUTION OF THE STATE OF DELAWARE BY PROVIDING THAT THE GENERAL ASSEMBLY MAY PROVIDE FOR THE TRANSPORTATION OF STUDENTS OF NON-PUBLIC, NON-PROFIT ELEMENTARY AND HIGH SCHOOLS.

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 of the Constitution of the State of Delaware is amended by adding thereto a new section to read :

§ 5. Transportation of non-public school students

Section 5. The General Assembly, notwithstanding any other provision of this Constitution, may provide by an Act of the General Assembly, passed with the concurrence of a majority of all the members elected to each House, for the transportation of students of non-public Elementary and High Schools."; AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 123rd General Assembly, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Dela-

ware (two-thirds of all the Members elected to each Branch thereof concurring therein) :

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

Effective June 5, 1967.

CHAPTER 31

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE TO GRANT RELIEF TO MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND THEIR WIVES BY EXCLUDING CERTAIN INCOME AND PROVIDING FOR EXTENSION OF TIME IN WHICH TO FILE RETURNS.

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

Section 1. § 1116, Title 30, is amended by adding a new subsection as follows:

(16) Amounts received as compensation for active service as a member of the Armed Forces of the United States to the extent such amounts are excluded from Gross Income under Section 112 of the Federal Internal Revenue Code of 1954, as amended.

Section 2. § 1168, Title 30, is amended by renumbering the present provision as § 1168 (a) and adding thereto the following:

(b) Notwithstanding any other provision of this chapter, persons serving in the Armed Forces of the United States, or serving in support of such Armed Forces, in an area while such area is designated by the President of the United States by Executive Order as a "combat zone" for purposes of Section 112 of the Federal Internal Revenue Code of 1954, as amended, or hospitalized outside the United States as a result of an injury received while serving in such an area during such designation, may file tax returns (including a joint return with spouse) and make tax payments otherwise due within such time within 180 days after termination of service in an area designated as a combat zone or after termination of hospitalization outside the United States for an injury received while serving in a combat zone, without the imposition of any interest or penalty. Likewise the time of filing appeals or claims for refunds or performing other acts by such per-

sons under this chapter shall be extended by such 180 day period.

Section 3. Section 1 of this Act shall apply to taxable years ending on or after January 1, 1967, and Section 2 shall take effect immediately.

Approved June 19, 1967.

CHAPTER 32

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 of Delaware:

Section 1. Section 1607 (a), Chapter 16, Title 9, Delaware Code, is amended by deleting in the third line thereof the figures "\$8,500" and by inserting in lieu thereof the figures "\$9,800."

Approved June 20, 1967.

CHAPTER 33

AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO MOTOR FUEL TAX.

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

Section 1. Section 5120, Chapter 51, Title 30, Delaware Code, is amended by repealing subparagraph (a) (1) of the said section.

Section 2. Section 5111, Chapter 51, Title 30, Delaware Code, is amended by adding a new subsection (e) after subsection (d) to read as follows:

(e) Sold and delivered to and used by the State and every political subdivision thereof.

Section 3. The provisions of this Act shall become effective July 1, 1967.

Approved June 20, 1967.

CHAPTER 34

AN ACT TO AMEND SECTION 543 (f), TITLE 4, DELAWARE CODE, RELATING TO THE GROUNDS FOR REFUSAL OF LICENSE FOR SALE OF ALCOHOLIC BEVERAGES.

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

Section 1. Section 543 (f), Title 4, Delaware Code, is amended by striking out from subsection (2) thereof the words "any application on behalf of" and the words "for a period of 6 months" as they appear in said subsection (2).

Approved June 20, 1967.

CHAPTER 35

AN ACT TO AMEND CHAPTER 91 OF TITLE 14, DELAWARE CODE, BY EMPOWERING THE BOARD OF TRUSTEES OF THE DELAWARE INSTITUTE OF TECHNOLOGY TO ENTER INTO CONTRACTS WITH THE UNIVERSITY OF DELAWARE OR OTHER INSTITUTIONS FOR THE ESTABLISHMENT OF A TWO-YEAR COLLEGE PARALLEL PROGRAM.

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

Section 1. § 9104, Title 14, Delaware Code, is amended by inserting between the word "operate" and the word "public" in the first line thereof the words "or make available."

Section 2. § 9105, Title 14, Delaware Code, is amended by adding thereto a new section (aa) to be inserted between section (a) and section (b), as follows:

"(aa) The Board may enter into a contract or contracts with the University of Delaware, or any other institution or organization, whereby the University of Delaware, or such other institution or organization, shall agree to establish and/or offer a two-year college parallel program, and the Board shall agree to provide necessary funds to meet the entire cost of the establishment and/or operation of such program and to furnish facilities, equipment and supplies for the operation of such program. In the event the Board enters into such a contract or contracts with the University of Delaware, the Board of Trustees of the University of Delaware shall have, with respect to said two-year college parallel program, the same powers which it has with respect to the affairs of the University of Delaware by virtue of its charter and/or the statutes of the State of Delaware."

Approved June 21, 1967.

CHAPTER 36

AN ACT TRANSFERRING MONEY FROM THE CAPITAL INVESTMENT FUND TO BE USED FOR THE EXPANSION OF LEGISLATIVE HALL.

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

Section 1. There is transferred and appropriated out of the Capital Investment Fund, existing pursuant to Chapter 62, Title 29, Delaware Code, the sum of \$1,320,000, or so much thereof as may from time to time be needed, to the Legislative Building Committee, established herein, for constructing and equipping an addition to Legislative Hall.

Section 2. Any monies which remain unexpended upon completion of this project or on June 30, 1970, whichever first occurs, shall revert to the Capital Investment Fund.

Section 3. There is established a Legislative Building Committee which shall consist of 9 members who shall be appointed in the following manner: 3 members of the House of Representatives appointed by the Speaker, with not more than 2 being of the same political party; 3 members of the Senate appointed by the President Pro Tempore, with not more than 2 being of the same political party; and 3 citizens of this State to be appointed by the Governor, with not more than 2 being of the same political party. The State Planner shall also be a non-voting member of the Committee and shall serve as secretary of the Committee.

Section 4. The Legislative Building Committee shall select a Chairman and such other officers as its members determine. It shall have full power and authority to do all things necessary and proper to have constructed and equipped an addition to Legislative Hall.

Section 5. The Legislative Building Committee shall continue in existence until completion of its duties. Any

vacancies which may arise from time to time on said Committee shall be filled by a member to be selected by a majority vote of the remaining Committee Members.

Approved June 21, 1967.

CHAPTER 37

AN ACT TO AMEND SECTION 3309 (a), CHAPTER 33, TITLE 16, DELAWARE CODE, RELATING TO MISBRANDING OF FOOD.

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

Section 1. Section 3309 (a), Chapter 33, Title 16, Delaware Code, is amended by adding a new subparagraph (5) to read as follows:

(5) If it is obtained by the dealer in frozen bulk form and is subsequently thawed and offered for sale in a package or bearing a label indicating such food to be fresh.

Approved June 21, 1967.

CHAPTER 38

AN ACT AUTHORIZING THE LEGISLATIVE REFERENCE BUREAU TO SUPPLY TWO SETS OF THE DELAWARE CODE TO THE COMMUNITY LAW SERVICE OF NEW CASTLE COUNTY.

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

Section 1. The Legislative Reference Bureau is hereby authorized and directed to make available without cost to the Community Law Service of New Castle County two complete sets of the Delaware Code Annotated of 1953, including the most recent Cumulative Pocket Parts, in order to further the program of legal assistance to the indigent being conducted by the Community Law Service in cooperation with the Office of Economic Opportunity of the Federal government.

Approved June 21, 1967.

CHAPTER 39

AN ACT AMENDING SECTION 1318, TITLE 14, DELAWARE CODE, ENTITLED SICK LEAVE AND ABSENCE FOR OTHER REASONS BY ADDING A NEW SUBSECTION THERETO.

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

Section 1. Section 1318, Title 14, Delaware Code, is amended by adding a new sub-section (f) following the present sub-section (e):

(f) In the case of persons with a personal problem, an employee may be absent without loss of pay on no more than three calendar days per year; except in the judgment of the Chief School Officer additional days are warranted. The days so lost are to be counted against the sick leave of employees. Personal problems shall be defined as attendance at graduation or for special recognition services, subpoenaed by a court provided the employee is not a party to the suit, physical examination for Selective Service purposes or other matters of a non-recurring nature pre-approved by the Chief School Officer.

Approved June 21, 1967.

CHAPTER 40

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1968.**

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, during the fiscal year ending June 30, 1968, are hereby appropriated and authorized to be paid out of the Treasury of this State by the respective departments and division 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, and all other provisions of the Delaware Code notwithstanding. All parts or portions of the several sums appropriated by this Act which, on the first day of July, 1968, shall not have been paid out of the State Treasury, shall revert to the General Fund; 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**LEGISLATIVE AND ELECTIONS**

<i>General Assembly</i>	<i>Year Ending June 30, 1968</i>
Salaries—House Members	\$ 157,500
Salaries—Senate Members	81,000
	<hr/>
TOTAL	\$ 238,500

*Legislative Reference Bureau**Year Ending June 30, 1968*

Salary of Director	\$ 7,600
Salaries and Wages of Employees	10,000
Travel	500
Contractual Services	1,380
Supplies and Materials	1,050
Capital Outlay	1,300
TOTAL	\$ 21,830

Commission on Modernization of State Laws

Personal Services	\$ 1,000
Travel	600
Contractual Services	600
TOTAL	\$ 2,200

Delaware Code Revision Commission

Salaries of Commissioners	\$ 4,800
Personal Services—Lawyers	5,000
TOTAL	\$ 9,800

Delaware Commission on Interstate Cooperation

Travel	
Legislative Travel Only	\$ 7,500
Other Travel	1,000
Contractual Services	
Council of State Governments	4,000
Delaware River Basin Advisory Committee	58,000
National Legislative Leaders Conference	1,000
Southern Nuclear Board	8,554
Other Contractual Services	1,200
Supplies and Materials	100
TOTAL	\$ 81,354

State Election Commissioner Year Ending June 30, 1968

Salaries and Wages of Employees	\$ 20,700
Contractual Services	13,144
Supplies and Materials	2,500
Capital Outlay	500
TOTAL	\$ 36,844

New Castle County Department of Elections

Salaries of Board Members	\$ 11,500
Salaries and Wages of Employees	65,500
Personal Services	
Mobile Registration Officers	1,500
Other Personal Services	4,500
Travel	600
Contractual Services	16,690
Supplies and Materials	2,900
Capital Outlay	2,000
TOTAL	\$ 105,190

Kent County Department of Elections

Salaries of Board Members	\$ 8,500
Salaries and Wages of Employees	15,800
Travel	100
Contractual Services	2,078
Supplies and Materials	750
Capital Outlay	500
TOTAL	\$ 27,728

Sussex County Department of Elections

Salaries of Board Members	\$ 8,500
Salaries and Wages of Employees	18,000
Personal Services	1,250
Travel	200
Contractual Services	5,545
Supplies and Materials	800

Year Ending June 30, 1968

Capital Outlay	500
TOTAL	\$ 34,795
<hr/>	
TOTAL LEGISLATIVE AND ELECTIONS ..	\$ 558,241

EXECUTIVE AND FINANCIAL***Governor***

Salary of Governor	\$ 25,000
Salaries and Wages of Employees	80,000
Travel	
Governors' Conference	750
Other Travel	12,250
Contractual Services	4,700
Supplies and Materials	2,500
Capital Outlay	2,000
Contingent Expense	5,000
TOTAL	\$ 132,200

Lieutenant Governor

Salary of Lieutenant Governor	\$ 4,500
Salaries and Wages of Employees	5,400
Travel—Other than Legislative	1,700
Contractual Services	640
Supplies and Materials	150
TOTAL	\$ 12,390

Secretary of State

Salary of Secretary of State	\$ 15,000
Salary of Assistant Secretary of State	8,500
Salary of Director of Corporation Department	8,000
Salaries and Wages of Employees	180,172
Travel	3,200
Contractual Services	
Printing and Binding Session Laws	29,000

Year Ending June 30, 1968

Dissolution Account	12,000
Other Contractual Services	22,100
Supplies and Materials	
Departmental Supplies	65,000
Other Supplies and Materials	3,200
Capital Outlay	3,000
TOTAL	\$ 349,172

State Treasurer

Salary of State Treasurer	\$ 12,000
Salary of Deputy Treasurer	11,000
Salary and Wages of Employees	75,080
Personal Services	10
Travel	800
Contractual Services	
Machine Rental	39,400
Other Contractual Services	14,200
Supplies and Materials	2,200
Capital Outlay	1,000
Lost and Outdated Checks	2,500
TOTAL	\$ 158,190

Budget Director

Salary of Budget Director	\$ 16,000
Salaries and Wages of Employees	212,900
Personal Services	18,000
Travel	1,800
Contractual Services	76,000
Supplies and Materials	8,000
Capital Outlay	4,000
TOTAL	\$ 336,700

Auditor of Accounts

Salary of Auditor	\$ 12,000
Salary of Deputy Auditor	11,000

Year Ending June 30, 1968

Salaries and Wages of Employees	139,700
Personal Services	35,000
Travel	2,150
Contractual Services	3,478
Supplies and Materials	4,500
Capital Outlay	5,730
TOTAL	\$ 213,558

Bond Issuing Officers

Expense of Issuing Bonds	\$ 30,000
TOTAL	\$ 30,000

State Tax Department

Salaries of Board Members	\$ 3,000
Salary of Commissioner	15,000
Salary of Deputy Tax Commissioner	12,000
Salary of Social Security Officer	7,800
Salaries and Wages of Employees	680,000
Personal Services	2,000
Travel	
Social Security Division	1,000
Other Travel	3,000
Contractual Services	
Social Security Division	650
Other Contractual Services	158,000
Supplies and Materials	
Social Security Division	650
Other Supplies and Materials	20,000
Capital Outlay	
Social Security Division	300
Other Capital Outlay	3,000
Income Tax Administration Account (Section 1195, Title 30, Delaware Code)	25,000
TOTAL	\$ 931,400

Revenue Collector**Year Ending June 30, 1968**

Salary of Revenue Collector	\$	2,500
		<hr/>
TOTAL	\$	2,500

Delaware State Development Department

Salary of Director	\$	9,000
Salaries and Wages of Employees		40,000
Personal Services		500
Travel		4,000
Contractual Services		
Tourist Services for Legislative Hall		1,000
Other Contractual Services		25,000
Supplies and Materials		8,500
Capital Outlay		800
Delmarva Advisory Council Grant		13,545
		<hr/>
TOTAL	\$	102,345

State Planning Office

Salary of Director	\$	17,500
Salaries and Wages of Employees		104,000
Personal Services		4,000
Travel		
State Planning Council		1,100
Other Travel		4,000
Contractual Services		32,900
Supplies and Materials		
State Planning Council		250
Other Supplies and Materials		5,500
Capital Outlay		4,000
		<hr/>
TOTAL	\$	173,250

State Personnel Commission

Salaries of Commissioners	\$	2,250
Salary of Director		17,500
Salary of Deputy (All sources—Total \$14,400)		14,400
Salaries and Wages of Employees		11,700

Year Ending June 30, 1968

Travel	3,250
Contractual Services	2,000
Supplies and Materials	2,700
Capital Outlay	1,000

TOTAL	\$ 54,800
-------------	-----------

TOTAL EXECUTIVE AND FINANCIAL ...	\$ 2,496,505
-----------------------------------	--------------

JUDICIAL AND LEGAL*Supreme Court*

Salary of Chief Justice	\$ 25,000
Salaries of Associate Justices	49,000
Salaries and Wages of Employees	35,000
Travel	2,550
Contractual Services	7,000
Supplies and Materials	3,000
Capital Outlay	3,000

TOTAL	\$ 124,550
-------------	------------

Court of Chancery

Salary of Chancellor	\$ 24,000
Salaries of Vice-Chancellors	47,000
Chancellor for Reporting	400
Salaries and Wages of Employees	46,000
Travel	2,300
Contractual Services	
Chancellor's Report	5,750
Other Contractual Services	1,450
Supplies and Materials	2,700
Capital Outlay	3,000

TOTAL	\$ 132,600
-------------	------------

Superior Court

Salary of President Judge	\$ 24,000
Salaries of Associate Judges	188,000

Year Ending June 30, 1968

Kent Res. Judge for Reporting	400
Salaries and Wages of Employees	156,400
Personal Services	1,500
Travel	10,500
Contractual Services	
Judge's Report	5,750
Other Contractual Services	3,000
Supplies and Materials	5,300
Capital Outlay	6,400
TOTAL	\$ 401,250

Common Pleas Court—Kent County

Salary of Judge	\$ 21,000
TOTAL	\$ 21,000

Common Pleas Court—Sussex County

Salary of Judge	\$ 21,000
TOTAL	\$ 21,000

Family Court for New Castle County

Salaries of Judges	\$ 63,000
Salary of Director	11,300
Salaries and Wages of Employees	351,100
Personal Services—Masters	2,000
Travel	2,000
Contractual Services	5,930
Supplies and Materials	4,000
Capital Outlay	5,000
TOTAL	\$ 444,330

Family Court for Kent and Sussex Counties

Salaries of Judges	\$ 42,000
Salary of Director	8,000
Salaries and Wages of Employees	135,500

Year Ending June 30, 1968

Personal Services—Masters	3,000
---------------------------------	-------

TOTAL	\$ 188,500
-------------	------------

New Castle County Law Library

Salaries and Wages of Employees	\$ 4,700
---------------------------------------	----------

Contractual Services	1,500
----------------------------	-------

Supplies and Materials	50
------------------------------	----

Capital Outlay	8,400
----------------------	-------

TOTAL	\$ 14,650
-------------	-----------

State Law Library in Kent County

Salaries and Wages of Employees	\$ 7,600
---------------------------------------	----------

Contractual Services	1,800
----------------------------	-------

Supplies and Materials	150
------------------------------	-----

Capital Outlay	8,000
----------------------	-------

TOTAL	\$ 17,550
-------------	-----------

Sussex County Law Library

Personal Services	\$ 500
-------------------------	--------

Contractual Services	1,000
----------------------------	-------

Supplies and Materials	75
------------------------------	----

Capital Outlay	5,500
----------------------	-------

TOTAL	\$ 7,075
-------------	----------

Attorney General

Salary of Attorney General	\$ 15,000
----------------------------------	-----------

Salary of Administrative Assistant—Full-time	15,000
--	--------

Salary of Chief Deputy	8,500
------------------------------	-------

Salaries of County Deputies (3)	22,500
---------------------------------------	--------

Salaries of County Assistant Deputies (6)	42,000
--	--------

Salaries of Tax Deputies (2)	14,000
------------------------------------	--------

Salaries of State Detectives (3)	10,500
--	--------

Salary of Supervisor of Personnel and Records ..	7,000
--	-------

Salaries and Wages of Employees	67,228
---------------------------------------	--------

Year Ending June 30, 1968

Personal Services	5,000
Travel	5,000
Contractual Services	15,000
Supplies and Materials	7,850
Capital Outlay	5,000

TOTAL\$ 239,578

Board of Post Mortem Examiners

Salary of Medical Examiner	\$ 19,000
Salaries and Wages of Employees	43,100
Personal Services	6,000
Travel	1,700
Contractual Services	4,800
Supplies and Materials	3,350
Capital Outlay	5,000

TOTAL\$ 82,950

Public Defender

Salary of Public Defender	\$ 10,000
Salary of Assistant Public Defender—Full-time	10,000
Salary of Administrative Assistant	7,500
Salaries and Wages of Employees	17,700
Personal Services	
Lawyers	49,000
Court Reporters and Other Personal Services	5,000
Travel	1,500
Contractual Services	6,000
Supplies and Materials	1,800
Capital Outlay	1,500

TOTAL\$ 110,000

Council on Administration of Justice

Travel	\$ 200
Contractual Services	300

TOTAL\$ 500

Supervisor of Justices of Peace Year Ending June 30, 1968

Salary of Deputy Administrator	\$ 15,000
Salary of Assistant Deputy Administrator	9,000
Salaries of Justices of Peace (53)	424,000
Salaries of Constables (26)	130,000
Salaries of Chief Clerks (15)	67,500
Salaries of Deputy Clerks (40)	160,000
Salaries and Wages of Employees	17,200
Personal Services	7,000
Travel	
Constables	32,500
Other Travel	400
Contractual Services	70,000
Supplies and Materials	20,000
Capital Outlay	12,000
 TOTAL	 \$ 964,600

TOTAL JUDICIAL AND LEGAL\$ 2,770,133

PROFESSIONAL AND OCCUPATIONAL BOARDS***State Board of Accountancy***

Salaries of Board Members	\$ 1,000
Salaries and Wages of Employees	1,300
Travel	500
Contractual Services	1,950
Supplies and Materials	150
 TOTAL	 \$ 4,900

Board of Examiners and Registration of Architects

Salaries and Wages of Employees	\$ 2,000
Travel	250
Contractual Services	850
Supplies and Materials	100
 TOTAL	 \$ 3,200

State Board of Barber Examiners Year Ending June 30, 1968

Salaries of Board Members	\$ 1,400
Salary of Secretary	300
Travel	600
Contractual Services	725
Supplies and Materials	150
TOTAL	\$ 3,175

Board of Chiropody Examiners

Salaries of Board Members	\$ 160
Travel	30
Contractual Services	95
Supplies and Materials	65
Capital Outlay	150
TOTAL	\$ 500

State Board of Chiropractic Examiners

Salaries of Board Members	\$ 150
Travel	50
Contractual Services	113
Supplies and Materials	40
TOTAL	\$ 353

Board of Cosmetology

Salaries of Board Members	\$ 1,500
Salary of Secretary	2,300
Personal Services	800
Travel	900
Contractual Services	1,100
Supplies and Materials	450
TOTAL	\$ 7,050

State Board of Dental Examiners

Salaries of Board Members	\$ 700
Salaries and Wages of Employees	500

Year Ending June 30, 1968

Travel	500
Contractual Services	795
Supplies and Materials	150
TOTAL	\$ 2,645

State Board of Registration for Professional Engineers and Land Surveyors

Salary of Secretary	\$ 4,320
Salaries and Wages of Employees	800
Personal Services	300
Travel	1,000
Contractual Services	4,225
Supplies and Materials	1,200
TOTAL	\$ 11,845

Medical Council of Delaware

Salaries of Board Members	\$ 2,500
Salaries and Wages of Employees	8,000
Personal Services	100
Travel	2,200
Contractual Services	1,000
Supplies and Materials	850
TOTAL	\$ 14,650

Delaware Board of Nursing

Salaries of Board Members	\$ 800
Salary of Executive Director	7,000
Salary of Assistant Executive Director	6,000
Salaries and Wages of Employees	4,200
Travel	800
Contractual Services	4,940
Supplies and Materials	200
Capital Outlay	200
TOTAL	\$ 24,140

*Year Ending June 30, 1968**State Board of Examiners in Optometry*

Salaries of Board Members	\$	300
Travel		150
Contractual Services		100
Supplies and Materials		50
		<hr/>
TOTAL	\$	600

State Board of Pharmacy

Salaries of Board Members	\$	1,500
Personal Services		4,000
Travel		2,000
Contractual Services		950
Supplies and Materials		150
Capital Outlay		200
		<hr/>
TOTAL	\$	8,800

State Examining Board of Physical Therapists

Personal Services	\$	20
Travel		30
Contractual Services		200
Supplies and Materials		25
Capital Outlay		50
		<hr/>
TOTAL	\$	325

State Board of Examiners of Psychologists

Personal Services	\$	100
Travel		100
Contractual Services		325
Supplies and Materials		100
Capital Outlay		75
		<hr/>
TOTAL	\$	700

Delaware Real Estate Commission

Salaries of Board Members	\$	1,080
---------------------------------	----	-------

Year Ending June 30, 1968

Salaries and Wages of Employees	2,350
Travel	200
Contractual Services	1,270
Supplies and Materials	400
TOTAL	\$ 5,300

State Board of Examiners of Undertakers

Salaries of Board Members	\$ 300
Salaries and Wages of Employees	300
Personal Services	250
Travel	150
Contractual Services	350
Supplies and Materials	100
TOTAL	\$ 1,450

State Board of Veterinary Examiners

Salaries and Wages of Employees	\$ 150
Personal Services	25
Travel	75
Contractual Services	15
TOTAL	\$ 265

State Board of Electrical Examiners

Salaries of Board Members (7)	\$ 1,260
Salary of Secretary-Treasurer	300
Operations	9,440
TOTAL	\$ 11,000

TOTAL PROFESSIONAL AND OCCUPATIONAL BOARDS	\$ 100,898
---	-------------------

Year Ending June 30, 1968

REGULATORY BOARDS AND AGENCIES

Alcoholic Beverage Control Commission

Salaries of Board Members	\$ 5,000
Salary of Secretary	9,500
Salaries and Wages of Employees	112,700
Personal Services	
Lawyers	5,000
Court Reporters	4,000
Travel	7,000
Contractual Services	14,000
Supplies and Materials	2,720
Capital Outlay	2,200
TOTAL	\$ 162,120

State Athletic Commission

Salaries of Board Members	\$ 900
Personal Services	100
Travel	200
Contractual Services	100
Supplies and Materials	50
Capital Outlay	100
TOTAL	\$ 1,450

State Bank Commissioner

Salaries of Board Members	\$ 240
Salary of Bank Commissioner	15,000
Salaries and Wages of Employees	40,000
Personal Services	100
Travel	3,650
Contractual Services	1,500
Supplies and Materials	800
Capital Outlay	600
TOTAL	\$ 61,890

Bingo Control Commission**Year Ending June 30, 1968**

Salaries of Board Members	\$ 1,500
Salaries and Wages of Employees	11,400
Travel	3,300
Contractual Services	500
Supplies and Materials	100
TOTAL	\$ 16,800

Board of Boiler Rules

Salary of Chief Inspector	\$ 7,500
Salaries and Wages of Employees	18,000
Travel	3,500
Contractual Services	2,000
Supplies and Materials	500
Capital Outlay	150
TOTAL	\$ 31,650

State Fire Prevention Commission—**Office of State Fire Marshal**

Salary of Fire Marshal	\$ 8,500
Salaries and Wages of Employees	36,100
Travel	1,600
Contractual Services	3,189
Supplies and Materials	4,350
Capital Outlay	5,200
Fire Prevention Conference	750
TOTAL	\$ 59,689

State Fire Prevention Commission—**Delaware State Fire School**

Salary of Director	\$ 8,500
Salaries and Wages of Employees	10,500
Travel	5,600
Contractual Services	3,700
Supplies and Materials	2,900

Year Ending June 30, 1968

Capital Outlay	6,500
----------------------	-------

TOTAL	\$ 37,700
-------------	-----------

State Human Relations Commission

Salary of Executive Secretary	\$ 4,500
-------------------------------------	----------

Salaries and Wages of Employees	6,000
---------------------------------------	-------

Personal Services—Lawyer	2,000
--------------------------------	-------

Travel	1,500
--------------	-------

Contractual Services	4,500
----------------------------	-------

Supplies and Materials	1,000
------------------------------	-------

Capital Outlay	500
----------------------	-----

TOTAL	\$ 20,000
-------------	-----------

State Insurance Commissioner

Salary of Commissioner	\$ 12,000
------------------------------	-----------

Salary of Deputy	11,000
------------------------	--------

Salaries and Wages of Employees	43,050
---------------------------------------	--------

Travel	3,275
--------------	-------

Contractual Services	
----------------------	--

Insurance Premiums	296,400
--------------------------	---------

Other Contractual Services	6,150
----------------------------------	-------

Supplies and Materials	1,300
------------------------------	-------

Capital Outlay	800
----------------------	-----

TOTAL	\$ 373,975
-------------	------------

Public Service Commission

Salaries of Board Members	\$ 13,500
---------------------------------	-----------

Salaries and Wages of Employees	40,600
---------------------------------------	--------

Personal Services	
-------------------	--

Lawyers	7,200
---------------	-------

Other Personal Services	4,000
-------------------------------	-------

Travel	3,500
--------------	-------

Contractual Services	4,500
----------------------------	-------

Supplies and Materials	3,200
------------------------------	-------

Capital Outlay	1,000
----------------------	-------

TOTAL	\$ 77,500
-------------	-----------

*Year Ending June 30, 1968****Delaware Harness Racing Commission***

Salaries of Board Members	\$	3
Salary of Executive Secretary		12,000
Salaries and Wages of Employees		14,500
Travel		4,000
Contractual Services		3,000
Supplies and Materials		1,500
Capital Outlay		1,500
		<hr/>
TOTAL	\$	36,503

Delaware Racing Commission

Salaries of Board Members	\$	4
Salaries and Wages of Employees		2,400
Travel		800
Contractual Services		3,062
Supplies and Materials		75
		<hr/>
TOTAL	\$	6,341

TOTAL REGULATORY BOARDS

AND AGENCIES	\$	885,618
--------------------	----	---------

DEFENSE***Delaware National Guard***

Salary of Adjutant General	\$	15,000
Salaries and Wages of Employees		73,500
Travel		4,000
Contractual Services		
Special Repairs to Armories		9,000
Other Contractual Services		96,200
Supplies and Materials		
Small Arms Security Rooms		4,000
Other Supplies and Materials		23,000
Capital Outlay		8,000
Unit Fund Allowance		18,500
Uniform Allowance		22,000
		<hr/>
TOTAL	\$	273,200

Department of Civil Defense Year Ending June 30, 1968

Salary of Director (Total \$10,000; State \$5,000; Other Sources \$5,000)	\$ 5,000
Salaries and Wages of Employees	34,450
Personal Services	200
Travel	700
Contractual Services	6,000
Supplies and Materials	3,375
Capital Outlay	5,000
<hr/>	
TOTAL	\$ 54,725
<hr/>	
TOTAL DEFENSE	\$ 327,925

LABOR

State Department of Labor and Industrial Relations

Salary of Executive Secretary	\$ 9,500
Salaries and Wages of Employees	98,100
Personal Services—Lawyers	3,000
Travel	3,000
Contractual Services	13,000
Supplies and Materials	2,725
Capital Outlay	1,500
<hr/>	
TOTAL	\$ 130,825

Apprenticeship and Training Council

Salaries of Board Members	\$ 1,440
Salary of Director	7,500
Salaries and Wages of Employees	3,900
Travel	475
Contractual Services	350
Supplies and Materials	200
Capital Outlay	150
<hr/>	
TOTAL	\$ 14,015

Industrial Accident Board**Year Ending June 30, 1968**

Salaries of Board Members	\$ 15,000
Salary of Secretary	6,000
Salaries and Wages of Employees	17,900
Personal Services	
Legal Fees	5,300
Court Reporters	6,000
Travel	3,500
Contractual Services	5,750
Supplies and Materials	1,000
Capital Outlay	300
TOTAL	\$ 60,750
TOTAL LABOR	\$ 205,590

CULTURAL, HISTORIC AND RECREATIONAL**Public Archives Commission—Administration**

Salary of Archivist	\$ 11,100
Salaries and Wages of Employees	74,500
Personal Services	3,000
Travel	1,000
Contractual Services	
Old Sussex County Courthouse	600
Other Contractual Services	4,000
Supplies and Materials	
Film	3,000
Other Supplies and Materials	1,000
Capital Outlay	
Historic Markers	1,000
Other Capital Outlay	3,500
TOTAL	\$ 102,700

Public Archives Commission—State Museum

Salaries and Wages of Employees	\$ 30,000
Personal Services	900
Travel	250

Year Ending June 30, 1968

Contractual Services	1,600
Supplies and Materials	1,000
Capital Outlay	
Alarm System	6,000
Other Capital Outlay	2,000
TOTAL	\$ 41,750

*Public Archives Commission—**John Dickinson Mansion*

Salaries and Wages of Employees	\$ 15,700
Personal Services	600
Contractual Services	900
Supplies and Materials	550
Capital Outlay	800
TOTAL	\$ 18,550

*Public Archives Commission—**Fort Christina Monument*

Salaries and Wages of Employees	\$ 6,600
Personal Services	400
Contractual Services	2,420
Supplies and Materials	550
Capital Outlay	200
TOTAL	\$ 10,170

Public Archives Commission—Governor's House

Salaries and Wages of Employees	\$ 600
Supplies and Materials	10,000
TOTAL	\$ 10,600

Public Archives Commission—Buena Vista

Salaries and Wages of Employees	\$ 26,000
Contractual Services	4,000

Year Ending June 30, 1968

Supplies and Materials	10,000
TOTAL	\$ 40,000

Portrait Commission

Travel	\$ 25
Contractual Services	155
Supplies and Materials	20
Capital Outlay	500
TOTAL	\$ 700

Lewes Memorial Commission

Salaries and Wages of Employees	\$ 10,110
Personal Services	50
Travel	100
Contractual Services	1,600
Supplies and Materials	350
Capital Outlay	500
TOTAL	\$ 12,710

New Castle Historic Buildings Commission

Salaries and Wages of Employees	\$ 10,000
Contractual Services	2,000
Supplies and Materials	500
Capital Outlay	500
TOTAL	\$ 13,000

Delaware Day Commission

Contractual Services	\$ 450
TOTAL	\$ 450

Delaware Archaeological Board

Salary of Archaeologist	\$ 8,000
Salaries and Wages of Employees	9,500

Year Ending June 30, 1968

Travel	400
Contractual Services	2,000
Supplies and Materials	700
Capital Outlay	1,000
TOTAL	\$ 21,600

Library Commission

Salary of Librarian (Total \$15,000; State \$8,500; Other Sources \$6,500)	\$ 8,500
Salaries and Wages of Employees	39,600
Travel	1,000
Contractual Services	
Library Service for Blind	15,000
Other Contractual Services	1,360
Supplies and Materials	1,900
Capital Outlay	4,500
TOTAL	\$ 71,860

State Park Commission—Administration

Salary of Director	\$ 8,800
Salary of Assistant Director	8,500
Salaries and Wages of Employees	225,060
Personal Services	1,000
Travel	1,000
Contractual Services	
Indian River	18,950
Other Contractual Services	43,700
Supplies and Materials	
Indian River	6,500
Other Supplies and Materials	23,550
Capital Outlay	
Indian River	26,700
Other Capital Outlay	34,000
TOTAL	\$ 397,760

**TOTAL CULTURAL, HISTORIC AND
RECREATIONAL** **\$ 741,850**

STATE PROPERTIES***Custodian*** ***Year Ending June 30, 1968***

Salary of Custodian	\$ 12,000
Salaries and Wages of Employees	250,000
Travel	500
Contractual Services	145,000
Supplies and Materials	35,000
Capital Outlay	5,000
TOTAL	\$ 447,500

State Buildings and Grounds Commission

Personal Services	\$ 200
Travel	300
Contractual Services	150
Supplies and Materials	200
TOTAL	\$ 850

State Distribution Agency

Salary of Director	\$ 9,500
Salaries and Wages of Employees	55,800
Travel	800
Contractual Services	20,000
Supplies and Materials	5,000
Capital Outlay	2,000
TOTAL	\$ 93,100

TOTAL STATE PROPERTIES\$ 541,450

HEALTH AND WELFARE***State Board of Health***

Salary of Executive Secretary	\$ 21,000
Salaries and Wages of Employees	764,000
Personal Services	6,500
Travel	4,300

Year Ending June 30, 1968

Contractual Services	
School Examination Fees	25,000
New Jersey Virus Lab. Service	8,400
Other Contractual Services	57,000
Supplies and Materials	
Glasses—Optometry Division	2,500
Polio and Measles Vaccine	30,000
Other Supplies and Materials	28,300
Capital Outlay	16,000
TOTAL	\$ 963,000

Emily P. Bissell Hospital

Salary of Superintendent	\$ 13,500
Salaries and Wages of Employees	802,000
Personal Services	20,000
Travel	3,000
Contractual Services	81,000
Supplies and Materials	161,975
Capital Outlay	35,000
TOTAL	\$ 1,116,475

Water and Air Resources Commission

Salary of Executive Director (Total: \$17,700; State \$9,700; Others \$8,000)	\$ 9,700
Salaries and Wages of Employees	190,600
Personal Services	
Lawyer	5,000
Other Personal Services	9,900
Travel	8,000
Contractual Services	
Boat Rental	3,600
Other Contractual Services	15,000
Supplies and Materials	20,500
Capital Outlay	64,400
TOTAL	\$ 326,700

Department of Mental Health— Year Ending June 30, 1968
Administration

Salaries of Board Members	\$ 3,300
Salary of Commissioner	27,800
Salaries and Wages of Employees	248,500
Personal Services	5,000
Travel	4,500
Contractual Services	
Equipment Rental (A.D.P.)	12,628
Other Contractual Services	13,300
Supplies and Materials	2,600
Capital Outlay	2,000
TOTAL	\$ 319,628

Department of Mental Health—
Delaware State Hospital

Salary of Superintendent	\$ 21,500
Salaries and Wages of Employees	3,340,066
Personal Services	114,030
Travel	2,500
Contractual Services	
Buildings and Grounds Repair	50,000
Other Contractual Services	189,000
Supplies and Materials	
Buildings Repair Materials	30,000
Other Supplies and Materials	687,000
Capital Outlay	68,600
TOTAL	\$ 4,502,696

Department of Mental Health—
Mental Hygiene Clinic

Salary of Director	\$ 21,000
Salaries and Wages of Employees	268,160
Personal Services	4,000
Travel	1,000
Contractual Services	12,000

Year Ending June 30, 1968

Supplies and Materials	8,050
Capital Outlay	4,500
TOTAL	\$ 318,710

*Department of Mental Health—**Governor Bacon Health Center*

Salary of Superintendent	\$ 21,000
Salaries and Wages of Employees	1,094,870
Personal Services	16,620
Travel	1,000
Contractual Services	84,900
Supplies and Materials	142,800
Capital Outlay	12,000
TOTAL	\$ 1,372,690

*Department of Mental Health—**Hospital for the Mentally Retarded*

Salary of Superintendent	\$ 21,500
Salaries and Wages of Employees	1,545,820
Personal Services	31,000
Travel	1,100
Contractual Services	105,800
Supplies and Materials	274,200
Capital Outlay	28,000
TOTAL	\$ 2,007,420

*Department of Mental Health—**Daytime Care Centers*

Salary of Director	\$ 13,800
Salaries and Wages of Employees	151,380
Travel	3,700
Contractual Services	16,400
Supplies and Materials	17,400
Capital Outlay	12,600
TOTAL	\$ 215,280

Delaware Home and Hospital for Chronically Ill at Smyrna ***Year Ending June 30, 1968***

Salaries of Board Members	\$ 840
Salary of Medical Director	21,500
Salaries and Wages of Employees	2,006,000
Personal Services	24,000
Travel	1,000
Contractual Services	
Automatic Accounting Equipment	7,500
Food Service	30,000
Other Contractual Services	114,000
Supplies and Materials	
Drugs and Medical Supplies	180,000
Other Supplies and Materials	405,950
Capital Outlay	44,000
TOTAL	\$ 2,834,790

Commission for the Aging

Salary of Director (Total \$10,000; State \$5,000; Other Sources \$5,000)	\$ 5,000
Salary of Deputy Director (Total \$8,800; State \$4,400; Other Sources \$4,400)	4,400
Salaries and Wages of Employees	7,000
Travel	1,000
Contractual Services	700
Supplies and Materials	400
Older American Act Grants	25,000
TOTAL	\$ 43,500

Delaware Commission on Children and Youth

Salary of Executive Secretary	\$ 4,800
Salaries and Wages of Employees	1,600
Travel	600
Contractual Services	800
Supplies and Materials	900
TOTAL	\$ 8,700

Interagency Committee on Mental Retardation***Year Ending June 30, 1968***

Travel	\$ 500
Contractual Services	1,100
Supplies and Materials	700
Capital Outlay	1,800
TOTAL	\$ 4,100

Delaware Commission for the Blind

Salary of Director (Total \$12,500; State \$5,250; Other \$7,250)	\$ 5,250
Salaries and Wages of Employees	87,020
Personal Services	4,000
Travel	4,800
Contractual Services	
Education Services	91,800
Other Contractual Services	13,200
Supplies and Materials	
Vocational Training	19,000
Other Supplies and Materials	2,500
Capital Outlay	
Stand Construction	5,000
Other Capital Outlay	3,000
Assistance Grants	164,000
TOTAL	\$ 399,570

Department of Public Welfare—Administration

Salary of Director (Total \$15,000; State \$6,000, incl. G.A. Division; Other \$9,000)	\$ 6,000
Salaries and Wages of Employees	776,550
Personal Services	3,000
Travel	5,000
Contractual Services	
Blue Cross Accounting Contract	30,000
Other Contractual Services	67,250
Supplies and Materials	18,000
Capital Outlay	21,600

Year Ending June 30, 1968

Old Age Assistance Grants	360,000
Aid to Disabled Grants	247,000
Aid and Service to Needy Families	746,000
Direct Care—Child Welfare Service	823,000
Medical Aid Program	200,000

TOTAL\$ 3,303,400

***Department of Public Welfare—
General Assistance Program***

Salary of Director	\$ 3,600
Salaries and Wages of Employees	190,000
Travel	600
Contractual Services	21,000
Supplies and Materials	7,100
Capital Outlay	4,000
General Assistance Grants	468,650
Pensions—Employees and Spouse	6,350

TOTAL\$ 701,300

TOTAL HEALTH AND WELFARE\$ 18,437,959

REHABILITATION***Department of Corrections***

Salaries of Board Members	\$ 4,500
Salary of Director	16,000
Salary of Director of Institutions	12,500
Salaries and Wages of Employees	1,306,260
Personal Services	
Payments to Inmates	22,000
Medical Services (Title 11, Section 6536)	26,200
Other Personal Services	7,200
Travel	12,000
Contractual Services	
Hospital Services (Title II, Section 6536)	12,000
Other Contractual Services	124,000
Supplies and Materials	
Drugs and Medical Supplies, Title II, Section 6536)	12,000

Year Ending June 30, 1968

Other Supplies and Materials	260,500
Capital Outlay	30,000
TOTAL	\$ 1,845,160

Youth Services Commission

Salary of Executive Director	\$ 14,000
Salaries and Wages of Employees	761,000
Personal Services	16,000
Travel	4,900
Contractual Services	55,000
Supplies and Materials	
Food	85,000
Other Supplies and Materials	54,100
Capital Outlay	
Fire Protection Improvements	10,000
Other Capital Outlay	22,000
TOTAL	\$ 1,022,000

Board of Parole

Salaries of Board Members	\$ 2,160
Salaries and Wages of Employees	11,000
Travel	1,800
Contractual Services	1,225
Supplies and Materials	200
Capital Outlay	500
TOTAL	\$ 16,885

Board of Pardons

Salary of President	\$ 244
Personal Services	96
Travel	100
TOTAL	\$ 440

TOTAL REHABILITATION\$ 2,884,485

AGRICULTURE, FORESTRY AND CONSERVATION***State Board of Agriculture*** ***Year Ending June 30, 1968***

Salaries of Board Members	\$ 1,950
Salary of Secretary	7,500
Salaries and Wages of Employees	203,900
Personal Services	26,000
Travel	4,000
Contractual Services	
U.S.D.A. Market News	1,250
U.S.D.A. Inspector Service	11,500
Other Contractual Services	10,000
Supplies and Materials	16,800
Capital Outlay	
Vehicles	4,000
Other Capital Outlay	4,000
TOTAL	\$ 290,900

State Board of Agriculture—***Weights and Measures***

Salary of Chief Inspector	\$ 7,800
Salaries and Wages of Employees	40,000
Personal Services	400
Travel	800
Contractual Services	1,550
Supplies and Materials	3,350
Capital Outlay	3,000
TOTAL	\$ 56,900

Soil and Water Conservation Commission

Salary of Director	\$ 12,000
Salaries and Wages of Employees	39,800
Travel	4,600
Contractual Services	
Highway Crossing Contracts	90,000
Other Contractual Services	2,414
Supplies and Materials	400
Capital Outlay	500

Year Ending June 30, 1968

Tax Ditches—Sussex County*	22,500
Tax Ditches—Kent County*	10,000
Tax Ditches—New Castle County*	30,000
*Pursuant to Chapter 414, Volume 55, Delaware Code	

TOTAL	\$ 212,214
-------------	------------

State Poultry Commission

Salary of Executive Secretary	\$ 2,000
Salaries and Wages of Employees	1,400
Travel	600
Contractual Services	10,525
Supplies and Materials	25

TOTAL	\$ 14,550
-------------	-----------

State Forestry Department—Administration

Salary of State Forester (Total \$10,500; State \$5,250; Other \$5,250)	\$ 5,250
Salaries and Wages of Employees	60,000
Travel	600
Contractual Services	
Sanitary Facility Rental	2,000
Other Contractual Services	5,000
Supplies and Materials	4,000
Capital Outlay	5,000

TOTAL	\$ 81,850
-------------	-----------

*State Forestry Department—**Special Fire Protection and Extinction*

Salaries and Wages of Employees	\$ 12,300
Personal Services	1,000
Travel	50
Contractual Services	2,000
Supplies and Materials	600
Capital Outlay	3,900

TOTAL	\$ 19,850
-------------	-----------

Delaware Game and Fish Commission***Year Ending June 30, 1968***

Salaries of Board Members	\$ 2,700
Salary of Director (Total \$10,500; State \$6,000; Other \$4,500)	6,000
Salaries and Wages of Employees	69,000
Personal Services	550
Travel	975
Contractual Services	
New Castle County Dog Control	25,000
Kent County Dog Control	10,000
Other Contractual Services	10,000
Supplies and Materials	12,600
Capital Outlay	3,500
TOTAL	\$ 140,325

Delaware Commission of Shell Fisheries

Salary of Executive Secretary	\$ 5,000
Salaries and Wages of Employees	51,000
Personal Services	700
Travel	750
Contractual Services	
Research	10,000
Other Contractual Services	5,000
Supplies and Materials	5,000
Capital Outlay	1,000
TOTAL	\$ 78,450

Atlantic States Marine Fisheries Commission

Travel	\$ 300
Contractual Services	1,500
TOTAL	\$ 1,800

State Geologist

Salaries and Wages of Employees	\$ 40,500
Travel	1,000

Year Ending June 30, 1968

Contractual Services	
River Master Program	15,000
Federal Co-op Program	17,430
Other Contractual Services	1,800
Supplies and Materials	1,100
Capital Outlay	
Vehicles	6,300
Other Capital Outlay	500
	<hr/>
TOTAL	\$ 83,630
	<hr/>
TOTAL AGRICULTURE, FORESTRY AND CONSERVATION	\$ 980,469

HIGHWAYS, POLICE, ETC.*State Highway Department—**Controller's Office*

Salary of Controller	\$ 16,000
Salaries and Wages of Employees	172,000
Personal Services	8,000
Travel	3,000
Contractual Services	
Office and E.D.P. Equipment Rental	185,000
Other Contractual Services	24,000
Supplies and Materials	13,350
Capital Outlay	3,000
Social Security Contribution (Administered by State Treasurer)	240,000
	<hr/>
TOTAL	\$ 664,350

*State Highway Department—**Engineering Division*

Salary of Director of Operations (All Sources)	\$ 21,500
Salary of Administrative Assistant (All Sources)	11,100
Salary of Chief Engineer (All Sources)	18,000

Year Ending June 30, 1968

Salaries and Wages of Employees	4,137,100
Personal Services	
Lawyers	12,000
Other Personal Services	10,000
Travel	5,500
Contractual Services	
Snow Removal Contracts	140,000
Resurfacing Contracts	1,300,000
Grass Mowing Contracts	90,000
Other Contractual Services	468,900
Supplies and Materials	1,310,000
Capital Outlay	570,000
Lines, Center and Edge of Highways	50,000
TOTAL	\$ 8,144,100

*State Highway Department—**Motor Vehicle Division*

Salary of Commissioner	\$ 15,000
Salaries and Wages of Employees	738,210
Personal Services	100
Travel	700
Contractual Services	100,550
Supplies and Materials	
Tags, Stickers and Numerals	159,000
Other Supplies and Materials	24,000
Capital Outlay	8,500
TOTAL	\$ 1,046,060

*State Highway Department—**Safety Responsibility Division*

Salary of Director	\$ 7,800
Salaries and Wages of Employees	19,140
Travel	500
Contractual Services	1,500
Supplies and Materials	1,200

Year Ending June 30, 1968

Capital Outlay	300
TOTAL	\$ 30,440

*State Highway Department—**Motor Fuel Tax Division*

Salary of Director	\$ 7,800
Salaries and Wages of Employees	28,500
Travel	3,000
Contractual Services	3,000
Supplies and Materials	1,525
Capital Outlay	1,000
TOTAL	\$ 44,825

*State Highway Department—**State Police Division*

Salary of Superintendent	\$ 14,000
Salary of Director of Operations	12,600
Salaries of Uniformed Division	1,656,465
Salaries and Wages of Employees	256,000
Personal Services	1,300
Travel	10,300
Contractual Services	122,400
Supplies and Materials	154,000
Capital Outlay	104,000
Pension Fund Contribution	34,000
TOTAL	\$ 2,365,065

*State Highway Department—**Communications Division*

Salaries and Wages of Employees	\$ 73,000
Travel	1,000
Contractual Services	
School Contracts	2,000
Other Contractual Services	4,000

Year Ending June 30, 1968

Supplies and Materials	
Materials for Resale	18,000
Other Supplies and Materials	3,825
Capital Outlay	17,000
TOTAL	\$ 118,825

***State Highway Department—
Mosquito Control Division***

Salary of Superintendent	\$ 8,800
Salaries and Wages of Employees	110,000
Travel	600
Contractual Services	60,000
Supplies and Materials	50,000
Capital Outlay	
Back Hoe	10,000
Other Capital Outlay	3,000
TOTAL	\$ 242,400

TOTAL HIGHWAYS, POLICE, ETC. \$ 12,656,065

DEBT SERVICE

Redemptions	\$ 21,340,036
Interest (Total \$8,996,522; General Fund \$7,996,522; Capital Investment Fund In- terest \$1,000,000)	7,996,522
TOTAL	\$ 29,336,558

County Obligations

Redemptions	\$ 55,000
Interest	3,407
TOTAL	\$ 58,407

TOTAL DEBT SERVICE \$ 29,394,965

PENSIONS AND SOCIAL SECURITY***State Employees Pension Plan Year Ending June 30, 1968***

Salaries and Wages of Employees	\$ 6,900
Travel	100
Contractual Services	1,200
Supplies and Materials	400
Capital Outlay	1,000
Benefits	3,055,000
Survivors' Pension—Spouse	275,000
TOTAL	\$ 3,339,600

Board of State Employees' Pension Trustees

Salaries and Wages of Employees	\$ 2,500
TOTAL	\$ 2,500

State Judiciary Retirement Fund

Contributions	\$ 30,000
TOTAL	\$ 30,000

State Police Retirement Fund

Personal Services	\$ 250
Supplies and Materials	250
Contributions	
Regular Pensions	255,000
Survivors' Pensions	60,000
TOTAL	\$ 315,500

Paraplegic Veterans' Pensions

Benefits	\$ 6,600
TOTAL	\$ 6,600

Retired and Disabled Teachers' Pensions

Benefits	\$ 200,000
TOTAL	\$ 200,000

State Share—Social Security Year Ending June 30, 1968

Contributions	\$ 3,069,400
---------------------	--------------

TOTAL	\$ 3,069,400
-------------	--------------

TOTAL PENSIONS AND SOCIAL SECURITY	\$ 6,963,600
---	--------------

GRANTS-IN-AID**Municipalities**

Street Improvement Aid Funds	\$ 2,000,000
------------------------------------	--------------

TOTAL	\$ 2,000,000
-------------	--------------

Peninsula Horticultural Society

Contractual Services	\$ 900
----------------------------	--------

TOTAL	\$ 900
-------------	--------

Crop Improvement Association

Contractual Services	\$ 800
----------------------------	--------

TOTAL	\$ 800
-------------	--------

TOTAL GRANTS-IN-AID	\$ 2,001,700
---------------------------	--------------

CONTINGENCY FUND**(Administered by State Budget Commission)**

Emergency Fund Only	\$ 100,000
---------------------------	------------

Boiler and Roof Repair	50,000
------------------------------	--------

Fire and Storm Damage	100,000
-----------------------------	---------

Increased Enrollment—Youth Services Com- mission	60,000
---	--------

Security Treatment Center—Youth Services Commission	30,000
--	--------

Public Service Commission—Hearing Contin- gency	10,000
--	--------

New Castle Historic Building Renovations	15,000
---	--------

Year Ending June 30, 1968

Chief Admin. Officer—Delaware Home and Hospital	13,000
Coordinator of Highway Safety	5,000
Department of Corrections—Overtime Contingency	15,000
Commission on Status of Women	2,500

TOTAL\$ 400,500

TOTAL AGENCIES, GRANTS-IN-AID\$ 82,341,453

EDUCATION*Higher Education—University of Delaware*

Operations	\$ 8,093,500
Diagnostic Poultry Service	10,000
General Scholarships	37,500
Aid to Needy Students (Section 5520-5524, Title 14, Delaware Code)	57,000
Teaching Scholarships (Section 5502, Title 14, Delaware Code)	50,000
Scholarship Fund (Section 5501, Title 14, Delaware Code)	50,000
Employer's Share, Social Security (Administered by the State Treasurer)	440,600
State Employees' Pension Benefits (Administered by the State Treasurer)	245,520

TOTAL\$ 8,984,120

*Higher Educational Aid Advisory Commission—**Delaware Higher Education and Vocational Loan Program*

Salaries and Wages of Employees	\$ 4,500
Travel	500
Contractual Services	2,500
Supplies and Materials	2,500
Guaranteed Loan Reserves—Vocational Student Loan Plan	15,000

TOTAL\$ 25,000

*Delaware State College**Year Ending June 30, 1968*

Salaries and Wages of Employees	\$ 688,000
Personal Services	
Work Study Program	10,000
Other Personal Services	3,000
Travel	3,000
Contractual Services	118,700
Supplies and Materials	90,500
Capital Outlay	57,900
Scholarships (Section 6510, Title 14, Delaware Code)	50,000
TOTAL	\$ 1,021,100
TOTAL HIGHER EDUCATION	\$ 10,030,220

PUBLIC EDUCATION*State Board of Education***DIVISION I.—SALARIES**

Board Members	\$ 2,700
Superintendent	20,500
Assistant Superintendents (2)	28,680
Directors (6)	80,520
Supervisors (16) (Total \$181,040; State \$147,020; Other 34,020)	147,020
Supervisor, Industrial Arts (Total \$11,360; State \$5,680; Other \$5,680)	5,680
Supervisors (6) (All other funds)	—
Assistant Supervisors (3-11 months; 10-12 months) (Total \$141,418; State \$134,198; Other \$7,220)	134,198
Assistant Supervisors (5) (All other funds) ..	—
Assistant Supervisor, Safety Education (12 months)	11,000
Teachers	
Driver Education (55—10 months)	362,400
A. I. duPont Institute (1)	6,900
Attendance Officers (4—10 months)	27,200
Psychologists (12—10 months)	97,600

Year Ending June 30, 1968

Speech and Hearing (12—10 months) . . .	87,280
Homebound (10—10 months)	65,000
Substitutes in Districts	375,000
Other Teachers (2—12 months)	16,440
Clerical	202,300
Janitorial	2,640
Others	
Education Foreign Born	8,480
Bus Drivers and Attendants	118,000
E.D.P. Coordinator (Total \$10,600; State \$3,500; Other \$7,100)	3,500
E.D.P. Programmer (Total \$7,500; State \$2,000; Other \$5,500)	2,000
Administrative Assistant to Superinten- dent (Other \$13,340)	_____
Graphic Arts (Other \$9,000)	_____
Machine Operator (Other \$6,000)	_____
 TOTAL SALARIES AND STATE FUNDS \$	 1,805,038

DIVISION II.

Personal Services	
Lawyers—Tenure Case Contingency \$	3,000
Other Personal Services	4,000
Travel	
Reimbursement to Parents	25,000
Mileage	26,000
Other Travel	5,000
Contractual Services	
Tuition and Initiation of Delaware Pro- grams	120,066
Transportation—Bus Contracts	2,500,000
Evening School	95,000
Other Contractual Services	83,400
Supplies and Materials	45,200
Capital Outlay	
Films	15,000
Buses	15,000
Other Vehicles	12,000
Other Capital Outlay	5,000

Year Ending June 30, 1968

Scholarship Fund (Chapter 34, Title 14, Delaware Code)	100,000
Governor's Committee on Employment of Handicapped	500

TOTAL NON-SALARIES—STATE FUNDS\$ 3,054,166

TOTAL STATE BOARD OF EDUCATION—
STATE FUNDS\$ 4,859,204

State Board of Vocational Education

DIVISION I.—SALARIES

Assistant Superintendent (Total \$14,820— State \$7,410; Other \$7,410)	7,410
Supervisors (7) (Total \$80,560—State \$40,280; Other \$40,280)	40,280
Assistant Supervisors (5) (All other sources)	
Teachers	
Fire School	5,000
Vocational Programs	46,750
Clerical	17,000
Student Work Study	5,000
Personal Services	1,000
Travel	4,000
Contractual Services	2,700
Supplies and Materials	
Textbooks and Supplies—Vocational Pro- grams	8,500
Other Supplies and Materials	2,400
Capital Outlay	1,800
TOTAL	\$ 141,840

*State Board of Vocational Education—
Rehabilitation Division*

Personal Services	\$ 73,000
Travel	7,000
Contractual Services	
Case Service	31,000

Year Ending June 30, 1968

Other Contractual Services	134,000
Supplies and Materials	22,000
<hr/>	
TOTAL STATE BOARD OF VOCATIONAL EDUCATION—REHABILITATION DIVISION ..\$	267,000

Educational Television Board

Salary of Director	\$ 16,500
Salaries and Wages of Employees	369,000
Personal Services	22,000
Travel	5,000
Contractual Services	
University of Delaware Film Production ..	5,000
Film Processing	5,200
Videotape Rental	54,500
Cable Rental	500,000
Other Contractual Services	50,000
Supplies and Materials	48,000
Capital Outlay	3,000
<hr/>	
TOTAL	\$ 1,078,200

SPECIAL SCHOOL DISTRICTS*Caesar Rodney***DIVISION I.—SALARIES***For School Year 1967-1968*

A. Chief School Officer	\$	12,840
E. Principals	5	54,260
F. Part-time Principals	1	7,220
G. Administrative Assistants	2	23,080
<hr/>		
TOTAL ADMINISTRATIVE SALARIES	\$	97,400
H. Teachers	174	\$ 1,019,590
I. Clerical	12	55,625
J. Janitorial	22	107,400
K. Health	41½	24,500
L. Cafeteria	5	23,850

For School Year 1967-1968

DIVISION II.—OTHER COSTS

A. All Other Costs	180	162,000
B. Capital Outlay	180	18,000
TOTAL		<hr/> \$ 1,508,365

Caesar Rodney Trainable School
(Administered by Caesar Rodney)

DIVISION I.—SALARIES

H. Teachers	4	\$ 23,600
I. Clerical	PT	1,500
J. Janitorial	1	4,700
K. Health	PT	1,600
M. Attendants and Aides	4	11,600

DIVISION II.—OTHER COSTS

A. All Other Costs	8	7,200
B. Capital Outlay	8	800
TOTAL		<hr/> \$ 51,000

Claymont

DIVISION I.—SALARIES

A. Chief School Officer		\$ 12,840
E. Principals	4	44,000
F. Vice-Principals	1	9,860
F. Administrative Assistants	1	11,540

TOTAL ADMINISTRATIVE SALARIES\$ 78,240

H. Teachers	127	\$ 888,600
I. Clerical	9	44,400
J. Janitorial	22	109,100
K. Health	3	17,800
L. Cafeteria	5	21,250

DIVISION II.—OTHER COSTS

A. All Other Costs	132	118,800
B. Capital Outlay	132	13,200

TOTAL\$ 1,291,390

Dover

DIVISION I.—SALARIES

For School Year 1967-1968

A. Chief School Officer	\$	13,320
E. Principals—Full time	8	82,120
F. Vice-principals	1	9,900
G. Administrative Assistants	2	23,080

TOTAL ADMINISTRATIVE SALARIES	\$	128,420
H. Teachers	219	\$ 1,457,000
I. Clerical	15	71,100
J. Janitorial	55	249,650
K. Health	5½	29,400
L. Cafeteria	7	33,200

DIVISION II.—OTHER COSTS

A. All Other Costs	228	205,200
B. Capital Outlay	228	22,800

TOTAL	\$	2,196,770
-------------	----	-----------

Alexis I. Du Pont

DIVISION I.—SALARIES

A. Chief School Officer	\$	13,320
E. Principals	4	42,300
F. Vice-principals	2	18,160
G. Administrative Assistants	1	11,540

TOTAL ADMINISTRATIVE SALARIES	\$	85,320
H. Teachers	91	\$ 642,400
I. Clerical	8	39,600
J. Janitorial	33	153,050
K. Health	2½	14,500
L. Cafeteria	6	25,300

DIVISION II.—OTHER COSTS

A. All Other Costs	97	87,300
B. Capital Outlay	97	9,700

TOTAL	\$	1,057,170
-------------	----	-----------

*Georgetown**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	2	21,520
F. Vice-Principals	1	9,560
G. Administrative Assistants	1	11,060

TOTAL ADMINISTRATIVE SALARIES	\$	54,980
H. Teachers	72	\$ 490,000
I. Clerical	6	28,300
J. Janitorial	10	50,500
K. Health	2	12,000
L. Cafeteria	1	3,950

DIVISION II.—OTHER COSTS

A. All Other Costs	75	67,500
B. Capital Outlay	75	7,500

TOTAL	\$	714,730
-------------	----	---------

Harrington

DIVISION I.—SALARIES

A. Chief School Officer	\$	11,860
E. Principals	2	22,080

TOTAL ADMINISTRATIVE SALARIES	\$	33,940
H. Teachers	57	\$ 384,600
I. Clerical	4	20,400
J. Janitorial	10	50,300
K. Health	1½	8,100
L. Cafeteria	2	8,200

DIVISION II.—OTHER COSTS

A. All Other Costs	59	53,100
B. Capital Outlay	59	5,900

TOTAL	\$	564,540
-------------	----	---------

*Laurel**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	3	31,780
F. Vice-principals	1	9,560
G. Administrative Assistants	1	11,540

TOTAL ADMINISTRATIVE SALARIES\$ 65,720

H. Teachers	91	\$ 623,560
I. Clerical	8	39,100
J. Janitorial	17	85,500
K. Health	21½	14,700
L. Cafeteria	2	7,150

DIVISION II.—OTHER COSTS

A. All Other Costs	95	85,500
B. Capital Outlay	95	9,500

TOTAL\$ 930,730

Lewes

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	2	22,480
F. Principals, Part-time	1	8,000

TOTAL ADMINISTRATIVE SALARIES\$ 43,320

H. Teachers	67	\$ 449,000
I. Clerical	5	24,600
J. Janitorial	10	48,400
K. Health	2	11,700
L. Cafeteria	2	8,800

DIVISION II.—OTHER COSTS

A. All Other Costs	70	63,000
B. Capital Outlay	70	7,000

TOTAL\$ 655,820

*Milford**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,360
E. Principals	5	52,900
F. Vice-Principals	1	8,880
G. Administrative Assistants	1	11,540

TOTAL ADMINISTRATIVE SALARIES	\$	85,680
-------------------------------------	----	--------

H. Teachers	130	\$ 871,300
I. Clerical	9	42,700
J. Janitorial	25	119,250
K. Health	3	16,200
L. Cafeteria	5	19,800

DIVISION II.—OTHER COSTS

A. All Other Costs	136	122,400
B. Capital Outlay	136	13,600

TOTAL	\$	1,290,930
-------------	----	-----------

Mount Pleasant

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	7	76,560
F. Vice-principals	1	9,320
G. Administrative Assistants	2	20,680

TOTAL ADMINISTRATIVE SALARIES	\$	119,400
-------------------------------------	----	---------

H. Teachers	229	\$ 1,648,600
I. Clerical	15	72,900
J. Janitorial	34	150,050
K. Health	51½	32,400
L. Cafeteria	7	32,600

DIVISION II.—OTHER COSTS

A. All Other Costs	237	213,300
B. Capital Outlay	237	23,700

TOTAL	\$	2,292,950
-------------	----	-----------

*Laurel**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	3	31,780
F. Vice-principals	1	9,560
G. Administrative Assistants	1	11,540

TOTAL ADMINISTRATIVE SALARIES	\$	65,720
H. Teachers	91	\$ 623,560
I. Clerical	8	39,100
J. Janitorial	17	85,500
K. Health	2½	14,700
L. Cafeteria	2	7,150

DIVISION II.—OTHER COSTS

A. All Other Costs	95	85,500
B. Capital Outlay	95	9,500

TOTAL	\$	930,730
-------------	----	---------

Lewes

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	2	22,480
F. Principals, Part-time	1	8,000

TOTAL ADMINISTRATIVE SALARIES	\$	43,320
H. Teachers	67	\$ 449,000
I. Clerical	5	24,600
J. Janitorial	10	48,400
K. Health	2	11,700
L. Cafeteria	2	8,800

DIVISION II.—OTHER COSTS

A. All Other Costs	70	63,000
B. Capital Outlay	70	7,000

TOTAL	\$	655,820
-------------	----	---------

*Milford**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,360
E. Principals	5	52,900
F. Vice-Principals	1	8,880
G. Administrative Assistants	1	11,540

TOTAL ADMINISTRATIVE SALARIES\$ 85,680

H. Teachers	130	\$ 871,300
I. Clerical	9	42,700
J. Janitorial	25	119,250
K. Health	3	16,200
L. Cafeteria	5	19,800

DIVISION II.—OTHER COSTS

A. All Other Costs	136	122,400
B. Capital Outlay	136	13,600

TOTAL\$ 1,290,930

Mount Pleasant

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	7	76,560
F. Vice-principals	1	9,320
G. Administrative Assistants	2	20,680

TOTAL ADMINISTRATIVE SALARIES\$ 119,400

H. Teachers	229	\$ 1,648,600
I. Clerical	15	72,900
J. Janitorial	34	150,050
K. Health	5½	32,400
L. Cafeteria	7	32,600

DIVISION II.—OTHER COSTS

A. All Other Costs	237	213,300
B. Capital Outlay	237	23,700

TOTAL\$ 2,292,950

*New Castle**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,360
E. Principals	8	87,700
F. Vice-principals	3	29,560
G. Administrative Assistants	2	23,080

TOTAL ADMINISTRATIVE SALARIES\$ 152,700

H. Teachers	254	\$ 1,681,400
I. Clerical	17	80,000
J. Janitorial	44	189,550
K. Health	7	40,200
L. Cafeteria	9	36,300

DIVISION II.—OTHER COSTS

A. All Other Costs	265	238,500
B. Capital Outlay	265	26,500

TOTAL\$ 2,445,150

Newark

DIVISION I.—SALARIES

A. Chief School Officer	\$	13,320
E. Principals	15	166,660
F. Vice-principals	2	19,420
G. Administrative Assistants	4	46,160

TOTAL ADMINISTRATIVE SALARIES\$ 245,560

H. Teachers	484	\$ 3,303,800
I. Clerical	31	139,451
J. Janitorial	70	329,175
K. Health	12	76,000
L. Cafeteria	14	54,850
M. Attendants and Aides	1	2,200

DIVISION II.—OTHER COSTS

A. All Other Costs	501	450,900
B. Capital Outlay	501	50,100

TOTAL\$ 4,652,036

*Rehoboth**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,320
E. Principals	1	10,840
F. Principals, Part-time	1	8,150

TOTAL ADMINISTRATIVE SALARIES	\$	31,310
-------------------------------------	----	--------

H. Teachers	25	\$ 180,600
I. Clerical	2	9,600
J. Janitorial	6	29,000
K. Health	1	4,000
L. Cafeteria	2	8,050

DIVISION II.—OTHER COSTS

A. All Other Costs	27	24,300
B. Capital Outlay	27	2,700

TOTAL	\$	289,560
-------------	----	---------

Seaford

DIVISION I.—SALARIES

A. Chief School Officer	\$	13,320
E. Principals	5	52,540
F. Vice-principals	1	10,340
G. Administrative Assistants	2	22,600

TOTAL ADMINISTRATIVE SALARIES	\$	98,800
-------------------------------------	----	--------

H. Teachers	151	\$ 1,009,000
I. Clerical	11	52,500
J. Janitorial	31	149,700
K. Health	4	22,000
L. Cafeteria	6	26,100
M. Attendants and Aides	2	5,400

DIVISION II.—OTHER COSTS

A. All Other Costs	157	141,300
B. Capital Outlay	157	15,700

TOTAL	\$	1,520,500
-------------	----	-----------

*Smyrna**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	4	42,400
F. Administrative Assistants	1	11,540

 TOTAL ADMINISTRATIVE SALARIES\$ 66,780

H. Teachers	109	\$ 725,200
I. Clerical	8	39,100
J. Janitorial	18	87,100
K. Health	3	17,400
L. Cafeteria	6	24,950
M. Attendants and Aides	1	2,600

DIVISION II.—OTHER COSTS

A. All Other Costs	113	101,700
B. Capital Outlay	113	11,300

 TOTAL\$ 1,076,130

 TOTAL SPECIAL SCHOOL DISTRICTS ...\$ 22,537,771

LOCAL SCHOOL DISTRICTS

Gunning Bedford, Jr. School No. 53

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,340
E. Principals	2	21,600

 TOTAL ADMINISTRATIVE SALARIES\$ 33,940

H. Teachers	44	\$ 289,400
I. Clerical	4	19,000
J. Janitorial	12	59,500
K. Health	11½	8,600
L. Cafeteria	3	12,150

DIVISION II.—OTHER COSTS

A. All Other Costs	46	41,400
B. Capital Outlay	46	4,600

 TOTAL\$ 468,590

Henry C. Conrad School No. 131 For School Year 1967-1968**DIVISION I.—SALARIES**

A. Chief School Officer	\$	12,340
E. Principals	1	11,640
F. Vice-principals	1	10,240
		<hr/>
TOTAL ADMINISTRATIVE SALARIES	\$	34,220
H. Teachers	64	\$ 449,200
I. Clerical	5	24,600
J. Janitorial	10	43,880
K. Health	2	10,200
L. Cafeteria	1	4,250

DIVISION II.—OTHER COSTS

A. All Other Costs	66	59,400
B. Capital Outlay	66	6,600
		<hr/>
TOTAL	\$	632,350

John Dickinson No. 133**DIVISION I.—SALARIES**

A. Chief School Officer	\$	12,840
E. Principals	2	21,700
F. Vice-principals	2	19,720
G. Administrative Assistants	1	11,540
		<hr/>
TOTAL ADMINISTRATIVE SALARIES	\$	65,800
H. Teachers	78	\$ 525,800
I. Clerical	7	33,300
J. Janitorial	20	93,100
K. Health	2	11,000
L. Cafeteria	2	7,750

DIVISION II.—OTHER COSTS

A. All Other Costs	82	73,800
B. Capital Outlay	82	8,200
		<hr/>
TOTAL	\$	818,750

Alfred I. Du Pont School No. 7 For School Year 1967-1968**DIVISION I.—SALARIES**

A. Chief School Officer	\$	13,320
E. Principals	9	102,360
F. Principals—Part-time	1	9,660
G. Administrative Assistants	3	35,100
TOTAL ADMINISTRATIVE SALARIES	\$	160,440
H. Teachers	372	\$ 2,581,700
I. Clerical	24	115,900
J. Janitorial	64	306,700
K. Health	91½	52,900
L. Cafeteria	10	41,600

DIVISION II.—OTHER COSTS

A. All Other Costs	382	343,800
B. Capital Outlay	382	38,200

TOTAL\$ 3,641,240

C. W. Bush Trainable School**(Administered by Alfred I. duPont)****DIVISION I.—SALARIES**

E. Principal	1	\$ 8,550
H. Teachers	7	50,400
I. Clerical	1	4,000
J. Janitorial	1	4,800
K. Health	1	4,200
M. Attendants and Aides	4	11,800

DIVISION II.—OTHER COSTS

A. All Other Costs	12	10,800
B. Capital Outlay	12	1,200

TOTAL\$ 95,750

Marshallton School No. 77**DIVISION I.—SALARIES**

A. Chief School Officer	\$	12,840
E. Principals	5	53,480

For School Year 1967-1968

G. Administrative Assistants	1	11,540
TOTAL ADMINISTRATIVE SALARIES		\$ 77,860
H. Teachers	126	\$ 868,800
I. Clerical	9	43,900
J. Janitorial	23	112,900
K. Health	3	14,400
L. Cafeteria	6	24,850
DIVISION II.—OTHER COSTS		
A. All Other Costs	131	117,900
B. Capital Outlay	131	13,100
TOTAL		\$ 1,273,710

Middletown School No. 60

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,360
E. Principals	4	43,200
G. Administrative Assistants	1	12,020
TOTAL ADMINISTRATIVE SALARIES		\$ 67,580
H. Teachers	92	\$ 613,340
I. Clerical	9	42,900
J. Janitorial	18	82,300
K. Health	2½	14,700
L. Cafeteria	3	14,700

DIVISION II.—OTHER COSTS

A. All Other Costs	96	86,400
B. Capital Outlay	96	9,600
TOTAL		\$ 931,520

Newport School No. 21

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	2	22,100

For School Year 1967-1968

F. Principals—Part-time	1	220
<hr/>		
TOTAL ADMINISTRATIVE SALARIES	\$	35,160
H. Teachers	70	\$ 478,800
I. Clerical	5	25,200
J. Janitorial	11	54,350
K. Health	2	10,000
L. Cafeteria	2	7,300
DIVISION II.—OTHER COSTS		
A. All Other Costs	72	64,800
B. Capital Outlay	72	7,200
<hr/>		
TOTAL	\$	682,810

Oak Grove School No. 130

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,840
E. Principals	3	31,880
G. Administrative Assistants	1	11,540

<hr/>		
TOTAL ADMINISTRATIVE SALARIES	\$	56,260
H. Teachers	80	\$ 522,600
I. Clerical	7	31,600
J. Janitorial	11	54,300
K. Health	2	11,600
L. Cafeteria	2	8,950

DIVISION II.—OTHER COSTS

A. All Other Costs	83	74,700
B. Capital Outlay	83	8,300

<hr/>		
TOTAL	\$	768,310

Odessa School No. 61

DIVISION I.—SALARIES

A. Chief School Officer	\$	8,000
-------------------------------	----	-------

<hr/>		
TOTAL ADMINISTRATIVE SALARIES	\$	8,000

For School Year 1967-1968

H. Teachers	5	\$	33,600
I. Clerical	PT		1,000
J. Janitorial	1		4,400
K. Health	PT		1,200
L. Cafeteria	1		4,100

DIVISION II.—OTHER COSTS

A. All Other Costs	6		5,400
B. Capital Outlay	6		600

TOTAL		\$	58,300
-------------	--	----	--------

Richardson Park School No. 20

DIVISION I.—SALARIES

A. Chief School Officer		\$	12,340
E. Principals	1		10,360

TOTAL ADMINISTRATIVE SALARIES		\$	22,700
-------------------------------------	--	----	--------

H. Teachers	45	\$	292,400
I. Clerical	4		19,100
J. Janitorial	6		28,400
K. Health	11½		8,500
L. Cafeteria	1		4,100

DIVISION II.—OTHER COSTS

A. All Other Costs	46		41,400
B. Capital Outlay	46		4,600

TOTAL		\$	421,200
-------------	--	----	---------

De La Warr No. 47

DIVISION I.—SALARIES

A. Chief School Officer		\$	13,320
E. Principals	7		76,060
F. Vice-principals	1		9,320
G. Administrative Assistants	2		22,480

TOTAL ADMINISTRATIVE SALARIES		\$	121,180
-------------------------------------	--	----	---------

For School Year 1967-1968

H. Teachers	189	\$	1,258,100
I. Clerical	13		62,700
J. Janitorial	28		130,950
K. Health	4½		25,800
L. Cafeteria	7		30,450

DIVISION II.—OTHER COSTS

A. All Other Costs	197		177,300
Capital Outlay	197		19,700

TOTAL\$ 1,826,180

John G. Leach

(Administered by DeLaWarr No. 47)

DIVISION I.—SALARIES

E. Principals	1	\$	10,360
---------------------	---	----	--------

TOTAL ADMINISTRATIVE SALARIES\$ 10,360

H. Teachers	8	\$	47,000
I. Clerical	1		4,800
J. Janitorial	1		4,800
K. Health	1		6,000
M. Attendants and Aides	7		15,825

DIVISION II.—OTHER COSTS

A. All Other Costs	8		7,200
B. Capital Outlay	8		800

TOTAL\$ 96,785

Stanton School No. 38

DIVISION I.—SALARIES

A. Chief School Officer		\$	12,840
E. Principals	5		54,060
G. Administrative Assistants	2		23,560

TOTAL ADMINISTRATIVE SALARIES\$ 90,460

H. Teachers	160	\$	1,068,300
-------------------	-----	----	-----------

For School Year 1967-1968

I. Clerical	12	56,900
J. Janitorial	25	120,650
K. Health	4	23,000
L. Cafeteria	5	23,300

DIVISION II.—OTHER COSTS

A. All Other Costs	165	148,500
B. Capital Outlay	165	16,500

TOTAL	\$	1,547,610
-------------	----	-----------

Stanton Trainable

(Administered by Stanton No. 38)

DIVISION I.—SALARIES

E. Principal	\$	10,640
--------------------	----	--------

TOTAL ADMINISTRATIVE SALARIES	\$	10,640
-------------------------------------	----	--------

H. Teachers	9	\$ 54,300
I. Clerical	1	4,200
J. Janitorial	2	8,350
K. Health	1	5,200
L. Cafeteria	1	3,050
M. Attendants and Aides	8	22,600

DIVISION II.—OTHER COSTS

A. All Other Costs	18	16,200
B. Capital Outlay	18	1,800

TOTAL	\$	126,340
-------------	----	---------

Felton School No. 54

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,820
E. Principals	2	20,920

TOTAL ADMINISTRATIVE SALARIES	\$	33,740
-------------------------------------	----	--------

H. Teachers	48	\$ 310,900
I. Clerical	4	17,900

For School Year 1967-1968

J. Janitorial	7	31,425
K. Health	11½	6,500
L. Cafeteria	1	4,100

DIVISION II.—OTHER COSTS

A. All Other Costs	50	45,000
B. Capital Outlay	50	5,000

TOTAL	\$	454,565
-------------	----	---------

Frederica School No. 32

DIVISION I.—SALARIES

A. Chief School Officer	\$	10,860
-------------------------------	----	--------

TOTAL ADMINISTRATIVE SALARIES	\$	10,860
-------------------------------------	----	--------

H. Teachers	13	\$ 85,100
I. Clerical	1	4,800
J. Janitorial	2	9,800
K. Health	PT	2,600
L. Cafeteria	1	4,100

DIVISION II.—OTHER COSTS

A. All Other Costs	14	12,600
B. Capital Outlay	14	1,400

TOTAL	\$	131,260
-------------	----	---------

Hartly School No. 96

DIVISION I.—SALARIES

A. Chief School Officer	\$	9,900
-------------------------------	----	-------

TOTAL ADMINISTRATIVE SALARIES	\$	9,900
-------------------------------------	----	-------

H. Teachers	15	\$ 99,600
I. Clerical	1	4,800
J. Janitorial	2	8,650
K. Health	1	5,800
L. Cafeteria	1	4,100

DIVISION II.—OTHER COSTS *For School Year 1967-1968*

A. All Other Costs	15	13,500
B. Capital Outlay	15	1,500
		<hr/>
TOTAL	\$	147,850

Houston School No. 125

DIVISION I.—SALARIES

A. Chief School Officer	\$	7,900
		<hr/>

TOTAL ADMINISTRATIVE SALARIES\$ 7,900

H. Teachers	3	17,800
I. Clerical	PT	1,000
J. Janitorial	1	5,100
K. Health	PT	800
L. Cafeteria	1	4,100

DIVISION II.—OTHER COSTS

A. All Other Costs	4	3,600
B. Capital Outlay	4	400
		<hr/>

TOTAL\$ 40,700

Magnolia School No. 50

DIVISION I.—SALARIES

A. Chief School Officer	\$	8,200
		<hr/>

TOTAL ADMINISTRATIVE SALARIES\$ 8,200

H. Teachers	9	\$ 60,600
I. Clerical	PT	1,800
J. Janitorial	1	5,000
K. Health	PT	2,000
L. Cafeteria	1	3,500

DIVISION II.—OTHER COSTS

A. All Other Costs	10	9,000
B. Capital Outlay	10	1,000
		<hr/>

TOTAL\$ 91,100

Bridgeville School No. 90***For School Year 1967-1968*****DIVISION I.—SALARIES**

A. Chief School Officer	\$	12,820
E. Principals	2	19,960
		<hr/>
TOTAL ADMINISTRATIVE SALARIES	\$	32,780
H. Teachers	38 \$	318,200
I. Clerical	4	18,800
J. Janitorial	8	37,550
K. Health	1½	6,900
L. Cafeteria	2	5,300

DIVISION II.—OTHER COSTS

A. All Other Costs	50	45,000
B. Capital Outlay	50	5,000
		<hr/>
TOTAL	\$	469,530

John M. Clayton School No. 97**DIVISION I.—SALARIES**

A. Chief School Officer	\$	11,860
E. Principals	2	19,520
		<hr/>
TOTAL ADMINISTRATIVE SALARIES	\$	31,380
H. Teachers	39 \$	253,000
I. Clerical	3	15,600
J. Janitorial	8	39,800
K. Health	1	6,000
L. Cafeteria	2	8,200

DIVISION II.—OTHER COSTS

A. All Other Costs	41	36,900
B. Capital Outlay	41	4,100
		<hr/>
TOTAL	\$	394,980

Delmar School No. 163**DIVISION I.—SALARIES**

A. Chief School Officer	\$	11,840
-------------------------------	----	--------

For School Year 1967-1968

F. Principal—Part-time	1	8,150
TOTAL ADMINISTRATIVE SALARIES		\$ 19,990
H. Teachers	28	\$ 193,600
I. Clerical	2	11,100
J. Janitorial	7	34,000
K. Health	1	4,600
L. Cafeteria	1	4,100
DIVISION II.—OTHER COSTS		
A. All Other Costs	29	26,100
B. Capital Outlay	29	2,900
TOTAL		\$ 296,390

Ellendale School No. 125

DIVISION I.—SALARIES

A. Chief School Officer	\$	8,800
<hr/>		
TOTAL ADMINISTRATIVE SALARIES	\$	8,800
H. Teachers	9 \$	58,800
I. Clerical	PT	1,800
J. Janitorial	1	4,900
K. Health	PT	2,000
L. Cafeteria	1	3,200

DIVISION II.—OTHER COSTS

A. All Other Costs	10	9,000
B. Capital Outlay	10	1,000
TOTAL		\$ 89,500

Greenwood School No. 91

DIVISION I.—SALARIES

A. Chief School Officer	\$	11,360
E. Principals	1	9,960
		<hr/>
TOTAL ADMINISTRATIVE SALARIES	\$	21,320
H. Teachers	32 \$	211,400

For School Year 1967-1968

I. Clerical	3	14,800
J. Janitorial	6	28,150
K. Health	1	6,000
L. Cafeteria	1	4,100

DIVISION II.—OTHER COSTS

A. All Other Costs	33	29,700
B. Capital Outlay	33	3,300

TOTAL	\$	318,770
-------------	----	---------

Lincoln School No. 3

DIVISION I.—SALARIES

A. Chief School Officer	\$	8,800
-------------------------------	----	-------

TOTAL ADMINISTRATIVE SALARIES	\$	8,800
-------------------------------------	----	-------

H. Teachers	8	\$ 50,800
I. Clerical	1	1,500
J. Janitorial	2	9,550
K. Health	PT	1,800
L. Cafeteria	1	3,800

DIVISION II.—OTHER COSTS

A. All Other Costs	9	8,100
B. Capital Outlay	9	900

TOTAL	\$	85,250
-------------	----	--------

Lord Baltimore School No. 28

DIVISION I.—SALARIES

A. Chief School Officer	\$	11,360
E. Principals	1	9,960

TOTAL ADMINISTRATIVE SALARIES	\$	21,320
-------------------------------------	----	--------

H. Teachers	25	\$ 169,200
I. Clerical	2	11,100
J. Janitorial	5	21,800
K. Health	1	6,000
L. Cafeteria	1	3,050

DIVISION II.—OTHER COSTS *For School Year 1967-1968*

A. All Other Costs	26	23,400
B. Capital Outlay	26	2,600
TOTAL		\$ 258,470

Millsboro School No. 23

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,340
E. Principals	2	20,680
TOTAL ADMINISTRATIVE SALARIES		\$ 33,020
H. Teachers	60	\$ 377,000
I. Clerical	4	20,400
J. Janitorial	9	45,500
K. Health	1½	6,600
L. Cafeteria	3	11,250

DIVISION II.—OTHER COSTS

A. All Other Costs	62	55,800
B. Capital Outlay	62	6,200
TOTAL		\$ 555,770

Milton School No. 8

DIVISION I.—SALARIES

A. Chief School Officer	\$	12,340
E. Principals	2	19,520
TOTAL ADMINISTRATIVE SALARIES		\$ 31,860
H. Teachers	45	\$ 305,300
I. Clerical	4	20,100
J. Janitorial	9	45,400
K. Health	1½	8,300
L. Cafeteria	2	7,150

DIVISION II.—OTHER COSTS

A. All Other Costs	47	42,300
B. Capital Outlay	47	4,700
TOTAL		\$ 465,110

*Selbyville School No. 32**For School Year 1967-1968*

DIVISION I.—SALARIES

A. Chief School Officer	\$	11,840
E. Principals	2	20,680

TOTAL ADMINISTRATIVE SALARIES	\$	32,520
-------------------------------------	----	--------

H. Teachers	36	\$ 235,200
I. Clerical	3	14,600
J. Janitorial	7	34,600
K. Health	1	5,100
L. Cafeteria	2	8,200

DIVISION II.—OTHER COSTS

A. All Other Costs	38	34,200
B. Capital Outlay	38	3,800

TOTAL	\$	368,220
-------------	----	---------

1-2-3 Teacher School

DIVISION I.—SALARIES

H. Teachers	8	\$ 54,700
I. Clerical	1	1,500
J. Janitorial	1	3,400
K. Health	PT	1,600

DIVISION II.—OTHER COSTS

A. All Other Costs	8	7,200
B. Capital Outlay	8	800

TOTAL	\$	69,200
-------------	----	--------

Kenton No. 9

DIVISION I.—SALARIES

E. Principals	1	\$ 1,000
---------------------	---	----------

TOTAL ADMINISTRATIVE SALARIES	\$	1,000
-------------------------------------	----	-------

H. Teachers	6	\$ 39,000
I. Clerical	PT	1,000
J. Janitorial	1	4,400
K. Health	PT	1,200

For School Year 1967-1968

L. Cafeteria	1	3,200
DIVISION II.—OTHER COSTS		
A. All Other Costs	6	5,400
B. Capital Outlay	6	600
TOTAL	\$	55,800

New Castle County Vocational-Technical High School

DIVISION I.—SALARIES

I. Clerical	1	\$	5,400
-------------------	---	----	-------

DIVISION II.—OTHER COSTS

A. All Other Costs	3	2,700
--------------------------	---	-------

TOTAL	\$	8,100
-------------	----	-------

Kent County Vocational-Technical Center

DIVISION I.—SALARIES

A. Chief School Officer	\$	11,490
E. Principal	1	10,640

TOTAL ADMINISTRATIVE SALARIES	\$	22,130
-------------------------------------	----	--------

H. Teachers—Vocational Education ...	25	\$	192,000
--------------------------------------	----	----	---------

I. Clerical	2	11,100
-------------------	---	--------

J. Janitorial	7	30,650
---------------------	---	--------

K. Health	1	5,280
-----------------	---	-------

L. Cafeteria	1	3,840
--------------------	---	-------

DIVISION II.—OTHER COSTS

A. All Other Costs	26	70,200
--------------------------	----	--------

B. Capital Outlay	26	7,800
-------------------------	----	-------

TOTAL	\$	343,000
-------------	----	---------

Sussex County Vocational-Technical Center

DIVISION I.—SALARIES

A. Chief School Officer	\$	10,070
-------------------------------	----	--------

TOTAL ADMINISTRATIVE SALARIES	\$	10,070
-------------------------------------	----	--------

For School Year 1967-1968

H. Teachers—Vocational Education ...	25	\$	204,720
I. Clerical	2		10,800
J. Janitorial	5		24,150
K. Health	1		5,040
L. Cafeteria	1		3,508

DIVISION II.—OTHER COSTS

A. All Other Costs	25		67,500
B. Capital Outlay	25		7,500

TOTAL	\$	333,288
-------------	----	---------

TOTAL LOCAL SCHOOL DISTRICTS	\$	18,366,298
-----------------------------------	----	------------

Wilmington Board of Education

DIVISION I.—SALARIES

A. Superintendent	\$	13,320
B. Assistant Superintendents	2	27,920
C. Directors	3	39,000
D. Supervisors	15	135,684
E. Principals	19	213,140
F. Vice-principals	3	30,060
G. Administrative Assistants	2	23,080

TOTAL ADMINISTRATIVE SALARIES	\$	482,204
-------------------------------------	----	---------

H. Teachers		
1. General Education	672	4,702,620
2. Vocational Education	24	187,400
3. Visiting Teachers	3	23,600
4. Psychologists	5	41,800
5. Speech and Hearing	5	37,000
6. Homebound Instruction		5,000
I. Clerical	56	283,800
J. Janitorial	107	514,200
K. Health	24	140,000
L. Cafeteria	19	79,700
M. Trainable Attendants	6	17,400

TOTAL DIVISION I.—SALARIES	\$	6,514,724
----------------------------------	----	-----------

For School Year 1967-1968

DIVISION II.—OTHER COSTS

A. All Other Costs				
General Education	692	\$622,800		
Vocational Education	26	70,200	\$	693,000
B. Capital Outlay				
General Education	692	69,200		
Vocational Education	26	7,800		77,000
TOTAL WILMINGTON BOARD OF EDUCATION.				\$ 7,284,724

Educational Contingency Fund

A. Public Education—Growth and Up-grading (Administered pursuant to Chapter 13, Title 14, Delaware Code and Section 9 of this Act)		\$ 1,525,000
B. Night School—Growth		15,000
C. Reassignment Jason School Units		150,000
D. School Building Maintenance—State Board of Education		500,000
E. All Federal Funds received from Federal Elementary and Secondary Education Act of 1965 or its successor not otherwise ap- propriated in other Sections of this Act. (Administered by Budget Commission) (Pursuant to Section II)		
TOTAL EDUCATION CONTINGENCY FUNDS		\$ 2,190,000
TOTAL PUBLIC EDUCATION		56,725,037
TOTAL EDUCATION		\$ 66,755,257
TOTAL AGENCIES, GRANTS-IN-AID, CON- TINGENCY FUND		82,341,453
TOTAL		\$149,071,710

Section 2. The monies appropriated in Section 1 of this Budget Appropriation Act shall be paid by the State Treasurer from the General Fund except that an amount equal to all interest and earnings received from investment of the Capital Investment Fund during the fiscal year ending June 30, 1968, shall be paid from the Capital Investment Fund for the payment of interest on the State's bonded indebtedness.

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 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 specifically 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 Sections 1108 and 1109, Title 14, Delaware Code, it shall be lawful for the State Budget Commission 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, in 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 amount 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 Cost" shall be used for all school costs except salaries, debt services, "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, 1967, than the number of units for which appropriation is made in this Act, such district is hereby authorized and empowered:

(a) To employ an additional number of teachers, with State funds not to exceed the difference between the number of certified units of pupils as of September 30, 1967, and the number of units of pupils for which teachers are provided by Section I of this Act.

(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 Board of Education in effect as of January 1, 1967, and based on the number of certified pupil units in the district on September 30, 1967, and the number of such employees provided for the district by Section I 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, 1967, than the number of units for which appropriation is made in this Act, such district's appropriation may be reduced by the State Budget Commission to comply with the number of units based on the actual enrollment for September 30, 1967.

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 as provided in Section II. of 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, 1967, except in the event such employee is reduced in classification or in months employed.

Section II. (a) The State Board of Education and the State Board for Vocational Education may employ such additional personnel who are paid entirely from Federal or other than State General Funds provided provision for such personnel is made by line item in this Act. All personnel employed pursuant to this subsection shall be paid in accordance with the salary schedule set forth in Chapter 13, Title 14, Delaware Code, for the classification heading under which said line item position appears, or in accordance with the specific salary specified in the line item.

(b) The State Board of Education and the State Board for Vocational Education may employ such additional personnel who are paid entirely from Federal or other than State General Funds provided such personnel are certified (or qualified where no certification standards have been established), classified, and paid as "Teachers," "Clerical" or "Janitorial," pursuant to Chapter 13, Title 14, Delaware Code. Said boards may also employ such other additional personnel who are paid entirely from Federal or other than State General Funds subject to the prior approval of the Budget Commission.

(c) The Board of Public Education in Wilmington, the Boards of Education in Special School Districts, the Boards of School Trustees of School Districts, and the various School Building Commissions may employ personnel who are paid wholly or

in part from Federal and/or School Construction Funds provided that such personnel shall be classied and paid in accordance with the salary schedules set forth in Chapter 13, Title 14, Delaware Code. In the event any of the aforementioned Boards or Commissions shall have a uniform local district salary supplement to the salary schedules set forth in said Chapter 13, such Board or Commission may also pay employees covered by this subsection an additional amount from Federal and/or school Construction Funds not in excess of that set forth in the uniform local district salary supplement.

(d) Personnel employed pursuant to this section shall not be covered by the provisions of Chapter 14, Title 14, Delaware Code.

(e) None of the various school boards or school building commissions shall enter into contracts with or pay individuals to provide consultant educational or related services from State, Federal or School Construction Funds when such individual is a salaried employee of the public school system of this State.

Section 12. The sum appropriated to the State Board of Education in Section I of this Act for "School Building Maintenance" shall be allocated to the school district in accordance with the following provisions:

(a) The maximum allocation to any district shall be the sum of the allotments for each school building in the district based upon the following formula: \$7 for each year since the date of pupil occupancy of the building up to a maximum of 30 such years multiplied by the full number of units of 25 pupils in the building on a full-time basis as of September 30, 1966.

(b) The allotment for each school district as computed in (a) shall be expended only for the purpose of maintenance of buildings and such integral parts as the heating plant, plumbing and electrical system; it shall not be used for the purchase of routine janitorial supplies, upkeep of grounds nor the repair of any equipment not a basic part of the building.

(c) Before the State Board of Education shall make any allotment pursuant to this Section, it shall require that the school district submit a plan of the maintenance and the estimated cost thereof.

(d) The State Board of Education shall establish such rules and regulations as it deems necessary to assure that the purpose of this appropriation is carried out.

Section 13. No funds appropriated by this Act or otherwise available to an agency of this State shall be expended except for purposes necessary to carry out the functions of such agency; no such funds shall be expended for purposes such as but not limited to greeting cards, flowers and tickets to athletic events when unrelated to the agency's function, and the Budget Director shall, in executing his duty under Section 6518, Title 29, Delaware Code, refuse to approve such expenditures. An agency so affected by this Section shall have the right of appeal to the Budget Commission.

Section 14. 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 salary nor to State Police recruits during the period of their training.

Section 15. 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 16 of this Act, and to maintain the salary schedules set forth for school employees in Chapter 13, Title 14, Delaware Code.

Section 16. Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is

designated in a line item in Section I of this Act shall receive total compensation, whether in wages, salary, wages-in-kind or food allotment, bonus or overtime, from agencies of this State in excess of the total amount specified in such line item, regardless of the source of the funds involved. In the event that an employee shall receive such excessive compensation, the Budget Director, with the approval of the Budget Commission, shall reduce the amount of the appropriation from the General Fund of the State as set forth in the line item by the amount of the excess and take such other steps as may be deemed necessary to assure compliance with this Section. 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 such Federal Aid monies should not be forthcoming to the extent indicated, the Budget Director, with the approval of the Budget Commission, shall have power to increase the State appropriation to the extent necessary to provide the "Total Salary" indicated in the line item. An agency may provide housing for such line item employee without reduction in the line item salary provided such housing is on the site of the principal location of employment; the agency board, commission or head has determined that such location of the employee is necessary to the operation of the agency; and the employee has no other employment, public or private. No agency shall provide any employee with a housing allowance or compensation for housing, nor shall any agency provide any employee or prospective employee an allowance for moving his household.

Section 17. In the event a line item for a job classification has been established within an agency in Section I of this Act, the agency shall not pay a salary in excess of this amount to the person classified in such position as of January 1, 1967, or at any time thereafter except if such person is promoted to another job classification for which a line item salary is appropriated or to another job classification set forth in a job classification schedule as printed by the agency and on file with the Budget Director on or before January 1, 1967.

Section 18. The sums appropriated to the Communications Division of the State Highway Department in Section I of this Act are intended to cover the expense of services performed by

the Communications Division pursuant to Chapter 16, Title 17, Delaware Code. Any funds received by the Communications Division pursuant to said Chapter 16 shall be considered as revenue to the State and deposited in the General Fund. No division of the Highway Department, other than the Engineering Division, shall expend any sums authorized by any Highway Construction Bond Authorization Act or any Capital Improvement Bond Authorization Act for non-salary purposes unless specifically authorized in such Act, or any federal monies received as a reimbursement for expenditures of State funds provided by such Bond Authorization Acts for non-salary purposes.

Section 19. In the event the sum appropriated in Section I of this Act is insufficient for benefits to be paid pursuant to the Teachers' Retirement and Disability Pensions (Chapter 39, Title 14, Delaware Code) and the State Employees' Pension Plan (Chapter 55, Title 29, Delaware Code) and for the employer's share of Social Security to be paid pursuant to the State Employees' Pension Plan, such additional sums as may be required for these purposes are hereby appropriated and shall be paid from the General Fund.

Section 20. Any agency, other than those covered by the provisions of Section II of this Act, which receives Federal or other than State appropriated funds, shall, when establishing salary and wage rates for employees to be paid from such funds, establish rates that are comparable to rates paid from State appropriated funds to employees with similar training and experience and in similar positions. All such salary or wage rates which exceed \$4 per hour shall be submitted to the Budget Commission for prior approval.

Section 21. The sums appropriated to the various boards and agencies in Section I of this Act are intended to cover the expense of services performed by the boards and agencies. Taxes paid by the various boards and agencies when purchasing gasoline shall be considered as revenue to the State and shall be deposited in the General Fund pursuant to Sections 6103 and 6104, Title 29, Delaware Code. Any such funds so deposited shall not be refunded to the boards and agencies paying the tax.

Section 22. Agencies shall set aside adequate salary funds for employees who receive annually \$8,000 or less under wage contracts with a State agency or where the positions are listed and approved in a Position Classification Plan on file with the Budget Director.

Section 23. Nothing contained in Titles 14 and 31, Delaware Code, shall be construed as authorizing appropriations or expenditures of General Fund monies during the fiscal year ending June 30, 1968, in excess of or other than the amounts set forth in this Act and as may be authorized in Supplementary Appropriation Acts enacted by the 124th General Assembly.

Section 24. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Approved June 28, 1967.

CHAPTER 41

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968" BEING HOUSE BILL No. 137 OF THE 124th GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1968 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 137, as amended and approved by both the Senate and the House of Representatives of the 124th General Assembly and entitled "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968," and also known as the 1968 Budget Appropriation Bill (hereafter referred to as House Bill No. 137), is amended by striking out the figures shown therein for the lines in Section 1 hereafter listed and marked "(1)" and by inserting new figures in lieu thereof as set forth in this section; by striking out the lines in Section 1 hereinafter listed and marked "(2)" in their entirety; and by adding new lines to Section 1 as hereafter listed in this section and marked "(3)."

Legislative Reference Bureau

(1) Salary of Director	\$ 8,500
(1) Salaries and Wages of Employees	12,500

New Castle Department of Elections

(3) Salary of Secretary to Board	11,000
(1) Salaries and Wages of Employees	60,500

Kent County Department of Elections

(1) Capital Outlay	8,300
--------------------------	-------

Budget Director

(1) Salary of Budget Director	17,000
(1) Salaries and Wages of Employees	214,900
(1) Contractual Services	83,890

State Tax Department

(1) Salaries and Wages of Employees	694,000
(3) Lawyers	7,000
(1) Other Contractual Services	170,000
(1) Other Supplies and Materials	24,700

Delaware State Development Department

(1) Salaries and Wages of Employees	48,800
(1) Other Contractual Services	32,000

State Planning Office

(1) Salary of Director	18,500
(1) Salaries and Wages of Employees	106,000

Board of Post Mortem Examiners

(1) Salary of Medical Examiner	19,500
(3) Salaries of Assistant Medical Examiners (2)	15,000
(1) Salaries and Wages of Employees (7)	42,100

Public Defender

(1) Salary of Public Defender	12,000
(1) Salary of Assistant Public Defender— Full time	12,000
(1) Lawyers	57,000

Alcoholic Beverage Control Commission

(1) Salary of Secretary	10,000
(1) Salaries and Wages of Employees	121,200
(1) Contractual Services	16,645

State Athletic Commission

(1) Travel	500
------------------	-----

State Bank Commissioner

(1) Salaries and Wages of Employees (6)	41,700
(1) Travel	4,250

Board of Boiler Rules

(1) Salaries and Wages of Employees	22,500
(1) Salaries and Wages of Employees	22,500

(1) Contractual Services	2,680
(1) Supplies and Materials	700
<i>Delaware Harness Racing Commission</i>	
(1) Contractual Services	3,830
<i>Delaware National Guard</i>	
(1) Other Contractual Services	100,200
<i>Department of Civil Defense</i>	
(1) Contractual Services	7,500
<i>Department of Labor and Industrial Relations</i>	
(1) Salaries and Wages of Employees	104,000
(1) Personal Services—Lawyers	4,000
(1) Travel	4,500
(1) Capital Outlay	3,000
<i>Industrial Accident Board</i>	
(1) Salaries and Wages of Employees	18,200
(1) Travel	4,300
<i>Public Archives Commission—Administration</i>	
(1) Salary of Archivist	12,000
(1) Salaries and Wages of Employees	79,500
(1) Other Capital Outlay	4,900
<i>Public Archives Commission—State Museum</i>	
(1) Salaries and Wages of Employees	34,660
(1) Other Capital Outlay	3,000
<i>Public Archives Commission—John Dickinson Mansion</i>	
(1) Personal Services	1,000
(1) Contractual Services	1,100
<i>Public Archives Commission—Buena Vista</i>	
(1) Contractual Services	4,900
(1) Supplies and Materials	12,000

Library Commission for the State of Delaware

(3) Salary of Assistant Librarian (Total Salary not to exceed \$9,000—State \$7,500; Other \$1,500)	7,500
---	-------

State Custodian

(1) Salaries and Wages of Employees	262,512
(1) Contractual Services	150,645
(1) Supplies and Materials	36,000
(1) Capital Outlay	7,500

State Distribution Agency

(1) Salaries and Wages of Employees	63,800
(1) Contractual Services	22,400

State Board of Health

(1) Salaries and Wages of Employees (119) ...	767,400
---	---------

Emily P. Bissell Hospital

(1) Salary of Superintendent	14,000
(1) Salaries and Wages of Employees (169) ...	806,850
(1) Contractual Services	83,400

Water and Air Resources Commission

(1) Salaries and Wages of Employees	193,600
(1) Personal Services—Lawyers	7,000

Department of Mental Health—Administration

(1) Salaries and Wages of Employees (42 1/5) .	250,743
(1) Personal Services	5,500
(1) Travel	5,000
(1) Other Contractual Services	14,300
(1) Capital Outlay	3,000

Department of Mental Health—Delaware State Hospital

(1) Salaries and Wages of Employees (717) ...	3,342,064
(1) Personal Services	115,030
(1) Travel	3,000
(1) Other Contractual Services	189,675
(1) Other Supplies and Materials	688,000
(1) Capital Outlay	72,600

Department of Mental Health—Mental Hygiene Clinic

(1) Salary of Director	21,500
(1) Salaries and Wages of Employees (36)	269,899
(1) Contractual Services	14,350
(1) Capital Outlay	5,500

***Department of Mental Health—
Governor Bacon Health Center***

(1) Salary of Superintendent	21,500
(1) Salaries and Wages of Employees (244 1/4)	1,097,377
(1) Personal Services	17,620
(1) Contractual Services	85,900
(1) Capital Outlay	13,100

***Department of Mental Health—
Hospital for Mentally Retarded***

(1) Salaries and Wages of Employees (372)	1,548,822
(1) Personal Services	33,000
(1) Contractual Services	107,800
(1) Supplies and Materials	275,200
(1) Capital Outlay	30,000

Department of Mental Health—Daytime Care Centers

(1) Salary of Director	14,000
(1) Salaries and Wages of Employees (38 1/2)	153,380

Delaware Home and Hospital for Chronically Ill at Smyrna

(1) Salaries and Wages of Employees (519) ...	2,006,000
(1) Personal Services	25,150
(1) Other Contractual Services	116,100
(1) Capital Outlay	45,000

Department of Public Welfare—Administration

(3) Salary of Intake Supervisors (3)	5,500
(3) Salary of P.A. and C.W.S. Supervisors (29)	95,100
(3) Salary of Intake Caseworkers (18)	26,200
(3) Salary of P.A. and C.M.S. Caseworkers (140)	291,600
(3) Salary of Shelter Care Employees (7)	31,150
(1) Salaries and Wages of Employees	330,000

Department of Corrections

(3) Salary of Custodial Force (123)	677,600
(3) Salary of Medical Personnel (4) (Title 11, Sec. 6536)	20,540
(3) Overtime Salary and Wages	30,000
(1) Salaries and Wages of Employees (96)	580,120
(1) Payments to Inmates	23,000
(1) Medical Services (Title 11, Sec. 6536)	28,200
(1) Other Contractual Services	125,000

Youth Services Commission

(1) Salary of Executive Director	14,500
(1) Salaries and Wages of Employees (161) ...	761,900
(1) Personal Services	17,000
(1) Contractual Services	58,100
(1) Other Capital Outlay	24,000

State Board of Agriculture

(1) Other Capital Outlay	6,200
--------------------------------	-------

State Board of Agriculture—Weights and Measures

(1) Salaries and Wages of Employees	44,500
---	--------

Delaware Soil and Water Conservation Commission

(1) Salaries and Wages of Employees	40,800
---	--------

State Forestry Department—Administration

(1) Salaries and Wages of Employees	61,500
---	--------

State Highway Department—Controller's Office

(1) Salary of Controller	16,500
(1) Salaries and Wages of Employees (29)	174,170
(1) Other Contractual Services	26,700
(1) Supplies and Materials	15,350
(1) Capital Outlay	5,500

State Highway Department—Engineering Division

(1) Salary of Director of Operations	22,000
(1) Salary of Chief Engineer	18,500
(3) Overtime—Snow Removal	100,000

(3) Overtime	80,000
(3) Base Wages for Hourly Employees (596) ...	2,364,000
(3) Base Salary for Salaried Employees	1,602,200
(2) Salaries and Wages of Employees	4,137,100
(1) Travel	8,500
(1) Snow Removal Contracts	150,000
(1) Other Contractual Services	472,900
(1) Supplies and Materials	1,330,000

State Highway Department—Motor Vehicle

(1) Salaries and Wages of Employees	741,310
(1) Contractual Services	104,550
(1) Tabs, Stickers and Numerals	160,000
(1) Capital Outlay	10,500

State Highway Department—Safety Responsibility

(1) Salary of Director	8,000
------------------------------	-------

State Highway Department—Motor Fuel Tax Division

(1) Salary of Director	8,000
(1) Salaries and Wages of Employees	30,500
(1) Travel	3,800
(1) Contractual Services	3,950
(1) Capital Outlay	2,250

State Highway Department—State Police Division

(1) Salaries and Wages of Employees	259,000
(1) Contractual Services	123,400
(1) Supplies and Materials	155,000

State Highway Department—Communications Division

(1) Salaries and Wages of Employees (13)	78,150
(1) Capital Outlay	19,000

State Highway Department—Mosquito Control Division

(1) Salaries and Wages of Employees	114,300
(1) Contractual Services	75,300
(1) Supplies and Materials	55,585

State Board of Education

(1) Salary of Superintendent	21,000
------------------------------------	--------

(3) Salaries—Others—School Plant Services

Engineer	12,000
----------------	--------

Section 2. The said House Bill No. 137, as amended, is further amended by changing all the totals and sub-totals appearing in Section 1 thereof to reflect the changes set forth in Section 1 of this Act.

Section 3. The said House Bill No. 137, as amended, is further amended by striking out Section 5 thereof and by inserting in lieu thereof a new Section 5 to read:

Section 5. In the case of any school consolidation as provided in Title 14, Delaware Code, the unexpended balance, or any part thereof of any appropriation for the closed district shall be transferred to the appropriation of the district with which any such closed district is consolidated.

Section 4. The said House Bill No. 137, as amended, is further amended by striking out the second and third sentences of Section 16 of said bill and by inserting in lieu thereof new sentences to read:

In the event that an employee shall receive such excessive compensation, the amount of the appropriation from the General Fund shall be reduced by the amount of such excessive compensation and the Attorney General shall take such steps as are necessary to recover from such employee any such excessive amount as has actually been paid at the end of the fiscal year. In the event that the "Other" part of a line item salary is made up entirely of Federal Aid monies, and further in the event such Federal Aid monies should not be forthcoming to the extent indicated, the State appropriation is hereby increased to the extent necessary to provide the "Total Salary" indicated in the line item.

Section 5. The said House Bill No. 137, as amended, is further amended by striking out Sections 21 and 22 thereof and by renumbering Sections 23 and 24 of said bill as Sections 21 and 22 respectively.

Approved June 28, 1967.

CHAPTER 42

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. § 329, title 28, Delaware Code, is amended by striking out all of said section, including subsections (a), (b) and (c), and inserting in lieu thereof the following:

§ 329. Licensee's annual financial statement

Every licensee shall file with the Commission, not later than 4 months after the close of its fiscal year a statement, duly certified by an independent public accountant, of its receipts from all sources whatsoever during such fiscal year and all expenses and disbursements, itemized in the manner and form directed by the Commission. The statement shall also show the net revenue from all sources derived by the licensee during the fiscal year covered by such statement.

Section 2. § 365, title 28, Delaware Code, is amended by striking out the last two sentences therefrom and inserting in lieu thereof the following:

The tax shall be paid by certified check on a weekly basis and each check shall be transmitted by the licensee to the Commission no later than Wednesday following the week for which the tax is due. If the Commission finds each of the payments to be correct, it shall forthwith transmit said checks to the State Treasurer.

Section 3. § 366, title 28, Delaware Code, is amended by striking out all of said section, including subsections (a), (b), (c) and (d) thereof, and inserting in lieu thereof the following:

§ 366. Licensee's commission on parimutuel totalizer pools

The Commission shall authorize as commissions on parimutuel or totalizer pools to the licensee operating a racing meet, 8½ per cent of the total contributions to all parimutuel and total-

izer pools conducted or made at the racing meet, and at every race or meeting, plus one-half of the odd cents of all redistributions to be made on all parimutuel or totalizer pool contributions, exceeding the sum equal to the next lowest multiple of 10, such odd cents to be calculated upon the basis of each dollar wagered.

Approved June 26, 1967.

CHAPTER 43

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 members elected to each branch concurring therein):

Section 1. Section 14, Chapter 171, Volume 54, Laws of Delaware, is amended to read:

Section 14. Except in the case of a school district for which a local share is not shown by the foregoing table, the State share apportioned to a school district shall not be expended unless the local share for such school district shall have been deposited with the State Treasurer not later than June 30, 1970.

No construction or other work shall be started under authority of this Act later than June 30, 1970, and no moneys shall be borrowed by the State under authority of this Act later than June 30, 1970, except such moneys as are necessary to complete construction or other work started prior to July 1, 1970.

Approved June 28, 1967.

CHAPTER 44

AN ACT TO AMEND CHAPTER 365, VOLUME 55, LAWS OF DELAWARE, RELATING TO AN APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF CONSTRUCTING A SIDEWALK FROM MILLSBORO SCHOOL NO. 23 TO MILLSBORO SCHOOL NO. 204.

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

Section 1. Chapter 365, Volume 55, Laws of Delaware, Section 2 is amended by striking the date "June 30, 1967" after "remain unexpended" in line three thereof and inserting in lieu thereof the date "June 30, 1968."

Approved June 28, 1967.

CHAPTER 45

AN ACT TO AMEND CHAPTER 43, TITLE 14, DELAWARE CODE IN RESPECT TO THE COMPOSITION OF THE EDUCATIONAL TELEVISION BOARD.

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

Section 1. §4302, Title 14, Delaware Code, is amended by striking the figure "9" after "of the following" in line 1 thereof and inserting in lieu thereof the figure "10."

Section 2. §4302, Title 14, Delaware Code, is amended by adding a new subsection thereto to read:

(d) The Chairman of The Board of Trustees of the Delaware Institute of Technology.

Approved June 28, 1967.

CHAPTER 46

AN ACT TO AMEND CHAPTER 22, VOLUME 55, LAWS OF DELAWARE, RELATING TO EXTENSION OF THE PERIOD IN WHICH THE STATE HIGHWAY DEPARTMENT MAY UTILIZE MONIES FROM THE CAPITAL INVESTMENT FUND FOR MOSQUITO CONTROL AND IMPOSING CERTAIN LIMITATIONS UPON EXPENDITURES THEREUNDER.

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

Section 1. Section 2, Chapter 22, Volume 55, Laws of Delaware, is amended to read as follows:

Section 2. The monies herein appropriated shall be utilized by the State Highway Department to initiate a permanent mosquito control program.

Section 2. Section 5, Chapter 22, Volume 55, Laws of Delaware, is amended by deleting therefrom the year "1967" and inserting in lieu thereof, the year "1969."

Approved June 28, 1967.

CHAPTER 47

AN ACT TO AMEND CHAPTER 182, VOLUME 45, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" BY INCREASING THE SALARIES OF THE MAYOR AND TOWN COUNCIL.

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

Section 1. Section 4, Chapter 182, Volume 45, Laws of Delaware, as amended, is further amended to read:

GOVERNMENT

Section 4. The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Town Council, consisting of five members, of whom one shall be designated as Mayor. The Mayor shall be entitled to an annual salary of Two Hundred Dollars (\$200.00); the councilmen shall each be entitled to an annual salary of One Hundred Fifty Dollars (\$150.00).

Approved June 28, 1967.

CHAPTER 48

**AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES
OF THE RICHARDSON PARK SCHOOL DISTRICT NO.
20 TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL
DEBT SERVICE ACCOUNT TO ITS LOCAL CONSTRUC-
TION ACCOUNT.**

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 Board of School Trustees of the Richardson Park School District No. 20 is authorized to transfer the sum of \$40,000 from its local debt service account to its local construction account. The sums transferred are to be used for payment of the local district's share of the cost of the school construction authorized by Chapter 384, Volume 54, Laws of Delaware and Chapter 431, Volume 55, Laws of Delaware.

Approved June 28, 1967.

CHAPTER 49

**AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF
DELAWARE, AS AMENDED, RELATING TO CITY OF
DOVER MUNICIPAL IMPROVEMENTS AND PRO-
CEDURES FOR LEVYING SPECIAL ASSESSMENTS
THEREFOR.**

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. Section 28A, Chapter 158, Volume 36, Laws of Delaware, as amended, is amended by striking the last sentence from the last paragraph thereof.

Section 2. Section 28B, Chapter 158, Volume 36, Laws of Delaware, as amended, is amended by striking all of said Section 28B and inserting in lieu thereof the following:

Section 28B. The Council shall adopt an ordinance or resolution stating, in effect, that on a named day and at a named hour and place, the Council will meet to consider the question of paving or repaving, with specified material or materials, the named street in front of the property of named owners, and, of assessing the cost thereof against the owners. 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 City. The Council shall hold a meeting in accordance with said ordinance or resolution and shall hear thereat the named owners of property and other residents of the City appearing on the questions presented in said ordinance or resolution.

After such hearing, the Council shall decide, either at said

meeting or at a subsequent meeting, whether or not to proceed with the paving or repaving specified in said ordinance or resolution; provided, however, that the Council shall not proceed with such improvement if, at or prior to the hearing aforesaid, the Council shall be presented with a written objection thereto signed by a majority of the owners of real property in front of which such paving or repaving was contemplated. The provisions of this subsection, relating to the paving or repaving of streets, shall be deemed to apply to and include curbs and gutters.

Section 3. Chapter 158, Volume 36, Laws of Delaware, as amended, is amended by adding a new Section 28C to read as follows:

Section 28C. The City shall have the authority 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.

When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with respect to special assessments.

The Council shall also have the authority to enact ordinances which provide for the levy and collection of assessments against property owners for the cost of installation of sanitary sewers,

storm sewers, water mains, streets, sidewalks, street lights, curbs, gutters and other public improvements.

Such ordinances shall prescribe: (1) the basis to determine the amount which shall be assessed upon the properties abutting the public work or improvement; (2) what portion of corner properties shall be considered frontage and what portion side frontage and whether there shall be any exemption on side frontage; (3) payment provisions providing for payment in installments, except that assessments for current services or service connections shall be payable within one year; and (4) rules under which individual appeals shall be heard.

All special assessments and all water and sewer service charges shall be liens and shall be entered in the Municipal Lien Docket as liens.

The Council may provide for the payment of special assessments for whatever purpose levied by installments, but assessments for permanent improvements shall be paid in annual or more frequent installments, and, assessments for current services shall be payable within one year.

Section 4. Chapter 158, Volume 36, Laws of Delaware, as amended, is amended by adding a new Section 28D to read as follows:

Section 28D. A docket known as the "City of Dover Municipal Lien Docket" shall be prepared and maintained by the City Manager. The docket shall be in substantially the same form as the judgment docket for Kent County, shall contain all liens for municipal improvements for which special assessments are levied, and shall contain an index according to the name of the owner against whom such lien has been assessed. No municipal

lien shall be valid after July 1, 1967, unless it is duly recorded in said docket. All liens so recorded shall continue in full force and effect until said assessments and accrued costs have been paid in full. Upon payment in full of the amount of the assessment and accrued costs, it shall be the duty of the City Manager to enter forthwith upon the docket, the date of final payment and the words "satisfied in full."

Section 5. This Act shall take effect on July 1, 1967.

Approved June 28, 1967.

CHAPTER 50

AN ACT TO AMEND CHAPTER 1 OF TITLE 8 OF THE DELAWARE CODE, ENTITLED "GENERAL CORPORATION LAW OF THE STATE OF DELAWARE", BY A GENERAL REVISION OF THAT CHAPTER TO BE EFFECTED BY REPEALING THE PRESENT CHAPTER IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER.

Be it enacted by the General Assembly of the State of Delaware, two-thirds of all the members elected to each House of the General Assembly concurring therein:

Section 1. Title 8 of the Delaware Code is amended by repealing Chapter 1 thereof in its entirety and substituting therefor a new Chapter 1 to read, from beginning to end, as follows:

TITLE 8

CORPORATIONS

CHAPTER 1. GENERAL CORPORATION LAW

Subchapter	Section
I. FORMATION	101
II. POWERS	121
III. REGISTERED OFFICE AND REGISTERED AGENT	131
IV. DIRECTORS AND OFFICERS	141
V. STOCK AND DIVIDENDS	151
VI. STOCK TRANSFERS	201
VII. MEETINGS, ELECTIONS, VOTING AND NOTICE	211
VIII. AMENDMENT OF CERTIFICATE OF INCORPORATION; CHANGES IN CAPITAL AND CAPITAL STOCK	241
IX. MERGER OR CONSOLIDATION	251
X. SALE OF ASSETS, DISSOLUTION AND WINDING UP	273
XI. INSOLVENCY; RECEIVERS AND TRUSTEES	291
XII. RENEWAL, REVIVAL, EXTENSION AND RESTORATION OF CERTIFICATE OF INCORPORATION OR CHAR- TER	311
XIII. SUITS AGAINST CORPORATIONS, DIRECTORS, OFFI- CERS OR STOCKHOLDERS	321
XIV. CLOSE CORPORATIONS; SPECIAL PROVISIONS	341
XV. FOREIGN CORPORATIONS	371
XVI. MISCELLANEOUS PROVISIONS	391

SUBCHAPTER I. FORMATION

Sec.

101. Incorporators; how corporation formed; purposes.
102. Certificate of incorporation; contents.
103. Execution, acknowledgment, filing, recording and effective date of original certificate of incorporation and other instruments; exceptions.
104. Certificate of incorporation; definition.
105. Certificate of incorporation and other certificates; evidence.
106. Commencement of corporate existence.
107. Powers of incorporators.
108. Organization meeting of incorporators or directors named in certificate of incorporation.
109. By-laws.
110. Emergency by-laws and other powers in emergency.

§ 101. Incorporators; how corporation formed; purposes

(a) Any person, partnership, association or corporation, singly or jointly with others, and without regard to his or their residence, domicile or state of incorporation, may incorporate or organize a corporation under this chapter by filing with the Secretary of State a certificate of incorporation which shall be executed, acknowledged, filed and recorded in accordance with section 103 of this title.

(b) A corporation may be incorporated or organized under this chapter to conduct or promote any lawful business or purposes, except as may otherwise be provided by the constitution or other law of this State.

(c) Corporations for constructing, maintaining and operating public utilities, whether in or outside of this State, may be organized under this chapter, but corporations for constructing, maintaining and operating public utilities within this State shall be subject to, in addition to the provisions of this chapter, the special provisions and requirements of Title 26 applicable to such corporations.

§ 102. Certificate of incorporation; contents

(a) The certificate of incorporation shall set forth—

(1) The name of the corporation which shall contain one of the words "association", "company", "corporation", "club", "foundation", "fund", "incorporated", "institute", "society", "union", "syndicate", or "limited", or one of the abbreviations ["co.", "corp.", "inc.", "ltd."], or words or abbreviations of like import in other languages (provided they are written in Roman characters or letters), and which shall be such as to distinguish it upon the records in the office of the Secretary of State from the names of other corporations organized, reserved or registered as a foreign corporation under the laws of this State;

(2) The address (which shall include the street, number, city and county) of the corporation's registered office in this State, and the name of its registered agent at such address;

(3) The nature of the business or purposes to be conducted or promoted. It shall be sufficient to state, either alone or with other businesses or purposes, that the purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware, and by such statement all lawful acts and activities shall be within the purposes of the corporation, except for express limitations, if any.

(4) If the corporation is to be authorized to issue only one class of stock, the total number of shares of stock which the corporation shall have authority to issue and the par value of each of such shares, or a statement that all such shares are to be without par value. If the corporation is to be authorized to issue more than one class of stock, the certificate of incorporation shall set forth the total number of shares of all classes of stock which the corporation shall have authority to issue and the number of shares of each class that are to have a par value and the par value of each share of each such class, the number of shares of each class that are to be without par value, and a statement of the designations and the powers, preferences and rights, and the qualifications, limitations or restrictions thereof, which are permitted by section 151 of this title in respect of any class or classes of stock or any series of any class of stock of the corporation and the fixing of which by the certificate of incorporation is desired, and an express grant of such authority as it may then be desired to grant to the board of directors to fix by resolution or resolutions any thereof that may be desired but which shall not be fixed by the certificate of incorporation. The foregoing provisions of this paragraph shall not apply to corporations which are not organized for profit and which are not to have authority to issue capital stock. In the case of such corporations, the fact that they are not to have authority to issue capital stock shall be stated in the certificate of incorporation. The conditions of membership of such corporations shall likewise be stated in the certificate of incorporation or the certificate may provide that the conditions of membership shall be stated in the by-laws.

(5) The name and mailing address of the incorporator or incorporators;

(6) If the powers of the incorporator or incorporators are to terminate upon the filing of the certificate of incorporation, the names and mailing addresses of the persons who are to serve as directors until the first annual meeting of stockholders or until their successors are elected and qualify.

(b) In addition to the matters required to be set forth in the certificate of incorporation by subsection (a) of this section, the certificate of incorporation may also contain any or all of the following matters—

(1) Any provision for the management of the business and for the conduct of the affairs of the corporation, and any provision creating, defining, limiting and regulating the powers of the corporation, the directors, and the stockholders, or any class of the stockholders, or the members of a non-stock corporation; if such provisions are not contrary to the laws of this State. Any provision which is required or permitted by any section of this chapter to be stated in the by-laws may instead be stated in the certificate of incorporation;

(2) The following provisions, in haec verba, viz.—

“Whenever a compromise or arrangement is proposed between this corporation and its creditors or any class of them and/or between this corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this corporation under the provisions of section 291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or receivers appointed for this corporation under the provisions of section 279 of Title 8 of the Delaware Code order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this corporation, as the case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this corporation as consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this corporation, as the case may be, and also on this corporation;”

(3) Such provisions as may be desired granting to the stockholders, or any class of them, the pre-emptive right to subscribe to any or all additional issues of stock of the corporation of any or all classes; otherwise, no stockholders shall have any pre-emptive right to subscribe to an additional issue of stock. This paragraph (3) shall not apply to any corporation whose certificate of incorporation, as in effect on the effective date of this Act, does not contain a provision limiting or denying to its stockholders the pre-emptive right to subscribe to any additional issues of its stock.

(4) Provisions requiring for any corporate action, the vote of a larger portion of the stock or of any class or series thereof, or of any other securities having voting power, or a larger number of the directors, than is required by this chapter;

(5) A provision limiting the duration of the corporation's existence to a specified date; otherwise, the corporation shall have perpetual existence;

(6) A provision imposing personal liability for the debts of the corporation on its stockholders or members to a specified extent and upon specified conditions; otherwise, the stockholders or members of a corporation shall not be personally liable for the payment of the corporation's debts except as they may be liable by reason of their own conduct or acts;

(c) It shall not be necessary to set forth in the certificate of incorporation any of the powers conferred on corporations by this chapter.

§ 103. Execution, acknowledgment, filing, recording and effective date of original certificate of incorporation and other instruments; exceptions

(a) Whenever any provision of this chapter requires any instrument to be filed with the Secretary of State or in accordance with this section or chapter, such instrument shall be executed as follows:

(1) The certificate of incorporation, and any other instrument to be filed before the election of the initial board of directors if the initial directors were not named in the certificate of incorporation, shall be signed by the incorporator or incorporators.

(2) All other instruments shall have the corporate seal affixed thereto and shall be signed—

(i) By the chairman or vice-chairman of the board of directors, or by the president, or by a vice president, and by the secretary or an assistant secretary (or by such officers as may be duly authorized to exercise the duties, respectively, ordinarily exercised by the president or vice president and by the secretary or assistant secretary of a corporation); or

(ii) If it shall appear from the instrument that there are no such officers, then by a majority of the directors or by such directors as may be designated by the board; or

(iii) If it shall appear from the instrument that there are no such officers or directors, then by the holders of record, or such of them as may be designated by the holders of record, of a majority of all outstanding shares of stock; or

(iv) By the holders of record of all outstanding shares of stock.

(b) Whenever any provision of this chapter requires any instrument to be acknowledged, such requirement means that:

(1) The person signing the instrument shall acknowledge that it is his act and deed and that the facts stated therein are true, and

(2) The instrument shall be acknowledged before a person who is authorized by the laws of the place of execution to take acknowledg-

ment of deeds and who, if he has a seal of office, shall affix it to the instrument.

(c) Whenever any provision of this chapter requires any instrument to be filed with the Secretary of State or in accordance with this section or chapter, such requirement means that:

(1) The original signed instrument, together with a duplicate copy which may be either a signed or conformed copy, shall be delivered to the office of the Secretary of State.

(2) All taxes and fees authorized by law to be collected by the Secretary of State in connection with the filing of the instrument shall be tendered to the Secretary of State.

(3) Upon delivery of the instrument, and upon tender of the required taxes and fees, the Secretary of State shall certify that the instrument has been filed in his office by endorsing upon the original signed instrument the word "Filed", and the date and hour of its filing. This endorsement is the "filing date" of the instrument, and is conclusive of the date and time of its filing in the absence of actual fraud. The Secretary of State shall thereupon file and index the endorsed instrument.

(4) The Secretary of State shall compare the duplicate copy with the original signed instrument, and if he finds that they are identical, he shall certify the duplicate copy by making upon it the same endorsement which is required to appear upon the original, together with a further endorsement that the duplicate copy is a true copy of the original signed instrument.

(5) The duplicate copy of the instrument so certified by the Secretary of State shall be recorded in the office of the Recorder of the county in which the corporation's registered office in this State is, or is to be, located.

(6) The Recorder of the county shall, upon receipt of the certified copy of the instrument, record and index it in a book kept for that purpose.

(d) Any instrument filed in accordance with subsection (c) of this section shall be effective upon its filing date. However, if the instrument is not recorded in accordance with paragraph (5) of subsection (c) within 20 days after its filing date, it shall become ineffective upon the expiration of such 20 day period and shall not again become effective until it has been so recorded. Any instrument may provide that it is not to become effective until a specified date subsequent to its filing date and recording, but such date shall not be later than 90 days after its filing date.

(e) If another section of this chapter specifically prescribes a manner of executing, acknowledging, filing or recording a specified instrument or a time when such instrument shall become effective which

differs from the corresponding provisions of this section, then the provisions of such other section shall govern.

§ 104. Certificate of incorporation; definition

The term "certificate of incorporation", as used in this chapter, unless the context requires otherwise, includes not only the original certificate of incorporation filed to create a corporation but also all other certificates, agreements of merger or consolidation, plans of reorganization, or other instruments, howsoever designated, which are filed pursuant to sections 102, 133-136, 151, 241-245, 251-258, 303, or any other section of this title, and which have the effect of amending or supplementing in some respect a corporation's original certificate of incorporation.

§ 105. Certificate of incorporation and other certificates; evidence

A copy of a certificate of incorporation, or of a composite or restated certificate of incorporation, or of any other certificate which has been filed in the office of the Secretary of State as required by any provision of this title shall, when duly certified by the Secretary of State and accompanied by the certificate of the recorder of the county in which it has been recorded under his hand and the seal of his office stating the fact and record of its recording in his office, be received in all courts, public offices, and official bodies as *prima facie* evidence of:

(a) due execution, acknowledgment, filing and recording of the instrument;

(b) observance and performance of all acts and conditions necessary to have been observed and performed precedent to the instrument becoming effective; and of

(c) any other facts required or permitted by law to be stated in the instrument.

§ 106. Commencement of corporate existence

Upon the filing with the Secretary of State of the certificate of incorporation, executed and acknowledged in accordance with section 103, the incorporator or incorporators who signed the certificate, and his or their successors and assigns, shall, from the date of such filing, be and constitute a body corporate, by the name set forth in the certificate, subject to the provisions of section 103(d) of this title and subject to dissolution or other termination of its existence as provided in this chapter.

§ 107. Powers of incorporators

If the persons who are to serve as directors until the first annual meeting of stockholders have not been named in the certificate of in-

corporation, the incorporator or incorporators, until the directors are elected, shall manage the affairs of the corporation and may do whatever is necessary and proper to perfect the organization of the corporation, including the adoption of the original by-laws of the corporation and the election of directors.

§ 108. Organization meeting of incorporators or directors named in certificate of incorporation

(a) After the filing of the certificate of incorporation an organization meeting of the incorporator or incorporators, or of the board of directors if the initial directors were named in the certificate of incorporation, shall be held, either within or without this State, at the call of a majority of the incorporators or directors, as the case may be, for the purposes of adopting by-laws, electing directors (if the meeting is of the incorporators) to serve or hold office until the first annual meeting of stockholders or until their successors are elected and qualify, electing officers if the meeting is of the directors, doing any other or further acts to perfect the organization of the corporation, and transacting such other business as may come before the meeting.

(b) The persons calling the meeting shall give to each other incorporator or director, as the case may be, at least two days written notice thereof by any usual means of communication, which notice shall state the time, place and purposes of the meeting as fixed by the persons calling it. Notice of the meeting need not be given to anyone who attends the meeting or who signs a waiver of notice either before or after the meeting.

(c) Any action permitted to be taken at the organization meeting of the incorporators or directors, as the case may be, may be taken without a meeting if each incorporator or director, where there is more than one, or the sole incorporator or director where there is only one, signs an instrument which states the action so taken.

§ 109. By-laws

(a) The original by-laws of a corporation may be adopted by the incorporators or by the initial directors if they were named in the certificate of incorporation. Thereafter, the power to make, alter or repeal by-laws shall be in the stockholders or, in the case of a non-stock corporation, in its members; but any corporation may, in its certificate of incorporation, confer that power upon the directors or, in the case of a non-stock corporation, upon its governing body by whatever name designated.

(b) The by-laws may contain any provision, not inconsistent with law or with the certificate of incorporation, relating to the business of the corporation, the conduct of its affairs, and its rights or powers or the rights or powers of its stockholders, directors, officers or employees.

§ 110. Emergency by-laws and other powers in emergency

The board of directors of any corporation may adopt emergency by-laws, subject to repeal or change by action of the stockholders, which shall notwithstanding any different provision elsewhere in this chapter or in Chapters 3 and 5 of Title 26, or in Chapter 7 of Title 5, or in the certificate of incorporation or by-laws, be operative during any emergency resulting from an attack on the United States or on a locality in which the corporation conducts its business or customarily holds meetings of its board of directors or its stockholders, or during any nuclear or atomic disaster, or during the existence of any catastrophe, or other similar emergency condition, as a result of which a quorum of the board of directors or a standing committee thereof cannot readily be convened for action. The emergency by-laws may make any provision that may be practical and necessary for the circumstances of the emergency, including provisions that:

(i) A meeting of the board of directors or a committee thereof may be called by any officer or director in such manner and under such conditions as shall be prescribed in the emergency by-laws;

(ii) The director or directors in attendance at the meeting, or any greater number fixed by the emergency by-laws, shall constitute a quorum; and

(iii) The officers or other persons designated on a list approved by the board of directors before the emergency, all in such order of priority and subject to such conditions and for such period of time (not longer than reasonably necessary after the termination of the emergency) as may be provided in the emergency by-laws or in the resolution approving the list, shall, to the extent required to provide a quorum at any meeting of the board of directors, be deemed directors for such meeting.

The board of directors, either before or during any such emergency, may provide, and from time to time modify, lines of succession in the event that during such emergency any or all officers or agents of the corporation shall for any reason be rendered incapable of discharging their duties.

The board of directors, either before or during any such emergency, may, effective in the emergency, change the head office or designate several alternative head offices or regional offices, or authorize the officers so to do.

No officer, director or employee acting in accordance with any emergency by-laws shall be liable except for willful misconduct.

To the extent not inconsistent with any emergency by-laws so adopted, the by-laws of the corporation shall remain in effect during any emergency and upon its termination the emergency by-laws shall cease to be operative.

Unless otherwise provided in emergency by-laws, notice of any meeting of the board of directors during such an emergency may be given

only to such of the directors as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication or radio.

To the extent required to constitute a quorum at any meeting of the board of directors during such an emergency, the officers of the corporation who are present shall, unless otherwise provided in emergency by-laws, be deemed, in order of rank and within the same rank in order of seniority, directors for such meeting.

Nothing contained in this section shall be deemed exclusive of any other provisions for emergency powers consistent with other sections of this title which have been or may be adopted by corporations created under the provisions of this chapter.

SUBCHAPTER II. POWERS

Sec.

- 121. General powers.
- 122. Specific powers.
- 123. Powers respecting securities of other corporations or entities.
- 124. Lack of corporate capacity or power; effect; ultra vires.
- 125. Conferring academic or honorary degrees.
- 126. Banking power denied.

§ 121. General powers

(a) In addition to the powers enumerated in Section 122 of this title, every corporation, its officers, directors, and stockholders shall possess and may exercise all the powers and privileges granted by this chapter or by any other law or by its certificate of incorporation, together with any powers incidental thereto, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purposes set forth in its certificate of incorporation.

(b) Every corporation shall be governed by the provisions and be subject to the restrictions and liabilities contained in this chapter.

§ 122. Specific powers

Every corporation created under this chapter shall have power to—

(1) Have perpetual succession by its corporate name, unless a limited period of duration is stated in its certificate of incorporation;

(2) Sue and be sued in all courts and participate, as a party or otherwise, in any judicial, administrative, arbitratative or other proceeding, in its corporate name;

(3) Have a corporate seal, which may be altered at pleasure, and use the same by causing it or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

(4) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated, and to sell, convey, lease, exchange, transfer or otherwise dispose of, or mortgage or pledge, all or any of its property and assets, or any interest therein, wherever situated;

(5) Appoint such officers and agents as the business of the corporation requires and to pay or otherwise provide for them suitable compensation;

(6) Adopt, amend and repeal by-laws;

(7) Wind up and dissolve itself in the manner provided in this chapter;

(8) Conduct its business, carry on its operations, and have offices and exercise its powers within or without this State;

(9) Make donations for the public welfare or for charitable, scientific or educational purposes, and in time of war or other national emergency in aid thereof;

(10) Be an incorporator, promoter, or manager of other corporations of any type or kind;

(11) Participate with others in any corporation, partnership, limited partnership, joint venture, or other association of any kind, or in any transaction, undertaking or arrangement which the participating corporation would have power to conduct by itself, whether or not such participation involves sharing or delegation of control with or to others.

(12) In time of war or other national emergency, to do any lawful business in aid thereof, notwithstanding the business or purposes set forth in its certificate of incorporation, at the request or direction of any apparently authorized governmental authority;

(13) Make contracts, including contracts of guaranty and suretyship, incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds and other obligations, and secure any of its obligations by mortgage, pledge or other encumbrance of all or any of its property, franchises and income;

(14) Lend money for its corporate purposes, invest and reinvest its funds, and take, hold and deal with real and personal property as security for the payment of funds so loaned or invested.

(15) Pay pensions and establish and carry out pension, profit sharing, stock option, stock purchase, stock bonus, retirement, benefit, incentive and compensation plans, trusts and provisions for any or all of its directors, officers, and employees, and for any or all of the directors, officers, and employees of its subsidiaries;

(16) Provide insurance for its benefit on the life of any of its directors, officers, or employees, or on the life of any stockholder for

the purpose of acquiring at his death shares of its stock owned by such stockholder.

§ 123. Powers respecting securities of other corporations or entities

Any corporation organized under the laws of this State may guarantee, purchase, take, receive, subscribe for or otherwise acquire; own, hold, use or otherwise employ; sell, lease, exchange, transfer, or otherwise dispose of; mortgage, lend, pledge or otherwise deal in and with, bonds and other obligations of, or shares or other securities or interests in, or issued by, any other domestic or foreign corporation, partnership, association, or individual, or by any government or agency or instrumentality thereof. A corporation while owner of any such securities may exercise all the rights, powers and privileges of ownership, including the right to vote.

§ 124. Lack of corporate capacity or power; effect; ultra vires

No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(1) In a proceeding by a stockholder against the corporation to enjoin the doing of any act or acts or the transfer of real or personal property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, such compensation as may be equitable for the loss or damage sustained by any of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(2) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through stockholders in a representative suit, against an incumbent or former officer or director of the corporation, for loss or damage due to his unauthorized act.

(3) In a proceeding by the Attorney General to dissolve the corporation, or to enjoin the corporation from the transaction of unauthorized business.

§ 125. Conferring academic or honorary degrees

No corporation organized after April 18, 1945, shall have power to confer academic or honorary degrees unless the certificate of in-

corporation or an amendment thereof shall so provide and unless the certificate of incorporation or an amendment thereof prior to its being filed in the office of the Secretary of State shall have endorsed thereon the approval of the State Board of Education of this State. No corporation organized before April 18, 1945, any provision in its certificate of incorporation to the contrary notwithstanding, shall possess the power aforesaid without first filing in the office of the Secretary of State, a certificate of amendment so providing, the filing of which certificate of amendment in the office of the Secretary of State shall be subject to prior approval of the State Board of Education, evidenced as hereinabove provided. Approval shall be granted only when it appears to the reasonable satisfaction of the State Board of Education, that the corporation is engaged in conducting a bona fide institution of higher learning, giving instructions in arts and letters, science, or the professions, or that the corporation proposes, in good faith, to engage in that field and has or will have the resources, including personnel, requisite for the conduct of an institution of higher learning.

§ 126. Banking power denied

(a) No corporation organized under this chapter shall possess the power of issuing bills, notes, or other evidences of debt for circulation as money, or the power of carrying on the business of receiving deposits of money, or the business of buying gold and silver bullion or foreign coins.

(b) Corporations organized under this chapter to buy, sell and otherwise deal in notes, open accounts and other similar evidences of debt, or to loan money and to take notes, open accounts and other similar evidences of debt as collateral security therefor, shall not be deemed to be engaging in the business of banking.

**SUBCHAPTER III. REGISTERED OFFICE AND
REGISTERED AGENT**

Sec.

- 131. Registered office in State; principal office or place of business in State.
- 132. Registered agent in State; resident agent.
- 133. Change of location of registered office; change of registered agent.
- 134. Change of address of registered agent.
- 135. Resignation of registered agent coupled with appointment of successor.
- 136. Resignation of registered agent not coupled with appointment of successor.

§ 131. Registered office in State; principal office or place of business in State

(a) Every corporation shall have and maintain in this State a registered office which may, but need not be, the same as its place of business.

(b) Whenever the term "corporation's principal office or place of business in this State" or "principal office or place of business of the corporation in this State", or other term of like import, is or has been used in a corporation's certificate of incorporation, or in any other document, or in any statute, it shall be deemed to mean and refer to, unless the context indicates otherwise, the corporation's registered office required by this section; and it shall not be necessary for any corporation to amend its certificate of incorporation or any other document to comply with this section.

§ 132. Registered agent in State; resident agent

(a) Every corporation shall have and maintain in this State a registered agent, which agent may be either an individual resident in this State whose business office is identical with the corporation's registered office, or a domestic corporation (which may be itself), or a foreign corporation authorized to transact business in this State, having a business office identical with such registered office.

(b) Whenever the term "resident agent" or "resident agent in charge of a corporation's principal office or place of business in this State", or other term of like import which refers to a corporation's agent required by statute to be located in this State, is or has been used in a corporation's certificate of incorporation, or in any other document, or in any statute, it shall be deemed to mean and refer to, unless the context indicates otherwise, the corporation's registered agent required by this section; and it shall not be necessary for any corporation to amend its certificate of incorporation or any other document to comply with this section.

§ 133. Change of location of registered office; change of registered agent

Any corporation may, by resolution of its board of directors, change the location of its registered office in this State to any other place in this State. By like resolution, the registered agent of a corporation may be changed to any other person or corporation including itself. In either such case, the resolution shall be as detailed in its statement as is required by section 102(a) (2) of this title. Upon the adoption of such a resolution, a certificate certifying the change shall be executed, acknowledged, and filed in accordance with section 103 of this title; and a certified copy shall be recorded in the office of the Recorder for the county in which the new office is located; and, if such new office is located in a county other than that in which the former of-

fice was located, a certified copy of such certificate shall also be recorded in the office of the Recorder for the county in which such former office was located.

§ 134. Change of address of registered agent

A registered agent may change the address of the registered office of the corporation or corporations for which he is registered agent to another address in this State by filing with the Secretary of State a certificate, executed and acknowledged by such registered agent, setting forth the names of all the corporations represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such corporations, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such registered agent will thereafter maintain the registered office for each of the corporations recited in the certificate. Upon the filing of such certificate, the Secretary of State shall furnish a certified copy of the same under his hand and seal of office, and the certified copy shall be recorded in the office of the Recorder of the county where the registered office of the corporation is located in this State, and thereafter, or until further change of address, as authorized by law, the registered office in this State of each of the corporations recited in the certificate shall be located at the new address of the registered agent thereof as given in the certificate. If the location of such office shall be changed from one county to another county, a certified copy of such certificate shall also be recorded in the office of the Recorder for the county in which such office was formerly located.

§ 135. Resignation of registered agent coupled with appointment of successor

The registered agent of one or more corporations may resign and appoint a successor registered agent by filing a certificate with the Secretary of State, stating the name and address of the successor agent, in accordance with section 102(a) (2) of this title. There shall be attached to such certificate a statement of each affected corporation ratifying and approving such change of registered agent. Each such statement shall be executed and acknowledged in accordance with section 103 of this title. Upon such filing, the successor registered agent shall become the registered agent of such corporations as have ratified and approved such substitution and the successor registered agent's address, as stated in such certificate, shall become the address of each such corporation's registered office in this state. The Secretary of State shall then issue his certificate that the successor registered agent has become the registered agent of the corporations so ratifying and approving such change, and setting out the names of such corporations. The certificate of the Secretary of State

shall be recorded in accordance with section 103 of this title, and the Recorder shall forthwith make a note of the change of registered office and registered agent on the margin of the record of the certificates of incorporation of those corporations which have ratified and approved such change. If the location of such office shall be changed from one county to another county, a certified copy of such certificate shall also be recorded in the office of the Recorder for the county in which such office will thereafter be located.

§ 136. Resignation of registered agent not coupled with appointment of successor

(a) The registered agent of one or more corporations may resign without appointing a successor by filing a certificate with the Secretary of State; but such resignation shall not become effective until 60 days after the certificate is filed. There shall be attached to such certificate, in duplicate, an affidavit of such registered agent, if an individual, or of the president or secretary thereof, if a corporation, that at least 30 days prior to the date of the filing of said certificate, due notice was sent by registered mail to the corporation for which such registered agent was acting, at the principal office thereof outside the State, if known to such registered agent or, if not, to the last known address of the attorney or other individual at whose request such registered agent was appointed for such corporation, of the resignation of such registered agent.

(b) Upon the filing of such certificate of resignation with the Secretary of State, the Secretary of State shall then notify the Recorder for the county in which the certificate of incorporation of such corporation is recorded of the resignation of its registered agent as set forth in such certificate and the Recorder shall forthwith make a note of the resignation of such registered agent on the margin of the record of the certificate of incorporation of such corporation.

(c) After receipt of the notice of the resignation of its registered agent, provided for in subsection (a) of this section, the corporation for which such registered agent was acting shall obtain and designate a new registered agent to take the place of the registered agent so resigning in the same manner as provided in section 133 of this title for change of registered agent. If such corporation, being a corporation of this State, fails to obtain and designate a new registered agent as aforesaid prior to the expiration of the period of 60 days after the filing by the registered agent of the certificate of resignation, the Secretary of State shall declare the charter of such corporation forfeited. If such corporation, being a foreign corporation, fails to obtain and designate a new registered agent as aforesaid prior to the expiration of the period of 60 days after the filing by the registered agent of the certificate of resignation, the Secretary of State shall forfeit its authority to do business in this State.

(d) After the resignation of the registered agent shall have become effective as provided in this section and if no new registered agent shall have been obtained and designated in the time and manner aforesaid, service of legal process against the corporation for which the resigned registered agent had been acting shall thereafter be upon the Secretary of State in accordance with section 321 of this title.

SUBCHAPTER IV. DIRECTORS AND OFFICERS

Sec.

- 141. Board of directors; powers; number, qualifications, terms and quorum; committees; classes of directors; non-profit corporations; reliance upon books; action without meeting, etc.
- 142. Officers; selection, term, duties; failure to elect; vacancies; non-stock corporations.
- 143. Loans to employees and officers; guaranty of obligations of employees and officers.
- 144. Interested directors; quorum.
- 145. Indemnification of officers, directors, employees and agents; insurance.

§ 141. Board of directors; powers; number, qualifications, terms and quorum; committees; classes of directors; non-profit corporations; reliance upon books; action without meeting, etc.

(a) The business of every corporation organized under this chapter shall be managed by a board of directors, except as may be otherwise provided in this chapter or in its certificate of incorporation.

(b) The number of directors which shall constitute the whole board shall be fixed by, or in the manner provided in, the by-laws, unless the certificate of incorporation requires that a change in the number of directors shall be made only by amendment of the certificate; but in no case shall the number be less than three, except that in cases where all the shares of a corporation are owned beneficially and of record by either one or two stockholders, the number of directors may be less than three but not less than the number of stockholders. Directors need not be stockholders unless so required by the certificate of incorporation or the by-laws. Each director shall hold office until his successor is elected and qualified or until his earlier resignation or removal. A majority of the total number of directors shall constitute a quorum for the transaction of business unless the certificate of incorporation or the by-laws require a greater number. Unless the certificate of incorporation provides otherwise, the by-laws may provide that a number less than a majority shall constitute a quorum which in no case shall be less than one-third of the total number of directors nor less than two directors, except that when a board of one director is authorized under the provisions of this section, then one director shall

constitute a quorum. The vote of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors unless the certificate of incorporation or the by-laws shall require a vote of a greater number.

(c) The board of directors may, by resolution passed by a majority of the whole board, designate one or more committees, each committee to consist of two or more of the directors of the corporation. The board may designate one or more directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. Any such committee, to the extent provided in the resolution or in the by-laws of the corporation, shall have and may exercise the powers of the board of directors in the management of the business and affairs of the corporation, and may authorize the seal of the corporation to be affixed to all papers which may require it; provided, however, the by-laws may provide that in the absence or disqualification of any member of such committee or committees, the member or members thereof present at any meeting and not disqualified from voting, whether or not he or they constitute a quorum, may unanimously appoint another member of the board of directors to act at the meeting in the place of any such absent or disqualified member.

(d) The directors of any corporation organized under this chapter may, by the certificate of incorporation or by an initial by-law, or by a by-law adopted by a vote of the stockholders, be divided into one, two or three classes; the term of office of those of the first class to expire at the annual meeting next ensuing; of the second class one year thereafter; of the third class two years thereafter; and at each annual election held after such classification and election, directors shall be chosen for a full term, as the case may be, to succeed those whose terms expire.

(e) A member of the board of directors or governing body of any corporation organized under this chapter, or a member of any committee designated by the board of directors or governing body shall, in the performance of his duties, be fully protected in relying in good faith upon the books of account or reports made to the corporation by any of its officers, or by an independent certified public accountant, or by an appraiser selected with reasonable care by the board of directors or by any such committee, or in relying in good faith upon other records of the corporation.

(f) Unless otherwise restricted by the certificate of incorporation or by-laws, any action required or permitted to be taken at any meeting of the board of directors, or governing body, or of any committee thereof may be taken without a meeting if all members of the board or governing body or committee, as the case may be, consent thereto in writing, and the writing or writings are filed with the minutes of proceedings of the board, governing body, or committee.

(g) Unless otherwise restricted by the certificate of incorporation or by-laws, the board of directors or governing body of any corporation organized under this chapter may hold its meetings, and have an office or offices, outside of this State.

(h) Except for the provisions of subsections (e), (f) and (g) of this section, the provisions of this section shall not apply to corporations not for profit for which it is desired to have no capital stock. The business of every such corporation organized under this chapter shall be managed as provided in its certificate of incorporation.

§ 142. Officers; selection, term, duties; failure to elect; vacancies; non-stock corporations

(a) Every corporation organized under this chapter shall have a president, secretary and treasurer, who shall be chosen as the by-laws may direct, and shall hold their offices until their successors are chosen and qualified. The secretary shall record all the proceedings of the meetings of the stockholders and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him. Any number of offices may be held by the same person unless the certificate of incorporation or by-laws otherwise provide.

(b) The corporation may have such other officers and agents as are desired, who shall be chosen in such manner and hold their offices for such terms as are prescribed by the by-laws or determined by the board of directors or other governing body.

(c) The corporation may secure the fidelity of any or all of its officers or agents by bond or otherwise.

(d) A failure to elect annually a president, secretary, treasurer or other officers shall not dissolve a corporation.

(e) Any vacancy occurring in any office of the corporation by death, resignation, removal or otherwise, shall be filled as the by-laws provide. In the absence of such provision, the vacancy shall be filled by the board of directors or other governing body.

(f) A corporation not for profit, without capital stock, may elect such officers as its certificate of incorporation or by-laws may specify, who shall exercise the respective duties ordinarily exercised by the president, secretary, treasurer and other officers commonly elected by a stock corporation.

§ 143. Loans to employees and officers; guaranty of obligations of employees and officers

Any corporation may lend money to, or guarantee any obligation of, or otherwise assist any officer or other employee of the corporation or of its subsidiary, including any officer or employee who is a director of the corporation or its subsidiary, whenever, in the judgment of the

directors, such loan, guaranty or assistance may reasonably be expected to benefit the corporation. The loan, guaranty or other assistance may be with or without interest, and may be unsecured, or secured in such manner as the board of directors shall approve, including, without limitation, a pledge of shares of stock of the corporation. Nothing in this section contained shall be deemed to deny, limit or restrict the powers of guaranty or warranty of any corporation at common law or under any statute.

§ 144. Interested directors; quorum

(a) No contract or transaction between a corporation and one or more of its directors or officers, or between a corporation and any other corporation, partnership, association, or other organization in which one or more of its directors or officers are directors or officers, or have a financial interest, shall be void or voidable solely for this reason, or solely because the director or officer is present at or participates in the meeting of the board or committee thereof which authorizes the contract or transaction, or solely because his or their votes are counted for such purpose, if;

(1) The material facts as to his interest and as to the contract or transaction are disclosed or are known to the board of directors or the committee, and the board or committee in good faith authorizes the contract or transaction by a vote sufficient for such purpose without counting the vote of the interested director or directors; or

(2) The material facts as to his interest and as to the contract or transaction are disclosed or are known to the shareholders entitled to vote thereon, and the contract or transaction is specifically approved in good faith by vote of the shareholders; or

(3) The contract or transaction is fair as to the corporation as of the time it is authorized, approved or ratified, by the board of directors, a committee thereof, or the shareholders.

(b) Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or of a committee which authorizes the contract or transaction.

§ 145. Indemnification of officers, directors, employees and agents; insurance

(a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture,

trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the Court of Chancery or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the Court of Chancery or such other court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) and (b). Such determination shall be made (1) by the

board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (2) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the stockholders.

(e) Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized by the board of directors in the manner provided in subsection (d) upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this section.

(f) The indemnification provided by this section shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any by-law, agreement, vote of stockholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

SUBCHAPTER V. STOCK AND DIVIDENDS

Sec.

151. Classes and series of stock; rights, etc.
152. Issuance of stock; lawful consideration.
153. Consideration for stock.
154. Determination of amount of capital; capital, surplus and net assets defined.
155. Fractions of shares, scrip and warrants
156. Partly paid shares.
157. Rights and options respecting stock.
158. Stock certificates.
159. Shares of stock; personal property, transfer and taxation.
160. Corporation's powers respecting ownership, etc. of its own stock.
161. Issuance of additional stock; when and by whom.
162. Liability of stockholder or subscriber for stock not paid in full.

Sec.

- 163. Payment for stock not paid in full.
- 164. Failure to pay for stock; remedies.
- 165. Revocability of pre-incorporation subscriptions.
- 166. Formalities required of stock subscriptions.
- 167. Lost, stolen or destroyed stock certificates; issuance of new certificate.
- 168. Judicial proceedings to compel issuance of new certificate.
- 169. Situs of ownership of stock.
- 170. Dividends; payment; wasting asset corporations.
- 171. Special Purpose reserves.
- 172. Liability of directors as to dividends or stock redemption.
- 173. Declaration and payment of dividends.
- 174. Liability of directors for unlawful payment of dividend or unlawful stock purchase or redemption; exoneration from liability; contribution among directors; subrogation.

§ 151. Classes and series of stock; rights, etc.

(a) Every corporation may issue one or more classes of stock or one or more series of stock within any class thereof, any or all of which classes may be of stock with par value or stock without par value and which classes or series may have such voting powers, full or limited, or no voting powers, and such designations, preferences and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, as shall be stated and expressed in the certificate of incorporation or of any amendment thereto, or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors pursuant to authority expressly vested in it by the provisions of its certificate of incorporation. The power to increase or decrease or otherwise adjust the capital stock as provided in this chapter shall apply to all or any such classes of stock.

(b) Any preferred or special stock may be made subject to redemption at such time or times and at such price or prices and may be issued in such series, with such designations, preferences and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof as shall be stated in the certificate of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors as hereinabove provided.

(c) The holders of preferred or special stock of any class or of any series thereof shall be entitled to receive dividends at such rates, on such conditions and at such times as shall be stated in the certificate of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors as hereinabove provided, payable in preference to, or in such relation to, the dividends payable on any other class or classes or of any other series of stock, and cumulative or non-cumulative as shall be so stated and expressed.

When dividends upon the preferred and special stocks, if any, to the extent of the preference to which such stocks are entitled, shall have been paid or declared and set apart for payment, a dividend on the remaining class or classes or series of stock may then be paid out of the remaining assets of the corporation available for dividends as elsewhere in this chapter provided.

(d) The holders of the preferred or special stock of any class or of any series thereof shall be entitled to such rights upon the dissolution of, or upon any distribution of the assets of, the corporation as shall be stated in the certificate of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors as hereinabove provided.

(e) Any preferred or special stock of any class or of any series thereof may be made convertible into, or exchangeable for, shares of any other class or classes of stock, or of any series thereof, of the corporation at such price or prices or at such rates of exchange and with such adjustments as shall be stated in the certificate of incorporation or in the resolution or resolutions providing for the issue of such stocks adopted by the board of directors as hereinabove provided.

(f) If any corporation shall be authorized to issue more than one class of stock or more than one series of any class, the designations, preferences and relative, participating, optional or other special rights of each class of stock or series thereof and the qualifications, limitations or restrictions of such preferences and/or rights shall be set forth in full or summarized on the face or back of the certificate which the corporation shall issue to represent such class or series of stock, provided that, except as otherwise provided in section 202 of this title, in lieu of the foregoing requirements, there may be set forth on the face or back of the certificate which the corporation shall issue to represent such class or series of stock, a statement that the corporation will furnish without charge to each stockholder who so requests the designations, preferences and relative, participating, optional or other special rights of each class of stock or series thereof and the qualifications, limitations or restrictions of such preferences and/or rights.

(g) Before any corporation shall issue any shares of stock of any class or of any series of any class of which the voting powers, designations, preferences and relative, participating, optional or other rights, if any, or the qualifications, limitations or restrictions thereof, if any, shall not have been set forth in the certificate of incorporation or in any amendment thereto but shall be provided for in a resolution or resolutions adopted by the board of directors pursuant to authority expressly vested in it by the provisions of the certificate of incorporation or any amendment thereto, a certificate setting forth a copy of such resolution or resolutions and the number of shares of stock of such class or series shall be executed, acknowledged, filed and recorded in accordance with section 103 of this title. Unless otherwise pro-

vided in any such resolution or resolutions, the number of shares of stock of any such class or series so set forth in such resolution or resolutions may be increased or decreased (but not below the number of shares thereof then outstanding) by a certificate likewise executed, acknowledged, filed and recorded setting forth a statement that a specified increase or decrease therein had been authorized and directed by a resolution or resolutions likewise adopted by the board of directors. In case the number of such shares shall be decreased, the number of shares so specified in the certificate shall resume the status which they had prior to the adoption of the first resolution or resolutions.

§ 152. Issuance of stock; lawful consideration

Subscriptions to, or the purchase price of, the capital stock of any corporation organized under any law of this State may be paid for, wholly or partly, by cash, by labor done, by personal property, or by real property or leases thereof; and the stock so issued shall be declared and taken to be full paid stock and not liable to any further call, nor shall the holder thereof be liable for any further payments under the provisions of this chapter. In the absence of actual fraud in the transaction, the judgment of the directors, as to the value of such labor, property, real estate or leases thereof, shall be conclusive.

§ 153. Consideration for stock

(a) Shares of stock with par value may be issued for such consideration, expressed in dollars, not less than the par value thereof, as is fixed from time to time by the board of directors, or by the stockholders if the certificate of incorporation so provides.

(b) Shares of stock without par value may be issued for such consideration, expressed in dollars, as is fixed from time to time by the board of directors, or by the stockholders if the certificate of incorporation so provides.

(c) Treasury shares may be disposed of by the corporation for such consideration, expressed in dollars, as may be fixed from time to time by the board of directors, or by the stockholders if the certificate of incorporation so provides.

(d) If the certificate of incorporation reserves to the stockholders the right to fix the consideration for the issue of any shares, the stockholders shall, unless the certificate requires a greater vote, do so by a vote of the holders of a majority of the shares of stock entitled to vote thereon.

§ 154. Determination of amount of capital; capital, surplus and net assets defined

Any corporation may, by resolution of its board of directors, determine that only a part of the consideration which shall be received by

the corporation for any of the shares of its capital stock which it shall issue from time to time shall be capital; but, in case any of the shares issued shall be shares having a par value, the amount of the part of such consideration so determined to be capital shall be in excess of the aggregate par value of the shares issued for such consideration having a par value, unless all the shares issued shall be shares having a par value, in which case the amount of the part of such consideration so determined to be capital need be only equal to the aggregate par value of such shares. In each such case the board of directors shall specify in dollars the part of such consideration which shall be capital. If the board of directors shall not have determined (1) at the time of issue of any shares of the capital stock of the corporation issued for cash or (2) within 60 days after the issue of any shares of the capital stock of the corporation issued for property other than cash what part of the consideration for such shares shall be capital, the capital of the corporation in respect of such shares shall be an amount equal to the aggregate par value of such shares having a par value, plus the amount of the consideration for such shares without par value. The capital of the corporation may be increased from time to time by resolution of the board of directors directing that a portion of the net assets of the corporation in excess of the amount so determined to be capital be transferred to the capital account. The board of directors may direct that the portion of such net assets so transferred shall be treated as capital in respect of any shares of the corporation of any designated class or classes. The excess, if any, at any given time, of the net assets of the corporation over the amount so determined to be capital shall be surplus. Net assets means the amount by which total assets exceed total liabilities. Capital and surplus are not liabilities for this purpose.

§ 155. Fractions of shares, scrip and warrants

A corporation may, but shall not be required to (1) issue fractions of a share; (2) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined; or (3) issue scrip or fractional warrants in registered or bearer form over the manual or facsimile signature of an officer of the corporation or of its agent, exchangeable as therein provided for full shares, but such scrip or fractional warrants shall not entitle the holder to any rights of a shareholder except as therein provided. Such scrip or fractional warrants may be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which such scrip or fractional warrants are exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip or fractional warrants, or subject to any other conditions which the board may determine.

§ 156. Partly paid shares

Any corporation may issue the whole or any part of its shares as partly paid and subject to call for the remainder of the consideration to be paid therefor. Upon the face or back of each stock certificate issued to represent any such partly paid shares the total amount of the consideration to be paid therefor and the amount paid thereon shall be stated. Upon the declaration of any dividend on fully paid shares, the corporation shall declare a dividend upon partly paid shares of the same class, but only upon the basis of the percentage of the consideration actually paid thereon.

§ 157. Rights and options respecting stock

Subject to any provisions in the certificate of incorporation, every corporation may create and issue, whether or not in connection with the issue and sale of any shares of stock or other securities of the corporation, rights or options entitling the holders thereof to purchase from the corporation any shares of its capital stock of any class or classes, such rights or options to be evidenced by or in such instrument or instruments as shall be approved by the board of directors. The terms upon which, including the time or times, which may be limited or unlimited in duration, at or within which, and the price or prices at which any such shares may be purchased from the corporation upon the exercise of any such right or option, shall be such as shall be stated in the certificate of incorporation, or in a resolution adopted by the board of directors providing for the creation and issue of such rights or options, and, in every case, shall be set forth or incorporated by reference in the instrument or instruments evidencing such rights or options. In the absence of actual fraud in the transaction, the judgment of the directors as to the consideration for the issuance of such rights or options and the sufficiency thereof shall be conclusive. In case the shares of stock of the corporation to be issued upon the exercise of such rights or options shall be shares having a par value, the price or prices so to be received therefor shall not be less than the par value thereof. In case the shares of stock so to be issued shall be shares of stock without par value, the consideration therefor shall be determined in the manner provided in section 153 of this title.

§ 158. Stock certificates

Every holder of stock in a corporation shall be entitled to have a certificate signed by, or in the name of the corporation by the chairman or vice-chairman of the board of directors, or the president or a vice-president, and by the treasurer or an assistant treasurer, or the secretary or an assistant secretary of such corporation certifying the number of shares owned by him in such corporation. If such certificate is countersigned (1) by a transfer agent other than the corporation or its employee, or, (2) by a registrar other than the

corporation or its employee, the signatures of the officers of the corporation may be facsimiles. In case any officer who has signed or whose facsimile signature has been placed upon a certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of issue.

§ 159. Shares of stock; personal property, transfer and taxation

The shares of stock in every corporation shall be deemed personal property and transferable as provided in Article 8 of Title 5A. No stock or bonds issued by any corporation organized under this chapter shall be taxed by this State when the same shall be owned by non-residents of this State, or by foreign corporations. Whenever any transfer of shares shall be made for collateral security, and not absolutely, it shall be so expressed in the entry of the transfer if, when the certificates are presented to the corporation for transfer, both the transferor and transferee request the corporation to do so.

§ 160. Corporation's powers respecting ownership, etc. of its own stock

Every corporation may purchase, receive, take or otherwise acquire, own and hold, sell, lend, exchange, transfer or otherwise dispose of, pledge, use and otherwise deal in and with its own shares; but no corporation shall use its funds or property for the purchase of its own shares of capital stock when the capital of the corporation is impaired or when such use would cause any impairment of the capital of the corporation, except that it may purchase or redeem out of capital its own shares of preferred or special stock in accordance with section 243 of this title. Shares of its own capital stock belonging to the corporation or to another corporation, if a majority of the shares entitled to vote in the election of directors of such other corporation is held by the corporation, shall neither be entitled to vote nor counted for quorum purposes. Nothing in this section shall be construed as limiting the right of the corporation to vote its own stock held by it in a fiduciary capacity.

§ 161. Issuance of additional stock; when and by whom

The directors may, at any time and from time to time, if all of the shares of capital stock which the corporation is authorized by its certificate of incorporation to issue have not been issued, subscribed for, or otherwise committed to be issued, issue or take subscriptions for additional shares of its capital stock up to the amount authorized in its certificate of incorporation.

§ 162. Liability of stockholder or subscriber for stock not paid in full

(a) When the whole of the consideration payable for shares of a corporation has not been paid in, and the assets shall be insufficient to satisfy the claims of its creditors, each holder of or subscriber for such shares shall be bound to pay on each share held or subscribed for by him the sum necessary to complete the amount of the unpaid balance of the consideration for which such shares were issued or to be issued by the corporation.

(b) The amounts which shall be payable as provided in subsection (a) of this section may be recovered as provided in section 325 of this title, after a writ of execution against the corporation has been returned unsatisfied as provided in that section.

(c) Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable for any unpaid portion of such consideration, but the transferor shall remain liable therefor.

(d) No person holding shares in any corporation as collateral security shall be personally liable as a stockholder but the person pledging such shares shall be considered the holder thereof and shall be so liable. No executor, administrator, guardian, trustee or other fiduciary shall be personally liable as a stockholder, but the estate or funds held by such executor, administrator, guardian, trustee or other fiduciary in such fiduciary capacity shall be liable.

(e) No liability under this section or under section 325 of this title shall be asserted more than six years after the issuance of the stock or the date of the subscription upon which the assessment is sought.

(f) In any action by a receiver or trustee of an insolvent corporation or by a judgment creditor to obtain an assessment under this section, any stockholder or subscriber for stock of the insolvent corporation may appear and contest the claim or claims of such receiver or trustee.

§ 163. Payment for stock not paid in full

The capital stock of a corporation shall be paid for in such amounts and at such times as the directors may require. The directors may, from time to time, demand payment, in respect of each share of stock not fully paid, of such sum of money as the necessities of the business may, in the judgment of the board of Directors, require, not exceeding in the whole the balance remaining unpaid on said stock, and such sum so demanded shall be paid to the corporation at such times and by such installments as the directors shall direct. The directors shall give written notice of the time and place of such payments, which notice shall be mailed at least 30 days before the time for such pay-

ment, to each holder of or subscriber for stock which is not fully paid at his last known postoffice address.

§ 164. Failure to pay for stock; remedies

When any stockholder fails to pay any installment or call upon his stock which may have been properly demanded by the directors, at the time when such payment is due, the directors may collect the amount of any such installment or call or any balance thereof remaining unpaid, from the said stockholder by an action at law, or they shall sell at public sale such part of the shares of such delinquent stockholder as will pay all demands then due from him with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor. Notice of the time and place of such sale and of the sum due on each share shall be given by advertisement at least one week before the sale, in a newspaper of the county in this State where such corporation's registered office is located, and such notice shall be mailed by the corporation to such delinquent stockholder at his last known postoffice address, at least 20 days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, which may be brought within the county where the corporation has its registered office, within one year from the date of the bringing of such action at law, the said stock and the amount previously paid in by the delinquent on the stock shall be forfeited to the corporation.

§ 165. Revocability of pre-incorporation subscriptions

Unless otherwise provided by the terms of the subscription, a subscription for stock of a corporation to be formed shall be irrevocable, except with the consent of all other subscribers or the corporation, for a period of six months from its date.

§ 166. Formalities required of stock subscriptions

A subscription for stock of a corporation, whether made before or after the formation of a corporation, shall not be enforceable against a subscriber, unless in writing and signed by the subscriber or by his agent.

§ 167. Lost, stolen or destroyed stock certificates; issuance of new certificate

A corporation may issue a new certificate of stock in the place of any certificate theretofore issued by it, alleged to have been lost, stolen or destroyed, and the corporation may require the owner of the lost, stolen or destroyed certificate, or his legal representative, to give the corporation a bond sufficient to indemnify it against any claim that

may be made against it on account of the alleged loss, theft or destruction of any such certificate or the issuance of such new certificate.

§ 168. Judicial proceedings to compel issuance of new certificate

(a) If a corporation refuses to issue a new certificate of stock in place of one theretofore issued by it, or by any corporation of which it is the lawful successor, alleged to have been lost, stolen or destroyed, the owner of the lost, stolen or destroyed certificate or his legal representatives, may apply to the Court of Chancery for an order requiring the corporation to show cause why it should not issue a new certificate of stock in place of the one so lost, stolen or destroyed. Such application shall be by a complaint which shall state the name of the corporation, the number and date of the certificate, if known or ascertainable by the plaintiff, the number of shares of stock represented thereby and to whom issued, and a statement of the circumstances attending such loss, theft or destruction. Thereupon the court shall make an order requiring the corporation to show cause at a time and place therein designated, why it should not issue a new certificate of stock in place of the one described in the complaint. A copy of the complaint and order shall be served upon the corporation at least five days before the time designated in the order.

(b) If, upon hearing, the court is satisfied that the plaintiff is the lawful owner of the number of shares of capital stock, or any part thereof, described in the complaint, and that the certificate therefor has been lost, stolen or destroyed, and no sufficient cause has been shown why a new certificate should not be issued in place thereof, it shall make an order requiring the corporation to issue and deliver to the plaintiff a new certificate for such shares. In its order the court shall direct that, prior to the issuance and delivery to the plaintiff of such new certificate, the plaintiff give the corporation a bond in such form and with such security as to the court appears sufficient to indemnify the corporation against any claim that may be made against it on account of the alleged loss, theft or destruction of any such certificate or the issuance of such new certificate. No corporation which has issued a certificate pursuant to an order of the court entered hereunder shall be liable in an amount in excess of the amount specified in such bond.

§ 169. Situs of ownership of stock

For all purposes of title, action, attachment, garnishment and jurisdiction of all courts held in this State, but not for the purpose of taxation, the situs of the ownership of the capital stock of all corporations existing under the laws of this State, whether organized under this chapter or otherwise, shall be regarded as in this State.

§ 170. Dividends; payment; wasting asset corporations

(a) The directors of every corporation, subject to any restrictions contained in its certificate of incorporation, may declare and pay dividends upon the shares of its capital stock either (1) out of its surplus; as defined in and computed in accordance with sections 154, 242, 243 and 244 of this title, or (2) in case there shall be no such surplus, out of its net profits for the fiscal year in which the dividend is declared and/or the preceding fiscal year. If the capital of the corporation, computed in accordance with sections 154, 242, 243 and 244 of this title, shall have been diminished by depreciation in the value of its property, or by losses, or otherwise, to an amount less than the aggregate amount of the capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets, the directors of such corporation shall not declare and pay out of such net profits any dividends upon any shares of any classes of its capital stock until the deficiency in the amount of capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets shall have been repaired.

(b) Subject to any restrictions contained in its certificate of incorporation, the directors of any corporation engaged in the exploitation of wasting assets (including but not limited to a corporation engaged in the exploitation of natural resources or other wasting assets, including patents, or formed primarily for the liquidation of specific assets) may determine the net profits derived from the exploitation of such wasting assets without taking into consideration the depletion of such assets resulting from lapse of time or from necessary consumption of such assets incidental to their exploitation.

§ 171. Special Purpose reserves

The directors of a corporation may set apart out of any of the funds of the corporation available for dividends a reserve or reserves for any proper purpose and may abolish any such reserve.

§ 172. Liability of directors as to dividends or stock redemption

A director shall be fully protected in relying in good faith upon the books of account of the corporation or statements prepared by any of its officers or by independent public accountants as to the value and amount of the assets, liabilities and/or net profits of the corporation, or any other facts pertinent to the existence and amount of surplus or other funds from which dividends might properly be declared and paid, or with which the corporation's stock might properly be purchased or redeemed.

§ 173. Declaration and payment of dividends

No corporation shall pay dividends except in accordance with the provisions of this chapter. Dividends may be paid in cash, in prop-

erty, or in shares of the corporation's capital stock, in the case of shares with par value at par, and in the case of shares without par value at such price as may be fixed by the board of directors.

§ 174. Liability of directors for unlawful payment of dividend or unlawful stock purchase or redemption; exoneration from liability; contribution among directors; subrogation

(a) In case of any willful or negligent violation of the provisions of sections 160, 173 or 243 of this title, the directors under whose administration the same may happen shall be jointly and severally liable, at any time within six years after paying such unlawful dividend or after such unlawful stock purchase or redemption, to the corporation, and to its creditors in the event of its dissolution or insolvency, to the full amount of the dividend unlawfully paid, or to the full amount unlawfully paid for the purchase or redemption of the corporation's stock, with interest from the time such liability accrued. Any director who may have been absent when the same was done, or who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered on the books containing the minutes of the proceedings of the directors at the time the same was done, or immediately after he has notice of the same.

(b) Any director against whom a claim is successfully asserted under this section shall be entitled to contribution from the other directors who voted for or concurred in the unlawful dividend, stock purchase or stock redemption.

(c) Any director against whom a claim is successfully asserted under this section shall be entitled, to the extent of the amount paid by him as a result of such claim, to be subrogated to the rights of the corporation against stockholders who received the dividend on, or assets for the sale or redemption of, their stock with knowledge of facts indicating that such dividend, stock purchase or redemption was unlawful under this chapter, in proportion to the amounts received by such stockholders respectively.

SUBCHAPTER VI. STOCK TRANSFERS

Sec.

201. Transfer of stock and stock certificate.

202. Restriction on transfer of securities.

§ 201. Transfer of stock and stock certificate

Except as otherwise provided in this chapter, the transfer of stock and the certificates of stock which represent the stock shall be governed by Article 8 of Title 5A.

§ 202. Restriction on transfer of securities

(a) A written restriction on the transfer or registration of transfer of a security of a corporation, if permitted by this section and noted conspicuously on the security, may be enforced against the holder of the restricted security or any successor or transferee of the holder including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder. Unless noted conspicuously on the security, a restriction, even though permitted by this section, is ineffective except against a person with actual knowledge of the restriction.

(b) A restriction on the transfer or registration of transfer of securities of a corporation may be imposed either by the certificate of incorporation or by the by-laws or by an agreement among any number of security holders or among such holders and the corporation. No restriction so imposed shall be binding with respect to securities issued prior to the adoption of the restriction unless the holders of the securities are parties to an agreement or voted in favor of the restriction.

(c) A restriction on the transfer of securities of a corporation is permitted by this section if it:

(1) Obligates the holder of the restricted securities to offer to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted securities; or

(2) Obligates the corporation or any holder of securities of the corporation or any other person or any combination of the foregoing, to purchase the securities which are the subject of an agreement respecting the purchase and sale of the restricted securities; or

(3) Requires the directors or the holders of any class of securities of the corporation to consent to any proposed transfer of the restricted securities or to approve the proposed transferee of the restricted securities; or

(4) Prohibits the transfer of the restricted securities to designated persons or classes of persons, and such designation is not manifestly unreasonable.

(d) Any restriction on the transfer of the shares of a corporation for the purpose of maintaining its status as an electing small business corporation under subchapter S of the United States Internal Revenue Code is conclusively presumed to be for a reasonable purpose.

(e) Any other lawful restriction on transfer or registration of transfer of securities is permitted by this section.

SUBCHAPTER VII. MEETINGS, ELECTIONS, VOTING AND NOTICE

Sec.

- 211. Meetings of stockholders.
- 212. Voting rights of stockholders; proxies; limitations.
- 213. Fixing date for determination of stockholders of record.
- 214. Cumulative voting.
- 215. Voting rights of members of non-stock corporations; quorum; proxies.
- 216. Quorum and required vote.
- 217. Voting rights of fiduciaries, pledgors and joint owner of stock.
- 218. Voting trusts and other voting agreements.
- 219. List of stockholders entitled to vote; penalty for refusal to produce; stock ledger.
- 220. Stockholder's right of inspection.
- 221. Voting, inspection and other rights of bondholders and debenture holders.
- 222. Notice of meetings and adjourned meetings.
- 223. Vacancies and newly created directorships.
- 224. Form of records.
- 225. Contested election of directors; proceedings to determine validity.
- 226. Appointment of custodian or receiver of corporation on deadlock or for other cause.
- 227. Powers of court in elections of directors.
- 228. Consent of stockholders in lieu of meeting.
- 229. Waiver of notice.
- 230. Exception to requirements of notice.

§ 211. Meetings of stockholders

(a) Meetings of stockholders may be held at such place, either within or without this State, as may be designated by or in the manner provided in the by-laws or, if not so designated, at the registered office of the corporation in this State.

(b) An annual meeting of stockholders shall be held for the election of directors on a date and at a time designated by or in the manner provided in the by-laws. Any other proper business, notice of which was given in the notice of the meeting, may be transacted at the annual meeting.

(c) A failure to hold the annual meeting at the designated time or to elect a sufficient number of directors to conduct the business of the corporation shall not affect otherwise valid corporate acts or work a forfeiture or dissolution of the corporation except as may be otherwise specifically provided in this chapter. If the annual meeting for election of directors is not held on the date designated therefor, the directors shall cause the meeting to be held as soon thereafter as convenient. If there be a failure to hold the annual meeting for a period of thirty days after the date designated therefor, or if no date has

been designated, for a period of thirteen months after the organization of the corporation or after its last annual meeting, the Court of Chancery may summarily order a meeting to be held upon the application of any stockholder. The shares of stock represented at such meeting, either in person or by proxy, and entitled to vote thereat, shall constitute a quorum for the purpose of such meeting, notwithstanding any provision of the certificate of incorporation or by-laws to the contrary. The Court of Chancery may issue such orders as may be appropriate, including, without limitation, orders designating the time and place of such meeting, the record date for determination of stockholders entitled to vote, and the form of notice of such meeting.

(d) Special meetings of the stockholders may be called by the board of directors or by such person or persons as may be authorized by the certificate of incorporation or by the by-laws.

(e) All elections of directors shall be by written ballot, unless otherwise provided in the certificate of incorporation.

§ 212. Voting rights of stockholders; proxies; limitations

(a) Unless otherwise provided in the certificate of incorporation and subject to the provisions of section 213 of this title, each stockholder shall at every meeting of the stockholders be entitled to one vote for each share of the capital stock held by such stockholder.

(b) Each stockholder entitled to vote at a meeting of stockholders or to express consent or dissent to corporate action in writing without a meeting may authorize another person or persons to act for him by proxy, but no such proxy shall be voted or acted upon after three years from its date, unless the proxy provides for a longer period.

(c) A duly executed proxy shall be irrevocable if it states that it is irrevocable and if, and only as long as, it is coupled with an interest sufficient in law to support an irrevocable power. A proxy may be made irrevocable regardless of whether the interest with which it is coupled is an interest in the stock itself or an interest in the corporation generally.

§ 213. Fixing date for determination of stockholders of record

(a) In order that the corporation may determine the stockholders entitled to notice of or to vote at any meeting of stockholders or any adjournment thereof, or to express consent to corporate action in writing without a meeting, or entitled to receive payment of any dividend or other distribution or allotment of any rights, or entitled to exercise any rights in respect of any change, conversion or exchange of stock or for the purpose of any other lawful action, the board of directors may fix, in advance, a record date, which shall not be more than sixty nor less than ten days before the date of such meeting, nor more than sixty days prior to any other action.

(b) If no record date is fixed:

(1) The record date for determining stockholders entitled to notice of or to vote at a meeting of stockholders shall be at the close of business on the day next preceding the day on which notice is given, or, if notice is waived, at the close of business on the day next preceding the day on which the meeting is held.

(2) The record date for determining stockholders for any other purpose shall be at the close of business on the day on which the board of directors adopts the resolution relating thereto.

(c) A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders shall apply to any adjournment of the meeting; provided, however, that the board of directors may fix a new record date for the adjourned meeting.

§ 214. Cumulative voting

The certificate of incorporation of any corporation may provide that at all elections of directors of the corporation, each stockholder shall be entitled to as many votes as shall equal the number of votes which (except for such provision as to cumulative voting) he would be entitled to cast for the election of directors with respect to his shares of stock multiplied by the number of directors to be elected, and that he may cast all of such votes for a single director or may distribute them among the number to be voted for, or for any two or more of them as he may see fit.

§ 215. Voting rights of members of non-stock corporations; quorum; proxies

(a) The provisions of sections 211-214 of this title shall not apply to corporations not authorized to issue stock.

(b) Unless otherwise provided in the certificate of incorporation of a non-stock corporation, each member shall be entitled at every meeting of members to one vote in person or by proxy, but no proxy shall be voted on after three years from its date, unless the proxy provides for a longer period.

(c) Unless otherwise provided in this chapter, the certificate of incorporation or by-laws of a non-stock corporation may specify the number of members having voting power who shall be present or represented by proxy at any meeting in order to constitute a quorum for, and the votes that shall be necessary for, the transaction of any business.

(d) If the election of the governing body of any non-stock corporation shall not be held on the day designated by the by-laws, the governing body shall cause the election to be held as soon thereafter as convenient. The failure to hold such an election at the designated time shall not work any forfeiture or dissolution of the corpora-

tion, but the Court of Chancery may summarily order such an election to be held upon the application of any member of the corporation. At any election pursuant to such order the persons entitled to vote in such election who shall be present at such meeting, either in person or by proxy, shall constitute a quorum for such meeting, notwithstanding any provision of the certificate of incorporation or the by-laws of the corporation to the contrary.

§ 216. Quorum and required vote

Subject to the provisions of this chapter in respect of the vote that shall be required for a specified action, the certificate of incorporation or by-laws of any corporation may specify the number of shares and/or the amount of other securities having voting power the holders of which shall be present or represented by proxy at any meeting in order to constitute a quorum for, and the votes that shall be necessary for, the transaction of any business.

§ 217. Voting rights of fiduciaries, pledgors and joint owners of stock

(a) Persons holding stock in a fiduciary capacity shall be entitled to vote the shares so held. Persons whose stock is pledged shall be entitled to vote, unless in the transfer by the pledgor on the books of the corporation he has expressly empowered the pledgee to vote thereon, in which case only the pledgee, or his proxy, may represent such stock and vote thereon.

(b) If shares or other securities having voting power stand of record in the names of two or more persons, whether fiduciaries, members of a partnership, joint tenants, tenants in common, tenants by the entirety or otherwise, or if two or more persons have the same fiduciary relationship respecting the same shares, unless the secretary of the corporation is given written notice to the contrary and is furnished with a copy of the instrument or order appointing them or creating the relationship wherein it is so provided, their acts with respect to voting shall have the following effect:

(1) If only one votes, his act binds all;

(2) If more than one vote, the act of the majority so voting binds all;

(3) If more than one vote, but the vote is evenly split on any particular matter, each faction may vote the securities in question proportionally, or any person voting the shares, or a beneficiary, if any, may apply to the Court of Chancery or such other court as may have jurisdiction to appoint an additional person to act with the persons so voting the shares, which shall then be voted as determined by a majority of such persons and the person appointed by the Court. If the instrument so filed shows that any such tenancy is held in unequal

interests, a majority or even-split for the purpose of this subsection shall be a majority or even-split in interest.

§ 218. Voting trusts and other voting agreements

(a) One or more stockholders may by agreement in writing deposit capital stock of an original issue with or transfer capital stock to any person or persons, or corporation or corporations authorized to act as trustee, for the purpose of vesting in such person or persons, corporation or corporations, who may be designated voting trustee, or voting trustees, the right to vote thereon for any period of time determined by such agreement, not exceeding ten years, upon the terms and conditions stated in such agreement. The validity of a voting trust agreement, otherwise lawful, shall not be affected during a period of ten years from the date when it was created or last extended as provided in subsection (b) by the fact that under its terms it will or may last beyond such ten-year period. The agreement may contain any other lawful provisions not inconsistent with such purpose. After the filing of a copy of the agreement in the registered office of the corporation in this State, which copy shall be open to the inspection of any stockholder of the corporation or any beneficiary of the trust under the agreement daily during business hours, certificates of stock shall be issued to the voting trustee or trustees to represent any stock of an original issue so deposited with him or them, and any certificates of stock so transferred to the voting trustee or trustees shall be surrendered and cancelled and new certificates therefor shall be issued to the voting trustee or trustees. In the certificate so issued it shall be stated that they are issued pursuant to such agreement, and that fact shall also be stated in the stock ledger of the corporation. The voting trustee or trustees may vote the stock so issued or transferred during the period specified in the agreement. Stock standing in the name of the voting trustee or trustees may be voted either in person or by proxy, and in voting the stock, the voting trustee or trustees shall incur no responsibility as stockholder, trustee or otherwise, except for his or their own individual malfeasance. In any case where two or more persons are designated as voting trustees, and the right and method of voting any stock standing in their names at any meeting of the corporation are not fixed by the agreement appointing the trustees, the right to vote the stock and the manner of voting it at the meeting shall be determined by a majority of the trustees, or if they be equally divided as to the right and manner of voting the stock in any particular case, the vote of the stock in such case shall be divided equally among the trustees.

(b) At any time within two years prior to the time of expiration of any voting trust agreement as originally fixed or as last extended as provided in this subsection, one or more beneficiaries of the trust under the voting trust agreement may, by written agreement and with the written consent of the voting trustee or trustees, extend the duration

of the voting trust agreement for an additional period not exceeding ten years from the expiration date of the trust as originally fixed or as last extended, as provided in this subsection. The voting trustee or trustees shall, prior to the time of expiration of any such voting trust agreement, as originally fixed or as previously extended, as the case may be, file in the registered office of the corporation in this State a copy of such extension agreement and of his or their consent thereto, and thereupon the duration of the voting trust agreement shall be extended for the period fixed in the extension agreement; but no such extension agreement shall affect the rights or obligations of persons not parties thereto.

(c) An agreement between two or more stockholders, if in writing and signed by the parties thereto, may provide that in exercising any voting rights, the shares held by them shall be voted as provided by the agreement, or as the parties may agree, or as determined in accordance with a procedure agreed upon by them. No such agreement shall be effective for a term of more than ten years, but the parties may extend its duration for as many additional periods, each not to exceed ten years, as they may desire. The validity of such agreement, otherwise lawful, shall not be affected during a period of ten years from the date when it was created or last extended by the fact that under its terms it will or may last beyond such ten-year period.

(d) This section shall not be deemed to invalidate any voting or other agreement among stockholders or any irrevocable proxy which is not otherwise illegal.

§ 219. List of stockholders entitled to vote; penalty for refusal to produce; stock ledger

(a) The officer who has charge of the stock ledger of a corporation shall prepare and make, at least ten days before every meeting of stockholders, a complete list of the stockholders entitled to vote at the meeting, arranged in alphabetical order, and showing the address of each stockholder and the number of shares registered in the name of each stockholder. Such list shall be open to the examination of any stockholder, for any purpose germane to the meeting, during ordinary business hours, for a period of at least ten days prior to the meeting, either at a place within the city where the meeting is to be held, which place shall be specified in the notice of the meeting, or, if not so specified, at the place where the meeting is to be held. The list shall also be produced and kept at the time and place of the meeting during the whole time thereof, and may be inspected by any stockholder who is present.

(b) Upon the willful neglect or refusal of the directors to produce such a list at any meeting for the election of directors, they shall be ineligible for election to any office at such meeting.

(c) The stock ledger shall be the only evidence as to who are the stockholders entitled to examine the stock ledger, the list required by

this section or the books of the corporation, or to vote in person or by proxy at any meeting of stockholders.

§ 220. Stockholder's right of inspection

(a) As used in this section, "stockholder" means a stockholder of record.

(b) Any stockholder, in person or by attorney or other agent, shall, upon written demand under oath stating the purpose thereof, have the right during the usual hours for business to inspect for any proper purpose the corporation's stock ledger, a list of its stockholders, and its other books and records, and to make copies or extracts therefrom. A proper purpose shall mean a purpose reasonably related to such person's interest as a stockholder. In every instance where an attorney or other agent shall be the person who seeks the right to inspection, the demand under oath shall be accompanied by a power of attorney or such other writing which authorizes the attorney or other agent to so act on behalf of the stockholder. The demand under oath shall be directed to the corporation at its registered office in this State or at its principal place of business.

(c) If the corporation, or an officer or agent thereof, refuses to permit an inspection sought by a stockholder or attorney or other agent acting for the stockholder pursuant to sub-section (b) or does not reply to the demand within five business days after the demand has been made, the stockholder may apply to the Court of Chancery for an order to compel such inspection. The Court of Chancery is hereby vested with exclusive jurisdiction to determine whether or not the person seeking inspection is entitled to the inspection sought. The court may summarily order the corporation to permit the stockholder to inspect the corporation's stock ledger, an existing list of stockholders, and its other books and records, and to make copies or extracts therefrom; or the Court may order the corporation to furnish to the stockholder a list of its stockholders as of a specific date on condition that the stockholder first pay to the corporation the reasonable cost of obtaining and furnishing such list and on such other conditions as the Court deems appropriate. Where the stockholder seeks to inspect the corporation's books and records, other than its stock ledger or list of stockholders, he shall first establish (1) that he has complied with the provisions of this section respecting the form and manner of making demand for inspection of such documents; and (2) that the inspection he seeks is for a proper purpose. Where the stockholder seeks to inspect the corporation's stock ledger or list of stockholders and he has complied with the provisions of this section respecting the form and manner of making demand for inspection of such documents, the burden of proof shall be upon the corporation to establish that the inspection he seeks is for an improper purpose. The court may, in its discretion, prescribe any limitations or conditions with reference to the inspection, or award

such other or further relief as the court may deem just and proper. The court may order books, documents and records, pertinent extracts therefrom, or duly authenticated copies thereof, to be brought within this State and kept in this State upon such terms and conditions as the order may prescribe.

§ 221. Voting, inspection and other rights of bondholders and debenture holders

Every corporation may in its certificate of incorporation confer upon the holders of any bonds, debentures, or other obligations issued or to be issued by the corporation the power to vote in respect to the corporate affairs and management of the corporation to the extent and in the manner provided in the certificate of incorporation, and may confer upon such holders of bonds, debentures or other obligations the same right of inspection of its books, accounts and other records, and also any other rights, which the stockholders of the corporation have or may have by reason of the provisions of this chapter or of its certificate of incorporation.

§ 222. Notice of meetings and adjourned meetings

(a) Whenever stockholders are required or permitted to take any action at a meeting, a written notice of the meeting shall be given which shall state the place, date and hour of the meeting, and, in the case of a special meeting, the purpose or purposes for which the meeting is called.

(b) Unless otherwise provided in this chapter, the written notice of any meeting shall be given not less than ten nor more than fifty days before the date of the meeting to each stockholder entitled to vote at such meeting. If mailed, notice is given when deposited in the United States mail, postage prepaid, directed to the stockholder at his address as it appears on the records of the corporation. An affidavit of the secretary or an assistant secretary or of the transfer agent of the corporation that the notice has been given shall, in the absence of fraud, be prima facie evidence of the facts stated therein.

(c) When a meeting is adjourned to another time or place, unless the by-laws otherwise require, notice need not be given of the adjourned meeting if the time and place thereof are announced at the meeting at which the adjournment is taken. At the adjourned meeting the corporation may transact any business which might have been transacted at the original meeting. If the adjournment is for more than thirty days, or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the adjourned meeting shall be given to each stockholder of record entitled to vote at the meeting.

§ 223. Vacancies and newly created directorships

(a) Unless otherwise provided in the certificate of incorporation or by-laws, vacancies and newly created directorships resulting from any increase in the authorized number of directors may be filled by a majority of the directors then in office, although less than a quorum, or by a sole remaining director. If at any time, by reason of death or resignation or other cause, a corporation should have no directors in office, then any officer or any stockholder or an executor, administrator, trustee or guardian of a stockholder, or other fiduciary entrusted with like responsibility for the person or estate of a stockholder, may call a special meeting of stockholders in accordance with the provisions of the certificate of incorporation or the by-laws, or may apply to the Court of Chancery for a decree summarily ordering an election as provided in section 211 of this title.

(b) In the case of a corporation the directors of which are divided into classes, any directors chosen under subsection (a) of this section shall hold office until the next election of the class for which such directors shall have been chosen, and until their successors shall be elected and qualified.

(c) If, at the time of filling any vacancy or any newly created directorship, the directors then in office shall constitute less than a majority of the whole board (as constituted immediately prior to any such increase), the Court of Chancery may, upon application of any stockholder or stockholders holding at least ten percent of the total number of the shares at the time outstanding having the right to vote for such directors, summarily order an election to be held to fill any such vacancies or newly created directorships, or to replace the directors chosen by the directors then in office as aforesaid, which election shall be governed by the provisions of section 211 of this title as far as applicable.

(d) Unless otherwise provided in the certificate of incorporation or by-laws, when one or more directors shall resign from the board, effective at a future date, a majority of the directors then in office, including those who have so resigned, shall have power to fill such vacancy or vacancies, the vote thereon to take effect when such resignation or resignations shall become effective, and each director so chosen shall hold office as provided in this section in the filling of other vacancies.

§ 224. Form of records

Any records maintained by a corporation in the regular course of its business, including its stock ledger, books of account, and minute books, may be kept on, or be in the form of, punch cards, magnetic tape, photographs, micro-photographs, or any other information storage device; provided that the records so kept can be converted into clearly legible form within a reasonable time. Any corporation shall

so convert any records so kept upon the request of any person entitled to inspect the same. Where records are kept in such manner, the cards, tapes, photographs, micro-photographs or other information storage device shall be admissible in evidence, and shall be accepted for all other purposes, to the same extent as an original written record of the same information would have been.

§ 225. Contested election of directors; proceedings to determine validity

Upon application of any stockholder, or any member of a corporation without capital stock, the Court of Chancery may hear and determine the validity of any election of any director, member of the governing body, or officer of any corporation, and the right of any person to hold such office, and, in case any such office is claimed by more than one person, may determine the person entitled thereto; and to that end make such order or decree in any such case as may be just and proper, with power to enforce the production of any books, papers and records of the corporation relating to the issue. In case it should be determined that no valid election has been held, the Court of Chancery may order an election to be held in accordance with sections 211 or 215 of this title. In any such application, service of copies of the application upon the registered agent of the corporation shall be deemed to be service upon the corporation and upon the person whose title to office is contested and upon the person, if any, claiming such office; and the registered agent shall forward immediately a copy of the application to the corporation and to the person whose title to office is contested and to the person, if any, claiming such office, in a postpaid, sealed, registered letter addressed to such corporation and such person at their post-office addresses last known to the registered agent or furnished to the registered agent by the applicant stockholder. The Court may make such order respecting further or other notice of such application as it deems proper under the circumstances.

§ 226. Appointment of custodian or receiver of corporation on deadlock or for other cause

(a) The Court of Chancery, upon application of any stockholder, may appoint one or more persons to be custodians, and, if the corporation is insolvent, to be receivers, of and for any corporation when:

(1) At any meeting held for the election of directors the stockholders are so divided that they have failed to elect successors to directors whose terms have expired or would have expired upon qualification of their successors; or

(2) The business of the corporation is suffering or is threatened with irreparable injury because the directors are so divided respecting the management of the affairs of the corporation that the required

vote for action by the board of directors cannot be obtained and the stockholders are unable to terminate this division; or

(3) The corporation has abandoned its business and has failed within a reasonable time to take steps to dissolve, liquidate or distribute its assets.

(b) A custodian appointed under this section shall have all the powers and title of a receiver appointed under section 291 of this title, but the authority of the custodian is to continue the business of the corporation and not to liquidate its affairs and distribute its assets, except when the Court shall otherwise order and except in cases arising under subparagraph (a) (3) of this section or section 352(a) (2) of this title.

§ 227. Powers of court in elections of directors

(a) The Court of Chancery, in any proceeding instituted under sections 211, 215 or 225 of this title may determine the right and power of persons claiming to own stock, or in the case of a corporation without capital stock, of the persons claiming to be members, to vote at any meeting of the stockholders or members.

(b) The Court of Chancery may appoint a master to hold any election provided for in sections 211, 215 or 225 of this title under such orders and powers as it deems proper; and it may punish any officer or director for contempt in case of disobedience of any order made by the Court; and, in case of disobedience by a corporation of any order made by the Court, may enter a decree against such corporation for a penalty of not more than \$5,000.

§ 228. Consent of stockholders in lieu of meeting

Whenever the vote of stockholders at a meeting thereof is required or permitted to be taken for or in connection with any corporate action, by any provision of this chapter, the meeting and vote of stockholders may be dispensed with: (1) if all of the stockholders who would have been entitled to vote upon the action if such meeting were held shall consent in writing to such corporate action being taken; or (2) if the certificate of incorporation authorizes the action to be taken with the written consent of the holders of less than all of the stock who would have been entitled to vote upon the action if a meeting were held, then on the written consent of the stockholders having not less than such percentage of the total number of votes as may be authorized in the certificate of incorporation; provided that in no case shall the written consent be by the holders of stock having less than the minimum percentage of the total vote required by statute for the proposed corporate action, and provided that prompt notice must be given to all stockholders of the taking of corporate action without a meeting and by less than unanimous writ-

ten consent. Nothing herein contained shall be construed to alter or modify the provisions of section 271 of this title. In the event that the action which is consented to is such as would have required the filing of a certificate under any of the other sections of this chapter, if such action had been voted upon by the stockholders at a meeting thereof, the certificate filed under such other section shall state that written consent has been given in accordance with the provisions of this section, in lieu of stating that the stockholders have voted upon the corporate action in question if such last mentioned statement is required thereby.

§ 229. Waiver of notice

Whenever notice is required to be given under any provision of this chapter or of the certificate of incorporation or by-laws, a written waiver thereof, signed by the person entitled to notice, whether before or after the time stated therein, shall be deemed equivalent to notice. Attendance of a person at a meeting of stockholders shall constitute a waiver of notice of such meeting, except when the stockholder attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the stockholders need be specified in any written waiver of notice unless so required by the certificate of incorporation or the by-laws.

§ 230. Exception to requirements of notice

Whenever notice is required to be given, under any provision of this chapter or of the certificate of incorporation or by-laws of any corporation, to any person with whom communication is unlawful, the giving of such notice to such person shall not be required and there shall be no duty to apply to any governmental authority or agency for a license or permit to give such notice to such person. Any action or meeting which shall be taken or held without notice to any such person with whom communication is unlawful shall have the same force and effect as if such notice had been duly given. In the event that the action taken by the corporation is such as to require the filing of a certificate under any of the other sections of this title, the certificate shall state, if such is the fact and if notice is required, that notice was given to all persons entitled to receive notice except such persons with whom communication is unlawful.

SUBCHAPTER VIII. AMENDMENT OF CERTIFICATE OF INCORPORATION; CHANGES IN CAPITAL AND CAPITAL STOCK

Sec.

- 241.** Amendment of certificate of incorporation before receipt of payment for stock.
- 242.** Amendment of certificate of incorporation after receipt of payment for stock; non-stock corporations.
- 243.** Redemption, purchase or retirement of preferred or special stock.
- 244.** Reduction of capital.
- 245.** Restated certificate of incorporation.
- 246.** Composite certificate of incorporation.

§ 241. Amendment of certificate of incorporation before receipt of payment for stock

(a) Before a corporation has received any payment for any of its stock, it may amend its certificate of incorporation at any time or times, in any and as many respects as may be desired, so long as its certificate of incorporation as amended would contain only such provisions as it would be lawful and proper to insert in an original certificate of incorporation filed at the time of filing the amendment.

(b) The amendment of a certificate of incorporation authorized by this section shall be adopted by a majority of the incorporators, if directors were not named in the original certificate of incorporation or have not yet been elected, or, if directors were named in the original certificate of incorporation or have been elected and have qualified, by a majority of the directors. A certificate setting forth the amendment and certifying that the corporation has not received any payment for any of its stock and that the amendment has been duly adopted in accordance with the provisions of this section shall be executed, acknowledged, filed and recorded in accordance with section 103 of this title. Upon such filing, the corporation's certificate of incorporation shall be deemed to be amended accordingly as of the date on which the original certificate of incorporation became effective.

§ 242. Amendment of certificate of incorporation after receipt of payment for stock; non-stock corporations

(a) After a corporation has received payment for any of its capital stock, it may amend its certificate of incorporation, from time to time, in any and as many respects as may be desired, so long as its certificate of incorporation as amended would contain only such provisions as it would be lawful and proper to insert in an original certificate of incorporation filed at the time of the filing of the amendment; and, if a change in stock or the rights of stockholders, or an exchange, reclassification or cancellation of stock or rights of stockholders is to be

made, such provisions as may be necessary to effect such change, exchange, reclassification or cancellation. In particular, and without limitation upon such general power of amendment, a corporation may amend its certificate of incorporation, from time to time, so as:

- (1) To change its corporate name; or
- (2) To change, substitute, enlarge or diminish the nature of its business or its corporate powers and purposes; or
- (3) To increase or decrease its authorized capital stock or to reclassify the same, by changing the number, par value, designations, preferences, or relative, participating, optional, or other special rights of the shares, or the qualifications, limitations or restrictions of such rights, or by changing shares with par value into shares without par value, or shares without par value into shares with par value either with or without increasing or decreasing the number of shares; or
- (4) To cancel or otherwise affect the right of the holders of the shares of any class to receive dividends which have accrued but have not been declared; or
- (5) To create new classes of stock having rights and preferences either prior and superior or subordinate and inferior to the stock of any class then authorized, whether issued or unissued; or
- (6) To change the period of its duration.

Any or all such changes or alterations may be effected by one certificate of amendment.

(b) Whenever issued shares having par value are changed into the same or a greater or lesser number of shares without par value, whether of the same or of a different class or classes of stock, the aggregate amount of the capital of the corporation represented by such shares without par value shall be the same as the aggregate amount of capital represented by the shares so changed; and whenever issued shares without par value are changed into other shares without par value to a greater or lesser number, whether of the same or of a different class or classes, the amount of capital represented by the new shares in the aggregate shall be the same as the aggregate amount of capital represented by the shares so changed.

(c) The certificate of amendment of any certificate of incorporation effecting any change in the issued shares of the corporation shall set forth that the capital of the corporation will not be reduced under or by reason of the amendment.

(d) Every amendment authorized by subsection (a) of this section shall be made and effected in the following manner—

(1) If the corporation has capital stock, its board of directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and either calling a special meeting of the stockholders entitled to vote in respect thereof for the consideration of such amendment or directing that the amendment proposed be considered at the next annual meeting of the stockholders. Such special or annual

meeting shall be called and held upon notice in accordance with section 222 of this title. The notice shall set forth such amendment in full or a brief summary of the changes to be effected thereby, as the directors shall deem advisable. At the meeting a vote of the stockholders entitled to vote, by ballot, in person or by proxy, shall be taken for and against the proposed amendment. If the holders of a majority of the stock entitled to vote (or of each class of stock when such vote is to be taken by classes) have voted in favor of the amendment, a certificate setting forth the amendment and certifying that such amendment has been duly adopted in accordance with the provisions of this section shall be executed, acknowledged, filed, and recorded, and shall become effective in accordance with section 103 of this title.

(2) If any proposed amendment would alter or change the preferences, special rights or powers given to any one or more classes of stock by the certificate of incorporation, so as to affect such class or classes of stock adversely, or would increase or decrease the number of authorized shares of any class or classes of stock, or would increase or decrease the par value thereof, then the holders of the stock of each class of stock so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the certificate of incorporation such class be entitled to vote or not; and the affirmative vote of a majority in interest of each such class of stock so affected by the amendment shall be necessary to the adoption thereof, in addition to the affirmative vote of a majority of all stock which would be entitled to vote on an amendment not requiring a class vote. The number of authorized shares of any such class or classes of stock may be increased or decreased by the affirmative vote of the holders of a majority of the stock of the corporation entitled to vote, if so provided in the original certificate of incorporation or in any amendment thereto which created such class or classes of stock or in any amendment thereto which was authorized by a resolution or resolutions adopted by the affirmative vote of the holders of a majority of such class or classes of stock.

(3) If the corporation has no capital stock, then the governing body thereof shall adopt a resolution setting forth the amendment proposed and declaring its advisability. If at a subsequent meeting, held, on notice stating the purpose thereof, not earlier than 15 days and not later than 60 days from the meeting at which such resolution has been passed, a majority of all the members of the governing body, shall vote in favor of such amendment, a certificate thereof shall be executed, acknowledged, filed, recorded, and shall become effective in accordance with section 103 of this title. The certificate of incorporation of any such corporation without capital stock may contain a provision requiring any amendment thereto to be approved by a specified number or percentage of the members or of any specified class of members of such corporation in which event only one meeting of the governing body thereof shall be necessary, and such proposed amendment shall be submitted to the members or to any specified class of members of

such corporation without capital stock in the same manner, so far as applicable, as is provided in this section for an amendment to the certificate of incorporation of a stock corporation; and in the event of the adoption thereof, a certificate evidencing such amendment shall be executed, filed, acknowledged, recorded and shall become effective in accordance with section 103 of this title.

(4) Whenever the certificate of incorporation shall require for action by the board of directors, by the holders of any class or series of shares or by the holders of any other securities having voting power the vote of a greater number or proportion than is required by any section of this title, the provision of the certificate of incorporation requiring such greater vote shall not be altered, amended or repealed except by such greater vote.

§ 243. Redemption, purchase or retirement of preferred or special stock

(a) Whenever any corporation has issued any preferred or special shares it may, subject to the provisions of the certificate of incorporation—

(1) Redeem all or any part of such shares, if subject to redemption, at such time or times, at such price or prices, and otherwise as shall be stated in the certificate of incorporation or

(2) At any time or from time to time purchase all or any part of such shares, but in the case of shares subject to redemption, at not exceeding the price or prices at which such shares may be redeemed, or

(3) At any time or from time to time, by resolution of the board of directors, retire any such shares redeemed or purchased out of surplus, as defined in section 154 of this title.

(b) The corporation may apply to such redemption or purchase an amount of its capital which shall not be greater than the sum of—

(1) That part of the consideration received for such shares which shall be capital pursuant to the provisions of section 154 of this title and that part of surplus which shall have been transferred and treated as capital in respect of such shares pursuant to the provisions of that section and

(2) Any amounts by which the capital of the corporation shall have been increased by other transfers from surplus in accordance with the provisions of that section, except those transfers, if any, which shall have been made in respect of other preferred or special shares.

(c) Whenever, upon the conversion or exchange of preferred or special shares into or for other shares of the corporation, the amount of capital represented by such preferred or special shares exceeds the total aggregate par or stated value represented by such other shares, the corporation by resolution of the board of directors may as herein provided reduce its capital at any time thereafter by all or any part of such excess. No such redemption or purchase, however, shall be made

out of capital, and there shall be no such reduction of capital after such conversion or exchange, unless the assets of the corporation remaining after such redemption, purchase or reduction shall be sufficient to pay any debts of the corporation, the payment of which shall not have been otherwise provided for.

(d) Any such shares so redeemed or purchased by the application of capital or otherwise retired pursuant to the provisions of this section, shall, upon the filing of the certificate required by this section, and any such shares of the corporation surrendered to it on the conversion or exchange thereof into or for other shares of the corporation shall, after such conversion or exchange, have the status of authorized and unissued shares of the class of stock to which such shares belong; but if the certificate of incorporation prohibits the reissue of such shares, the authorized capital stock of the corporation of the class to which such shares belong shall, upon such redemption, purchase, retirement, conversion or exchange, be deemed to be, and shall, upon such filing, be reduced to the extent of the aggregate par value of the shares so redeemed, purchased, retired, converted or exchanged or, if such shares are without par value, to the extent of the total number of such shares.

(e) Whenever any capital of the corporation is applied to the redemption or the purchase of shares or any shares are retired pursuant to the provisions of this section, or whenever following the conversion or exchange of preferred or special shares of the corporation the capital of the corporation is to be reduced as herein provided, a certificate thereof shall be executed, acknowledged, filed and recorded, and shall become effective in accordance with section 103 of this title. Upon such certificate becoming effective, the capital of the corporation shall be deemed to be and shall thereby be reduced by the amount thereof so applied to such redemption or purchase or the amount thereof represented by the shares so redeemed or purchased, whichever shall be greater, or, in the case of shares redeemed or purchased out of surplus and so retired, by the amount of capital represented by the shares so retired, or, following the conversion or exchange of preferred or special shares of the corporation, by the amount specified by resolution of the board of directors of the corporation as aforesaid, without the necessity of any other proceedings under any other section of this chapter.

(f) If the certificate of incorporation prohibits the reissue of the shares so redeemed, purchased, retired or surrendered to the corporation on the conversion or exchange thereof into other shares of the corporation, the filing of such certificate containing a recital of such fact shall constitute an amendment to the certificate of incorporation effecting a reduction in the authorized capital stock of the corporation to the extent of the aggregate par value of the shares so redeemed, purchased, retired, or surrendered on conversion or exchange, or, if such shares are without par value, to the extent of the total number of such shares subject to the provisions of section 103(d) of this title. If the

shares so redeemed, purchased, retired, or surrendered on conversion or exchange constitute all the outstanding shares of any particular class and the reissue thereof is so prohibited, the filing of such certificate, containing a recital of such fact, shall constitute an amendment to the certificate of incorporation effecting a reduction in the authorized capital stock of the corporation by the elimination therefrom of all reference to the particular class of stock, subject to the provisions of section 103(d) of this title.

(g) Nothing in this section shall be construed as limiting the exercise of the rights given by section 160 of this title, or as in any way affecting the right of any corporation to resell any of its shares theretofore purchased or redeemed out of surplus for such consideration as shall be fixed from time to time by the board of directors.

(h) Whenever any corporation operated as an investment company shall be obligated, pursuant to its certificate of incorporation, to redeem or repurchase any of its shares at the option of the shareholder, the provisions of this section shall be applicable to all shares redeemed or repurchased pursuant to any method authorized under its certificate of incorporation for the purpose of effecting redemption or repurchases of its shares at the option of the shareholder; and such shares may be retired, the capital of the corporation reduced, and such shares restored to the status of authorized and unissued shares, by compliance with the provisions of this section.

(i) Shares which have been called for redemption shall not be deemed to be outstanding shares for the purpose of voting or determining the total number of shares entitled to vote on any matter on and after the date on which written notice of redemption has been sent to holders thereof and a sum sufficient to redeem such shares has been irrevocably deposited or set aside to pay the redemption price to the holders of the shares upon surrender of certificates therefor.

§ 244. Reduction of capital

(a) Any corporation may reduce its capital at any time in one or more of the following manners:

- (1) By retiring or reducing the outstanding shares of any class.
- (2) By purchasing shares of any class for retirement either by lot or pro rata from all holders of shares of the class.
- (3) By purchasing shares for retirement from time to time in the open market or at private sale, in both cases at not exceeding such price or prices as may be fixed or approved by the stockholders entitled to vote upon the reduction of capital to be effected in that manner.
- (4) By the exchange by the holders of outstanding shares of any class of stock, with or without par value, for the same or a greater or lesser number of shares of the same or of a different class or classes of stock, with or without par value, the effect of which is to work a reduction in capital.

(5) By reducing the par value of the shares of any class of stock having par value in conjunction with appropriate action under section 242 of this title.

(6) By reducing the amount of capital represented by shares of stock having par value by an amount not greater than such amount exceeds the aggregate par value of such shares or the amount of capital represented by shares of stock having no par value.

(7) By retransferring to surplus all or any part of the amount by which capital shall have been increased by the transfer thereto from surplus pursuant to the provisions of section 154 of this title if such transfer shall not have been made in respect of any designated class or classes of stock.

(8) By retiring shares owned by the corporation. If such reduction of capital be effected by retiring shares, then, if the consent or resolution of stockholders referred to in subsection (b) shall so provide, an amount not exceeding that part of the capital of the corporation represented by such shares may be charged against or paid out of the capital of the corporation in respect of such shares.

No reduction of capital, however, shall be made unless the assets of the corporation remaining after such reduction are sufficient to pay any debts, the payment of which shall not have been otherwise provided for, and the certificate of reduction required by subsection (b) shall so state.

(b) Any reduction of capital may be effected by resolution of the directors of the corporation supplemented by a resolution adopted by the holders of record of a majority of the shares of the corporation having voting power at a meeting of the stockholders held upon notice given in accordance with section 222 of this title. A certificate stating that such resolutions have been adopted and specifying the manner in and the extent to which the capital of the corporation is to be reduced shall be executed, acknowledged, filed and recorded in accordance with section 103 of this title.

(c) If such reduction of capital shall have been effected by retiring or reducing the issued shares of any class, whether or not already owned by the corporation, in any of the manners permitted by subsection (a) and if the certificate of incorporation does not prohibit the reissue thereof, such shares shall, upon the filing of such certificate and subject to the provisions of section 103(d) of this title, have the status of authorized and unissued shares of the class of stock to which such shares belong.

(d) If the certificate of incorporation prohibits the reissue of such shares, the filing and recording of the certificate required by subsection (b), containing a recital of such fact, shall constitute an amendment to the certificate of incorporation effecting a reduction of the authorized capital stock of the corporation to the extent of the aggregate par value of such shares, or, if such shares are without par

value, to the extent of the total number of such shares, subject to the provisions of section 103(d) of this title. If such shares constitute all the outstanding shares of any particular class and the reissue is so prohibited, the filing of such certificate containing a recital of such fact shall constitute an amendment of the certificate of incorporation effecting a reduction in the authorized capital stock of the corporation by the elimination therefrom of all reference to the particular class of stock, subject to the provisions of section 103(d) of this title.

(e) When any corporation shall decrease the amount of its capital as provided in this section, notice of the reduction of capital shall be published at least once in a newspaper published in the county in which the registered office of the corporation is located within fifteen days after the filing of the certificate as provided in this section, and in default thereof the directors of the corporation shall be jointly and severally liable to any creditors of the corporation who shall suffer loss by reason of the noncompliance with the provisions of this section, and the stockholders shall be similarly liable up to the amount of such sums as they may respectively receive of the amount so reduced. No such decrease of capital shall release the liability of any stockholder, whose shares have not been fully paid, for debts of the corporation theretofore contracted.

§ 245. Restated certificate of incorporation

(a) A corporation may, whenever desired, integrate into a single instrument all of the provisions of its certificate of incorporation which are then in effect and operative as a result of there having theretofore been filed with the Secretary of State one or more certificates or other instruments pursuant to any of the sections referred to in section 104 of this title, and it may at the same time also further amend its certificate of incorporation by adopting a restated certificate of incorporation.

(b) If the restated certificate of incorporation merely restates and integrates but does not further amend the certificate of incorporation, as theretofore amended or supplemented by any instrument that was filed pursuant to any of the sections mentioned in section 104 of this title, it may be adopted by the board of directors without a vote of the stockholders, or it may be proposed by the directors and submitted by them to the stockholders for adoption, in which case the procedure and vote required by section 242 of this title for amendment of the certificate of incorporation shall be applicable. If the restated certificate of amendment restates and integrates and also further amends in any respect the certificate of incorporation, as theretofore amended or supplemented, it shall be proposed by the directors and adopted by the stockholders in the manner and by the vote prescribed by section 242 of this title.

(c) A restated certificate of incorporation shall be specifically designated as such in its heading. It shall state, either in its heading or

in an introductory paragraph, the corporation's present name, and, if it has been changed, the name under which it was originally incorporated, and the date of filing of its original certificate of incorporation with the Secretary of State. A restated certificate shall also state that it was duly adopted by the directors or stockholders, as the case may be, in accordance with the provisions of this section. If it was adopted by the board of directors without a vote of the stockholders it shall state that it only restates and integrates and does not further amend the provisions of the corporation's certificate of incorporation as theretofore amended or supplemented, and that there is no discrepancy between those provisions and the provisions of the restated certificate. A restated certificate of incorporation may omit such provisions of the original certificate of incorporation which named the incorporator or incorporators, the initial board of directors, and the original subscribers for shares; and such omission shall not be deemed a further amendment.

(d) A restated certificate of incorporation shall be executed, acknowledged, filed and recorded in accordance with section 103 of this title. Upon its filing with the Secretary of State, the corporation's original certificate of incorporation, as theretofore amended or supplemented, shall be superseded; and thenceforth the restated certificate, including any further amendments or changes made thereby, shall be the certificate of incorporation of the corporation.

(e) Any amendment or change effected in connection with the restatement and integration of the certificate of incorporation shall be subject to any other provision of this chapter, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

§ 246. Composite certificate of incorporation

The Secretary of State shall prepare and furnish upon request a certified composite certificate of incorporation which shall contain only such provisions of a corporation's certificate of incorporation which are then in effect and operative as a result of there having theretofore been filed with the Secretary of State one or more certificates or other instruments pursuant to any of the sections referred to in section 104 of this title. The Secretary of State shall make in each case such reasonable charge therefor as he deems proper. A composite certificate of incorporation shall not be filed by the Secretary of State as a corporate instrument, nor shall it be recorded in the office of any recorder in this State, unless it is accompanied by a certificate of the corporation, executed and acknowledged in accordance with section 103 of this title, stating that the filing and recording of the composite certificate have been duly authorized by the corporation's board of directors. The filing by a corporation of a composite certificate of incorporation shall not have the effect of superseding its original certificate of incorporation, as theretofore amended or supplemented.

SUBCHAPTER IX. MERGER OR CONSOLIDATION

Sec.

- 251. Merger or consolidation of domestic corporations.
- 252. Merger or consolidation of domestic and foreign corporations; service of process upon surviving or resulting corporation.
- 253. Merger of parent corporation and subsidiary or subsidiaries.
- 254. Merger or consolidation of domestic corporation and joint-stock or other association.
- 255. Merger or consolidation of domestic non-stock, non-profit corporations.
- 256. Merger or consolidation of domestic and foreign non-stock, non-profit corporations; service of process upon surviving or resulting corporation.
- 257. Merger or consolidation of domestic stock and non-stock corporations.
- 258. Merger or consolidation of domestic and foreign stock and non-stock corporations.
- 259. Status, rights, liabilities, etc. of constituent and surviving or resulting corporations following merger or consolidation.
- 260. Powers of corporation surviving or resulting from merger or consolidation; issuance of stock, bonds or other indebtedness.
- 261. Effect of merger upon pending actions.
- 262. Payment for stock or membership of person objecting to merger or consolidation.

§ 251. Merger or consolidation of domestic corporations

(a) Any two or more corporations existing under the laws of this State may merge into a single corporation, which may be any one of the constituent corporations or may consolidate into a new corporation formed by the consolidation, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section.

(b) The board of directors of each corporation which desires to merge or consolidate shall adopt a resolution approving an agreement of merger or consolidation. The agreement shall state: (1) the terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) such other provisions or facts required or permitted by this chapter to be stated in a certificate of incorporation as can be stated in the case of a merger or consolidation, stated in such altered form as the circumstances of the case require; (4) the manner of converting the shares of each of the constituent corporations into shares or other securities of the corporation surviving or resulting from the merger or consolidation and, if any shares of any of the constituent corporations are not to be converted solely into shares or other securities of the surviving or resulting corporation, the amount of cash or securities of any other corporation which is to be paid or delivered to the holders of such shares in exchange for or upon the surrender of such shares, which cash or securities of any other

corporation may be in addition to the shares or other securities of the surviving or resulting corporation into which any of the shares of any of the constituent corporations are to be converted; and (5) such other details or provisions as are deemed desirable, including, without limiting the generality of the foregoing, a provision for the payment of cash in lieu of the issuance of fractional shares of the surviving or resulting corporation. The agreement so adopted shall be executed in accordance with section 103 of this title.

(c) The agreement required by subsection (b) shall be submitted to the stockholders of each constituent corporation at an annual or special meeting thereof for the purpose of acting on the agreement. Due notice of the time, place and purpose of the meeting shall be mailed to each stockholder of each such corporation at his address as it appears on the records of the corporation, at least 20 days prior to the date of the meeting. At the meeting the agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the agreement, each share entitling the holder thereof to one vote. If two-thirds of the total number of the outstanding shares of the capital stock of each such corporation shall be voted for the adoption of the agreement, then that fact shall be certified on the agreement by the secretary or assistant secretary of each such corporation, under the seal thereof. The agreement so adopted and certified shall be executed, acknowledged and filed, and shall become effective, in accordance with section 103 of this title. It shall be recorded in the offices of the Recorders of the counties of this State in which any of the constituent corporations shall have its original certificate of incorporation recorded; or if any of the constituent corporations shall have been specially created by a public act of the Legislature, then the agreement shall be recorded in the county where such corporation had its principal place of business in this State.

(d) Any agreement of merger or consolidation may contain a provision that at any time prior to the filing of the agreement with the Secretary of State, the agreement may be terminated by the board of directors of any constituent corporation notwithstanding approval of the agreement by the stockholders of all or any of the constituent corporations.

(e) In the case of a merger, the certificate of incorporation of the surviving corporation shall automatically be amended to the extent, if any, that changes in the certificate of incorporation are set forth in the agreement of merger.

(f) Notwithstanding the requirements of subsection (c), unless required by its certificate of incorporation, no vote of stockholders of a constituent corporation surviving a merger shall be necessary to authorize a merger if (1) the agreement of merger does not change the name or authorized shares of any class or otherwise amend the certificate of incorporation of the surviving corporation, and (2) the authorized unissued shares or the treasury shares of any class of the

surviving corporation to be issued or delivered under the plan of merger do not exceed 15 per cent of the shares of the surviving corporation of the same class outstanding immediately prior to the effective date of the merger. If an agreement of merger is adopted by the constituent corporation surviving the merger, by action of its board of directors and without any vote of its stockholders, pursuant to this subsection, then that fact shall be certified on the agreement by the secretary or assistant secretary of that corporation, under its seal.

§ 252. Merger or consolidation of domestic and foreign corporations; service of process upon surviving or resulting corporation

(a) Any one or more corporations of this State may merge or consolidate with one or more other corporations of any other state or states of the United States, if the laws of such other state or states permit such merger or consolidation. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new corporation formed by the consolidation, which may be a corporation of the state of incorporation of any one of the constituent corporations, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. In addition, any one or more corporations organized under the laws of any jurisdiction other than one of the United States may merge or consolidate with one or more corporations existing under the laws of this State if the surviving or resulting corporation will be a corporation of this State, and if the laws under which the other corporation or corporations are formed permit such merger or consolidation.

(b) All the constituent corporations shall enter into an agreement of merger or consolidation. The agreement shall state: (1) the terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) the manner of converting the shares of each of the constituent corporations into shares or other securities of the corporation surviving or resulting from the merger or consolidation and if any shares of any of the constituent corporations are not to be converted solely into shares or other securities of the surviving or resulting corporation, the amount of cash or securities of any other corporation which is to be paid or delivered to the holders of such shares in exchange for or upon the surrender of such shares, which cash or securities of any other corporation may be in addition to the shares or other securities of the surviving or resulting corporation into which any shares of any of the constituent corporations are to be converted; and (4) such other details or provisions as are deemed desirable, including, without limiting the generality of the foregoing, a provision for the payment of cash in lieu of the issuance of fractional shares of the surviving or resulting corporation. There shall also be set forth in the agreement such other matters or provisions as shall be required to be set forth in certificates of incorporation by the laws of

the state which are stated in the agreement to be the laws that shall govern the surviving or resulting corporation and that can be stated in the case of a merger or consolidation.

(c) The agreement shall be adopted, approved, executed and acknowledged by each of the constituent corporations in accordance with the laws under which it is formed, and, in the case of a Delaware corporation, in the same manner as is provided in section 251 of this title. The agreement shall be filed and recorded and shall become effective for all purposes of the laws of this State when and as provided in section 251 of this title with respect to the merger or consolidation of corporations of this State.

(d) If the corporation surviving or resulting from the merger or consolidation is to be governed by the laws of any state other than this State, it shall agree that it may be served with process in this State in any proceeding for enforcement of any obligation of any constituent corporation of this State, as well as for enforcement of any obligation of the surviving or resulting corporation arising from the merger or consolidation, including any suit or other proceeding to enforce the right of any stockholder as determined in appraisal proceedings pursuant to the provisions of section 262 of this title, and shall irrevocably appoint the Secretary of State as its agent to accept service of process in any such suit or other proceedings and shall specify the address to which a copy of such process shall be mailed by the Secretary of State. Service of such process shall be made by personally delivering to and leaving with the Secretary of State duplicate copies of such process. The Secretary of State shall forthwith send by registered mail one of such copies to such surviving or resulting corporation at its address so specified, unless such surviving or resulting corporation shall thereafter have designated in writing to the Secretary of State a different address for such purpose, in which case it shall be mailed to the last address so designated.

(e) The provisions of subsection (d) of section 251 of this title shall apply to any merger or consolidation under this section; the provisions of subsection (e) of section 251 shall apply to a merger under this section in which the surviving corporation is a corporation of this State; the provisions of subsection (f) of section 251 shall apply to any merger under this section.

§ 253. Merger of parent corporation and subsidiary or subsidiaries

(a) In any case in which at least 90 per cent of the outstanding shares of each class of the stock of a corporation or corporations is owned by another corporation and one of such corporations is a corporation of this State and the other or others are corporations of this State or of any other state or states which permit such a merger, the corporation having such stock ownership may either merge such other corporation or corporations into itself and assume all of its or their obligations, or merge itself, or itself and one or more of such other

corporations, into one of such other corporations by executing, acknowledging and filing, in accordance with section 103 of this title, a certificate of such ownership and merger setting forth a copy of the resolution of its board of directors to so merge and the date of the adoption thereof; provided, however, that in case the parent corporation shall not own all the outstanding stock of all the subsidiary corporations, parties to a merger as aforesaid, the resolution of the board of directors of the parent corporation shall state the terms and conditions of the merger, including the securities, cash or other property to be issued, paid or delivered by the surviving corporation upon surrender of each share of the subsidiary corporation or corporations not owned by the parent corporation. If the parent corporation be not the surviving corporation, the resolution shall include provision for the pro rata issuance of stock of the surviving corporation to the holders of the stock of the parent corporation on surrender of the certificates therefor, and the certificate of ownership and merger shall state that the proposed merger has been approved by the holders of a majority of the stock of the parent corporation at a meeting of its stockholders duly called and held after 20 days' notice of the purpose of the meeting mailed to each of its stockholders at his address as it appears on the records of the corporation. A certified copy of the certificate shall be recorded in the offices of the Recorder of the counties of this State in which any of the constituent corporations shall have its original certificate of incorporation recorded. If the surviving corporation exists under the laws of any state other than this State, the provisions of section 252(d) of this title shall also apply to a merger under this section.

(b) If the surviving corporation is a Delaware corporation, it may change its corporate name by the inclusion of a provision to that effect in the resolution of merger adopted by the directors of the parent corporation and set forth in the certificate of ownership and merger, and upon the effective date of the merger, the name of the corporation shall be so changed.

(c) Any merger which effects any changes other than those herein specifically authorized with respect to the parent corporation shall be accomplished under the provisions of sections 251 or 252 of this title. The provisions of section 262 of this title shall not apply to any merger effected under this section, except as provided in subsection (d) of this section.

(d) In the event all of the stock of a subsidiary Delaware corporation party to a merger effected under this section is not owned by the parent corporation immediately prior to the merger, the surviving corporation shall, within 10 days after the effective date of the merger, notify each stockholder of such Delaware corporation that the merger has become effective. The notice shall be sent by registered mail, return receipt requested, addressed to the stockholder at his address as it appears on the records of the corporation. Any such stockholder may, within 20 days after the date of mailing of the notice, demand in

writing from the surviving corporation payment of the value of his stock exclusive of any element of value arising from the expectation or accomplishment of the merger. If during a period of 30 days after such period of 20 days the surviving corporation and any such objecting stockholder fail to agree as to the value of such stock, any such stockholder or the corporation may file a petition in the Court of Chancery as provided in subsection (c) of section 262 of this title and thereupon the parties shall have the rights and duties and follow the procedure set forth in subsections (d) to (j) inclusive of section 262.

(e) A merger may be effected under this section although one or more of the corporations parties to the merger is a corporation organized under the laws of a jurisdiction other than one of the United States; provided that the laws of such jurisdiction permit such a merger; and provided further that the surviving or resulting corporation shall be a corporation of this State.

(f) The provisions of section 251(d) of this title shall apply to a merger under this section and the provisions of section 251(e) shall apply to a merger under this section in which the surviving corporation is a corporation of this State.

§ 254. Merger or consolidation of domestic corporation and joint-stock or other association

(a) The term "joint-stock association", as used in this section, includes any association of the kind commonly known as joint-stock association or joint-stock company and any unincorporated association, trust or enterprise having outstanding shares of stock or other evidences of financial or beneficial interest therein, whether formed by agreement or under statutory authority or otherwise, but does not include a corporation. The term "stockholder", as used in this section, includes every member of such joint-stock association or holder of a share of stock or other evidence of financial or beneficial interest therein.

(b) Any one or more corporations of this State may merge or consolidate with one or more joint-stock associations, except a joint-stock association formed under the laws of a state which forbids such merger or consolidation. Such corporation or corporations and such one or more joint-stock associations may merge into a single corporation, which may be any one of such corporations, or they may consolidate into a new corporation formed by the consolidation, which shall be a corporation of this State, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section.

(c) Each such corporation and joint-stock association shall enter into a written agreement of merger or consolidation. The agreement shall state: (1) the terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) the manner of converting the shares of each of the corporations and the shares of

each of the joint-stock associations or financial or beneficial interests therein into shares or other securities of the corporation surviving or resulting from such merger or consolidation and if any shares of any of the corporations or any shares of any of the joint-stock associations, or any of the financial or beneficial interests therein, are not to be converted solely into shares or other securities of the surviving or resulting corporation, the amount of cash or securities of any other corporation which is to be paid or delivered in exchange for or upon the surrender of such shares or interests, which cash or securities of any other corporation may be in addition to the shares or other securities of the surviving or resulting corporation into which any of such shares or interests are to be converted; and (4) such other details or provisions as are deemed desirable, including, without limiting the generality of the foregoing, a provision for the payment of cash in lieu of the issuance of fractional shares of the surviving or resulting corporation. There shall also be set forth in the agreement such other matters or provisions as shall then be required to be set forth in certificates of incorporation by the laws of this State and that can be stated in the case of such merger or consolidation.

(d) The agreement shall be adopted, approved, executed and acknowledged by each of the corporations in the same manner as is provided in section 251 of this title, and in the case of the joint-stock associations in accordance with their articles of association or other instrument containing the provisions by which they are organized or regulated or in accordance with the laws of the state under which they are formed, as the case may be. The agreement shall be filed and recorded and shall become effective for all purposes of the laws of this State when and as provided in section 251 of this title with respect to the merger or consolidation of corporations of this State.

(e) The provisions of sections 251(d), 251(e), 259 through 262 and 328 of this title shall, insofar as they are applicable, apply to mergers or consolidations between corporations and joint-stock associations; the word "corporation" where applicable, as used in those sections, being deemed to include joint-stock associations as defined herein. The personal liability, if any, of any stockholder of a joint-stock association existing at the time of such merger or consolidation shall not thereby be extinguished, shall remain personal to such stockholder and shall not become the liability of any subsequent transferee of any share of stock in such surviving or resulting corporation or of any other stockholder of such surviving or resulting corporation.

§ 255. Merger or consolidation of domestic non-stock, non-profit corporations

(a) Any two or more non-stock, non-profit corporations of this State may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into new non-stock, non-profit corporation formed by the consolidation, pursuant to an agree-

ment of merger or consolidation, as the case may be, complying and approved in accordance with this section.

(b) The governing body of each corporation which desires to merge or consolidate shall adopt a resolution approving an agreement of merger or consolidation. The agreement shall state: (1) the terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) such other provisions or facts required or permitted by this chapter to be stated in a certificate of incorporation for non-stock, non-profit corporations as can be stated in the case of a merger or consolidation, stated in such altered form as the circumstances of the case require; (4) the manner of converting the memberships of each of the constituent corporations into memberships of the corporation surviving or resulting from the merger or consolidation; and (5) such other details or provisions as are deemed desirable.

(c) The agreement shall be submitted to the members of each constituent corporation who have the right to vote for the election of the members of the governing body of their corporation, at an annual or special meeting thereof for the purpose of acting on the agreement. Due notice of the time, place and purpose of the meeting shall be mailed to each member of each such corporation who has the right to vote for the election of the members of the governing body of his corporation, at his address as it appears on the records of the corporation, at least 20 days prior to the date of the meeting. At the meeting the agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the agreement, each member who has the right to vote for the election of the members of the governing body of his corporation being entitled to one vote. If the votes of two-thirds of the total number of members of each such corporation who have the voting power above mentioned shall be for the adoption of the agreement, then that fact shall be certified on the agreement by the officer of each such corporation performing the duties ordinarily performed by the secretary or assistant secretary of a corporation, under the seal of each such corporation. The agreement so adopted and certified shall be executed, acknowledged and filed, and shall become effective, in accordance with section 103 of this title. It shall be recorded in the offices of the Recorders of the counties of this State in which any of the constituent corporations shall have its original certificate of incorporation recorded; or if any of the constituent corporations shall have been specially created by public act of the Legislature, then the agreement shall be recorded in the county where such corporation had its principal place of business in this State.

(d) If, under the provisions of the certificate of incorporation of any one or more of the constituent corporations, there shall be no members who have the right to vote for the election of the members of the governing body of the corporation other than the members of that body themselves, the agreement duly entered into as provided in subsection

(b) of this section shall be submitted to the members of the governing body of such corporation or corporations, at a meeting thereof. Notice of the meeting shall be mailed to the members of the governing body in the same manner as is provided in the case of a meeting of the members of a corporation. If at the meeting two-thirds of the total number of members of the governing body shall vote by ballot, in person, for the adoption of the agreement, that fact shall be certified on the agreement in the same manner as is provided in the case of the adoption of the agreement by the vote of the members of a corporation and thereafter the same procedure shall be followed to consummate the merger or consolidation.

(e) The provisions of section 251(e) shall apply to a merger under this section.

§ 256. Merger or consolidation of domestic and foreign non-stock, non-profit corporations; service of process upon surviving or resulting corporation

(a) Any one or more non-stock, non-profit corporations of this State may merge or consolidate with one or more other non-stock, non-profit corporations of any other state or states of the United States, if the laws of such other state or states permit such merger or consolidation. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new non-stock, non-profit corporation formed by the consolidation, which may be a corporation of the state of incorporation of any one of the constituent corporations, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. In addition, any one or more non-stock, non-profit corporations organized under the laws of any jurisdiction other than one of the United States may merge or consolidate with one or more corporations of this State if the surviving or resulting corporation will be a corporation of this State, and if the laws under which the other corporation or corporations are formed permit such merger or consolidation.

(b) All the constituent corporations shall enter into an agreement of merger or consolidation. The agreement shall state: (1) the terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) the manner of converting the memberships of each of the constituent corporations into memberships of the corporation surviving or resulting from such merger or consolidation; (4) such other details and provisions as shall be deemed desirable; and (5) such other provisions or facts as shall then be required to be stated in a certificate of incorporation by the laws of the state which are stated in the agreement to be the laws that shall govern the surviving or resulting corporation and that can be stated in the case of a merger or consolidation.

(c) The agreement shall be adopted, approved, executed and acknowledged by each of the constituent corporations in accordance with

the laws under which it is formed and, in the case of a Delaware corporation, in the same manner as is provided in section 255 of this title. The agreement shall be filed and recorded and shall become effective for all purposes of the laws of this State when and as provided in section 255 of this title with respect to the merger of non-stock, non-profit corporations of this State.

(d) If the corporation surviving or resulting from the merger or consolidation is to be governed by the laws of any state other than this State, it shall agree that it may be served with process in this State in any proceeding for enforcement of any obligation of any constituent corporation of this State, as well as for enforcement of any obligation of the surviving or resulting corporation arising from the merger or consolidation, and shall irrevocably appoint the Secretary of State as its agent to accept service of process in any such suit or other proceedings and shall specify the address to which a copy of such process shall be mailed by the Secretary of State. Service of such process shall be made by personally delivering to and leaving with the Secretary of State duplicate copies of such process. The Secretary of State shall forthwith send by registered mail one of such copies to such surviving or resulting corporation at its address so specified, unless such surviving or resulting corporation shall thereafter have designated in writing to the Secretary of State a different address for such purpose, in which case it shall be mailed to the last address so designated.

(e) The provisions of section 251(e) shall apply to a merger under this section if the corporation surviving the merger is a corporation of this State.

§ 257. Merger or consolidation of domestic stock and non-stock corporations

(a) Any one or more non-stock corporations of this State, whether or not organized for profit, may merge or consolidate with one or more stock corporations of this State, whether or not organized for profit. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new corporation formed by the consolidation, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. The surviving constituent corporation or the new corporation may be organized for profit or not organized for profit and may be a stock corporation or a non-stock corporation.

(b) The board of directors of each stock corporation which desires to merge or consolidate and the governing body of each non-stock corporation which desires to merge or consolidate shall adopt a resolution approving an agreement of merger or consolidation. The agreement shall state: (1) the terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) such other provisions or facts required or permitted by this chapter to be stated in

a certificate of incorporation as can be stated in the case of a merger or consolidation, stated in such altered form as the circumstances of the case require; (4) the manner of converting the shares of stock of a stock corporation and the interests of members of a non-stock corporation into shares or other securities of a stock corporation surviving or resulting from such merger or consolidation or of any other corporation or into cash or other consideration, or of converting the shares of stockholders in a stock corporation and the interests of members of a non-stock corporation into membership interests of a non-stock corporation surviving or resulting from such merger or consolidation, or into cash or other property, as the case may be; and (5) such other details or provisions as are deemed desirable. In such merger or consolidation the interests of members of a constituent non-stock corporation may be treated in various ways so as to convert such interests into interests of value, other than shares of stock, in the surviving or resulting stock corporation or into shares of stock in the surviving or resulting stock corporation, voting or non-voting, or into creditor interests or any other interests of value equivalent to their membership interests in their non-stock corporation. The voting rights of members of a constituent non-stock corporation need not be considered an element of value in measuring the reasonable equivalence of the value of the interests received in the surviving or resulting stock corporation by members of a constituent non-stock corporation, nor need the voting rights of shares of stock in a constituent stock corporation be considered as an element of value in measuring the reasonable equivalence of the value of the interests in the surviving or resulting non-stock corporations received by stockholders of a constituent stock corporation, and the voting or non-voting shares of a stock corporation may be converted into voting or non-voting regular, life, general, special or other type of membership, however designated, creditor interests or participating interests, in the non-stock corporation surviving or resulting from such merger or consolidation of a stock corporation and a non-stock corporation.

(c) The agreement, in the case of each constituent stock corporation, shall be adopted, approved, executed and acknowledged by each constituent corporation in the same manner as is provided in section 251 of this title and, in the case of each constituent non-stock corporation, shall be adopted, approved, executed and acknowledged by each of said constituent corporations in the same manner as is provided in section 255 of this title. The agreement shall be filed and recorded and shall become effective for all purposes of the laws of this State when and as provided in section 251 of this title with respect to the merger of stock corporations of this State.

(d) The provisions of section 251(e) shall apply to a merger under this section; if the surviving corporation is a corporation of this State; the provisions of section 251(d) shall apply to any constituent stock corporation participating in a merger or consolidation under this sec-

tion; and the provisions of section 251(f) shall apply to any constituent stock corporation participating in a merger under this section.

§ 258. Merger or consolidation of domestic and foreign stock and non-stock corporations

(a) Any one or more corporations of this State, whether stock or non-stock corporations and whether or not organized for profit, may merge or consolidate with one or more other corporations of any other state or states of the United States, whether stock or non-stock corporations and whether or not organized for profit, if the laws under which the other corporation or corporations are formed shall permit such merger or consolidation. The constituent corporations may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new corporation formed by the consolidation, which may be a corporation of the state of incorporation of any one of the constituent corporations, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section. The surviving or new corporation may be either a stock corporation or a membership corporation, as shall be specified in the agreement of merger required by subsection (b) of this section.

(b) The method and procedure to be followed by the constituent corporations so merging or consolidating shall be as prescribed in section 257 of this title in the case of Delaware corporations. The agreement of merger or consolidation shall also set forth such other matters or provisions as shall then be required to be set forth in certificates of incorporation by the laws of the state which are stated in the agreement to be the laws which shall govern the surviving or resulting corporation and that can be stated in the case of a merger or consolidation. The agreement, in the case of foreign corporations, shall be adopted, approved, executed and acknowledged by each of the constituent foreign corporations in accordance with the laws under which each is formed.

(c) The requirements of section 252(d) of this title as to the appointment of the Secretary of State to receive process and the manner of serving the same in the event the surviving or new corporation is to be governed by the laws of any other state shall also apply to mergers or consolidations effected under the provisions of this section. The provisions of section 251(e) shall apply to mergers effected under the provisions of this section if the surviving corporation is a corporation of this State; the provisions of section 251(d) shall apply to any constituent stock corporation participating in a merger or consolidation under this section; and the provisions of section 251(f) shall apply to any constituent stock corporation participating in a merger under this section.

§ 259. Status, rights, liabilities, etc. of constituent and surviving or resulting corporations following merger or consolidation

(a) When an agreement of merger or consolidation and the merger or consolidation effected thereby shall have become effective under this chapter, for all purposes of the laws of this State the separate existence of all the constituent corporations, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so merged or consolidated; and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due to any of said constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation surviving or resulting from such merger or consolidation; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the surviving or resulting corporation as they were of the several and respective constituent corporations, and the title to any real estate vested by deed or otherwise, under the laws of this State, in any of such constituent corporations, shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said surviving or resulting corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

(b) In the case of a merger of banks or trust companies, without any order or action on the part of any court or otherwise, all appointments, designations, and nominations, and all other rights and interests as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, trustee of estates of persons mentally ill and in every other fiduciary capacity, shall be automatically vested in the corporation resulting from or surviving such merger; provided, however, that any party in interest shall have the right to apply to an appropriate court or tribunal for a determination as to whether the surviving corporation shall continue to serve in the same fiduciary capacity as the merged corporation, or whether a new and different fiduciary should be appointed.

§ 260. Powers of corporation surviving or resulting from merger or consolidation; issuance of stock, bonds or other indebtedness

When two or more corporations are merged or consolidated, the corporation surviving or resulting from the merger may issue bonds or other obligations, negotiable or otherwise, and with or without coupons or interest certificates thereto attached, to an amount sufficient with its capital stock to provide for all the payments it will be required to make, or obligations it will be required to assume, in order to effect the merger or consolidation. For the purpose of securing the payment of any such bonds and obligations, it shall be lawful for the surviving or resulting corporation to mortgage its corporate franchise, rights, privileges and property, real, personal or mixed. The surviving or resulting corporation may issue certificates of its capital stock and other securities to the stockholders of the constituent corporations in exchange or payment for the original shares, in such amount as shall be necessary in accordance with the terms of the agreement of merger or consolidation in order to effect such merger or consolidation in the manner and on the terms specified in the agreement.

§ 261. Effect of merger upon pending actions

Any action or proceeding, whether civil, criminal or administrative, pending by or against any corporation which is a party to a merger or consolidation shall be prosecuted as if such merger or consolidation had not taken place, or the corporation surviving or resulting from such merger or consolidation may be substituted in such action or proceeding.

§ 262. Payment for stock or membership of person objecting to merger or consolidation

(a) When used in this section, the word "stockholder" means a holder of record of stock in a stock corporation and also a member of record of a non-stock corporation; the words "stock" and "share" mean and include what is ordinarily meant by those words and also membership or membership interest of a member of a non-stock corporation.

(b) The corporation surviving or resulting from any merger or consolidation shall within 10 days after the effective date of the merger or consolidation, notify each stockholder of any corporation of this State so merging or consolidating, who objected thereto in writing and whose shares were not voted in favor of the merger, and who filed such written objection with the corporation before the taking of the vote on the merger or consolidation, that the merger or consolidation has become effective. The notice shall be sent by registered or certified mail, return receipt requested, addressed to the stockholder at his address as it appears on the records of the corporation. If any such

stockholder shall within 20 days after the date of mailing of the notice demand in writing, from the corporation surviving or resulting from the merger or consolidation, payment of the value of his stock, the surviving or resulting corporation shall, within 30 days after the expiration of the period of 20 days, pay to him the value of his stock on the effective date of the merger or consolidation, exclusive of any element of value arising from the expectation or accomplishment of the merger or consolidation.

(c) If during a period of 30 days following the period of 20 days provided for in subsection (b) of this section, the corporation and any such objecting stockholder fail to agree upon the value of such stock, any such stockholder, or the corporation surviving or resulting from the merger or consolidation, may, by petition filed in the Court of Chancery within four months after the expiration of the period of 30 days, demand a determination of the value of the stock of all such objecting stockholders by an appraiser to be appointed by the Court.

(d) Upon the filing of any such petition by a stockholder, service of a copy thereof shall be made upon the corporation, which shall within ten days after such service file in the office of the Register in Chancery in which the petition was filed a duly verified list containing the names and addresses of all stockholders who have demanded payment for their shares and with whom agreements as to the value of their shares have not been reached by the corporation. If the petition shall be filed by the corporation, the petition shall be accompanied by such a duly verified list. The Register in Chancery shall give notice of the time and place fixed for the hearing of such petition by registered or certified mail to the corporation and to the stockholders shown upon the list at the addresses therein stated, and notice shall also be given by publishing a notice at least once at least one week before the day of the hearing, in a newspaper of general circulation published in the City of Wilmington, Delaware. The Court may direct such additional publication of notice as it deems advisable. The forms of the notices by mail and by publication shall be approved by the Court.

(e) After the hearing on such petition the Court shall determine the stockholders who have complied with the provisions of this section and become entitled to the valuation of and payment for their shares, and shall appoint an appraiser to determine such value. Such appraiser may examine any of the books and records of the corporation or corporations the stock of which he is charged with the duty of valuing, and he shall make a determination of the value of the shares upon such investigation as to him seems proper. The appraiser shall also afford a reasonable opportunity to the parties interested to submit to him pertinent evidence on the value of the shares. The appraiser, also, shall have such powers and authority as may be conferred upon masters by the rules of the Court of Chancery or by the order of his appointment.

(f) The appraiser shall determine the value of the stock of the stockholders adjudged by the Court of Chancery to be entitled to payment

therefor and shall file his report respecting such value in the office of the Register in Chancery and notice of the filing of such report shall be given by the Register in Chancery to the parties in interest. Such report shall be subject to exceptions to be heard before the Court both upon the law and facts. The Court shall by its decree determine the value of the stock of the stockholders entitled to payment therefor and shall direct the payment of such value, together with interest, if any, as hereinafter provided, to the stockholders entitled thereto by the surviving or resulting corporation upon the transfer to it of the certificates representing such stock, which decree may be enforced as other decrees in the Court of Chancery may be enforced, whether such surviving or resulting corporation be a corporation of this State or of any other state.

(g) At the time of appointing the appraiser or at any time thereafter the Court may require the stockholders who demanded payment for their shares to submit their certificates of stock to the Register in Chancery for notation thereon of the pendency of the appraisal proceedings, and if any stockholder fails to comply with such direction the Court may dismiss the proceedings as to such stockholder.

(h) The cost of any such appraisal, including a reasonable fee to and the reasonable expenses of the appraiser, but exclusive of fees of counsel or of experts retained by any party, may on application of any party in interest be determined by the Court and taxed upon the parties to such appraisal or any of them as appears to be equitable, except that the cost of giving the notice by publication and by registered mail hereinabove provided for shall be paid by the corporation. The Court may, on application of any party in interest, determine the amount of interest, if any, to be paid upon the value of the stock of the stockholders entitled thereto.

(i) Any stockholder who has demanded payment of his stock as herein provided shall not thereafter be entitled to vote such stock for any purpose or be entitled to the payment of dividends or other distribution on the stock (except dividends or other distributions payable to stockholders of record at a date which is prior to the effective date of the merger or consolidation) unless the appointment of an appraiser shall not be applied for within the time herein provided, or the proceeding be dismissed as to such stockholder, or unless such stockholder shall with the written approval of the corporation deliver to the corporation a written withdrawal of his objections to and an acceptance of the merger or consolidation, in any of which cases the right of such stockholder to payment for his stock shall cease.

(j) The shares of the surviving or resulting corporation into which the shares of such objecting stockholders would have been converted had they assented to the merger or consolidation shall have the status of authorized and unissued shares of the surviving or resulting corporation.

(k) This section shall not apply to the shares of any class of stock which, at the record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting of stockholders at which the agreement of merger or consolidation is to be acted on, were either (1) registered on a national securities exchange, or (2) held of record by not less than 2,000 stockholders, unless the certificate of incorporation of the corporation issuing such stock shall otherwise provide; nor shall this section apply to any of the shares of stock of the constituent corporation surviving a merger if the merger did not require for its approval the vote of the stockholders of the surviving corporation, as provided in subsection (f) of section 251 of this title. This subsection shall not be applicable to stockholders of a corporation whose stock in a constituent corporation was not converted by the merger or consolidation solely into stock of the corporation resulting from or surviving a merger pursuant to sections 251 or 252 of this title.

SUBCHAPTER X. SALE OF ASSETS, DISSOLUTION AND WINDING UP

Sec.

- 271. Sale, lease or exchange of assets; consideration; procedure.
- 272. Mortgage or pledge of assets.
- 273. Dissolution of joint venture corporation having two stockholders.
- 274. Dissolution before beginning business.
- 275. *Dissolution; procedure.*
- 276. Dissolution of non-profit, non-stock corporation; procedure.
- 277. Payment of franchise taxes before dissolution.
- 278. Continuation of corporation after dissolution for purposes of suit and winding up affairs.
- 279. Trustees or receivers for dissolved corporations; appointment; powers.
- 280. Jurisdiction of court.
- 281. Duties of trustees or receivers; payment and distribution to creditors and stockholders.
- 282. Abatement of pending actions; substitution of dissolution trustees or receivers.
- 283. Revocation or forfeiture of charter; proceedings.
- 284. Dissolution or forfeiture of charter by decree of court; filing.

§ 271. Sale, lease or exchange of assets; consideration; procedure

(a) Every corporation may at any meeting of its board of directors sell, lease, or exchange all or substantially all of its property and assets, including its good will and its corporate franchises, upon such terms and conditions and for such consideration, which may consist in whole or in part of money or other property, including shares of stock in, and/or other securities of, any other corporation or corporations, as its board of directors deems expedient and for the best interests of the corporation, when and as authorized by the affirmative vote of the holders of a majority of the stock issued and outstanding

having voting power at a stockholders' meeting duly called upon at least 20 days notice containing notice of the proposed sale, lease or exchange, or when authorized by the written consent of the holders of a majority of the voting stock issued and outstanding.

(b) Notwithstanding stockholder authorization or consent to a proposed sale, lease or exchange of a corporation's property and assets, the board of directors may abandon such proposed sale, lease or exchange without further action by the stockholders, subject to the rights, if any, of third parties under any contract relating thereto.

§ 272. Mortgage or pledge of assets

The authorization or consent of stockholders to the mortgage or pledge of a corporation's property and assets shall not be necessary, except to the extent that the certificate of incorporation otherwise provides.

§ 273. Dissolution of joint venture corporation having two stockholders

(a) If the stockholders of a corporation of this State, having only two stockholders each of which own 50% of the stock therein, shall be engaged in the prosecution of a joint venture and if such stockholders shall be unable to agree upon the desirability of discontinuing such joint venture and disposing of the assets used in such venture, either stockholder may file with the Court of Chancery a petition stating that it desires to discontinue such joint venture and to dispose of the assets used in such venture in accordance with a plan to be agreed upon by both stockholders or that, if no such plan shall be agreed upon by both stockholders, the corporation be dissolved. Such petition shall have attached thereto a copy of the proposed plan of discontinuance and distribution and a certificate stating that copies of such petition and plan have been transmitted in writing to the other stockholder and to the directors and officers of such corporation. The petition and certificate shall be executed and acknowledged in accordance with section 103 of this title.

(b) Unless both stockholders file with the Court of Chancery (i) within three months of the date of the filing of such petition, a certificate similarly executed and acknowledged stating that they have agreed on such plan, or a modification thereof, and (ii) within one year from the date of the filing of such petition, a certificate similarly executed and acknowledged stating that the distribution provided by such plan has been completed, the Court of Chancery may dissolve such corporation and may by appointment of one or more trustees or receivers with all the powers and title of a trustee or receiver appointed under section 279 of this title, administer and wind up its affairs. Either or both of the above periods may be extended by agreement of the stockholders, evidenced by a certificate similarly executed, acknowledged and filed with the Court of Chancery prior to the expiration of such period.

§ 274. Dissolution before beginning business

Before beginning the business for which corporation was organized, a majority of the incorporators, or, if directors were named in the certificate of incorporation or have been elected, a majority of the directors, may surrender all of the corporation's rights and franchises by filing in the office of the Secretary of State a certificate, executed and acknowledged by a majority of the incorporators or directors, stating that the business or activity for which the corporation was organized has not been begun; that no part of the capital of the corporation has been paid or, if some capital has been paid, that the amount actually paid in for the corporation's shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto; that all issued stock certificates, if any, have been surrendered and cancelled; and that all rights and franchises of the corporation are surrendered. Upon the filing of such certificate in accordance with section 103 of this title, the corporation shall be dissolved.

§ 275. Dissolution; procedure

(a) If it should be deemed advisable in the judgment of the board of directors of any corporation that it should be dissolved, the board, after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, shall cause notice to be mailed to each stockholder having voting power of the adoption of the resolution and of a meeting of such stockholders to take action upon the resolution so adopted by the board.

(b) At the meeting a vote of the stockholders having voting power shall be taken for and against the proposed dissolution. If holders of two-thirds of the voting stock shall vote for the proposed dissolution, a certificate stating that the dissolution has been authorized in accordance with the provisions of this section and setting forth the names and residences of the directors and officers shall be executed, acknowledged and filed in accordance with section 103 of this title. The Secretary of State, upon being satisfied that the requirements of this section have been complied with, shall issue his certificate that the certificate has been filed, and thereupon, the corporation shall be dissolved and the certificate of the Secretary of State shall be recorded in the office of the Recorder in the county in which the corporation maintained its registered office in this State.

§ 276. Dissolution of non-profit, non-stock corporation; procedure

Whenever it shall be desired to dissolve any corporation not for profit and having no capital stock, the governing body shall perform all the acts necessary for dissolution which are required by section 275 of this title to be performed by the board of directors of a corporation having capital stock. If the members of a corporation not for profit and having no capital stock are entitled to vote for the election of

members of its governing body, they shall perform all the acts necessary for dissolution which are required by section 275 of this title to be performed by the stockholders of a corporation having capital stock. If there is no member entitled to vote thereon, the dissolution of the corporation shall be authorized at a meeting of the governing body, upon the adoption of a resolution to dissolve by the vote of a majority of members of its governing body then in office. In all other respects, the method and proceedings for the dissolution of a corporation not for profit or having no capital stock shall conform as nearly as may be to the proceedings prescribed by section 275 of this title for the dissolution of corporations having capital stock.

§ 277. Payment of franchise taxes before dissolution

No corporation shall be dissolved under this chapter until all franchise taxes due to or assessable by the State have been paid by the corporation.

§ 278. Continuation of corporation after dissolution for purposes of suit and winding up affairs

All corporations, whether they expire by their own limitation or are otherwise dissolved, shall nevertheless be continued, for the term of three years from such expiration or dissolution or for such longer period as the Court of Chancery shall in its discretion direct, bodies corporate for the purpose of prosecuting and defending suits, whether civil, criminal or administrative, by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, to discharge their liabilities, and to distribute to their stockholders any remaining assets, but not for the purpose of continuing the business for which the corporation was organized. With respect to any action, suit, or proceeding begun by or against the corporation either prior to or within three years after the date of its expiration or dissolution, the corporation shall, for the purpose of such actions, suits or proceedings, be continued bodies corporate beyond the three-year period and until any judgments, orders, or decrees therein shall be fully executed, without the necessity for any special direction to that effect by the Court of Chancery.

§ 279. Trustees or receivers for dissolved corporations; appointment; powers

When any corporation organized under this chapter shall be dissolved in any manner whatever, the Court of Chancery, on application of any creditor or stockholder of the corporation, or on application of any one, who, in the Court's discretion, shows good cause therefor, at any time, may either appoint one or more of the directors of the corporation to be trustees, or appoint one or more persons to be receivers, of and for the corporation, to take charge of the corporation's property,

and to collect the debts and property due and belonging to the corporation, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by the corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation. The powers of the trustees or receivers may be continued as long as the Court of Chancery shall think necessary for the purposes aforesaid.

§ 280. Jurisdiction of court

The Court of Chancery shall have jurisdiction of the application prescribed in section 279 of this title and of all questions arising in the proceedings thereon, and may make such orders and decrees and issue injunctions therein as justice and equity shall require.

§ 281. Duties of trustees or receivers; payment and distribution to creditors and stockholders

The trustees or receivers of a dissolved corporation, after payment of all allowances, expenses and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority, shall pay the other debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose. If there shall be any balance remaining after the payment of the debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation or their legal representatives.

§ 282. Abatement of pending actions; substitution of dissolution trustees or receivers

If any corporation becomes dissolved in any manner whatever before final judgment obtained in any action pending or commenced in any court of this State against the corporation, the action shall not abate by reason thereof, but the dissolution of the corporation being suggested upon the record, and the names of the trustees or receivers of the corporation being entered upon the record, and notice thereof served upon the trustees or receivers, or if such service be impracticable upon the counsel of record in such case, the action shall proceed to final judgment against the trustees or receivers in the name of the corporation.

§ 283. Revocation or forfeiture of charter; proceedings

(a) The Court of Chancery shall have jurisdiction to revoke or forfeit the charter of any corporation for abuse, mis-use or non-use of its

corporate powers, privileges or franchises. The Attorney General shall, upon his own motion or upon the relation of a proper party, proceed for this purpose by complaint in the County in which the registered office of the corporation is located.

(b) The Court of Chancery shall have power, by appointment of receivers or otherwise, to administer and wind up the affairs of any corporation whose charter shall be revoked or forfeited by any court under any section of this title or otherwise, and to make such orders and decrees with respect thereto as shall be just and equitable respecting its affairs and assets and the rights of its stockholders and creditors.

(c) No proceeding shall be instituted under this section for non-use of any corporation's powers, privileges or franchises during the first two years after its incorporation.

§ 284. Dissolution or forfeiture of charter by decree of court; filing

Whenever any corporation is dissolved or its charter forfeited by decree or judgment of the Court of Chancery, the decree or judgment shall be forthwith filed by the Register in Chancery of the county in which the decree or judgment was entered, in the office of the Secretary of State, and a note thereof shall be made by the Secretary of State on the corporation's charter or certificate of incorporation and on the index thereof and shall be published by him in the next volume of laws, which he shall cause to be published.

SUBCHAPTER XI. INSOLVENCY; RECEIVERS AND TRUSTEES

Sec.

- 291. Receivers for insolvent corporations; appointment and powers.
- 292. Title to property; filing order of appointment; exception.
- 293. Notices to stockholders and creditors.
- 294. Receivers or trustees; inventory; list of debts and report.
- 295. Creditors' proofs of claims; when barred; notice.
- 296. Adjudication of claims; appeal.
- 297. Sale of perishable or deteriorating property.
- 298. Compensation, costs and expenses of receiver or trustee.
- 299. Substitution of trustee or receiver as party; abatement of actions.
- 300. Employee's lien for wages when corporation insolvent.
- 301. Discontinuance of liquidation.
- 302. Compromise or arrangement between corporation and creditors or stockholders.
- 303. Reorganization under a statute of the United States; effectuation.

§ 291. Receivers for insolvent corporations; appointment and powers

Whenever a corporation shall be insolvent, the Court of Chancery, on the application of any creditor or stockholder thereof, may,

at any time, appoint one or more persons to be receivers of and for the corporation, to take charge of its assets, estate, effects, business and affairs, and to collect the outstanding debts, claims, and property due and belonging to the corporation, with power to prosecute and defend, in the name of the corporation or otherwise, all claims or suits, to appoint an agent or agents under them, and to do all other acts which might be done by the corporation and which may be necessary or proper. The powers of the receivers shall be such and shall continue so long as the court shall deem necessary.

§ 292. Title to property; filing order of appointment; exception

(a) Trustees or receivers appointed by the Court of Chancery of and for any corporation, and their respective survivors and successors, shall, upon their appointment and qualification or upon the death, resignation or discharge of any co-trustee or co-receiver, be vested by operation of law and without any act or deed, with the title of the corporation to all of its property, real, personal or mixed of whatsoever nature, kind, class or description, and wheresoever situate, except real estate situate outside this State.

(b) Trustees or receivers appointed by the Court of Chancery shall, within 20 days from the date of their qualification, file in the office of the Recorder in each county in this State, in which any real estate belonging to the corporation may be situated, a certified copy of the order of their appointment and evidence of their qualification.

(c) This section shall not apply to receivers appointed pendente lite.

§ 293. Notices to stockholders and creditors

All notices required to be given to stockholders and creditors in any action in which a receiver or trustee for a corporation was appointed shall be given by the Register in Chancery, unless otherwise ordered by the Court of Chancery.

§ 294. Receivers or trustees; inventory; list of debts and report

Trustees or receivers shall, as soon as convenient, file in the office of the Register in Chancery of the county in which the proceeding is pending, a full and complete itemized inventory of all the assets of the corporation which shall show their nature and probable value, and an account of all debts due from and to it, as nearly as the same can be ascertained. They shall make a report to the Court of their proceedings, whenever and as often as the Court shall direct.

§ 295. Creditors' proofs of claims; when barred; notice

All creditors shall make proof under oath of their respective claims against the corporation, and cause the same to be filed in the office of

the Register in Chancery of the county in which the proceeding is pending within six months from the date of the appointment of a trustee or receiver for the corporation, or sooner if the Court shall so order and direct. All creditors and claimants failing to do so, within the time limited by this section, or the time prescribed by the order of the Court, may, by direction of the Court, be barred from participating in the distribution of the assets of the corporation. The Court may also prescribe what notice, by publication or otherwise, shall be given to the creditors of the time fixed for the filing and making proof of claims.

§ 296. Adjudication of claims; appeal

(a) The Register in Chancery, immediately upon the expiration of the time fixed for the filing of claims, in compliance with the provisions of section 295 of this title, shall notify the trustee or receiver of the filing of the claims, and the trustee or receiver, within 30 days after receiving the notice, shall inspect the claims, and if the trustee or receiver or any creditor shall not be satisfied with the validity or correctness of the same, or any of them, the trustee or receiver shall forthwith notify the creditors whose claims are disputed of his decision. The trustee or receiver shall require all creditors whose claims are disputed to submit themselves to such examination in relation to their claims as the trustee or receiver shall direct, and the creditors shall produce such books and papers relating to their claims as shall be required. The trustee or receiver shall have power to examine, under oath or affirmation, all witnesses produced before him touching the claims, and shall pass upon and allow or disallow the claims, or any part thereof, and notify the claimants of his determination.

(b) Every creditor or claimant who shall have received notice from the receiver or trustee that his claim has been disallowed in whole or in part may appeal to the Court of Chancery within 30 days thereafter. The Court, after hearing, shall determine the rights of the parties.

§ 297. Sale of perishable or deteriorating property

Whenever the property of a corporation is at the time of the appointment of a receiver or trustee encumbered with liens of any character, and the validity, extent or legality of any lien is disputed or brought in question, and the property of the corporation is of a character which will deteriorate in value pending the litigation respecting the lien, the Court of Chancery may order the receiver or trustee to sell the property of the corporation, clear of all encumbrances, at public or private sale, for the best price that can be obtained therefor, and pay the net proceeds arising from the sale thereof after deducting the costs of the sale into the court, there to remain subject to the order of the Court, and to be disposed of as the Court shall direct.

§ 298. Compensation, costs and expenses of receiver or trustee

The Court of Chancery, before making distribution of the assets of a corporation among the creditors or stockholders thereof, shall allow a reasonable compensation to the receiver or trustee for his services, and the costs and expenses incurred in and about the execution of his trust, and the costs of the proceedings in the Court, to be first paid out of the assets.

§ 299. Substitution of trustee or receiver as party; abatement of actions

A trustee or receiver, upon application by him in the court in which any suit is pending, shall be substituted as party plaintiff in the place of the corporation in any suit or proceeding which was so pending at the time of his appointment. No action against a trustee or receiver of a corporation shall abate by reason of his death, but, upon suggestion of the facts on the record, shall be continued against his successor or against the corporation in case no new trustee or receiver is appointed.

§ 300. Employee's lien for wages when corporation insolvent

Whenever any corporation of this State, or any foreign corporation doing business in this State, shall become insolvent, the employees doing labor or service of whatever character in the regular employ of the corporation, shall have a lien upon the assets thereof for the amount of the wages due to them, not exceeding two months' wages respectively, which shall be paid prior to any other debt or debts of the corporation. The word "employee" shall not be construed to include any of the officers of the corporation.

§ 301. Discontinuance of liquidation

The liquidation of the assets and business of an insolvent corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the Court of Chancery in its discretion, and subject to such condition as it may deem appropriate, may dismiss the proceedings and direct the receiver or trustee to redeliver to the corporation all of its remaining property and assets.

§ 302. Compromise or arrangement between corporation and creditors or stockholders

(a) Whenever the provision permitted by section 102(b) (2) of this title is included in the original certificate of incorporation of any corporation, all persons who become creditors or stockholders thereof shall be deemed to have become such creditors or stockholders subject in all respects to that provision and the same shall be absolutely

binding upon them. Whenever that provision is inserted in the certificate of incorporation of any such corporation by an amendment of its certificate all persons who become creditors or stockholders of such corporation after such amendment shall be deemed to have become such creditors or stockholders subject in all respects to that provision and the same shall be absolutely binding upon them.

(b) The Court of Chancery may administer and enforce any compromise or arrangement made pursuant to the provision contained in section 102(b) (2) of this title and may restrain, *pendente lite*, all actions and proceedings against any corporation with respect to which the Court shall have begun the administration and enforcement of that provision and may appoint a temporary receiver for such corporation and may grant the receiver such powers as it deems proper, and may make and enforce such rules as it deems necessary for the exercise of such jurisdiction.

§ 303. Reorganization under a statute of the United States; effectuation

(a) Any corporation of this State, a plan of reorganization of which, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, has been or shall be confirmed by the decree or order of a court of competent jurisdiction, may put into effect and carry out the plan and the decrees and orders of the court or judge relative thereto and may take any proceeding and do any act provided in the plan or directed by such decrees and orders, without further action by its directors or stockholders. Such power and authority may be exercised, and such proceedings and acts may be taken, as may be directed by such decrees or orders, by the trustee or trustees of such corporation appointed in the reorganization proceedings (or a majority thereof), or if none be appointed and acting, by designated officers of the corporation, or by a master or other representative appointed by the court or judge, with like effect as if exercised and taken by unanimous action of the directors and stockholders of the corporation.

(b) Such corporation may, in the manner provided in subsection (a) of this section, but without limiting the generality or effect of the foregoing, alter, amend, or repeal its by-laws; constitute or reconstitute and classify or reclassify its board of directors, and name, constitute or appoint directors and officers in place of or in addition to all or some of the directors or officers then in office; amend its certificate of incorporation, and make any change in its capital or capital stock, or any other amendment, change, or alteration, or provision, authorized by this chapter; be dissolved, transfer all or part of its assets, merge or consolidate as permitted by this chapter, in which case, however, no stockholder shall have any statutory right of appraisal of his stock; change the location of its registered office, change its registered agent, and remove or appoint any agent to receive

service of process; authorize and fix the terms, manner and conditions of, the issuance of bonds, debentures or other obligations, whether or not convertible into stock of any class, or bearing warrants or other evidences of optional rights to purchase or subscribe for stock of any class; or lease its property and franchises to any corporation, if permitted by law.

(c) A certificate of any amendment, change or alteration, or of dissolution, or any agreement of merger or consolidation, made by such corporation pursuant to the foregoing provisions, shall be filed with the Secretary of State and recorded in accordance with section 103 of this title, and, subject to subsection (d) of said section 103, shall thereupon become effective in accordance with its terms and the provisions hereof. Such certificate, agreement of merger or other instrument shall be made, executed and acknowledged, as may be directed by such decrees or orders, by the trustee or trustees appointed in the reorganization proceedings (or a majority thereof), or, if none be appointed and acting, by the officers of the corporation, or by a master or other representative appointed by the court or judge, and shall certify that provision for the making of such certificate, agreement or instrument is contained in a decree or order of a court or judge having jurisdiction of a proceeding under such applicable statute of the United States for the reorganization of such corporation.

(d) The provisions of this section shall cease to apply to such corporation upon the entry of a final decree in the reorganization proceedings closing the case and discharging the trustee or trustees, if any.

(e) On filing any certificate, agreement, report or other paper made or executed pursuant to the provisions of this section, there shall be paid to the Secretary of State for the use of the State the same fees as are payable by corporations not in reorganization upon the filing of like certificates, agreements, reports or other papers.

SUBCHAPTER XII. RENEWAL, REVIVAL, EXTENSION AND RESTORATION OF CERTIFICATE OF INCORPORATION OR CHARTER

Sec.

- 311.** Revocation of voluntary dissolution.
- 312.** Renewal, revival, extension and restoration of certificate of incorporation.
- 313.** Renewal, etc. of certificate of incorporation or charter of religious, charitable, educational, etc. corporations.
- 314.** Status of corporation.

§ 311. Revocation of voluntary dissolution

(a) At any time prior to the expiration of three years following the dissolution of a corporation pursuant to section 275 of this title, or,

at any time prior to the expiration of such longer period as the Court of Chancery may have directed pursuant to section 278 of this title, a corporation may revoke the dissolution theretofore effected by it in the following manner—

(1) The board of directors shall adopt a resolution recommending that the dissolution be revoked and directing that the question of the revocation be submitted to a vote at a special meeting of stockholders.

(2) Notice of the special meeting of stockholders shall be given in accordance with section 222 of this title to each stockholder whose shares were entitled to vote before the corporation was dissolved.

(3) At the meeting a vote of the stockholders entitled to vote thereat shall be taken on a resolution to revoke the dissolution, which shall require for its adoption the affirmative vote of the holders of at least two-thirds of all of the stock which had voting power at the time of the dissolution.

(4) Upon the adoption of the resolution, a certificate of revocation of dissolution shall be executed and acknowledged in accordance with section 103 of this title, which shall state:

(i) the name of the corporation;

(ii) the names and respective addresses of its officers;

(iii) the names and respective addresses of its directors;

(iv) that the holders of at least two-thirds of all of the stock of the corporation having voting power at the time of its dissolution have voted in favor of a resolution to revoke the dissolution; or, if it be the fact, that, in lieu of a meeting and vote of stockholders, the stockholders have given their written consent to the revocation in accordance with section 228 of this title.

(b) Upon the filing in the office of the Secretary of State of the certificate of revocation of dissolution, the Secretary of State, upon being satisfied that the requirements of this section have been complied with, shall issue his certificate that the dissolution has been revoked, and the certificate of the Secretary of State shall be recorded in the office of the Recorder of the county in which the registered office of the corporation was maintained. Upon the issuance of such certificate by the Secretary of State, the revocation of the dissolution shall become effective and the corporation may again carry on its business, subject, if the certificate should not be recorded, to section 103(d) of this title.

(c) If after the dissolution became effective any other corporation organized under the laws of this State shall have adopted the same name as the corporation, or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation, or any foreign corporation shall have qualified to do business in this State under the same name as the corporation or under a name so nearly similar thereto as not to distinguish it from the corporation, then, in such case, the corporation shall not be reinstated under the same name

which it bore when its dissolution became effective, but shall adopt and be reinstated under some other name, and in such case the certificate to be filed under the provisions of this section shall set forth the name borne by the corporation at the time its dissolution became effective and the new name under which the corporation is to be reinstated.

(d) Nothing in this section shall be construed to affect the jurisdiction or power of the Court of Chancery under sections 279 or 280 of this title.

§ 312. Renewal, revival, extension and restoration of certificate of incorporation

(a) As used in this section, the term "certificate of incorporation" includes the charter of a corporation organized under any special act or any law of this State.

(b) Any corporation may, at any time before the expiration of the time limited for its existence and any corporation whose certificate of incorporation has become inoperative by law for non-payment of taxes and any corporation whose certificate of incorporation has expired by reason of failure to renew it or whose certificate of incorporation has been renewed, but, through failure to comply strictly with the provisions of this chapter, the validity of whose renewal has been brought into question, may at any time procure an extension, restoration, renewal or revival of its certificate of incorporation, together with all the rights, franchises, privileges and immunities and subject to all of its duties, debts and liabilities which had been secured or imposed by its original certificate of incorporation and all amendments thereto.

(c) The extension, restoration, renewal or revival of the certificate of incorporation may be procured by executing, acknowledging, filing and recording a certificate in accordance with section 103 of this title.

(d) The certificate required by subsection (c) shall state—

(1) The name of the corporation, which shall be the existing name of the corporation or the name it bore when its certificate of incorporation expired, except as provided in subsection (f) of this section;

(2) The address (which shall include the street, city and county) of the corporation's registered office in this State and the name of its registered agent at such address;

(3) Whether or not the renewal, restoration or revival is to be perpetual and if not perpetual the time for which the renewal, restoration or revival is to continue and, in case of renewal before the expiration of the time limited for its existence, the date when the renewal is to commence, which shall be prior to the date of the expiration of the old certificate of incorporation which it is desired to renew;

(4) That the corporation desiring to be renewed or revived and so renewing or reviving its certificate of incorporation was organized under the laws of this State;

(5) The date when the certificate of incorporation would expire, if such is the case, or such other facts as may show that the certificate of incorporation has become inoperative or void or that the validity of any renewal has been brought into question;

(6) That the certificate for renewal or revival is filed by authority of those who were directors or members of the governing body of the corporation at the time its certificate of incorporation expired or who were elected directors or members of the governing body of the corporation as provided in subsection (h) of this section.

(e) Upon the filing of the certificate in accordance with section 103 of this title the corporation shall be renewed and revived with the same force and effect as if its certificate of incorporation had not become inoperative and void or had not expired by limitation. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its certificate of incorporation by the corporation, its officers and agents during the time when its certificate of incorporation was inoperative or void or after its expiration by limitation, with the same force and effect and to all intents and purposes as if the certificate of incorporation had at all times remained in full force and effect. All real and personal property, rights and credits, which belonged to the corporation at the time its certificate of incorporation became inoperative or void, or expired by limitation and which were not disposed of prior to the time of its revival or renewal shall be vested in the corporation, after its revival and renewal, as fully and amply as they were held by the corporation at and before the time its certificate of incorporation became inoperative or void or expired by limitation, and the corporation after its renewal and revival shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to its reinstatement, as if its certificate of incorporation had at all times remained in full force and effect.

(f) If, since the certificate of incorporation became inoperative or void for non-payment of taxes or expired by limitation, any other corporation organized under the laws of this State shall have adopted the same name as the corporation sought to be renewed or revived or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or revived or any foreign corporation qualified in accordance with section 371 of this title shall have adopted the same name as the corporation sought to be renewed or revived or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or revived, then in such case the corporation to be renewed or revived shall not be renewed under the same name which it bore when its certificate of incorporation became inoperative or void or ex-

pired but shall adopt or be renewed under some other name and in such case the certificate to be filed under the provisions of this section shall set forth the name borne by the corporation at the time its certificate of incorporation became inoperative or void or expired and the new name under which the corporation is to be renewed or revived.

(g) Any corporation seeking to renew or revive its certificate of incorporation under the provisions of this chapter shall pay to this State a sum equal to all franchise taxes and penalties thereon due at the time its certificate of incorporation became inoperative and void for nonpayment of taxes, or expired by limitation or otherwise.

(h) If a sufficient number of the last acting officers of any corporation desiring to renew or revive its certificate of incorporation are not available by reason of death, unknown address or refusal or neglect to act, the directors of the corporation or those remaining on the board, even if only one, may elect successors to such officers. In any case where there shall be no directors of the corporation available for the purposes aforesaid, the stockholders may elect a full board of directors, as provided by the by-laws of the corporation, and the board shall then elect such officers as are provided by law, by the certificate of incorporation or by the by-laws to carry on the business and affairs of the corporation. A special meeting of the stockholders for the purposes of electing directors may be called by any officer, director or stockholder upon notice given in accordance with section 222 of this title.

(i) After a renewal or revival of the certificate of incorporation of the corporation shall have been effected (except where a special meeting of stockholders has been called in accordance with the provisions of subsection (h), the officers who signed the certificate of renewal or revival shall, jointly, forthwith call a special meeting of the stockholders of the corporation upon notice given in accordance with section 222 of this title, and at the special meeting the stockholders shall elect a full board of directors, which board shall then elect such officers as are provided by law, by the certificate of incorporation or the by-laws to carry on the business and affairs of the corporation.

(j) Whenever it shall be desired to renew or revive the certificate of incorporation of any corporation organized under this chapter not for profit and having no capital stock, the governing body shall perform all the acts necessary for the renewal or revival of the charter of the corporation which are performed by the board of directors in the case of a corporation having capital stock. The members of any corporation not for profit and having no capital stock who are entitled to vote for the election of members of its governing body, shall perform all the acts necessary for the renewal or revival of the certificate of incorporation of the corporation which are performed by the stockholders in the case of a corporation having capital stock. In all other respects, the procedure for the renewal or revival of the cer-

tificate of incorporation of a corporation not for profit or having no capital stock shall conform, as nearly as may be applicable, to the procedure prescribed in this section for the renewal or revival of the certificate of incorporation of a corporation having capital stock.

§ 313. Renewal, etc. of certificate of incorporation or charter of religious, charitable, educational, etc. corporations

(a) Every religious corporation, and every purely charitable or educational association, and every company, association or society, which by its certificate of incorporation, had, at the time its certificate of incorporation or charter became void by operation of law, 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, whose certificate of incorporation or charter has become inoperative and void, by operation of section 510 of this title for failure to file annual reports required, and for failure to pay taxes or penalties from which it would have been exempt if the reports had been filed, shall be deemed to have filed all the reports and be relieved of all the taxes and penalties, upon satisfactory proof submitted to the Secretary of State of its right to be classified under any of the classifications set out in this subsection, and upon filing with the Secretary of State a certificate of renewal and revival in manner and form as required by section 312 of this title.

(b) Upon the filing by the corporation of the proof of classification as required in subsection (a) of this section, and the filing of the certificate of renewal and revival, and payment of the filing fee as required in said subsection, the Secretary of State shall issue a certificate that the corporation's certificate of incorporation or charter has been renewed and revived as of the date of the certificate, and upon the recording of the certificate of the Secretary of State in the office of the Recorder for the county in which the original certificate of incorporation or charter of the corporation was recorded, the corporation shall be renewed and revived with the same force and effect as is provided in subsection (e) of section 312 of this title for other corporations.

(c) Nothing contained in this section relieves any corporation of any of the classifications set out in subsection (a) of this section from filing the annual report required by section 502 of this title.

§ 314. Status of corporation

Any corporation desiring to renew, extend and continue its corporate existence, shall upon complying with the provisions of sections 312 or 313 of this title, and with the provisions of section 2 of Article IX of the Constitution of this State, be and continue for the time stated in its certificate of renewal, a corporation and shall, in addition to the

rights, privileges and immunities conferred by its charter, possess and enjoy all the benefits of this chapter, which are applicable to the nature of its business, and shall be subject to the restrictions and liabilities by this chapter imposed on such corporations.

SUBCHAPTER XIII. SUITS AGAINST CORPORATIONS, DIRECTORS, OFFICERS OR STOCKHOLDERS

Sec.

- 321. Service of process on corporations.
- 322. Failure of corporation to obey order of Court; appointment of receiver.
- 323. Failure of corporation to obey writ of mandamus; quo warranto proceedings for forfeiture of charter.
- 324. Attachment of shares of stock or any option, right or interest therein; procedure; sale; title upon sale; proceeds.
- 325. Actions against officers, directors or stockholders to enforce liability of corporation; unsatisfied judgment against corporation.
- 326. Action by officer, director or stockholder against corporation for corporate debt paid.
- 327. Stockholder's derivative action; allegation of stock ownership.
- 328. Liability of corporation, etc., impairment by certain transactions.
- 329. Defective organization of corporation as defense.
- 330. Usury; pleading by corporation.

§ 321. Service of process on corporations

(a) Service of legal process upon any corporation of this State shall be made by delivering a copy personally to any officer or director of the corporation in this State, or the registered agent of the corporation in this State, or by leaving it at the dwelling house or usual place of abode in this State of any officer, director or registered agent (if the registered agent be an individual), or at the registered office or other place of business of the corporation in this State. If the registered agent be a corporation, service of process upon it as such agent may be made by serving, in this State, a copy thereof on the president, vice-president, secretary, assistant secretary, or any director of the corporate registered agent. Service by copy left at the dwelling house or usual place of abode of any officer, director or registered agent, or at the registered office or other place of business of the corporation in this State, to be effective must be delivered thereat at least six days before the return date of the process, and in the presence of an adult person, and the officer serving the process shall distinctly state the manner of service in his return thereto. Process returnable forthwith must be delivered personally to the officer, director or registered agent.

(b) In case the officer whose duty it is to serve legal process, cannot by due diligence serve the process in any manner provided for by subsection (a) of this section, it shall be lawful to serve the process against the corporation upon the Secretary of State, and the service

shall be as effectual to all intents and purposes as if made in any of the ways provided for in subsection (a). Within two business days after service upon the Secretary of State, it shall be the duty of the Secretary of State to notify the corporation thereof by letter directed to the corporation at its last registered office, in which letter shall be enclosed a copy of the process or other papers served. It shall be the duty of the plaintiff in any action in which the process shall be issued, to pay to the Secretary of State, for use of the State, the sum of \$5, which sum shall be taxed as a part of the costs in the action if the plaintiff shall prevail therein. The Secretary of State shall alphabetically enter in the "process book" the name of the plaintiff and defendant, the title of the action in which process has been served upon him, the text of the process so served and the return day thereof, and the day and hour when the service was made.

(c) Service upon corporations may also be made in accordance with section 3111 of Title 10 or any other statute or rule of court.

§ 322. Failure of corporation to obey order of Court; appointment of receiver

Whenever any corporation shall refuse, fail or neglect to obey any order or decree of any court of this State within the time fixed by the court for its observance, such refusal, failure or neglect shall be a sufficient ground for the appointment of a receiver of the corporation by the Court of Chancery. If the corporation be a foreign corporation, such refusal, failure, or neglect shall be a sufficient ground for the appointment of a receiver of the assets of the corporation within this State.

§ 323. Failure of corporation to obey writ of mandamus; quo warranto proceedings for forfeiture of charter

If any corporation fails to obey the mandate of any peremptory writ of mandamus issued by a court of competent jurisdiction of this State for a period of 30 days after the serving of the writ upon the corporation in any manner as provided by the laws of this State for the service of writs, any party in interest in the proceeding in which the writ of mandamus issued may either himself or through his or its attorney file a statement of such fact with the Attorney General of this State, and it shall thereupon be the duty of the Attorney General to forthwith commence proceedings of quo warranto against the corporation in a court of competent jurisdiction, and the court, upon competent proof of such state of facts and proper proceedings had in such proceeding in quo warranto, shall decree the charter of the corporation forfeited.

§ 324. Attachment of shares of stock or any option, right or interest therein; procedure; sale; title upon sale; proceeds

(a) The shares of any person in any corporation with all the rights thereto belonging, or any person's option to acquire the shares,

or his right or interest in the shares, may be attached for debt, or other demands. So many of the shares, or so much of the option, right or interest therein may be sold at public sale to the highest bidder, as shall be sufficient to satisfy the debt, or other demand, interest and costs, upon an order issued therefor by the court from which the attachment process issued, and after such notice as is required for sales upon execution process. If the debtor lives out of the county, a copy of the order shall be sent by registered or certified mail, return receipt requested, to his last known address, and shall also be published in a newspaper published in the county of his last known residence, if there be any, ten days before the sale; and if the debtor be a non-resident of this State shall be mailed as aforesaid and published at least twice for two successive weeks, the last publication to be at least 10 days before the sale, in a newspaper published in the county where the attachment process issued.

(b) When shares of stock, or any option to acquire such or any right or interest in such, shall be so attached, a certified copy of the process shall be left in this state with any officer or director, or with the registered agent of the corporation, who shall give the person serving the process a certificate of the number of shares held or owned by the debtor in the corporation, with the number or other marks distinguishing the same, or in case the debtor appears on the books of the corporation to have an option to acquire shares of stock or any right or interest in any shares of stock of the corporation there shall be given the person serving the process a certificate setting forth any such option, right or interest in the shares of the corporation in the language and form in which the option, right or interest appears on the books of the corporation, anything in the certificate of incorporation or by-laws of the corporation to the contrary notwithstanding. Service upon a corporate registered agent may be made in the manner provided in section 321 of this title.

(c) If the shares of stock or any of them or the option to acquire shares or any such right or interest in shares, or any part of them, be sold as provided in subsection (a) of this section, any assignment, or transfer thereof, by the debtor, after attachment so laid, shall be void. If, after sale made and confirmed, a certified copy of the order of sale and return be left with any officer or director or with the registered agent of the corporation, the purchaser shall be thereby entitled to the shares or any option to acquire shares or any right or interest in shares so purchased, and all income, or dividends which may have been declared, or become payable thereon since the attachment laid. Such sale, returned and confirmed, shall transfer the shares or the option to acquire shares or any right or interest in shares sold to the purchaser, as fully as if the debtor, or defendant, had transferred the same to him according to the certificate of incorporation or by-laws of the corporation, anything in the certificate of incorporation or by-laws to the contrary notwithstanding. No order of sale shall be issued until after final judgment shall have been rendered in any

case. The court which issued the levy and confirmed the sale shall have the power to make an order compelling the corporation, the shares of which were sold, to issue new certificates to the purchaser at the sale and to cancel the registration of the shares attached on the books of the corporation upon the giving of an open end bond by such purchaser adequate to protect such corporation.

(d) The money arising from the sale of the shares or from the sale of the option or right or interest shall be applied and paid, by the public official receiving the same, as by law is directed as to the sale of personal property in cases of attachment.

§ 325. Actions against officers, directors or stockholders to enforce liability of corporation; unsatisfied judgment against corporation

(a) When the officers, directors or stockholders of any corporation shall be liable by the provisions of this chapter to pay the debts of the corporation, or any part thereof, any person to whom they are liable may have an action, at law or in equity, against any one or more of them, and the complaint shall state the claim against the corporation, and the ground on which the plaintiff expects to charge the defendants personally.

(b) No suit shall be brought against any officer, director, or stockholder for any debt of a corporation of which he is an officer, director or stockholder, until judgment be obtained therefor against the corporation and execution thereon returned unsatisfied.

§ 326. Action by officer, director or stockholder against corporation for corporate debt paid

When any officer, director or stockholder shall pay any debt of a corporation for which he is made liable by the provisions of this chapter, he may recover the amount so paid in an action against the corporation for money paid for its use, and in such action only the property of the corporation shall be liable to be taken, and not the property of any stockholder.

§ 327. Stockholder's derivative action; allegation of stock ownership

In any derivative suit instituted by a stockholder of a corporation, it shall be averred in the complaint that the plaintiff was a stockholder of the corporation at the time of the transaction of which he complains or that his stock thereafter devolved upon him by operation of law.

§ 328. Liability of corporation, etc., impairment by certain transactions

The liability of a corporation of this State, or the stockholders, directors or officers thereof, or the rights or remedies of the creditors

thereof, or of persons doing or transacting business with the corporation, shall not in any way be lessened or impaired by the sale of its assets, or by the increase or decrease in the capital stock of the corporation, or by its merger or consolidation with one or more corporations or by any change or amendment in its certificate of incorporation.

§ 329. Defective organization of corporation as defense

(a) No corporation of this State and no person sued by any such corporation shall be permitted to assert the want of legal organization as a defense to any claim.

(b) This section shall not be construed to prevent judicial inquiry into the regularity or validity of the organization of a corporation, or its lawful possession of any corporate power it may assert in any other suit or proceeding where its corporate existence or the power to exercise the corporate rights it asserts is challenged, and evidence tending to sustain the challenge shall be admissible in any such suit or proceeding.

§ 330. Usury; pleading by corporation

No corporation shall plead any statute against usury in any court of law or equity in any suit instituted to enforce the payment of any bond, note or other evidence of indebtedness issued or assumed by it.

**SUBCHAPTER XIV. CLOSE CORPORATIONS;
SPECIAL PROVISIONS**

Sec.

- 341. Law applicable to close corporation.
- 342. Close corporation defined; contents of certificate of incorporation.
- 343. Formation of a close corporation.
- 344. Election of existing corporation to become a close corporation.
- 345. Limitations on continuation of close corporation status.
- 346. Voluntary termination of close corporation status by amendment of certificate of incorporation; vote required.
- 347. Issuance or transfer of stock of a close corporation in breach of qualifying conditions.
- 348. Involuntary termination of close corporation status; proceeding to prevent loss of status.
- 349. Corporate option where a restriction on transfer of a security is held invalid.
- 350. Agreements restricting discretion of directors.
- 351. Management by stockholders.
- 352. Appointment of custodian for close corporation.
- 353. Appointment of a provisional director in certain cases.
- 354. Operating corporation as partnership.
- 355. Stockholders' option to dissolve corporation.
- 356. Effect of this subchapter on other laws.

§ 341. Law applicable to close corporation

(a) This subchapter applies to all close corporations, as defined in section 342 of this title. Unless a corporation elects to become a close corporation under this subchapter in the manner prescribed in this subchapter, it shall be subject in all respects to the provisions of this chapter, except the provisions of this subchapter.

(b) All provisions of this chapter shall be applicable to all close corporations, as defined in section 342 of this title, except insofar as this subchapter otherwise provides.

§ 342. Close corporation defined; contents of certificate of incorporation

(a) A close corporation is a corporation organized under this chapter whose certificate of incorporation contains the provisions required by section 102 of this title and, in addition, provides that:

(1) All of the corporation's issued stock of all classes, exclusive of treasury shares, shall be held of record by not more than a specified number of persons, not exceeding thirty; and

(2) All of the issued stock of all classes shall be subject to one or more of the restrictions on transfer permitted by section 202 of this title; and

(3) The corporation shall make no offering of any of its stock of any class which would constitute a "public offering" within the meaning of the United States Securities Act of 1933, as it may be amended from time to time.

(b) The certificate of incorporation of a close corporation may set forth the qualifications of stockholders, either by specifying classes of persons who shall be entitled to be holders of record of stock of any class, or by specifying classes of persons who shall not be entitled to be holders of stock of any class or both.

(c) For purposes of determining the number of holders of record of the stock of a close corporation, stock which is held in joint or common tenancy or by the entireties shall be treated as held by one stockholder.

§ 343. Formation of a close corporation

A close corporation shall be formed in accordance with sections 101, 102 and 103 of this title, except that:

(a) Its certificate of incorporation shall contain a heading stating the name of the corporation and that it is a close corporation, and

(b) Its certificate of incorporation shall contain the provisions required by section 342 of this title.

§ 344. Election of existing corporation to become a close corporation

Any corporation organized under this chapter may become a close corporation under this subchapter by executing, acknowledging, filing and recording, in accordance with section 103 of this title, a certificate of amendment of its certificate of incorporation which shall contain a statement that it elects to become a close corporation, the provisions required by section 342 of this title to appear in the certificate of incorporation of a close corporation, and a heading stating the name of the corporation and that it is a close corporation. Such amendment shall be adopted in accordance with the requirements of section 242 of this title, except that it must be approved by a vote of the holders of record of at least two-thirds of the shares of each class of stock of the corporation which are outstanding.

§ 345. Limitations on continuation of close corporation status

A close corporation continues to be such and to be subject to this subchapter until:

(a) It files with the Secretary of State a certificate of amendment deleting from its certificate of incorporation the provisions required or permitted by section 342 of this title to be stated in the certificate of incorporation to qualify it as a close corporation, or

(b) Any one of the provisions or conditions required or permitted by section 342 of this title to be stated in a certificate of incorporation to qualify a corporation as a close corporation has in fact been breached and neither the corporation nor any of its stockholders takes the steps required by section 348 of this title to prevent such loss of status or to remedy such breach.

§ 346. Voluntary termination of close corporation status by amendment of certificate of incorporation; vote required

(a) A corporation may voluntarily terminate its status as a close corporation and cease to be subject to this subchapter by amending its certificate of incorporation to delete therefrom the additional provisions required or permitted by section 342 of this title to be stated in the certificate of incorporation of a close corporation. Any such amendment shall be adopted and shall become effective in accordance with section 242 of this title, except that it must be approved by a vote of the holders of record of at least two-thirds of the shares of each class of stock of the corporation which are outstanding.

(b) The certificate of incorporation of a close corporation may provide that on any amendment to terminate its status as a close corporation, a vote greater than two-thirds or a vote of all shares of any class shall be required; and if the certificate of incorporation contains such a provision, that provision shall not be amended, repealed or modified by any vote less than that required to terminate the corporation's status as a close corporation.

§ 347. Issuance or transfer of stock of a close corporation in breach of qualifying conditions

(a) If stock of a close corporation is issued or transferred to any person who is not entitled under any provision of the certificate of incorporation permitted by section 342(b) of this title to be a holder of record of stock of such corporation, and if the certificate for such stock conspicuously notes the qualifications of the persons entitled to be holders of record thereof, such person is conclusively presumed to have notice of the fact of his ineligibility to be a stockholder.

(b) If the certificate of incorporation of a close corporation states the number of persons, not in excess of thirty, who are entitled to be holders of record of its stock, and if the certificate for such stock conspicuously states such number, and if the issuance or transfer of stock to any person would cause the stock to be held by more than such number of persons, the person to whom such stock is issued or transferred is conclusively presumed to have notice of this fact.

(c) If a stock certificate of any close corporation conspicuously notes the fact of a restriction on transfer of stock of the corporation, and the restriction is one which is permitted by section 202 of this title, the transferee of the stock is conclusively presumed to have notice of the fact that he has acquired stock in violation of the restriction, if such acquisition violates the restriction.

(d) Whenever any person to whom stock of a close corporation has been issued or transferred has, or is conclusively presumed under this section to have, notice either (i) that he is a person not eligible to be a holder of stock of the corporation, or (ii) that transfer of stock to him would cause the stock of the corporation to be held by more than the number of persons permitted by its certificate of incorporation to hold stock of the corporation, or (iii) that the transfer of stock is in violation of a restriction on transfer of stock, the corporation may, at its option, refuse to register transfer of the stock into the name of the transferee.

(e) The provisions of subsection (d) shall not be applicable if the transfer of stock, even though otherwise contrary to subsections (a), (b) or (c), has been consented to by all the stockholders of the close corporation, or if the close corporation has amended its certificate of incorporation in accordance with section 346 of this title.

(f) The term "transfer", as used in this section, is not limited to a transfer for value.

(g) The provisions of this section do not in any way impair any rights of a transferee regarding any right to rescind the transaction or to recover under any applicable warranty express or implied.

§ 348. Involuntary termination of close corporation status; proceeding to prevent loss of status

(a) If any event occurs as a result of which one or more of the provisions or conditions included in a close corporation's certificate of

incorporation pursuant to section 342 of this title to qualify it as a close corporation has been breached, the corporation's status as a close corporation under this subchapter shall terminate unless

(1) within thirty days after the occurrence of the event, or within thirty days after the event has been discovered, whichever is later, the corporation files with the Secretary of State a certificate, executed and acknowledged in accordance with section 103 of this title, stating that a specified provision or condition included in its certificate of incorporation pursuant to section 342 of this title to qualify it as a close corporation has ceased to be applicable, and furnishes a copy of such certificate to each stockholder, and

(2) the corporation concurrently with the filing of such certificate takes such steps as are necessary to correct the situation which threatens its status as a close corporation, including, without limitation, the refusal to register the transfer of stock which has been wrongfully transferred as provided by section 347 of this title, or a proceeding under subsection (b) of this section.

(b) The Court of Chancery, upon the suit of the corporation or any stockholder, shall have jurisdiction to issue all orders necessary to prevent the corporation from losing its status as a close corporation, or to restore its status as a close corporation by enjoining or setting aside any act or threatened act on the part of the corporation or a stockholder which would be inconsistent with any of the provisions or conditions required or permitted by section 342 of this title to be stated in the certificate of incorporation of a close corporation, unless it is an act approved in accordance with section 346 of this title. The Court of Chancery may enjoin or set aside any transfer or threatened transfer of stock of a close corporation which is contrary to the terms of its certificate of incorporation or of any transfer restriction permitted by section 202 of this title, and may enjoin any public offering, as defined in section 342 of this title, or threatened public offering of stock of the close corporation.

§ 349. Corporate option where a restriction on transfer of a security is held invalid

If a restriction on transfer of a security of a close corporation is held not to be authorized by section 202 of this title, the corporation shall nevertheless have an option, for a period of thirty days after the judgment setting aside the restriction becomes final, to acquire the restricted security at a price which is agreed upon by the parties, or if no agreement is reached as to price, then at the fair value as determined by the Court of Chancery. In order to determine fair value, the Court may appoint an appraiser to receive evidence and report to the Court his findings and recommendation as to fair value. The appraiser shall have such powers and shall proceed, so far as applicable, in the same manner as appraisers appointed under section 262 of this title.

§ 350. Agreements restricting discretion of directors

A written agreement among the stockholders of a close corporation holding a majority of the outstanding stock entitled to vote, whether solely among themselves or with a party not a stockholder, is not invalid, as between the parties to the agreement, on the ground that it so relates to the conduct of the business and affairs of the corporation as to restrict or interfere with the discretion or powers of the board of directors. The effect of any such agreement shall be to relieve the directors and impose upon the stockholders who are parties to the agreement the liability for managerial acts or omissions which is imposed on directors to the extent and so long as the discretion or powers of the board in its management of corporate affairs is controlled by such agreement.

§ 351. Management by stockholders

The certificate of incorporation of a close corporation may provide that the business of the corporation shall be managed by the stockholders of the corporation rather than by a board of directors. So long as this provision continues in effect,

- (1) No meeting of stockholders need be called to elect directors;
- (2) Unless the context clearly requires otherwise, the stockholders of the corporation shall be deemed to be directors for purposes of applying provisions of this chapter; and
- (3) The stockholders of the corporation shall be subject to all liabilities of directors.

Such a provision may be inserted in the certificate of incorporation by amendment if all incorporators and subscribers or all holders of record of all of the outstanding stock, whether or not having voting power, authorize such a provision. An amendment to the certificate of incorporation to delete such a provision shall be adopted by a vote of the holders of a majority of all outstanding stock of the corporation, whether or not otherwise entitled to vote. If the certificate of incorporation contains a provision authorized by this section, the existence of such provision shall be noted conspicuously on the face or back of every stock certificate issued by such corporation.

§ 352. Appointment of custodian for close corporation

(a) In addition to the provisions of section 226 of this title respecting the appointment of a custodian for any corporation, the Court of Chancery, upon application of any stockholder, may appoint one or more persons to be custodians, and, if the corporation is insolvent, to be receivers, of any close corporation when:

- (1) Pursuant to section 351 of this title the business and affairs of the corporation are managed by the stockholders and they are so divided that the business of the corporation is suffering or is threat-

ened with irreparable injury and any remedy with respect to such deadlock provided in the certificate of incorporation or by-laws or in any written agreement of the stockholders has failed; or

(2) The petitioning stockholder has the right to the dissolution of the corporation under a provision of the certificate of incorporation permitted by section 355 of this title.

(b) In lieu of appointing a custodian for a close corporation under this section or section 226 of this title the Court of Chancery may appoint a provisional director, whose powers and status shall be as provided in section 353 of this title if the Court determines that it would be in the best interest of the corporation. Such appointment shall not preclude any subsequent order of the Court appointing a custodian for such corporation.

§ 353. Appointment of a provisional director in certain cases

(a) Notwithstanding any contrary provision of the certificate of incorporation or the by-laws or agreement of the stockholders, the Court of Chancery may appoint a provisional director for a close corporation if the directors are so divided respecting the management of the corporation's business and affairs that the votes required for action by the board of directors cannot be obtained with the consequence that the business and affairs of the corporation can no longer be conducted to the advantage of the stockholders generally.

(b) An application for relief under this section must be filed (1) by at least one-half of the number of directors then in office, (2) by the holders of at least one-third of all stock then entitled to elect directors, or, (3) if there be more than one class of stock then entitled to elect one or more directors, by the holders of two-thirds of the stock of any such class; but the certificate of incorporation of a close corporation may provide that a lesser proportion of the directors or of the stockholders or of a class of stockholders may apply for relief under this section.

(c) A provisional director shall be an impartial person who is neither a stockholder nor a creditor of the corporation or of any subsidiary or affiliate of the corporation, and whose further qualifications, if any, may be determined by the Court of Chancery. A provisional director is not a receiver of the corporation and does not have the title and powers of a custodian or receiver appointed under sections 226 and 291 of this title. A provisional director shall have all the rights and powers of a duly elected director of the corporation, including the right to notice of and to vote at meetings of directors, until such time as he shall be removed by order of the Court of Chancery or by the holders of a majority of all shares then entitled to vote to elect directors or by the holders of two-thirds of the shares of that class of voting shares which filed the application for appointment of a provisional director. His compensation shall be determined by agreement between him and the corporation subject to approval of the Court of

Chancery, which may fix his compensation in the absence of agreement or in the event of disagreement between the provisional director and the corporation.

(d) Even though the requirements of subsection (b) of this section relating to the number of directors or stockholders who may petition for appointment of a provisional director are not satisfied, the Court of Chancery may nevertheless appoint a provisional director if permitted by subsection (b) of section 352 of this title.

§ 354. Operating corporation as partnership

No written agreement among stockholders of a close corporation, nor any provision of the certificate of incorporation or of the by-laws of the corporation, which agreement or provision relates to any phase of the affairs of such corporation, including but not limited to the management of its business or declaration and payment of dividends or other division of profits or the election of directors or officers or the employment of stockholders by the corporation or the arbitration of disputes, shall be invalid on the ground that it is an attempt by the parties to the agreement or by the stockholders of the corporation to treat the corporation as if it were a partnership or to arrange relations among the stockholders or between the stockholders and the corporation in a manner that would be appropriate only among partners.

§ 355. Stockholders' option to dissolve corporation

(a) The certificate of incorporation of any close corporation may include a provision granting to any stockholder, or to the holders of any specified number or percentage of shares of any class of stock, an option to have the corporation dissolved at will or upon the occurrence of any specified event or contingency. Whenever any such option to dissolve is exercised, the stockholders exercising such option shall give written notice thereof to all other stockholders. After the expiration of 30 days following the sending of such notice, the dissolution of the corporation shall proceed as if the required number of stockholders having voting power had consented in writing to dissolution of the corporation as provided by section 228 of this title.

(b) If the certificate of incorporation as originally filed does not contain a provision authorized by subsection (a), the certificate may be amended to include such provision if adopted by the affirmative vote of the holders of all the outstanding stock, whether or not entitled to vote, unless the certificate of incorporation specifically authorizes such an amendment by a vote which shall be not less than two-thirds of all the outstanding stock whether or not entitled to vote.

(c) Each stock certificate in any corporation whose certificate of incorporation authorizes dissolution as permitted by this section shall

conspicuously note on the face thereof the existence of the provision. Unless noted conspicuously on the face of the stock certificate, the provision is ineffective.

§ 356. Effect of this subchapter on other laws

The provisions of this subchapter shall not be deemed to repeal any statute or rule of law which is or would be applicable to any corporation which is organized under the provisions of this chapter but is not a close corporation.

SUBCHAPTER XV. FOREIGN CORPORATIONS

Sec.

- 371. Definition; qualification to do business in State; procedure.
- 372. Additional requirements in case of amendment of charter, merger or consolidation.
- 373. Exceptions to requirements.
- 374. Annual report.
- 375. Failure to file report.
- 376. Service of process upon qualified foreign corporations.
- 377. Change of registered agent upon whom process may be served.
- 378. Violations and penalties.
- 379. Banking powers denied.
- 380. Foreign corporation as fiduciary in this State.
- 381. Withdrawal of foreign corporation from State; procedure; service of process on Secretary of State.
- 382. Service of process on non-qualifying foreign corporations.
- 383. Actions by and against unqualified foreign corporations.
- 384. Foreign corporations doing business without having qualified; injunctions.

§ 371. Definition; qualification to do business in State; procedure

(a) As used in this chapter, the words "foreign corporation" mean a corporation organized under the laws of any jurisdiction other than this State.

(b) No foreign corporation shall do any business in this State, through or by branch offices, agents or representatives located in this State, until it shall have filed in the office of the Secretary of State of this State a certified copy of its charter and the name and address of its registered agent in this State, which agent shall be either an individual resident in this State when appointed or another corporation authorized to transact business in this State, together with a sworn statement, as of a date not earlier than six months prior to the filing date, of the assets and liabilities of the corporation, and shall have paid to the Secretary of State, for the use of the State, \$50.

(c) The certificate of the Secretary of State, under his seal of office, of the filing of the charter shall be delivered to the registered

agent upon the payment to the Secretary of State of the usual fees for making certified copies, and the certificate shall be prima facie evidence of the right of the corporation to do business in this State.

§ 372. Additional requirements in case of amendment of charter, merger or consolidation

Every foreign corporation admitted to do business in this State which shall amend its charter or shall be a party to a merger or consolidation shall, within 30 days after the time the amendment or merger or consolidation becomes effective, file with the Secretary of State of this State a copy of the amendment or a copy of the articles of merger or consolidation, duly certified by the proper officer of the jurisdiction in which the corporation shall have been incorporated or under the laws of which the merger or consolidation was effected.

§ 373. Exceptions to requirements

(a) No foreign corporation shall be required to comply with the provisions of sections 371 and 372 of this title, under any of the following conditions:

(1) If it is in the mail order or a similar business, merely receiving orders by mail or otherwise in pursuance of letters, circulars, catalogs, or other forms of advertising, or solicitation, accepting the orders outside this State, and filling them with goods shipped into this State;

(2) If it employs salesmen, either resident or traveling, to solicit orders in this State, either by display of samples or otherwise (whether or not maintaining sales offices in this State), all orders being subject to approval at the offices of the corporation without this State, and all goods applicable to the orders being shipped in pursuance thereof from without this State to the vendee or to the seller or his agent for delivery to the vendee, and if any samples kept within this State are for display or advertising purposes only, and no sales, repairs, or replacements are made from stock on hand in this State;

(3) If it sells, by contract consummated outside this State, and agrees, by the contract, to deliver into this State, machinery, plants or equipment, the construction, erection or installation of which within this State requires the supervision of technical engineers or skilled employes performing services not generally available, and as a part of the contract of sale agrees to furnish such services, and such services only, to the vendee at the time of construction, erection or installation;

(4) If its business operations within this State, although not falling within the terms of paragraphs (1), (2), and (3) of this section or any of them, are nevertheless wholly interstate in character;

(5) If it is an insurance company doing business in this State.

(b) The provisions of this section shall have no application to the question of whether any foreign corporation is subject to service of

process and suit in this State under section 382 of this title or any other law of this State.

§ 374. Annual report

On or before the 30th day of June in each year, a foreign corporation doing business in this State shall file a report with the Secretary of State. The report shall be made on behalf of the corporation by its president, secretary, treasurer, or other officer duly authorized so to act, or by any two of its directors, or by any two of its incorporators in the event its board of directors shall not have been elected. The fact that an individual's name is signed on a certification 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 be on a calendar year basis and shall state the address (which shall include the street, number, city and county) of its registered office in this State; the name of its registered agent at such address upon whom service of process against the corporation may be served; the address (which shall include the street, number, city, state or foreign country) of the main or headquarters place of business of the corporation without this State; the names and addresses of all the directors and officers of the corporation and when the term of each expires; the date appointed for the next annual meeting of the stockholders for the election of directors; the number of shares of each class of its capital stock which it is authorized to issue, if any, and the par value thereof when applicable; and the number of shares of each class of the capital stock actually issued, if any; the amount of capital invested in real estate and other property in this State, and the tax paid thereon; and, if exempt from taxation in this State for any cause, the specific facts entitling the corporation to such exemption from taxation.

§ 375. Failure to file report

Upon the failure, neglect or refusal of any foreign corporation to file an annual report as required by section 374 of this title, the Secretary of State shall investigate the reasons therefor and shall terminate the right of the foreign corporation to do business within this State upon failure of the corporation to file an annual report within any two-year period.

§ 376. Service of process upon qualified foreign corporations

All process issued out of any court of this State, all orders made by any court of this State, all rules and notices of any kind required to be served on any foreign corporation which has qualified to do business in this State may be served on the registered agent of the corporation designated in accordance with section 371 of this title, or, if

there be no such agent, then on any officer, director or other agent of the corporation then in this State.

§ 377. Change of registered agent upon whom process may be served

(a) Any foreign corporation, which has qualified to do business in this State, by filing a certificate of the same kind and nature, and executed as required by section 371 of this title, may change its registered agent and substitute another registered agent, who qualifies under said section 371, for the purposes of this subchapter.

(b) Any individual or corporation designated by a foreign corporation as its registered agent for service of process may resign by filing with the Secretary of State a signed statement that he or it is unwilling to continue to act as the registered agent of the corporation for service of process, including in the statement the post office address of the main or headquarters office of the foreign corporation. Upon the expiration of 30 days after the filing of the statement with the Secretary of State, the capacity of the individual or corporation, as registered agent, shall terminate. Upon the filing of the statement, the Secretary of State forthwith shall give written notice to the corporation by mail of the filing of the statement, which notice shall be addressed to the corporation at the post office address given in the statement and also, if different, to the corporation at its post office address given in the corporation's last annual report filed pursuant to section 374 of this title.

(c) If any agent designated and certified as required by section 371 of this title shall die or remove from this State, or resign, then the foreign corporation for which the agent had been so designated and certified shall, within ten days after the death, removal or resignation of its agent, substitute, designate and certify to the Secretary of State, the name of another registered agent for the purposes of this subchapter, and all process, orders, rules and notices mentioned in section 376 of this title may be served on or given to the substituted agent with like effect as is prescribed in that section.

§ 378. Violations and penalties

Any foreign corporation doing business of any kind in this State without first having complied with any section of this subchapter applicable to it, shall be fined not less than \$200 nor more than \$500 for each such offense. Any agent of any foreign corporation that shall do any business in this State for any foreign corporation before the foreign corporation has complied with any section of this subchapter applicable to it, shall be fined not less than \$100 nor more than \$500 for each such offense.

§ 379. Banking powers denied

(a) No foreign corporation shall, within the limits of this State, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidence of debt, of receiving deposits, of buying gold or silver bullion or foreign coin, of buying and selling bills of exchange, or of issuing bills, notes or other evidences of debt upon loan for circulation as money, anything in its charter or articles of incorporation to the contrary thereof notwithstanding.

(b) All certificates issued by the Secretary of State under section 371 of this title shall expressly set forth the limitations and restrictions contained in this section.

§ 380. Foreign corporation as fiduciary in this State

A corporation organized and doing business under the laws of any state of the United States other than Delaware, duly authorized by its certificate of incorporation or by-laws so to act, may be appointed by any last will and testament, or codicil, or other testamentary writing, probated within this State, as executor, guardian, trustee, or other fiduciary, and may act as such within this State, when and to the extent that the laws of the state in which the foreign corporation is organized confer like powers upon corporations organized and doing business under the laws of this State.

§ 381. Withdrawal of foreign corporation from State; procedure; service of process on Secretary of State

(a) Any foreign corporation which shall have qualified to do business in this State under the provisions of section 371 of this title, may surrender its authority to do business in this State and may withdraw therefrom by filing with the Secretary of State:

(1) A certificate signed by its president or a vice-president and under its corporate seal, attested by its secretary or an assistant secretary, stating that it surrenders its authority to transact business in the State of Delaware and withdraws therefrom; and stating the address to which the Secretary of State may mail any process against the corporation that may be served upon him; or

(2) A copy of a certificate of dissolution issued by the proper official of the state or other jurisdiction of its incorporation, certified to be a true copy under the hand and official seal of the official, together with a certificate, which shall be executed in accordance with paragraph (1) of this subsection, stating the address to which the Secretary of State may mail any process against the corporation that may be served upon him; or

(3) A copy of an order or decree of dissolution made by any court of competent jurisdiction or other competent authority of the state or other jurisdiction of its incorporation, certified to be a true

copy under the hand of the clerk of the court or other official body, and the official seal of the court or official body or clerk thereof, together with a certificate executed in accordance with paragraph (1) of this subsection, stating the address to which the Secretary of State may mail any process against the corporation that may be served upon him.

(b) The Secretary of State shall, upon payment to him of the fees prescribed in section 391 of this title, issue a sufficient number of certificates, under his hand and official seal, evidencing the surrender of the authority of the corporation to do business in this State and its withdrawal therefrom. One of the certificates shall be furnished to the corporation withdrawing and surrendering its right to do business in this State; one certificate shall be delivered to the agent of the corporation designated as such immediately prior to the withdrawal.

(c) Upon the issuance of the certificates by the Secretary of State, the appointment of the registered agent of the corporation in this State, upon whom process against the corporation may be served, shall be revoked, and the corporation shall be deemed to have consented that service of process in any action, suit or proceeding based upon any cause of action arising in this State, during the time the corporation was authorized to transact business in this State, may thereafter be made by service upon the Secretary of State.

(d) In the event of service upon the Secretary of State, it shall be the duty of the Secretary of State forthwith to notify the corporation thereof by registered or certified mail, return receipt requested, directed to the corporation at the address stated in the certificate which was filed with the Secretary of State pursuant to subsection (a) of this section, accompanied by a copy of the process or other papers served upon him. It shall be the duty of the plaintiff in any action, suit or proceeding to serve process or other papers in duplicate and to pay to the Secretary of State the sum of \$5, for the use of the State, which sum shall be taxed as part of the costs in the action, suit or proceeding, if the plaintiff shall prevail therein. The Secretary of State shall enter alphabetically in the process book, kept for that purpose, the name of plaintiff and defendant, the title and docket number of the cause in which process has been served upon him, the return day thereof, and the day and hour when the service was made.

§ 382. Service of process on non-qualifying foreign corporations

(a) Any foreign corporation which shall transact business in this State without having qualified to do business under section 371 of this title shall be deemed to have thereby appointed and constituted the Secretary of State of this State, its agent for the acceptance of legal process in any civil action, suit, or proceeding against it in any State or Federal Court in this State arising or growing out of any

business transacted by it within this State. The transaction of business in this State by such corporation shall be a signification of the agreement of such corporation that any such process when so served shall be of the same legal force and validity as if served upon an authorized officer or agent personally within this State.

(b) The provisions of section 373 of this title shall not apply in determining whether any foreign corporation is transacting business in this State within the meaning of this section; and "the transaction of business" or "business transacted in this State," by any such foreign corporation, whenever those words are used in this section, shall mean the course or practice of carrying on any business activities in this State, including, without limiting the generality of the foregoing, the solicitation of business or orders in this State. The provisions of this section shall not apply to any insurance company doing business in this State.

(c) In the event of service upon the Secretary of State, it shall be the duty of the Secretary of State forthwith to notify the corporation thereof by registered or certified mail, return receipt requested, directed to the corporation at the address furnished to the Secretary of State by the plaintiff in such action, suit, or proceeding, accompanied by a copy of the process or other papers served upon him. It shall be the duty of the plaintiff in any action, suit, or proceeding to serve process or other papers in duplicate and to pay to the Secretary of State the sum of \$5 for the use of the State, which sum shall be taxed as part of the costs in the action, suit, or proceeding, if the plaintiff shall prevail therein. The Secretary of State shall enter alphabetically in the process book, kept for that purpose, the name of the plaintiff and defendant, the title and docket number of the cause in which process has been served upon him, the return date thereof, and the day and hour when the service was made.

§ 383. Actions by and against unqualified foreign corporations

(a) A foreign corporation which is required to comply with the provisions of sections 371 and 372 of this title and which has done business in this State without authority shall not maintain any action or special proceeding in this State unless and until such corporation has been authorized to do business in this State and has paid to the State all fees, penalties and franchise taxes for the years or parts thereof during which it did business in this State without authority. This prohibition shall apply to any successor in interest of such foreign corporation.

(b) The failure of a foreign corporation to obtain authority to do business in this State shall not impair the validity of any contract or act of the foreign corporation or the right of any other party to the contract to maintain any action or special proceeding thereon, and shall not prevent the foreign corporation from defending any action or special proceeding in this State.

§ 384. Foreign corporations doing business without having qualified; injunctions

The Court of Chancery shall have jurisdiction to enjoin any foreign corporation, or any agent thereof, from transacting any business in this State if such corporation has failed to comply with any section of this subchapter applicable to it or if such corporation has secured a certificate of the Secretary of State under section 371 of this title on the basis of false or misleading representations. The Attorney General shall, upon his own motion or upon the relation of proper parties, proceed for this purpose by complaint in any county in which such corporation is doing business.

SUBCHAPTER XVI. MISCELLANEOUS PROVISIONS

Sec.

- 391. Taxes and fees payable to Secretary of State upon filing certificate or other paper.
- 392. Improperly recorded certificates or other documents; effect.
- 393. Rights, liabilities and duties under prior statutes.
- 394. Reserved power of State to amend or repeal chapter; chapter part of corporation's charter or certificate of incorporation.
- 395. Corporations using "trust" in name, advertisements and otherwise; restrictions; violations and penalties; exceptions.
- 396. Publication of chapter by Secretary of State; distribution.
- 397. Penalty for unauthorized publication of chapter.
- 398. Short title.

§ 391. Taxes and fees payable to Secretary of State upon filing certificate or other paper

(a) The following taxes and fees shall be collected by and paid to the Secretary of State, for the use of the State, upon the receipt for filing of any certificate or other paper relating to corporations in the office of the Secretary of State—

(1) Upon the receipt for filing of an original certificate of incorporation, the tax shall be computed on the basis of one cent for each share of authorized capital stock having par value up to and including 20,000 shares, one-half of a cent for each share in excess of 20,000 shares up to and including 200,000 shares, and one-fifth of a cent for each share in excess of 200,000 shares; one-half of a cent for each share of authorized capital stock without par value up to and including 20,000 shares, one-fourth of a cent for each share in excess of 20,000 shares up to and including 2,000,000 shares, and one-fifth of a cent for each share in excess of 2,000,000 shares. In no case shall the amount paid be less than \$10. For the purpose of computing the tax on par value stock each \$100 unit of the authorized capital stock shall be counted as one taxable share.

(2) Upon the receipt for filing of a certificate of amendment of certificate of incorporation, or an amended certificate of incorpora-

tion before payment of capital, or a restated certificate of incorporation, increasing the authorized capital stock of a corporation, the tax shall be an amount equal to the difference between the tax computed at the foregoing rates upon the total authorized capital stock of the corporation including the proposed increase, and the tax computed at the foregoing rates upon the total authorized capital stock excluding the proposed increase. In no case shall the amount paid be less than \$10.

(3) Upon the receipt for filing of an amended certificate of incorporation before payment of capital and not involving an increase of authorized capital stock, or an amendment to the certificate of incorporation not involving an increase of authorized capital stock, or a restated certificate of incorporation not involving an increase of authorized capital stock, or a composite certificate of incorporation, or a certificate of reduction of capital, or a certificate of retirement of preferred stock, the tax to be paid shall be \$10. For all other certificates relating to corporations, not otherwise provided for, the tax to be paid shall be \$5. In case of corporations created solely for religious or charitable purposes no tax shall be paid.

(4) Upon the receipt for filing of a certificate of merger or consolidation of two or more corporations, the tax shall be an amount equal to the difference between the tax computed at the foregoing rates upon the total authorized capital stock of the corporation created by the merger or consolidation, and the tax so computed upon the aggregate amount of the total authorized capital stock of the constituent corporations. In no case shall the amount paid be less than \$20.

(5) Upon the receipt for filing of a certificate of dissolution, there shall be collected by and paid to the Secretary of State a tax of \$10; a fee of \$5 in each case for filing and/or indexing the certificate and the affidavit; a fee of \$5 for certifying to and/or copying the certificate.

(6) Upon the receipt for filing of a certificate or other paper of surrender and withdrawal from the State by a foreign corporation, there shall be collected by and paid to the Secretary of State a tax of \$10; a fee of \$2 for filing and/or indexing the certificate or other paper; a fee of \$5 for certifying to and/or copying the certificate or other paper; and a fee of \$1 for the Prothonotary in each county of the State, to be paid over by the Secretary of State to each Prothonotary upon the issuance by the Secretary of State of certificates of surrender and withdrawal.

(7) For receiving and filing and/or indexing any certificate, affidavit, agreement, report or any other paper provided for by this chapter, for which no different fee is specifically prescribed, a fee of \$5 in each case shall be paid.

(8) For receiving and filing and/or indexing the annual report of a foreign corporation doing business in this State, a fee of \$25 shall be paid.

(9) For recording and indexing articles of association and other papers required by this chapter to be recorded by the Secretary of State, a fee computed on the basis of one cent a line shall be paid.

(10) For certifying to and/or copying any certificate of incorporation, or any certificate of amendment to certificate of incorporation, or any restated certificate of incorporation, or any composite certificate of incorporation, or any certificate of merger or consolidation, a fee shall be paid computed on the basis of \$2 for affixing the seal of the office and sixty cents per page of 30 lines, or any part thereof, for original copies, and \$2 for affixing the seal of the office and thirty cents per page for each duplicate copy thereof. In no case shall the fee to be paid be less than \$6.

(11) For filing in the office of the Secretary of State any certificate of change of registered agent or change of location of the registered office of a corporation, as provided in section 133 of this title, there shall be collected by and paid to the Secretary of State a fee of \$5.

(12) For filing in the office of the Secretary of State, any certificate of change of address of registered agent, as provided in section 134 of this title, there shall be collected by and paid to the Secretary of State a fee of \$50, plus the same fees for receiving, filing, indexing, copying and certifying the same as are charged in the case of filing a certificate of incorporation.

(13) For filing in the office of the Secretary of State any certificate of resignation of a registered agent and appointment of a successor, as provided in section 135 of this title, there shall be collected by and paid to the Secretary of State a fee of \$50 and a further fee of \$2 for each corporation whose registered agent is changed by such certificate.

(14) For filing in the office of the Secretary of State any certificate of resignation of a registered agent without appointment of a successor, as provided in section 136 of this title, there shall be collected by and paid to the Secretary of State a fee of \$2.50 for each corporation whose registered agent has resigned by such certificate.

(15) For certifying to and/or copying any other form of certificate provided for in this chapter, a fee shall be paid computed on the basis of the provisions of section 2316 of Title 29.

(b) For the purpose of computing the taxes prescribed in subsection (a), (1, 2 and 4) of 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 total number of shares that may be outstanding at any one time be limited to a less number.

(c) The Secretary of State may issue and shall collect and receive the fees prescribed in this section on photocopies of instruments furnished by his office as well as for original copies thereof.

(d) No fees for the use of the State shall be charged or collected from any corporation incorporated for the drainage and reclamation

of lowlands or for the amendment or renewal of the charter of such corporation.

§ 392. Improperly recorded certificates or other documents; effect

In case any certificate or other document of any kind required by any of the provisions of this chapter to be recorded in the office of any of the Recorders of the several counties of this State shall have heretofore been, or shall hereafter be, recorded in the office of the Recorder of a county of this State other than the county in which the certificate or other document is required to be recorded, the subsequent recording of the document in the Recorder's office in which the certificate or other document should have been recorded shall validate and confirm all acts done under or pursuant to the certificate or document, with like force and effect as if the certificate or document had been originally recorded as required by the provisions of this chapter.

§ 393. Rights, liabilities and duties under prior statutes

All rights, privileges and immunities vested or accrued by and under any laws enacted prior to the adoption or amendment of this chapter, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws enacted prior to the adoption or amendment of this chapter, shall not be impaired, diminished or affected by this chapter.

§ 394. Reserved power of State to amend or repeal chapter; chapter part of corporation's charter or certificate of incorporation

This chapter may be amended or repealed, at the pleasure of the Legislature, but any amendment or repeal shall not take away or impair any remedy under this chapter against any corporation or its officers for any liability which shall have been previously incurred. This chapter and all amendments thereof shall be a part of the charter or certificate of incorporation of every corporation except so far as the same are inapplicable and inappropriate to the objects of the corporation.

§ 395. Corporations using "trust" in name, advertisements and otherwise; restrictions; violations and penalties; exceptions

(a) Every corporation of this State using the word "trust" as part of its name shall be under the supervision of the State Bank Commissioner of this State and shall make not less than two reports during each year to the Commissioner, according to the form which shall be prescribed by him, verified by the oaths or affirmations of the president or vice-president, and the treasurer or secretary of the corporation, and attested by the signatures of at least three directors.

(b) No corporation of this State shall use the word "trust" as part of its name, except corporations reporting to and under the supervision of the State Bank Commissioner of this State. The name of

any corporation shall not be amended so as to include the word "trust" unless the corporation shall report to and be under the supervision of the Commissioner.

(c) No person, firm, association of persons, or corporation of this State, except only corporations reporting to and under the supervision of the State Bank Commissioner of this State, shall advertise or put forth any sign as a trust company, or in any way solicit or receive deposits or transact business as a trust company, or use the word "trust" as a part of his, their or its name.

(d) Any violation of subsection (c) of this section shall constitute a misdemeanor and the offender shall be fined not exceeding \$500 for each offense.

(e) Nothing contained in this section shall be construed to prevent any individual, as such, from acting in any trust capacity, as allowed by law. The prohibition contained in this section against the use of the word "trust" in the corporate name of any corporation organized under this chapter shall not apply to any corporation which has, from a date prior to January 1, 1941, been continuously and actively engaged in any business, other than the business of selling stock or other intangible property represented as securities or investments, under a name including the word "trust" as a part of its corporate name, but nothing contained in this subsection shall permit any corporation to engage in any banking or trust company business, as such business is defined in the banking laws of this State.

§ 396. Publication of chapter by Secretary of State; distribution

The Secretary of State may have printed, from time to time as he deems necessary, pamphlet copies of this chapter, and he shall dispose of the copies to persons and corporations desiring the same for a sum not exceeding the cost of printing. The money received from the sale of the copies shall be disposed of as are other fees of the office of the Secretary of State. Nothing in this section shall prevent the free distribution of single pamphlet copies of this chapter by the Secretary of State, for the printing of which provision is made from time to time by joint resolution of the General Assembly.

§ 397. Penalty for unauthorized publication of chapter

Whoever prints or publishes the provisions of this chapter without the authority of the Secretary of State of this State, shall be fined not more than \$500 or imprisoned not more than 3 months, or both.

§ 398. Short title

This chapter shall be known and may be identified and referred to as the "General Corporation Law of the State of Delaware."

Approved July 3, 1967

CHAPTER 51

AN ACT PROVIDING THAT AN APPROPRIATION PREVIOUSLY MADE TO THE PUBLIC ARCHIVES COMMISSION SHALL NOT REVERT TO THE GENERAL FUND UNTIL JUNE 30, 1969.

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

Section 1. The sum of \$25,000 appropriated to the Public Archives Commission by Chapter 127, Volume 54, Laws of Delaware, shall not revert to the General Fund of this state until June 30, 1969.

Approved July 3, 1967.

CHAPTER 52

AN ACT RATIFYING AND AUTHORIZING THE EXPENDITURES OF CERTAIN SCHOOL CONSTRUCTION FUNDS MADE BY LOCAL SCHOOL DISTRICTS PRIOR TO JUNE 30, 1964 AND WAIVING CERTAIN PROVISIONS OF TITLE 29 DELAWARE CODE FOR THE PURPOSE OF ALLOWING PAYMENT BY KENTON SCHOOL FOR ROOF REPAIRS.

WHEREAS, prior to June 30, 1964 school construction funds made available to local school districts under one school building program act were frequently used by such local districts to complete or supplement projects authorized under a prior or subsequent school building program act; and

WHEREAS, these expenditures were approved by the Delaware School Auxiliary Association, and the State Department of Public Instruction, and the State Auditor's Office; and

WHEREAS, the Attorney General has rendered an opinion to the effect that absent express authority from the General Assembly such use of funds was improper; and

WHEREAS, audits of the construction funds of several local school districts have brought into question the propriety of such expenditures made in accordance with long established practice prior to 1964; and

WHEREAS, many other school districts heretofore followed the same practice in the use of unexpended funds available from a particular school building program act, although no audits may have been made in respect thereto; and

WHEREAS, the school districts discontinued this practice in respect to the use of unexpended funds after being informed of the opinion of the Attorney General; and

WHEREAS, Kenton School Number 9 incurred a bill for a new roof in the amount of \$3,380.55 without fully complying with the provisions of Chapter 298, Volume 55, Laws of Delaware and certain provisions of Title 29 of the Delaware Code; and

WHEREAS, it is desirable to validate, by retroactively ratifying and expressly authorizing all such expenditures heretofore made by all school districts in accordance with prior long established practice; and

WHEREAS, it is also desirable to validate the act of the Kenton School District No. 9 in contracting for a new roof and to make provisions for the payment thereof,

NOW, THEREFORE:

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members of each branch concurring therein) :

Section 1. The expenditures of all school construction funds including both the State share and the local share made available to any local school district pursuant to the provisions of the school building program act of 1963 (Volume 54, Delaware Laws, Chapter 171) or of any prior school building program act used by any local school district for any school construction project properly authorized pursuant to a certificate of necessity is hereby expressly authorized, approved and ratified, notwithstanding the fact that funds authorized for use under one certificate of necessity have been used for projects under a different certificate of necessity issued pursuant to some other school building program act.

Section 2. The provisions of Section 6512, Title 29, Delaware Code, and Chapter 69, Title 29, Delaware Code, are hereby waived for the sole purpose of paying a bill in the amount of \$3,380.55 incurred by the Kenton School No. 9 for a new roof, said sum having been heretofore appropriated pursuant to Chapter 298, Volume 55, Laws of Delaware.

Section 3. Nothing herein contained shall be construed to apply to any expenditures of school construction funds made by any school district after June 30, 1964, except as herein provided in Section 2.

Section 4. Nothing herein contained authorizes the appropriation or expenditure of any new or additional funds over and above the total of funds heretofore appropriated and expended for school construction.

Section 5. Any act inconsistent with the provisions hereof be and the same hereby is repealed to the extent of such inconsistency.

Became law on June 30, 1967 without approval of Governor pursuant to Section 18, Article III, Constitution of State of Delaware.

CHAPTER 58

AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, BY AUTHORIZING THE STATE TREASURER TO MAKE CERTAIN PAYROLL DEDUCTIONS.

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

Section 1. Title 29, Delaware Code, is amended by striking §5106 and inserting in lieu thereof a new §5106 to read as follows:

§ 5106. Salary deduction for hospitalization insurance and dues

The State Treasurer shall, upon written directions received by him from any State employee, deduct from such employee's salary such sum as the employee shall in writing direct for hospitalization insurance, and other Group insurance programs, for membership fees in a school employees' organization and for credit unions managed by and for state employees and pay such deducted sum as he shall be directed, and the Budget Director shall give approval thereto. Deduction must be equal monthly amounts in excess of one dollar and the State Treasurer shall make such rules and regulations as he may deem necessary concerning the number of billings per month, preparation of billing lists, and the number of deductions per month for insurance purposes.

Section 2. Nothing contained in this Act shall be construed to make the State Treasurer, Budget Director, or any employee thereof liable in any manner whatsoever, other than for an accurate accounting of any monies so deducted, as such officers and their employees shall be deemed to be acting in so doing as a matter of courtesy and convenience for the person so directing the retention and payment of part of his salary as aforesaid.

Approved July 5, 1967.

CHAPTER 54

AN ACT AMEND SECTION 5401, TITLE 7, DELAWARE CODE, RELATING TO THE CREATION AND COMPOSITION OF THE DELAWARE ARCHAEOLOGICAL BOARD.

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

Section 1. Section 5401, Title 7, Delaware Code, is amended to read as follows:

The Delaware Archaeological Board is created, consisting of nine members, one each from the following Delaware organizations: the Public Archives Commission, The Delaware State Museum, the Archaeological Society of Delaware, the Sussex Society of Archaeology and History, the University of Delaware, the State Board of Education, the State Highway Department, the Kent County Archaeological Society, and the Delaware Board of Game and Fish Commissioners, to be appointed by the Governor from a list of three names furnished by each of said organizations to the Governor prior to the appointment.

Approved July 5, 1967.

CHAPTER 55

AN ACT TO REPEAL § 5301, CHAPTER 53, TITLE 15, DELAWARE CODE RELATING TO CALLING OUT THE NATIONAL GUARD.

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

Section 1. That §5301, Chapter 53, Title 15, Delaware Code, is hereby repealed.

Approved July 5, 1967.

CHAPTER 56

AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, TO PERMIT THE SETTING ASIDE OF A PORTION OF THE NET RECEIPTS OF THE MUNICIPAL LIGHT AND POWER PLANT AS A RESERVE.

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 (A), Section 33, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following :

(A) The City Council of Seaford is hereby enjoined to set aside twenty-five percent, (25%) of the net receipts of the municipal light and power plant as a reserve fund to be held in trust to be used solely for the erection of a new plant or some addition to the existing plant, or for the replacement, expansion, rebuilding, or improvement of the municipal light and power plant at Seaford; provided, however, that after the said reserve fund shall have reached the amount or value of Two Hundred Thousand Dollars (\$200,000.00) in hand, it will no longer be mandatory to continue to add to the reserve until the reserve again falls below the figure.

Section 2. Subsection (B), Section 33, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following :

(B) The City of Seaford is hereby enjoined to set aside ten per cent (10%) of the net receipts of the municipal light and power plant as a reserve fund to be held in trust to be used solely for the expansion, replacement, rebuilding or improvement of the electrical transmission system outside of the plant itself; provided, however, that after the said reserve fund shall have reached the amount or value of One Hundred Thousand

(\$100,000.00) in hand, it will no longer be mandatory to continue to add to the reserve until the reserve again falls below the figure.

Section 3. Subsection (C), Section 33, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby amended by striking out all of said Subsection and substituting in lieu thereof the following:

(C) Whenever from time to time the fund mentioned in paragraph (A) shall have reached Two Hundred Thousand Dollars (\$200,000.00) of the fund mentioned in paragraph (B) shall have reached One Hundred Thousand Dollars (\$100,000.00) or both, the City Council of Seaford may use the entire net income of the municipal light and power plant for such purposes as it shall see fit, but the necessity to accumulate a reserve shall always be upon the city officials so long as either of these reserve funds is below the figure indicated herein.

Approved July 5, 1967.

CHAPTER 57

**AN ACT MAKING AN APPROPRIATION IN THE AMOUNT
OF \$42,282.00 TO THE STATE BOARD OF EDUCATION
FOR CERTAIN IMPROVEMENTS AND REPAIRS TO
SCHOOL BUILDINGS IN MIDDLETOWN SCHOOL
DISTRICT #60.**

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

Section 1. The State Board of Education is hereby authorized and empowered to pay the Middletown School District #60 for 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 local districts only for the actual expenses of repairs of a capital nature, including but not limited to the re-building or major repair of roofs, floors, heating systems, electrical, and plumbing or water systems.

Section 2. (1) Before any repairs authorized under the provision of this Act are undertaken by the Middletown School District #60, the school district shall send a request to the State Board of Education and such 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 to the local school district for any repairs, and the decisions of the State Board shall be final.

(2) In order to determine the right of payment to the school district, the State Board, or its designated representative, shall;

(a) Inspect the building or buildings to determine that the repairs requested by the school district are needed and are in accordance with the criteria established in Section 1 of this Act.

(b) Provide necessary help to the school district for letting of bids on the repairs or replacements meeting the criteria.

(c) Inspect the repairs upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality.

(d) Pay the cost of the repairs made by the school district in accordance with the provisions of this Act after the repairs are accepted as meeting all specifications as to workmanship and materials.

Section 3. In order to carry out the provisions of this Act, there is hereby appropriated to the State Board of Education the sum of \$42,282.00 or so much thereof as may be necessary to be expended by the State Board for the purpose set forth in Section 1 of this Act.

Section 4. The sum of \$42,282.00 is appropriated to the State Board of Education for Middletown School #60 for the following named purposes:

Replace double door west end of south wing — Redding School	\$ 391.00
Remove and replace main entrance walk — Redding School	650.00
Heating-radiant floor coil to be replaced by finn tube radiation — Redding School ..	6,000.00
Ceilings — replace acoustical ceiling corridors — Redding School	5,650.00
Ceilings—replace acoustical ceiling in gym —Redding School	5,000.00
Epoxy coating each entrance — Redding School	1,800.00
Curtains — stage and window curtains replaced in gym — Redding School	6,000.00
Roofing — repairs parapet, masonry walls — Redding School	7,500.00

Joins between metal windows and louvers as well as joins between wood and masonry at heads and jams at all exterior door frames — cleaned out and caulked — Redding School — 192 windows, 35 louvers and 20 door frames	2,500.00
Painting all steel windows and all exterior doors and frames — 124 windows 20 doors — Redding School	2,000.00
Shop doors — 2 overhead doors need replacing — Redding School	600.00
Architects fees 6%	2,286.00
Contingency	1,905.00
Total	<hr/> \$42,282.00

Section 5. This is a supplementary appropriation, and the monies so appropriated shall come from the General Fund of the State. Any monies which remain unexpended on June 30, 1968, shall revert to the State and be deposited to the General Fund of the State.

Approved July 5, 1967.

CHAPTER 58

AN ACT TO AMEND CHAPTER 27, TITLE 11, DELAWARE CODE BY PROVIDING FOR STATEWIDE JURISDICTION OF JUSTICE OF THE PEACE COURTS.

Be it enacted by the General Assembly of the State of Delaware, (two-thirds of the members of each House Concurring therein) :

Section 1. That Chapter 27, Title 11, Delaware Code, as amended, be and the same is hereby further amended by striking out and repealing all of Section 2701 (a), and by substituting in lieu thereof, a new Section 2701 (a), as follows:

§ 2701. Original jurisdiction

(a) The Justices of the Peace shall have original jurisdiction to hear, try and finally determine misdemeanors alleged to have been committed, only when such jurisdiction is expressly conferred by law. Such jurisdiction, unless otherwise expressly provided by law, shall be throughout the State.

Approved July 5, 1967.

CHAPTER 59

AN ACT AMENDING TITLE 10, DELAWARE CODE, CHAPTER 39, BY THE ADDITION THERETO OF §3924 RELATING TO THE LIABILITY OF AN OCCUPIER OF LAND TO GUESTS ON THE LAND WITHOUT PAYMENT.

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

Section I. Title 10, Delaware Code, Chapter 39 is amended by inserting a new §3924 to read as follows:

§ 3924. No person who comes onto premises occupied by another person as his guest without payment shall have a cause of action for damages against the occupier of the premises unless such accident was intentional on the part of the occupier or was caused by his wilful or wanton disregard of the rights of others.

Approved July 5, 1967.

CHAPTER 60

AN ACT TO AMEND SECTION 6536, TITLE 11, DELAWARE CODE, RELATING TO MEDICAL CARE IN THE DEPARTMENT OF CORRECTION.

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

Section 1. § 6536, Title 11, Delaware Code, is amended by inserting the word "reasonable" after the word "promulgate," and after the word "establish" in sentence one and by adding thereto a new paragraph after paragraph one and before paragraph two, as follows:

The nature and extent of such medical and dental services shall be determined by the Commissioner of Correction in consultation with the Chief Medical Officer of this Department.

Approved July 5, 1967.

CHAPTER 61

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 POWER AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, CHANGING THE CORPORATE NAME, ESTABLISHING A PROCEDURE FOR ANNEXATION, DELETING THE RESTRICTION AGAINST COMPENSATION FOR COMMISSIONERS, CLARIFYING THE QUALIFICATIONS FOR COMMISSIONER, DEFINING THE WORD "FREEHOLDER", PERMITTING CERTAIN LEASEHOLDERS TO NOMINATE PERSONS FOR ELECTIVE OFFICE, PROVIDING A REGISTRATION PROCEDURE FOR VOTERS, CHANGING THE TIME OF REORGANIZATION, PROVIDING FOR REGULAR MEETING OF COMMISSIONERS, PROVIDING POWERS AND DUTIES OF CITY MANAGER, ESTABLISHING PROCEDURE FOR REMOVAL OF CITY MANAGER AND EMPLOYEES OF THE CITY, PROVIDING FOR PAYMENT OF ACCOUNTANTS, ESTABLISHING INDEFINITE TERMS OF OFFICE FOR CERTAIN APPOINTIVE OFFICES, ESTABLISHING THE POLICE DEPARTMENT UNDER THE DIRECTION OF THE CITY MANAGER, CHANGING THE DATE WHEN ASSESSMENT IS DELIVERED TO COMMISSIONERS, CHANGING DATE FOR FIXING THE BUDGET, PROVIDING FOR TAXING IMPROVEMENTS ON CERTAIN LEASED LAND, PROVIDING FOR A FIRST LIEN ON IMPROVEMENTS LOCATED ON CERTAIN LEASED LAND, PERMITTING THE SALE OF IMPROVEMENTS LOCATED IN CERTAIN LEASED LAND FOR NON-PAYMENT OF TAXES, AUTHORIZING THE ESTABLISHMENT OF A PENSION PLAN OR A HEALTH AND WELFARE PLAN FOR CITY EMPLOYEES, DEFINING THE WORD "OWNER" IN CONNECTION WITH PAVING, GUTTERING, CURBING AND STREETS, AUTHORIZING A

WARDING OF CONTRACTS UNDER CERTAIN CONDITIONS WITHOUT COMPETITIVE BIDDING, AND DEFINING THE WORD "USER" IN CONNECTION WITH THE PUBLIC WATER SYSTEM AND PUBLIC SEWER SYSTEM.

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 a, Section 1, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking all of said Subsection and substituting in lieu thereof the following:

a. The Commissioners of Rehoboth Beach now in Office, and their successors hereafter chosen under the provisions of this Charter, within the limits and boundaries established by this Charter, shall be and they are, created a body politic and corporate, in fact and in Law and Equity, by the name, style and title of "THE CITY OF REHOBOTH BEACH", and under that name 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, plead and be impleaded in any and all Courts of Law and Equity in the State of Delaware and elsewhere by said corporate name; may take, receive, hold and enjoy any and all lands, tenements and hereditaments located either within or without the limits and boundaries set forth in Section 2 of this Charter, in fee simple or for a lesser estate, interest or otherwise, and also goods, chattels, rights and credits, and may sell, lease, hold, manage and control any such property or properties in such a maner as The Commissioners may deem expedient and proper for the purposes hereinafter to be expressed; and may appoint such Officers and agents as shall be necessary or convenient for the management of the affairs of the City, and may fix and determine the compensation of such officers and agents.

Section 2. Subsection c, Section 1, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by

striking out all of said Subsection and substituting in lieu thereof the following:

c. All actions, suits and proceedings shall be brought in the name of "THE CITY OF REHOBOTH BEACH."

Section 3. Subsection d, Section 2, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking all of said Subsection and substituting in lieu thereof the following:

d. The Commissioners of Rehoboth Beach shall have the power to annex additional territory adjoining the corporate limits of The City of Rehoboth Beach as hereinbefore set forth or as hereafter extended pursuant to the procedure hereinafter set forth and to apply to all such additional territory all laws, ordinances, resolutions and policies in force with the City so far as they may be locally applicable. The Commissions of Rehoboth Beach shall adopt a Resolution proposing to the property owners and the residents of both the City and of the Territory proposed to be annexed that The City of Rehoboth Beach proposes to annex certain territory which adjoins its then limits and territory. The 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 setting forth the information shall be printed in a newspaper published in The City of Rehoboth Beach at least one week prior to the date set for the public hearing, or, if no newspaper is published in The City, publication shall be had in a newspaper having a general circulation both in The City and in the territory proposed to be annexed, or, at the discretion of The Commissioners of Rehoboth Beach, the said Resolution shall be posted in four (4) public places both in The City and in the territory proposed to be annexed.

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 Rehoboth Beach 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 Rehoboth Beach to proceed with the matter of the proposed annexation.

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 published in The City, or, if no newspaper is published in The City, the notice may be printed within thirty (30) days immediately preceding the date of the Special Election in two (2) issues of a newspaper having a general circulation in The City and in the territory proposed to be annexed, or, in the discretion of The Commissioners of Rehoboth Beach the said notice may be posted in five (5) public places both in The City and in the territory proposed to be annexed, at least fifteen (15) days prior to the date of the Special Election.

At the Special Election, every property owner whether an individual, a partnership, or a corporation, both in The City 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 City in the case of City 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. Each leaseholder holding land under a valid lease for a term of not less than ten (10) years whose lease is recorded in the Office of the Recorder of Deeds, in and for Sussex County, and who has erected upon his or her leasehold an improvement having an assessed valuation of at least One Thousand Dollars (\$1,000.00) shall be entitled to one vote for each One Hundred Dollars (\$100.00) of assessment as shown by the records of The City in the case of City leaseholders and by the records of the Board of Assessment of Sussex County in the case of leaseholders in the territory proposed to be annexed. Every citizen of either The City or of the territory proposed to be annexed who is not a property owner or leaseholder as herein defined shall have one (1) vote. In the case of property owned or leased, as aforesaid, by a husband and wife jointly, the husband and wife shall each have one vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person owns property both in The City 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 City and in the territory proposed to be annexed but does not reside in either place, he may vote only in The City and not in the territory proposed to be annexed. Property owners or leaseholders, as herein defined, whose property or whose improvement located on leased land is exempt from taxation or is not assessed shall not be entitled to vote. The books and records of The City of Rehoboth Beach in the case of City property owners or leaseholders as herein defined and the books and records of the Board of Assessment of Sussex County in the case of property owners or leaseholders as herein defined in the territory proposed to be annexed shall be conclusive evidence of the right of such property owners or leaseholders to vote at the Special Election.

In the event that an individual, partnership or corporation holds a power of attorney duly executed and acknowledge and specifically authorizing the said individual, partnership or corporation to vote at the said Special Election, a duly authenticated copy of the power of attorney shall be filed in the office of the City Manager of The City of Rehoboth Beach. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of said person, partnership or corporation to vote in the Special Election.

The Commissioners of Rehoboth Beach 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.

The form of the ballot shall be as follows:

This ballot casts votes.

- ☐ For the proposed annexation.
- ☐ Against the proposed annexation.

(check one)

The Mayor shall appoint three (3) persons to act as a Board of Special Election, at least one of whom shall reside and own property in The City, and at least one of whom shall reside and own 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 Municipal Building 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, property owners or leaseholders 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, property owners or leaseholders of The City shall be deposited in the other such ballot box. The polling places shall be open from 1:00 o'clock p.m., prevailing time, until 6:00 o'clock p.m., prevailing time, on the date set for the Special Election.

Immediately upon the closing of the polling places, the Board of Special 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 Rehoboth Beach. The said certificate shall be filed with the papers of The Commissioners of Rehoboth Beach.

In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from The City and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Referendum results in an unfavorable vote for annexation, a subsequent election may be held at any time. If a favorable vote for annexation shall have been cast, The Commissioners of Rehoboth Beach 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 recordation 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 City of Rehoboth Beach from the time of recordation. The failure of The Commissioners of Rehoboth Beach to record the description and plot within the time hereinbefore specified shall not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of favorable election.

Section 4. Subsection b, Section 3, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection.

Section 5. Subsection a, Section 3, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

a. The government of The City and the exercise of all power conferred by this Charter, except as otherwise provided herein, shall be vested in The Commissioners of Rehoboth Beach. The Commissioners of Rehoboth Beach shall consist of seven (7) members, to be chosen as hereinafter provided. One of said Commissioners shall have the title of Mayor of The City of Rehoboth Beach, with duties hereinafter to be prescribed, and who shall also be President of The Commissioners of Rehoboth Beach. Each of the seven (7) Commissioners of Rehoboth Beach, at the time of the approval of his qualifications by The Commissioners as hereinafter provided or at the time of his appointment as the case may be, and throughout his term of office, shall have attained the age of twenty-one (21) years of age, be a non-delinquent taxable of The City and a freeholder of The City. Three (3) of the said Commissioners shall reside outside the corporate limits of The City and three (3) of the said Commissioners shall be bona fide residents of The City. The Commissioner with the title of Mayor of The City of Rehoboth Beach shall also be a bona fide resident of The City. If any one of The Commissioners, shall, during his term of office, cease to be a freeholder of The City, he shall *ipso facto* vacate his office. If any one of the resident Commissioners or if The Commissioner with the title of Mayor of The City of Rehoboth Beach shall cease during his term of office to be a bona fide resident of The City of Rehoboth Beach, he shall *ipso facto* vacate his office. If any one of the non-resident Commissioners shall become a resident of The City by reason of moving within the corporate limits of The City or by annexation or otherwise, he shall, *ipso facto*, vacate his office. The Commissioners shall be the judges of the qualifications of their members. For all purposes of this Charter, a "freeholder" shall be deemed to include any person who holds fee simple title to real property in his own name, or who holds title to an un-

divided interest in real property or who holds title to real estate as a tenant by the entirety.

Section 6. Subsection d, Section 6, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking all of said Subsection and substituting in lieu thereof the following:

d. No qualified elector shall sign the nominating petition of more candidates than there are elective offices to be filled at such regular municipal election. Each qualified elector signing such petition shall also state whether he signed such petition as a freeholder in The City or as a leaseholder in The City holding land under a valid lease for a term of at least ten (10) years whose lease is recorded in the Office of the Recorder of Deeds, in and for Sussex County, and who has erected upon the leasehold an improvement having an assessed valuation of at least One Thousand Dollars (\$1,000.00) as shown by the records of the City of Rehoboth Beach or as a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of The City for three months immediately preceding such election.

Section 7. Subsection d, Section 7, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking all of said Subsection and substituting in lieu thereof the following:

d. At such annual election, every person, male or female, who shall have attained the age of twenty-one (21) years and who shall have been a freeholder in The City of Rehoboth Beach for a period of three (3) months immediately preceding such election whether or not a resident of the State of Delaware or of The City of Rehoboth Beach and also every person, male or female, who shall have attained the age of twenty-one years on the date of election and who shall be a bona fide resident of the State of Delaware for a period of one (1) year and of The City of Rehoboth Beach for at least three (3) months on the date of the annual election shall have one (1) vote provided he or she has registered on the "Books of Registered Voters" of The City of Rehoboth Beach. The Commissioners of Rehoboth Beach shall

provide two registers to be known as the "Books of Registered Voters" which are to be kept at the Office of the City Manager. The Books of Registered Voters shall contain the following information for each registrant: The names of the voters arranged in alphabetical order, the permanent address of the voter, the local address of the voter, the birthdate of the voter, the date the registrant became a resident of the State of Delaware, the date the registrant became a resident of The City of Rehoboth Beach, the date when the registrant became a freeholder of The City of Rehoboth Beach, and other pertinent information. No person shall be registered upon the Books of Registered Voters unless he will have acquired the qualifications to vote in the annual election for the year in which he registers. A person shall only be required to register one time; provided, however, that if a registered voter fails to vote in two consecutive annual elections, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by registered mail with return receipt requested advising that his name has been removed from the list of registered voters and that it will be necessary to register again in order to be eligible to vote in the annual election. The Books of Registered Voters shall be maintained at the Office of the City Manager and shall be conclusive evidence of the right of any person to vote at the annual election. A person may register at the Office of the City Manager during the regular office hours on any day and on the day of election by completing such forms as be provided by The City.

Section 8. Subsection a, Section 8, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

a. The Commissioners of Rehoboth Beach, at the first regular meeting following the annual election, shall meet for the purpose of organization at the usual place for holding meetings of The Commissioners of Rehoboth Beach. The newly elected officers shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity, which oath or affirmation shall be taken before a Notary Public, a Justice of the Peace or by a holding-over member of The Com-

missioners. The newly elected Commissioner with the title of Mayor of The City of Rehoboth Beach shall assume the chair of the office of Mayor of The City of Rehoboth Beach. The Commissioners shall likewise select a Secretary from their own number to serve until the first regular meeting after the next succeeding election. They shall also choose an Assistant Secretary to serve as aforesaid, who may or may not be from among their own number and such other officers and employees as may be determined to be necessary.

Section 9. Subsection b, Section 8, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking all of said Subsection.

Section 10. Subsection a, Section 9, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended, by striking out all of said Subsection and substituting in lieu thereof the following:

a. The Commissioners of Rehoboth Beach shall hold one meeting in each month on the second Friday of the month. If the second Friday of the month shall be a legal holiday, the monthly meeting of The Commissioners of Rehoboth Beach shall be held on the third Friday of the month. Special meetings shall be called by the Secretary upon the written request of the Mayor of The City of Rehoboth Beach, or upon the written request of any two members of The Commissioners, stating the day, hour and place of the special meeting request, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the President and to each member of The Commissioners of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary must be deposited in the United States mail in the main post office of The City of Rehoboth Beach at least forty-eight (48) hours before the time of such special meeting: provided, that a written waiver of such notice, signed by the Mayor of The City of Rehoboth Beach and all other members of The Commissioners prior to or immediately upon the convening of such special meeting, shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such

waiver, and the transaction of any other business at the meeting, if the waiver so states.

Section 11. Subsection c, Section 17, Chapter 197, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and inserting in lieu thereof the following:

c. The City Manager shall hold office for an indefinite term and may be removed by a majority vote of the Commissioners. At least thirty days before such removal shall become effective, The Commissioners shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, The Commissioners by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, The Commissioners may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the preliminary resolution.

Section 12. Subsection e, Section 17, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and inserting in lieu thereof the following:

e. The City Manager shall be responsible to The Commissioners of Rehoboth Beach for the proper administration of the affairs of The City placed in his charge and to that end he shall have the power to appoint and remove all officers and employees of The City. All appointments made by the Manager shall be without definite term. All such employees appointed by the Mayor, or by his authorization, may be removed by him at any time. He shall exercise his sole discretion in the appointment or hiring of any such employees; provided, however, that if a resident or residents of The City, competent to perform the work required by the Manager, can be found, such resident or residents shall be given first choice. The Manager shall be the

sole judge of the competence or incompetence of any such person. The Commissioners of The City of Rehoboth Beach shall sit as a Board of Appeal for the protection of City employees at those times when the majority of all The Commissioners are agreed that a review of the action of the City Manager would be in the best interest of The City of Rehoboth Beach. The decision of The Commissioners in such cases shall be final and conclusive.

Section 13. Subsection b, Section 18, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

b. It shall be their duty to audit the accounts of The City and all of its officers whose duty involves the collection, custody and payment of monies to The City. They shall audit the books of the Mayor of The City of Rehoboth Beach, and the records of all fines, penalties and costs imposed or collected by him pursuant by any judgment, order, or decree made. The auditors on or before the fifteenth day of September, annually, next following their appointment, shall make and deliver a detailed report of every and all accounts, records, and books by them examined and audited, which report under their hands and seals shall be printed in a newspaper published in The City in the issue immediately succeeding their annual report. The Auditors, in the performance of their duties, shall have access to all records and accounts of the offices of the Commissioners and they are authorized and empowered to employ such clerks and accountants as in their judgment may be necessary in the proper performance of their duties at such compensation as may be determined by The Commissioners.

Section 14. Section 18, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

CITY SOLICITOR

The Commissioners shall select and appoint a City Solicitor for an indefinite term who shall be removable at the pleasure of The Commissioners of Rehoboth Beach either with or without

due cause stated. The City Solicitor shall be a member in good standing of the Bar of the State of Delaware with offices in Sussex County. It shall be his duty to give legal advise to The Commissioners and other offices of The City and to perform other legal services as may be required of him by The Commissioners.

Section 15. Subsection a, Section 21, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

a. 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. They shall preserve peace and order, and shall compel obedience with The City limits to the ordinances of The City and the Laws of the State of Delaware. They shall have such other duties as The Commissioners shall from time to time prescribe. The Chief of Police and the members of the Police Force shall be subject to the direction of the City Manager acting in behalf of The Commissioners.

Section 16. Subsection f, Section 21, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

f. The Rehoboth Beach Beach Patrol shall be composed of Chief Beach Patrolman and such other members or subordinates as The Commissioners may deem necessary.

Section 17. Subsection a, Section 22, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

a. The Board of Assessment shall be appointed by The Commissioners of Rehoboth Beach for an indefinite term. The Board of Assessment shall consist of three members all of whom shall be over the age of twenty-one years, bona fide residents of The City of Rehoboth Beach and freeholders of The City.

Section 18. Subsection a, Section 23, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

a. The Board of Assessment shall, prior to the first Monday in March, make a just, true and impartial annual valuation or assessment of all real estate and of all improvements having a valuation of at least One Thousand Dollars (\$1,000.00) located on land which has been leased under a valid lease for a term of at least ten (10) years and which lease has been recorded in the Office of the Recorder of Deeds, in and for Sussex County, located within The City of Rehoboth Beach. In making such assessment, the rules and exemptions now applicable by law to the making of the County Assessment of persons and properties shall be applicable insofar as consistent with the provisions of this Charter. All real estate and all improvements located on land under a valid lease, as aforesaid, shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. All improvements located on land under a valid lease, as aforesaid, shall be assessed to the leaseholder. If the owner or owners of real estate cannot be found or ascertained, it may be assessed to "Owner Unknown." A mistake in the name of the owner or owners, or a wrong name, or an assessment to "Owner Unknown," shall not affect the validity of the assessment of any municipal tax or assessment based thereon; provided, the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds of Sussex County at Georgetown, Delaware.

Section 19. Subsection a, Section 24, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of the said Subsection and substituting in lieu thereof the following:

a. At the regular meeting in May, after having revised and completed the assessment, The Commissioners shall determine, to their best judgment and knowledge, the total amount necessary to be raised by The City to meet all fixed and anticipated expenses and obligations of The City, including reasonable and ap-

propriate reserves, for the then current fiscal year as set forth in the City Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.

Section 20. Paragraph a, Subsection b, Section 24, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking all of said Paragraph and substituting in lieu thereof the following:

a. The rate of tax on real estate including improvements thereon per One Hundred (\$100.00) of assessed value and the rate of tax on improvements per One Hundred (\$100.00) of assessed value located on land under a lease for a period of at least ten (10) years which said lease has been recorded in the Office of the Recorder of Deeds, in and for Sussex County; and/or

Section 21. Subsection b, Section 25, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

b. All taxes so laid or imposed by The Commissioners of Rehoboth Beach in such annual tax list, shall be and constitute a lien upon all the real estate of the taxable, against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed, at any time after such taxes shall have been levied and imposed, that is situated in The City of Rehoboth Beach. Such lien shall have preference and priority to all other liens on real estate or upon improvements located on land under lease, as aforesaid, created or suffered by said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes.

Section 22. Subsection f, Section 27, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

f. For the purpose of collecting the tax, assessment, license fee, warrant, or any other charge due The City from any taxable, and without the necessity of first employing the other remedies

herein provided the City Manager is empowered to sell the lands and tenements of the taxable or the improvements of a taxable located on land under a valid lease for a term of at least ten (10) years which said lease is recorded in the Office of the Recorder of Deeds, in and for Sussex County, or the lands and tenements of a taxable, alienated, subsequent to the levy of the tax, assessment, license fee, warrant, or other charge.

Section 23, Paragraph 30, Subsection a, Section 29, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Paragraph and substituting in lieu thereof the following:

30. To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon and to levy and collect taxes for any and all municipal purposes upon improvements having an assessed valuation of at least One Thousand Dollars (\$1,000.00) located on land under a valid lease for a period of at least ten (10) years within The City, except lands belonging to The City; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum of Four Hundred Seventy-five Thousand Dollars (\$475,000.00); and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate or improvements located thereon or improvements located on land under lease, as aforesaid, for the payment of interest on and principal of any bonded indebtedness, whether hereinbefore or hereafter incurred.

Section 24. Subsection a, Section 29, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by adding a new Subsection at the end of said Section 29 to read as follows:

42. To establish, by ordinance duly adopted in accordance with this Chapter, a pension plan or a health and welfare plan, or both, for the employees of The City under such terms and conditions as The Commissioners, in their discretion, deem most appropriate; provided, however, that any annual appropriation which is made by The Commissioners under any such pension plan or any health and welfare plan, or both, shall not exceed

a maximum of Fifteen per cent (15%) of the total annual payroll of The City, and provided further, that the method of funding may, if deemed advisable by The Commissioners, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of The Commissioners.

Section 25. Section 32, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by adding a new Subsection at the end thereof as follows:

i. The term "owner" as used in this Section shall be deemed to include the owner of an improvement having an assessed value of at least One Thousand Dollars (\$1,000.00) located on land under a valid lease for a period of ten (10) years which said lease is of record in the Office of the Recorder of Deeds, in and for Sussex County, as well as a freeholder as that term is defined in this Charter.

Section 26. Section 33A, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by adding at the end of Subsection 2 thereof the following:

The word "owner" or "owners" as used in this Section shall be deemed to include the owner of an improvement having an assessed value of at least One Thousand Dollars (\$1,000.00) located on land under a valid lease for a period of at least ten (10) years which said lease is of record in the Office of the Recorder of Deeds, in and for Sussex County. The same rules and regulations set forth in this Section relating to voting by tenants by the entireties shall be applicable.

Section 27. Subsection 43, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder; PROVIDED, HOW-

EVER, that competitive bidding shall not require any of the following circumstances.

1. The aggregate amount involved is not more than Two Thousand Dollars (\$2,000.00) ;
2. The purchase or contract is for personal or professional services ;
3. The purchase or contract is for any service rendered by a university, college or other educational institution ;
4. The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof ;
5. The purchase or contract is for property or services for which it is impracticable to obtain competition ;
6. The public exigency as determined by The Commissioners will not permit the delay incident to advertising ;
7. The materials to be purchased are to be used to complete a project under the supervision of the City Manager ;
8. The purchase or contract is for property or services for which The Commissioners determine the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open competition ;
9. A public emergency as determined by The Commissioners exists.

Section 28. Subsection b, Section 22, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection.

Section 29. Paragraph 12, Subsection a, Section 29, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by adding at the end of said Paragraph 12 the following sentence:

For all purposes of this Charter, the word "user" when referring to the users of either the public water system or the

public sewer system shall be deemed to mean either the owner to whom the real estate is assessed or a leaseholder who holds land under a valid lease for a term of not less than ten (10) years and whose lease is of record in the Office of the Recorder of Deeds, in and for Sussex County, and who has erected upon the leasehold an improvement having an assessed valuation of at least One Thousand Dollars (\$1,000.00).

Approved July 5, 1967.

CHAPTER 62

AN ACT TRANSFERRING MONEY FROM THE GENERAL FUND FOR THE PURPOSE OF ENABLING THE PUBLIC ARCHIVES COMMISSION TO ACCEPT TITLE TO RESTORE, CONTROL AND HAVE CUSTODY OF PRINCE GEORGE'S CHAPEL.

WHEREAS, Prince George's Chapel in Dagsboro Hundred was erected in the early 1700's and is an edifice of historical interest to the people of the State of Delaware; and

WHEREAS, the old burial grounds about the Chapel contain the remains of General John Dagsworthy, who served as high sheriff and magistrate of Sussex County and who served his country with distinction in the French and Indian Wars and the Revolutionary War; and

WHEREAS, religious services have long since been discontinued at the Chapel and the building has become dilapidated and in a poor state of repair; and

WHEREAS, the Diocese of Delaware of the Protestant Episcopal Church is willing to convey the Chapel and the old burial grounds to the State of Delaware for the nominal consideration of One Dollar in order that the State may restore and maintain it as a historical site;

NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Public Archives Commission is requested and directed to accept on behalf of the State Prince George's Chapel and the old burial grounds about the Chapel.

Section 2. There is hereby transferred and appropriated out of the General Fund to the Public Archives Commission \$45,000. for the purpose of restoring the Chapel and improving the grounds about the Chapel.

Section 3. Upon the State receiving title to the said Chapel, it shall be under the custody and control of the Public Archives Commission.

Section 4. In the event the restoration shall not be completed, there shall be no reversion of the funds herein appropriated at the end of fiscal 1968.

Approved July 5, 1967

CHAPTER 63

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 TO MAKE SUCH CONTRIBUTIONS; AND AUTHORIZING THE ACCEPTANCE OF FEDERAL FUNDS FOR BUILDING PURPOSES AND CREATING LOCAL SCHOOL BUILDING COMMISSIONS" BY EXTENDING THE DATE FOR THE REVERSION OF SCHOOL CONSTRUCTION FUNDS BY CERTAIN SCHOOL DISTRICTS AND MAKING SUCH AMENDMENT RETROACTIVE.

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

Section 1. Section 22, Chapter 171, Volume 54, Laws of Delaware, is amended by adding the following paragraph at the end thereof:

State funds appropriated under this Act to the Dover Special School District and Millsboro 204 District shall not revert to the State of Delaware pursuant to this section until June 30, 1968, and the provisions of this paragraph shall be effective as of December 16, 1963.

Approved July 5, 1967.

CHAPTER 64

AN ACT TO AMEND SECTION 1401, TITLE 14, DELAWARE CODE, ENTITLED "PROCEDURES FOR THE TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES" BY PROVIDING FOR INCLUSION OF CERTIFIED SCHOOL NURSES WITHIN THE DEFINITION OF THE WORD TEACHER.

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

Section 1. Section 1401, Title 14, Delaware Code, is amended by inserting "certified school nurses," after the comma following the word "supervisors" as it appears in Section 1401.

Approved July 5, 1967.

CHAPTER 65

**AN ACT TO APPROPRIATE FUNDS TO THE DELAWARE
INSTITUTE OF TECHNOLOGY BOARD OF TRUSTEES.**

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

Section 1. The following sums are appropriated to the Delaware Institute of Technology Board of Trustees for the purpose of carrying out provisions of House Bill No. 529 as amended by House Amendment No. 1 for the fiscal year ending June 30, 1968:

Executive Director	\$ 22,500.00
Salaries and Wages	730,900.00
Personal Services	8,600.00
Travel	5,400.00
Contractual Services	85,000.00
Supplies and Materials	32,800.00
Capital Outlay	10,400.00
<hr/>	
SUB-TOTAL	\$ 895,600.00
Contingency Fund	166,400.00
<hr/>	
TOTAL	\$1,062,000.00

Section 2. Any funds provided herein which remain unobligated by June 30, 1968, shall revert to the General Fund.

Section 3. 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 July 10, 1967.

CHAPTER 66

AN ACT TO AMEND TITLE 14, CHAPTER 19, DELAWARE CODE IN RESPECT TO AUTHORIZING SCHOOL DISTRICTS TO BORROW MONEY IN ANTICIPATION OF TAXES.

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

Section 1. Title 14, Chapter 19, Delaware Code, is amended by adding the following new section thereto:

§ 1923. Borrowing in anticipation of taxes

School districts may borrow money in anticipation of local school taxes, as imposed by this Chapter, to an amount not to exceed 25% of such annual taxes, which shall be pledged for the payment of such loan or loans, and issue revenue anticipation notes or certificates, executed in accordance with the provisions of §2110 of this Title. Such revenue anticipation notes or certificates shall mature and be payable with 90 days of the date such money is borrowed. They shall be redeemable at the principal office of the Farmers Bank of the County in which the school district is situated. The faith and credit of the school district 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. All expense incident to the advertising, preparing, issuing and delivering of the revenue anticipation notes or certificates, and principals and interest thereon shall be paid by the school District. No such borrowing shall constitute an increase of bonded debt within the meaning of §2106 of this Title.

Approved July 10, 1967.

CHAPTER 67

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
FOR THE EXPENSES OF THE BOARD OF GAME AND
FISH COMMISSIONERS OF THE STATE OF DELA-
WARE FOR THE FISCAL YEAR ENDING JUNE 30,
1968.**

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

Section 1. The sum of \$56,000 is appropriated to the Board of Game and Fish Commissioners of the State of Delaware for the following uses:

Salaries for 7 caretakers for the C & D Canal, Woodland Beach, Blackiston, Little Creek, Petersburg, Milford Neck and Nanticoke	
Wildlife Areas	\$33,100
Motor vehicles and tractors for area caretakers	14,000
Supplies and materials for area caretakers ..	8,900
	<hr/>
Total ..	\$56,000

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 money authorized by this Act but unexpended at the end of the fiscal year shall revert to the General Fund.

Approved July 11, 1967.

CHAPTER 68

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES FOR THE CONSTRUCTION OF A NEW STATE CORRECTION INSTITUTION AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE STATE BOARD OF CORRECTION.

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 State Board of Correction the sum of One Million Three Hundred Thousand Dollars (\$1,300,000), or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the construction of a new state correction institution, in addition to other sums previously appropriated.

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 \$1,300,000 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 "Capital Improvement Bonds of 1968."

Section 4. 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 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 such 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 July 12, 1967.

CHAPTER 69

AN ACT TO AMEND CHAPTER 17, TITLE 3, DELAWARE
CODE RELATING TO THE COMMERCIAL FEEDS.

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

Section 1. Chapter 17, Title 3, Delaware Code, is repealed and a new Chapter 17, Title 3, Delaware Code, is substituted therefor as follows:

CHAPTER 17. COMMERCIAL FEEDS

§ 1701. Title

This Act shall be known as the "Delaware Commercial Feed Law of 1967."

§ 1702. Enforcing agency

This Act shall be administered by the State Board of Agriculture of the State of Delaware, hereinafter referred to as the "Board."

§ 1703. Definitions of words and terms

When used in this Act:

- (a) The term "person" includes individual, partnership, corporation and association.
- (b) The term "distribute" means to offer for sale, sell or barter, commercial feed or customer—formula feed; or to supply, furnish or otherwise provide commercial feed or customer-formula feed to a contract feeder; The term "distributor" means any person who distributes.
- (c) The term "sell" or "sale" includes exchange.
- (d) The term "commercial feed" means all materials which are distributed for the use as feed or for mixing in feed, for animals other than man except;

(1) unmixed or unprocessed whole seeds and meals made directly from the entire seed.

(2) Unground hay, straw, stover, silage, cobs, husks and hulls when not mixed with other materials.

(3) Individual chemical compounds when not mixed with other materials.

(e) The term "feed ingredient" means each of the constituent materials making up a commercial feed.

(f) The term "mineral feed" shall mean a substance or mixture of substances designed or intended to supply primarily mineral elements or inorganic nutrients.

(g) The term "customer-formula feed" means a mixture of commercial feeds and/or materials each batch of which mixture is mixed according to the specific instructions of the final purchaser, or contract feeder.

(h) The term "brand name" means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor and distinguishing it from that of others.

(i) The term "product name" means the name of the commercial feed which identifies it as to kind, class or specific use.

(j) The term "label" means a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed or customer-formula feed is distributed.

(k) The term "ton" means a net weight of two thousand pounds avoirdupois.

(l) The term "per cent" or "percentage" means percentage by weight.

(m) The term "official sample" means any sample of feed taken by the Board or his agent and designated as "official" by the Board.

(n) The term "contract feeder" means a person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied,

furnished or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product.

§ 1704. Registration

(a) Each commercial feed shall be registered before being distributed in this State; provided, however, that customer-formula feeds are exempt from registration. The application for registration shall be submitted on forms furnished by the Board, and, shall also be accompanied by a label or other printed matter describing the product. Upon approval by the Board, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the information required by subparagraphs (2), (3), (4), and (5) of paragraph (a) of Section 1705. The Board may permit on the registration the alternative listing of ingredients of comparable feeding value, provided that the label for each package shall state the specific ingredients which are in such package.

(b) A distributor shall not be required to register any brand of commercial feed which is already registered under this Act by another person.

(c) Changes in the guarantee of either chemical or ingredient composition of a registered commercial feed may be permitted provided there is satisfactory evidence that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(d) The Board is empowered to refuse registration of any application not in compliance with the provisions of this Act and to cancel any registration subsequently found not to be in compliance with any provision of this Act; provided, however, that no registration shall be refused or cancelled until the registrant shall have been given opportunity to be heard before the Board and to amend his application in order to comply with the requirements of this Act.

§ 1705. Labeling

(a) Any commercial feed distributed in this State shall be accompanied by a legible label bearing the following information:

(1) The net weight.

(2) The product name; and brand name, if any, under which the commercial feed is distributed.

(3) The guaranteed analysis of the commercial feed, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber. For all mineral feeds and for those commercial feeds containing a level of added mineral ingredients established by regulation, the list shall include the following, if added: Minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum percentages of salt (NaCl). Other substances or elements, determinable by laboratory methods, may be guaranteed by permission of the Board. When any items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the Board. The Board may by regulation designate certain commercial feeds which need not be labeled to show guarantees for crude protein, crude fat and crude fiber.

(4) The common or usual name of each ingredient used in the manufacture of the commercial feed, except as the Board may, by regulation, permit the use of a collective term for a group of ingredients all of which perform the same function. An ingredient statement is not required for single standardized ingredient feeds which are officially defined.

(5) The name and principal address of the person responsible for distributing the commercial feed.

(b) When a commercial feed is distributed in this State in bags or other containers, the label shall be placed on or affixed to the container; when a commercial feed is distributed in bulk the label shall accompany delivery and be furnished to the purchaser at the time of delivery.

(c) A customer-formula feed shall be labeled by invoice. The invoice, which is to accompany delivery and be supplied to the purchaser at the time of delivery, shall bear the following information:

(1) Name and address of the mixer.

(2) Name and address of the purchaser.

(3) Date of sale.

(4) The product name and brand name, if any, and number of pounds of each registered commercial feed used in the mixture and the name and number of pounds of each other feed ingredient added.

(d) If a commercial feed or a customer-formula feed contains a non-nutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or which is intended to affect the structure or any function of the animal body, the Board may require the label to show the amount present, directions for use, and/or warnings against misuse of the feed.

§ 1706. Registration fees

There shall be paid to the Board for each commercial feed distributed in this State an annual registration fee of \$20.00 per brand; provided, however, that the customer-formula feeds are exempt if the registration fee is paid on the commercial feeds which they contain.

All registration fees shall be transferred to the State Treasurer and paid into the General Fund of the State.

§ 1707. Adulteration

No person shall distribute an adulterated feed. A commercial feed or customer-formula feed shall be deemed to be adulterated:

(a) If any poisonous, deleterious or non-nutritive ingredient has been added in sufficient amount to render it injurious to health when fed in accordance with directions for use on the label.

(b) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(c) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(d) If it contains added hulls, screenings, straw, cobs, or other high fiber material unless the name of each such material is stated on the label.

(e) If it contains viable weed seeds in amounts exceeding the limits which the Board shall establish by rule or regulation.

§ 1708. Misbranding

No person shall distribute misbranded feed. A commercial feed or customer-formula feed shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular.

(b) If it is distributed under the name of another feed.

(c) If it is not labeled as required in Section 1705 of this Act and in regulations prescribed under this Act.

(d) If it purports to be or is represented as a feed ingredient, or if it purports to contain or is represented as containing a feed ingredient, unless such feed ingredient conforms to the definition of identity, if any, prescribed by regulation of the Board; in the adopting of such regulations the board shall give due regard to commonly accepted definitions such as those issued by the Association of American Feed Control Officials.

(e) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under the customary conditions of purchase and use.

§ 1709. Inspections, sampling, analysis

(a) It shall be the duty of the Board, who may act through his authorized agent, to sample, inspect, make analyses of, and test commercial feeds and customer-formula feeds distributed within this State at such time and place to such an extent as he may deem necessary to determine whether such feeds are in compliance with the provisions of this Act. The Board individually or through his agent, is authorized to enter upon

any public or private premises including any vehicle of transport during regular business hours in order to have access to commercial feeds and customer-formula feeds and to records relating to their distribution.

(b) The methods of sampling and analysis shall be those adopted by the Board from sources such as the Journal of the Association of Official Agricultural Chemists.

(c) The Board, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided solely by the official sample as defined in paragraph (1) of Section 1703 and obtained and analyzed as provided for in paragraph (b) of Section 1709.

(d) When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded, the results of analysis shall be forwarded by the Board to the distributor and the purchaser. Upon request within thirty days the Board shall furnish to the distributor a portion of the samples concerned.

§ 1710. Rules and regulations

The Board is hereby charged with the enforcement of this Act, and after due publicity and due public hearing is empowered to promulgate and adopt such reasonable rules and regulations as may be necessary in order to secure the efficient administration of this Act. Publicity concerning the public hearing shall be reasonable calculated to give interested parties adequate notice and adequate opportunity to be heard.

§ 1711. Detained commercial feeds

(a) "Withdrawal from distribution" orders. When the Board or his authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of this Act or of any of the prescribed regulations under this Act, he may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of feed in any manner until written permission is given by the Board or the Court. The Board shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with.

If compliance is not obtained within 30 days, the Board may begin, or upon request of the distributor shall begin, proceedings for condemnation.

(b) Condemnation and confiscation. Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the Board to a court of competent jurisdiction in the area in which said commercial is located. In the event the court finds the said commercial feed to be in violation of this Act and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the State: Provided, that in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or re-label said commercial feed to bring it into compliance with this Act.

§ 1712. Penalties

(a) Any person convicted of violating any of the provisions of this Act or the rules and regulations issued thereunder or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent said Board or his duly authorized agent in performance of his duty in connection with the provisions of this Act, shall be adjudged guilty of a misdemeanor and shall be fined not more than \$50.00 for the first violation, and not less than \$50.00 for each subsequent violation. In all prosecutions under this Act involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the Board shall be accepted as prima facie evidence of the composition.

(b) Nothing in this Act shall be construed as requiring the Board or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the Act when he believes that the public interest will be best served by a suitable notice of warning in writing.

(c) It shall be the duty of the Attorney General to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction

without delay. Before the Board reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the Board.

(d) The Board is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under the Act notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

(e) Any person adversely affected by an act, order or ruling made pursuant to the provisions of this Act may within 45 days thereafter bring action in the Court in the County where the enforcement official has his office for new trial of the issues bearing upon such Act, order or ruling, and upon such trial the Court may issue and enforce such orders, judgments or decrees as the Court may deem proper, just and equitable.

§ 1713. Publications

The Board shall publish at least semi-annually, in such forms as he may deem proper, a report of the results of the analyses of official samples of commercial feeds sold within the State as compared with the analyses guaranteed in the registration and on the label.

§ 1714. Constitutionality

If any clause, sentence, paragraph, or part of this Act shall for any reason be judged invalid by any court or competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1715. Repeal

All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Approved July 13, 1967.

CHAPTER 70

**AN ACT PROVIDING FOR THE JOINDER OF THIS STATE
IN THE PEST CONTROL COMPACT AND FOR RE-
LATED PURPOSES.**

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

Section 1. Title 3, Delaware Code, is amended by adding
thereto a new Part to read:

PART VIII. INTERSTATE COMPACTS**CHAPTER 90. PEST CONTROL COMPACT****SUBCHAPTER I. PEST CONTROL COMPACT****§ 9001. Pest Control Compact**

The Pest Control Compact is enacted into law and entered
into with all other jurisdictions legally joining therein in the
form substantially as follows:

PEST CONTROL COMPACT**Article I****Findings**

The party states find that:

(a) In the absence of the higher degree of cooperation
among them possible under this compact, the annual loss of
approximately seven billion dollars from the depredations of
pests is virtually certain to continue, if not to increase.

(b) Because of varying climatic, geographic and economic
factors, each state may be affected differently by particular
species of pests; but all states share the inability to protect them-
selves fully against those pests which present serious dangers
to them.

(c) The migratory character of pest infestations makes it

necessary for states both adjacent to and distant from one another, to complement each other's activities when faced with conditions of infestation and reinfestation.

(d) While every state is seriously affected by a substantial number of pests, and every state is susceptible of infestation by many species of pests not now causing damage to its crop and plant life and products, the fact that relatively few species of pests present equal danger to or are of interest to all states makes the establishment and operation of an Insurance Fund, from which individual states may obtain financial support for pest control programs of benefit to them in other states and to which they may contribute in accordance with their relative interests, the most equitable means of financing cooperative pest eradication and control programs.

ARTICLE II

Definitions

As used in this compact, unless the context clearly requires a different construction:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) "Requesting state" means a state which invokes the procedures of the compact to secure the undertaking or intensification of measures to control or eradicate one or more pests within one or more other states.

(c) "Responding state" means a state requested to undertake or intensify the measures referred to in subdivision (b) of this Article.

(d) "Pest" means any invertebrate animal, pathogen, parasitic plant or similar or allied organism which can cause disease or damage in any crops, trees, shrubs, grasses or other plants of substantial value.

(e) "Insurance Fund" means the Pest Control Insurance Fund established pursuant to this compact.

(f) "Governing Board" means the administrators of this

compact representing all of the party states when such administrators are acting as a body in pursuance of authority vested in them by this compact.

(g) "Executive Committee" means the committee established pursuant to Article V (e) of this compact.

Article III

The Insurance Fund

There is hereby established the Pest Control Insurance Fund for the purpose of financing other than normal pest control operations which states may be called upon to engage in pursuant to this compact. The Insurance Fund shall contain moneys appropriated to it by the party states and any donations and grants accepted by it. All appropriations, except as conditioned by the rights and obligations of party states expressly set forth in this compact, shall be unconditional and may not be restricted by the appropriating state to use in the control of any specified pest or pests. Donations and grants may be conditional or unconditional, provided that the Insurance Fund shall not accept any donation or grant whose terms are inconsistent with any provision of this compact.

Article IV

The Insurance Fund, Internal Operations and Management

(a) The Insurance Fund shall be administered by a Governing Board and Executive Committee as hereinafter provided. The actions of the Governing Board and Executive Committee pursuant to this compact shall be deemed the actions of the Insurance Fund.

(b) The members of the Governing Board shall be entitled to one vote each on such Board. No action of the Governing Board shall be binding unless taken at a meeting at which a majority of the total number of votes on the Governing Board are cast in favor thereof. Action of the Governing Board shall be only at a meeting at which a majority of the members are present.

(c) The Insurance Fund shall have a seal which may be

employed as an official symbol and which may be affixed to documents and otherwise used as the Governing Board may provide.

(d) The Governing Board shall elect annually, from among its members, a chairman, a vice chairman, a secretary and a treasurer. The chairman may not succeed himself. The Governing Board may appoint an executive director and fix his duties and his compensation, if any. Such executive director shall serve at the pleasure of the Governing Board. The Governing Board shall make provision for the bonding of such of the officers and employees of the Insurance Fund as may be appropriate.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, or if there be no executive director, the chairman, in accordance with such procedures as the bylaws may provide, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Insurance Fund and shall fix the duties and compensation of such personnel. The Governing Board in its bylaws shall provide for the personnel policies and programs of the Insurance Fund.

(f) The Insurance Fund may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation.

(g) The Insurance Fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation, gift or grant accepted by the Governing Board pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Insurance Fund. Such report shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender.

(h) The Governing Board shall adopt bylaws for the conduct of the business of the Insurance Fund and shall have the power to amend and rescind these bylaws. The Insurance Fund

shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

(i) The Insurance Fund annually shall make to the Governor and legislature of each party state a report covering its activities for the preceding year. The Insurance Fund may make such additional reports as it may deem desirable.

(j) In addition to the powers and duties specifically authorized and imposed, the Insurance Fund may do such other things as are necessary and incidental the conduct of its affairs pursuant to this compact.

Article V

Compact and Insurance Fund Administration

(a) In each party state there shall be a compact administrator, who shall be selected and serve in such manner as the laws of his state may provide, and who shall:

1. Assist in the coordination of activities pursuant to the compact in his state; and
2. Represent his state on the Governing Board of the Insurance Fund.

(b) If the laws of the United States specifically so provide, or if administrative provision is made therefor with the federal government, the United States may be represented on the Governing Board of the Insurance Fund by not to exceed three representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, but no such representative shall have a vote on the Governing Board or on the Executive Committee thereof.

(c) The Governing Board shall meet at least once each year for the purpose of determining policies and procedures in the administration of the Insurance Fund and, consistent with the provisions of the compact, supervising and giving direction to the expenditure of moneys from the Insurance Fund. Additional meetings of the Governing Board shall be held on call of

the chairman, the Executive Committee, or a majority of the membership of the Governing Board.

(d) At such times as it may be meeting, the Governing Board shall pass upon applications for assistance from the Insurance Fund and authorize disbursements therefrom. When the Governing Board is not in session, the Executive Committee thereof shall act as agent of the Governing Board, with full authority to act for it in passing upon such applications.

(e) The Executive Committee shall be composed of the chairman of the Governing Board and four additional members of the Governing Board chosen by it so that there shall be one member representing each of four geographic groupings of party states. The Governing Board shall make such geographic groupings. If there is representation of the United States on the Governing Board, one such representative may meet with the Executive Committee. The chairman of the Governing Board shall be chairman of the Executive Committee. No action of the Executive Committee shall be binding unless taken at a meeting at which at least four members of such Committee are present and vote in favor thereof. Necessary expenses of each of the five members of the Executive Committee incurred in attending meetings of such Committee, when not held at the same time and place as a meeting of the Governing Board, shall be charges against the Insurance Fund.

Article VI

Assistance and Reimbursement

(a) Each party state pledges to each other party state that it will employ its best efforts to eradicate, or control within the strictest practicable limits, any and all pests. It is recognized that performance of this responsibility involves:

1. The maintenance of pest control and eradication activities of interstate significance by a party state at a level that would be reasonable for its own protection in the absence of this compact.

2. The meeting of emergency outbreaks or infestations of interstate significance to no less an extent than would have been done in the absence of this compact.

(b) Whenever a party state is threatened by a pest not present within its borders but present within another party state, or whenever a party state is undertaking or engaged in activities for the control or eradication of a pest or pests, and finds that such activities are or would be impracticable or substantially more difficult of success by reason of failure of another party state to cope with infestation or threatened infestation, that state may request the Governing Board to authorize expenditures from the Insurance Fund for eradication or control measures to be taken by one or more of such other party states at a level sufficient to prevent, or to reduce to the greatest practicable extent, infestation or reinfestation of the requesting state. Upon such authorization the responding state or states shall take or increase such eradication or control measures as may be warranted. A responding state shall use moneys made available from the Insurance Fund expeditiously and efficiently to assist in affording the protection requested.

(c) In order to apply for expenditures from the Insurance Fund, a requesting state shall submit the following in writing:

1. A detailed statement of the circumstances which occasion the request for the invoking of the compact.

2. Evidence that the pest on account of whose eradication or control assistance is requested constitutes a danger to an agricultural or forest crop, product, tree, shrub, grass or other plant having a substantial value to the requesting state.

3. A statement of the extent of the present and projected program of the requesting state and its subdivisions, including full information as to the legal authority for the conduct of such program or programs and the expenditures being made or budgeted therefor, in connection with the eradication, control, or prevention of introduction of the pest concerned.

4. Proof that the expenditures being made or budgeted as detailed in item 3 do not constitute a reduction of the effort for the control or eradication of the pest concerned or, if there is a reduction, the reasons why the level of program detailed in item 3 constitutes a normal level of pest control activity.

5. A declaration as to whether, to the best of its knowledge and belief, the conditions which in its view occasion the invoking of the compact in the particular instance can be abated by a

program undertaken with the aid of moneys from the Insurance Fund in one year or less, or whether the request is for an installment in a program which is likely to continue for a longer period of time.

6. Such other information as the Governing Board may require consistent with the provisions of this compact.

(d) The Governing Board or Executive Committee shall give due notice of any meeting at which an application for assistance from the Insurance Fund is to be considered. Such notice shall be given to the compact administrator of each party state and to such other officers and agencies as may be designated by the laws of the party states. The requesting state and any other party state shall be entitled to be represented and present evidence and argument at such meeting.

(e) Upon the submission as required by paragraph (c) of this Article and such other information as it may have or acquire, and upon determining that an expenditure of funds is within the purposes of this compact and justified thereby, the Governing Board or Executive Committee shall authorize support of the program. The Governing Board or the Executive Committee may meet at any time or place for the purpose of receiving and considering an application. Any and all determinations of the Governing Board or Executive Committee, with respect to an application, together with the reasons therefor shall be recorded and subscribed in such manner as to show and preserve the votes of the individual members thereof.

(f) A requesting state which is dissatisfied with a determination of the Executive Committee shall upon notice in writing given within twenty days of the determination with which it is dissatisfied, be entitled to receive a review thereof at the next meeting of the Governing Board. Determinations of the Executive Committee shall be reviewable only by the Governing Board at one of its regular meetings, or at a special meeting held in such manner as the Governing Board may authorize.

(g) Responding states required to undertake or increase measures pursuant to this compact may receive moneys from the Insurance Fund, either at the time or times when such state incurs expenditures on account of such measures, or as reimbursement for expenses incurred and chargeable to the Insurance Fund. The Governing Board shall adopt and, from time to time,

may amend or revise procedures for submission of claims upon it and for payment thereof.

(h) Before authorizing the expenditure of moneys from the Insurance Fund pursuant to an application of a requesting state, the Insurance Fund shall ascertain the extent and nature of any timely assistance or participation which may be available from the federal government and shall request the appropriate agency or agencies of the federal government for such assistance and participation.

(i) The Insurance Fund may negotiate and execute a memorandum of understanding or other appropriate instrument defining the extent and degree of assistance or participation between and among the Insurance Fund, cooperating federal agencies, states and any other entities concerned.

Article VII

Advisory and Technical Committees

The Governing Board may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any such advisory or technical committee, or any member or members thereof may meet with and participate in its deliberations. Upon request of the Governing Board or Executive Committee on advisory or technical committee may furnish information and recommendations with respect to any application for assistance from the Insurance Fund being considered by such Board or Committee and the Board or Committee may receive and consider the same: provided that any participant in a meeting of the Governing Board or Executive Committee held pursuant to Article VI (d) of the compact shall be entitled to know the substance of any such information and recommendations, at the time of the meeting if made prior thereto or as a part thereof or, if made thereafter, no later than the time at which the Governing Board or Executive Committee makes its disposition of the application.

Article VIII

Relations with Nonparty Jurisdictions

(a) A party state may make application for assistance

from the Insurance Fund in respect of a pest in a nonparty state. Such application shall be considered and disposed of by the Governing Board or Executive Committee in the same manner as an application with respect to a pest within a party state, except as provided in this Article.

(b) At or in connection with any meeting of the Governing Board or Executive Committee held pursuant to Article VI (d) of this compact a nonparty state shall be entitled to appear, participate, and receive information only to such extent as the Governing Board or Executive Committee may provide. A nonparty state shall not be entitled to review of any determination made by the Executive Committee.

(c) The Governing Board or Executive Committee shall authorize expenditures from the Insurance Fund to be made in a nonparty state only after determining that the conditions in such state and the value of such expenditures to the party states as a whole justify them. The Governing Board or Executive Committee may set any conditions which it deems appropriate with respect to the expenditure of moneys from the Insurance Fund in a nonparty state and may enter into such agreement or agreements with nonparty states and other jurisdictions or entities as it may deem necessary or appropriate to protect the interests of the Insurance Fund with respect to expenditures and activities outside of party states.

Article IX

Finance

(a) The Insurance Fund shall submit to the executive head or designated officer or officers of each party state a budget for the Insurance Fund for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the budgets shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The requests for appropriations shall be apportioned among the party states as follows: one-tenth of the total budget in equal shares and the remainder in proportion to the value of agricultural and forest crops and products, excluding animals and animal products, produced in each party

state. In determining the value of such crops and products the Insurance Fund may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the budgets and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of products.

(c) The financial assets of the Insurance Fund shall be maintained in two accounts to be designated respectively as the "Operating Account" and the "Claims Account." The Operating Account shall consist only of those assets necessary for the administration of the Insurance Fund during the next ensuing two-year period. The Claims Account shall contain all moneys not included in the Operating Account and shall not exceed the amount reasonably estimated to be sufficient to pay all legitimate claims on the Insurance Fund for a period of three years. At any time when the Claims Account has reached its maximum limit or would reach its maximum limit by the addition of moneys requested for appropriation by the party states, the Governing Board shall reduce its budget requests on a pro rata basis in such manner as to keep the Claims Account within such maximum limit. Any moneys in the Claims Account by virtue of conditional donations, grants or gifts shall be included in calculations made pursuant to this paragraph only to the extent that such moneys are available to meet demands arising out of claims.

(d) The Insurance Fund shall not pledge the credit of any party state. The Insurance Fund may meet any of its obligations in whole or in part with moneys available to it under Article IV (g) of this compact, provided that the Governing Board takes specific action setting aside such moneys prior to incurring any obligation to be met in whole or in part in such manner. Except where the Insurance Fund makes use of moneys available to it under Article IV (g) hereof, the Insurance Fund shall not incur any obligation prior to the allotment of moneys by the party states adequate to meet the same.

(e) The Insurance Fund shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Insurance Fund shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Insurance Fund shall be audited yearly by a certified or licensed public accountant

and a report of the audit shall be included in and become part of the annual report of the Insurance Fund.

(f) The accounts of the Insurance Fund shall be open at any reasonable time for inspection by duly authorized officers of the party states and by any persons authorized by the Insurance Fund.

Article X

Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any five or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article XI

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II. EFFECTUATION

§ 9022. Cooperation

Consistent with law and within available appropriations, the departments, agencies and officers of this state may co-operate with the Insurance Fund established by the Pest Control Compact.

§ 9023. Filing of bylaws

Pursuant to Article IV (h) of the compact, copies of bylaws and amendments thereto shall be filed with the Secretary of State.

§ 9024. Compact administrator

The compact administrator for this state shall be the Secretary of the State Board of Agriculture.

§ 9025. Request

Within the meaning of Article VI (b) or VIII (a) of the Compact, a request or application for assistance from the Insurance Fund may be made by the Governor whenever in his Judgment the conditions qualifying this state for such assistance exist and it would be in the best interest of this state to make such request.

§ 9026. Appropriations

The department, agency, or officer expending or becoming liable for an expenditure on account of a control or eradication program undertaken or intensified pursuant to the compact shall have credited to his account in the state treasury the amount or amounts of any payments made to this state to defray the cost of such program, or any part thereof, or as reimbursement thereof.

§ 9027. Definition

As used in the compact, with reference to this state, the term "executive head" shall mean the Governor.

Approved July 13, 1967.

CHAPTER 71

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

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

Section 1. The sum of \$10,000 is hereby appropriated to the State Board of Agriculture for the fiscal year ending June 30, 1968, for the purpose of indemnification proceedings pursuant to Phase III of the Hog Cholera Program in the event of an outbreak of hog cholera in the State.

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 July 13, 1967.

CHAPTER 72

AN ACT TO AMEND CHAPTER 313, VOLUME 53, LAWS OF DELAWARE, BY AUTHORIZING THE DELAWARE SOIL AND WATER CONSERVATION COMMISSION TO PURCHASE EQUIPMENT AND RELATED FACILITIES, OR PROVIDE FUNDS FOR THE PURCHASE OF SUCH EQUIPMENT BY SOIL AND WATER CONSERVATION DISTRICTS, WITHIN AND WITHOUT PL 566 WATERSHEDS FOR SOIL AND WATER CONSERVATION CONSTRUCTION, MANAGEMENT AND MAINTENANCE OPERATIONS.

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 313, Volume 53, Laws of Delaware, is amended by adding the following new subsection (d) to section 1 of said chapter to read as follows:

(d). To purchase equipment and related facilities, or provide funds for such purchase by County Soil and Water Conservation Districts, for the construction and maintenance of structural measures, both within and outside of PL 566 watersheds, as heretofore defined, in tax ditches, public ditches and drains, across highways and for related soil and water conservation and management operations.

Approved July 13, 1967.

CHAPTER 73

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE
MILTON SCHOOL DISTRICT.**

WHEREAS, Chapter 355, Volume 54, Laws of Delaware, appropriated \$20,000 to the State Board of Education for the use of the Milton School District No. 8 to purchase and improve additional land and to pay such incidental expenses that might be incurred in connection with obtaining the said site;

AND WHEREAS, the provisions of the above Act were extended to June 30, 1966, at which time any funds unexpended would revert to the General Fund;

AND WHEREAS, the unexpended sum of \$5,436.63 reverted to the General Fund on June 30, 1966, before the development of the site was completed;

AND WHEREAS, the additional cost incurred in completing the project is \$5,410.00;

NOW, THEREFORE,

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

Section 1. The sum of \$5,410 is appropriated to the State Board of Education for the Milton School District for the purpose of payment of the remaining costs incurred for the completion of the project.

Section 2. This Act is a supplementary appropriation and the monies 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 funds hereby appropriated, if not previously expended, shall revert to the General Fund on June 30, 1969.

Approved July 13, 1967.

CHAPTER 74

AN ACT TO AMEND SECTION 4178 (c), TITLE 21, DELAWARE CODE, RELATING TO PENALTIES FOR VIOLATION OF CERTAIN MOTOR VEHICLE REGULATIONS.

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

Section 1. Section 4178 (c), Title 21, Delaware Code, is hereby amended to read as follows:

(c) Whoever violates any of the provisions of this section, other than subsection (a)-4 relating to fire hydrants, shall be fined not less than \$2 nor more than \$25; whoever violates subsection (a)-4 of this section shall be fined not less than \$10 nor more than \$200.

Approved July 18, 1967.

CHAPTER 75**AN ACT TO AMEND SECTION 4185, TITLE 21, DELAWARE CODE, RELATING TO PENALTIES FOR CERTAIN FIRE REGULATIONS.**

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

Section 1. Section 4185, Title 21, Delaware Code, is hereby amended by adding a new paragraph (c) to read as follows:

(c) Whoever violates any provision of this section shall be fined not less than \$25 nor more than \$100.

Approved July 13, 1967.

CHAPTER 76

AN ACT TO REQUIRE THE STATE HIGHWAY DEPARTMENT TO INSTALL A TRAFFIC LIGHT CONTROL FOR THE CLAYMONT FIRE COMPANY AT ITS SUBSTATION AT MARSH AND NAAMAN'S ROADS, NEW CASTLE COUNTY, DELAWARE.

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

Section 1. The State Highway Department is authorized and directed to install a traffic light control in Fire Station No. 31, Claymont Fire Company, Marsh and Naaman's Roads, New Castle County, Delaware, which will, when operated, instantly cause all traffic lights at the intersection of Marsh and Naaman's Roads near the said fire station to turn red to all traffic in all directions and to remain red for the requisite period for a fire emergency before returning to normal operation.

Section 2. There is hereby appropriated to the State Highway Department the sum of \$5,000 for the sole purpose of installing the said traffic light control. Such sum shall be paid by the State Treasurer out of the General Fund from money not otherwise appropriated. Any portion of the said sum of \$5,000 which shall remain unexpended after the installation of the traffic light control or which remains unexpended on June 30, 1968, which ever first occurs, shall revert to the General Fund of the State of Delaware.

Approved July 13, 1967.

CHAPTER 77

AN ACT TO AID VETERANS' ORGANIZATIONS BY MAKING AN APPROPRIATION THEREFOR.

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. The sum of \$6,000 is appropriated to the American Legion, Department of Delaware.

Section 2. The sum of \$6,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware.

Section 3. The funds appropriated by Sections 1 and 2 hereof shall be used to furnish services through a duly selected service officer to veterans of the Armed Forces of the United States.

Section 4. The sum of \$2,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operations expenses.

Section 5. The sum of \$2,000 is appropriated to the American Legion, Department of Delaware, for operation expenses.

Section 6. The sum of \$1,000 is appropriated to the Disabled American Veterans of Delaware for operation expenses.

Section 7. The sum of \$1,000 is appropriated to the Department of Delaware Jewish War Veterans of the United States for operational expenses.

Section 8. The sum of \$1,000 is appropriated to the Delaware Veterans of World War I for operational expenses.

Section 9. The sum of \$750 is appropriated to the American Legion Department of Delaware for the bearing of expenses incident to the holding of Boys' State.

Section 10. The sum of \$750 is appropriated to the American Legion Auxiliary Department of Delaware for the bearing of expenses incident to the holding of the Girls' State.

Section 11. The sums appropriated herein are for the fiscal year ending June 30, 1968, and shall be paid to the Finance Officer of the respective Veterans Organizations, upon warrants signed by the proper Finance Officer and approved by the Budget Director.

Section 12. 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 July 13, 1967.

CHAPTER 78

AN ACT TO AID ORGANIZATIONS MAINTAINING RESIDENTIAL FACILITIES BY MAKING APPROPRIATIONS THERETO.

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 \$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 ending June 30, 1968.

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 ending June 30, 1968.

Section 3. The sum of \$26,000 is 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, 1968.

Section 4. 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 not otherwise appropriated.

Approved July 13, 1967.

CHAPTER 79

**AN ACT RELATING TO EDUCATION OF THE CITIZENS
OF DELAWARE BY MAKING AN APPROPRIATION TO
CERTAIN ORGANIZATIONS ENGAGED IN EDUCAT-
ING THE PEOPLE OF THIS STATE.**

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 \$20,000 is appropriated to the "Delaware State Fair, Inc.", a corporation of the State of Delaware, to be used for prizes for achievements in agriculture, animal raising and in works of manual training and the domestic arts to be awarded at the annual State Fair.

Section 2. The Delaware State Fair, Inc. shall submit to the Budget Director, on forms approved by him, a statement showing the awards. Upon approval of the Budget Director, the State Treasurer shall pay to the Delaware State Fair, Inc. a sum equal to the prizes but not in excess of \$20,000, and should said sum be less than the amount appropriated by this Act, then the unused balance shall revert to the General Fund.

Section 3. The sum of \$75,000 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 serving the State.

Section 4. The sum of \$15,000 is appropriated to the Delaware Safety Council, Inc., to be used for the operations of the Council in educating the public as to safety.

Section 5. This Act is a supplementary appropriation for the fiscal year ending June 30, 1968, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 13, 1967.

CHAPTER 80

**AN ACT APPROPRIATING MONEYS FOR EDUCATION
AND TRAINING OF CHILDREN OF MILITARY VET-
ERANS WHO DIED WHILE IN THE ARMED SERVICES
OF THE UNITED STATES OR WHO DIED FROM DIS-
EASE, WOUNDS OR DISABILITIES RESULTING FROM
SUCH 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. The sum of \$15,000 is appropriated for the fiscal year ending June 30, 1968 for the benefit of the children of members of any branch of the armed forces of the United States of America who were killed while in such service or who may have died from disease, wounds or disabilities arising or resulting from service in the Viet Nam conflict or any other armed conflict of the United States.

Section 2. The word "children" as used in Section I of this Act means those children who are not under 16 years of age or over 25 years of age, 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 their training 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 this Act, consisting of a course of not more than 4 years, and arriving at the age of 25 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 moneys appropriated by this Act shall be used for any expenses in connection with the education and train-

ing 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 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 hereat 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 \$1,000 in any 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 July 13, 1967.

CHAPTER 81

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 the members elected to each House concurring therein):

Section 1. There is appropriated to the listed fire companies, for the fiscal year beginning July 1, 1967, 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 & Ladder Co.	Newark	\$ 1,750
Belvedere Volunteer Fire Co.	Belvedere	1,750
Brandywine Hundred Fire Co.	Bellefonte	1,750
Christiana Fire Co.	Christiana	1,750
Claymont Fire Co.	Claymont	1,750
Cranston Heights Fire Co.	Cranston Heights	1,750
Delaware City Fire Co.	Delaware City	1,750
Elsmere Fire Co.	Elsmere	1,750
Five Points Fire Co.	Richardson Park	1,750
Goodwill Fire Co.	New Castle	1,750
Hockessin Fire Co.	Hockessin	1,750
Holloway Terrace Fire Co.	Holloway Terrace	1,750
Mill Creek Fire Co.	Marshallton	1,750
Minquadale Fire Co.	Minquadale	1,750
Minquas Fire Co.	Newport	1,750
Odessa Fire Co., Inc.	Odessa	1,750
Port Penn Volunteer Fire Co.	Port Penn	1,750
Talleyville Fire Co.	Talleyville	1,750
Townsend Fire Co.	Townsend	1,750
Wilmington Manor Fire Co.	Middletown	1,750
Volunteer Hose Co., Inc.	Wilmington Manor	1,750

Kent County

Bowers Volunteer Fire Co.	Bowers	1,750
Camden-Wyoming Fire Co.	Camden	1,750
Carlisle Fire Co.	Milford	1,750
Cheswold Volunteer Fire Co.	Cheswold	1,750
Citizens' Hose Co., Inc. No. 1	Smyrna	1,750
Clayton Fire Co.	Clayton	1,750
Dover Fire Dept.	Dover	1,750
Farmington Volunteer Fire Co.	Farmington	1,750
Felton Community Fire Co.	Felton	1,750
Frederica Volunteer Fire Co.	Frederica	1,750
Harrington Volunteer Fire Co.	Harrington	1,750
Hartly Volunteer Fire Co.	Hartly	1,750
Houston Volunteer Fire Co.	Houston	1,750
Leipsic Volunteer Fire Co.	Leipsic	1,750
Little Creek Volunteer Fire Co.	Little Creek	1,750
Magnolia Volunteer Fire Co.	Magnolia	1,750
Mary-Del Volunteer Fire Co.	Mary-Del	1,750
South Bowers Fire Co., Inc.	South Bowers	1,750

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	\$ 1,750
Blades Volunteer Fire Co.	Blades	1,750
Bridgeville Volunteer Fire Co.	Bridgeville	1,750
Dagsboro Fire Co.	Dagsboro	1,750
Delmar Fire Department, Inc.	Delmar	1,750
Ellendale Volunteer Fire Co.	Ellendale	1,750
Frankford Volunteer Fire Co.	Frankford	1,750
Georgetown Fire Company, Inc.	Georgetown	1,750
Greenwood Volunteer Fire Co.	Greenwood	1,750
Gumboro Volunteer Fire Co.	Gumboro	1,750
Indian River Volunteer Fire Co.	Indian River	1,750
Laurel Volunteer Fire Co.	Laurel	1,750
Lewes Fire Department	Lewes	1,750
Millsboro Fire Co.	Millsboro	1,750
Milton Volunteer Fire Dept.	Milton	1,750
Millville Volunteer Fire Co.	Millville	1,750
Rehoboth Volunteer Fire Co.	Rehoboth	1,750

Roxanna Volunteer Fire Co.	Roxanna	1,750
Seaford Volunteer Fire Co.	Seaford	1,750
Selbyville Volunteer Fire Co.	Selbyville	1,750
Slaughter Beach Volunteer Fire Co. (Memorial)	Slaughter Beach	1,750
TOTAL		\$105,000

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1967, the following sums, to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook & Ladder Co.	Newark	\$ 750
Brandywine Hundred Fire Co.	Bellefonte	750
Claymont Fire Co.	Claymont	750
Cranston Heights Fire Co.	Cranston Heights	750
Elsmere Fire Co.	Elsmere	750
Five Points Fire Co.	Richardson Park	750
Goodwill Fire Co.	New Castle	750
Holloway Terrace Fire Co.	Holloway Terrace	750
Hockessin Fire Co.	Hockessin	750
Mill Creek Fire Co.	Marshallton	750
Minquadale Fire Co.	Minquadale	750
Minquas Fire Co.	Newport	750
Talleyville Fire Co.	Talleyville	750
Wilmington Manor Fire Co.	Wilmington Manor	750
Bowers Volunteer Fire Co.	Bowers	750
Camden-Wyoming Fire Co.	Camden	750
Carlisle Fire Company, Inc.	Milford	750
Cheswold Volunteer Fire Co.	Cheswold	750
Felton Community Fire Co.	Felton	750
Harrington Volunteer Fire Co.	Harrington	750
Hartly Volunteer Fire Co.	Hartly	750
Leipsic Volunteer Fire Co., Inc.	Leipsic	750
Blades Volunteer Fire Co.	Blades	750
Bridgeville Volunteer Fire Co.	Bridgeville	750
Delmar Fire Department	Delmar	750
Ellendale Volunteer Fire Co.	Ellendale	750
Frankford Volunteer Fire Co.	Frankford	750

Gumboro Volunteer Fire Co.	Gumboro	750
Lewes Fire Dept.	Lewes	750
Laurel Volunteer Fire Dept.	Laurel	750
Millville Volunteer Fire Co.	Millville	750
Milton Volunteer Fire Co.	Milton	750
Rehoboth Volunteer Fire Co.	Rehoboth Beach	750
Seaford Volunteer Fire Co.	Seaford	750
Slaughter Beach Memorial Volunteer Fire Co.	Slaughter Beach	750

TOTAL \$ 26,250

Section 3. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1967, the following sums, to be used for the maintenance and operation of rescue trucks in the public service:

Aetna, Hose and Ladder Co.	Newark	\$ 750
Brandywine Hundred Fire Co.	Bellefonte	750
Claymont Fire Co.	Claymont	750
Christiana Fire Co.	Christiana	750
Delaware City Fire Co.	Delaware City	750
Elsmere Fire Co.	Elsmere	750
Five Points Fire Co.	Richardson Park	750
Goodwill Fire Co.	New Castle	750
Holloway Terrace Fire Co.	Holloway Terrace	750
Mill Creek Fire Co.	Marshallton	750
Minquadale Fire Co.	Minquadale	750
Minquas Fire Co.	Newport	750
Port Penn Volunteer Fire Co.	Port Penn	750
Talleyville Fire Co.	Talleyville	750
Volunteer Hose Co.	Middletown	750
Wilmington Manor Fire Co.	Wilmington Manor	750
Carlisle Fire Co.	Milford	750
Camden-Wyoming Fire Co.	Camden	750
Citizens' Hose Co., No. 1, Inc.	Smyrna	750
Clayton Fire Co.	Clayton	750
Dover Fire Dept.	Dover	750
Leipsic Volunteer Fire Co.	Leipsic	750
Little Creek Fire Co.	Little Creek	750
Harrington Volunteer Fire Co.	Harrington	750

Magnolia Volunteer Fire Co.	Magnolia	750
Bethany Beach Fire Co.	Bethany Beach	750
Bridgeville Volunteer Fire Co.	Bridgeville	750
Delmar Fire Dept., Inc.	Delmar	750
Millville Volunteer Fire Co.	Millville	750
Milton Volunteer Fire Dept.	Milton	750
Rehoboth Volunteer Fire Co.	Rehoboth Beach	750
Seaford Volunteer Fire Dept.	Seaford	750
Selbyville Volunteer Fire Co.	Selbyville	750
Lewes Fire Dept.	Lewes	750
Roxanna Volunteer Fire Co.	Roxanna	750
TOTAL		\$26,250

Section 4. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year beginning July 1, 1967, 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	\$ 178,500

Section 5. 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 6. 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 July 13, 1967.

CHAPTER 82

AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, RELATING TO THE STATE FIRE COMMISSION BY REQUIRING FIRE INSURANCE COMPANIES TO FILE CERTAIN REPORTS.

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

Section 1. Title 16, Delaware Code, is amended by adding thereto a new section to read :

§ 6620. Reports from insurance companies; reports of investigations by Fire Commission

(a) Each fire insurance company or association doing business in this State shall, within 30 days after the adjustment of any loss sustained by it, report to the State Fire Commission, upon forms furnished by it, such information regarding the amount of insurance, the value of the property insured and the amount of claim as adjusted, as in the judgment of the State Fire Commission it is necessary for it to know. This report shall be in addition to any such information required by the Insurance Commissioner.

(b) Upon the request of the owner or insurer of any property destroyed or injured by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Commission, upon approval of the Attorney General's Office, may make a written report to the person requesting the same of the result of the examination made by the Commission regarding the property.

Approved July 13, 1967.

CHAPTER 83

AN ACT TO AMEND SECTION 4111, TITLE 9, DELAWARE CODE, RELATING TO LIMITATION ON KENT COUNTY LEVY COURT BORROWING POWER.

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

Section 1. Section 4111, Title 9, Delaware Code, is hereby amended by striking the figures "500,000" as they appear on the second line of said section and, inserting in lieu thereof, the figures "700,000".

Approved July 13, 1967.

CHAPTER 84

AN ACT AMENDING SECTION 108, TITLE 1, DELAWARE CODE, TO PROVIDE FOR THE DISTRIBUTION OF COPIES OF THE DELAWARE CODE ANNOTATED TO SCHOOL LIBRARIES.

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

Section 1. Section 108, Title 1, Delaware Code, is amended by adding thereto a new subsection (f) to read as follows:

(f) The Director of the Legislative Reference Bureau shall distribute, upon written request by the chief school officer therefor, a copy of the Delaware Code Annotated to each library of a public senior high school in this State which does not have a copy of said Code and shall distribute, when available, a copy of the current pocket parts or supplements to the Code to the public senior high school libraries having a copy of said Code. Whenever the current edition of said Code is replaced by a revised edition, the Director shall make a similar distribution of the revised edition.

Approved July 13, 1967.

CHAPTER 85

AN ACT TO AMEND SECTION 4705, TITLE 7, DELAWARE CODE, RELATING TO THE ENFORCEMENT OF STATE PARK COMMISSION REGULATIONS.

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 4705, Title 7, Delaware Code, is hereby amended by striking the present language thereof and substituting the following new language:

(a) Whoever violates the rules and regulations promulgated by the State Park Commission shall be fined not less than \$10 nor more than \$50 and costs for each offense, or imprisoned not more than 30 days, or both.

(b) This section shall not be construed as authorizing the Commission to change any penalty for violating any rule or regulation of the Commission.

(c) All rules and regulations of the Commission shall have the effect of law and shall be published in at least two newspapers of general circulation in the territory to be affected, at least 30 days prior to the time the rule or regulation becomes effective, except in case of an emergency when the Commission shall give such advance notice as it deems necessary or desirable.

(d) Justices of the Peace shall severally throughout the State have jurisdiction of violations of the rules and regulations of the Commission with the condition that any person arrested for such violation shall be taken before the closest available magistrate in the County where such violation is alleged to have occurred.

Approved July 13, 1967.

CHAPTER 86

AN ACT TO AMEND SECTION 4703, TITLE 7, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE STATE PARK COMMISSION BY PROVIDING FOR LAW ENFORCEMENT PERSONNEL.

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

Section 1. Section 4703, Title 7, Delaware Code, is hereby amended by adding thereto the following new subparagraph (8) :

(8) Employ such personnel and fix the salary of such personnel as it deems proper for the enforcement of Commission rules and regulations, such personnel having the right to arrest with a warrant for violations of the rules and regulations of the Commission, or without a warrant for violations of such rules and regulations committed in their presence. Such personnel shall have all the powers of investigation, detention and arrest, conferred by law on peace officers, sheriffs or constables for the enforcement of Commission rules and regulations.

Approved July 13, 1967.

CHAPTER 87

**AN ACT TO AUTHORIZE THE LEVY COURT OF KENT
COUNTY TO APPROPRIATE MONEY TO THE KENT
COUNTY VOLUNTEER FIREMEN'S ASSOCIATION
FOR THE MAINTENANCE OF RADIO EQUIPMENT.**

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

Section 1. § 4132, title 9, Delaware Code, is amended by adding thereto a new subsection to read:

(b) The Levy Court shall appropriate annually and on the first day of October of each year shall pay to the Kent County Volunteer Firemen's Association the sum of \$800 to be used for the maintenance of radio equipment used in connection with volunteer fire fighting apparatus throughout the county.

Approved July 13, 1967.

CHAPTER 88

AN ACT MAKING AN APPROPRIATION FOR THE RESCUE TRUCKS OF THE SLAUGHTER BEACH MEMORIAL VOLUNTEER FIRE COMPANY.

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 Slaughter Beach Memorial Volunteer Fire Company of Slaughter Beach, for the fiscal year beginning July 1, 1967, the sum of \$750, to be used for the maintenance and operation of rescue trucks in the public service.

Section 2. The above 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 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 July 13, 1967.

CHAPTER 89

**AN ACT RELATING TO PRINTING AND DISTRIBUTION
OF SESSION LAWS.**

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

Section 1. Title 29, § 907 (a), Delaware Code, is amended to read:

(a) The Secretary of State shall, as soon as practicable after the adjournment of the General Assembly, have printed copies of all bills, resolutions, proclamations of the Governor which are deemed to be of permanent interest, orders, votes of a public nature, and municipal charters or amendments to municipal charters adopted pursuant to a referendum and filed with the Secretary of State pursuant to Chapter 8, title 22, Delaware Code, accurately printed in volume form, and arranged in the discretion of such official, with an index thereto, to be prepared by him, and shall carefully preserve the originals in the State Archives. The printing of Session Laws shall be done under contract made by the Secretary of State, and in accordance with specifications furnished by him. In the preparation of the Session Laws for printing, the Secretary of State may correct obvious typographical errors but if there is any doubt as to whether a typographical error exists, the Secretary of State shall print the laws as enacted without correction.

Section 2. Section 2, Chapter 350, Volume 55, Laws of Delaware is amended to read:

The Secretary of State shall cause to have printed with the Session Laws for the 123rd General Assembly all municipal charters or amendments to charters which have been adopted pursuant to referendum and filed with him pursuant to Chapter 8, title 22, Delaware Code, prior to December 31, 1966.

Approved July 13, 1967.

CHAPTER 90

AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED, "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PROHIBIT THE VOTING OF OWNERS OF EXEMPT PROPERTY AT A SPECIAL ELECTION ON ANNEXATION AND CHANGING THE HOURS OF HOLDING A SPECIAL ELECTION ON ANNEXATION.

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. Subsection (e), Section 2, Chapter 42, Volume 53, Laws of Delaware as amended, is hereby further amended by striking out all of said subsection and substituting in lieu thereof the following:

(e) At the special election, every property owner whether an individual, a partnership, or a corporation, both in the city 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 city in the case of city 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; provided, however, that the owners of property which is exempt from the payment of taxes assessed against the property shall not be permitted to vote. Every citizen of either the city 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 vote for each two hundred (\$200.00) of assessment. In the event that a person owns property both in the city 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 city and in the territory proposed to be annexed but does not reside in either place, he may vote only in the city and not in the territory proposed to be annexed. In the event that an individual, partnership or corporation holds

a power of attorney duly executed and acknowledged and specifically authorizing the said individual, partnership, or corporation to vote at the said special election, a duly authenticated copy of the power of attorney shall be filed in the office of the city manager of the city of Seaford. Said power of attorney as so filed shall constitute conclusive evidence of the right of the said person, partnership or corporation to vote in the special election.

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

(h) The Mayor 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 city, and at least one of whom must reside and own 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 Municipal Building 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 city shall be deposited in the other such ballot box. The polling places shall be opened from 1:00 o'clock P.M. prevailing time, until 5:00 o'clock P.M., prevailing time on the date set for the special election.

Approved July 13, 1967.

CHAPTER 91

AN ACT TO AUTHORIZE THE STATE HIGHWAY DEPARTMENT TO EXTEND SIDEWALKS ADJACENT TO MIDDLEBORO ROAD, MAINTENANCE ROAD 334.

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

Section 1. In addition to any other sums previously appropriated, there is hereby appropriated to the State Highway Department for the fiscal year ending June 30, 1968, the sum of \$18,000 for the purpose of extending sidewalks from the existing sidewalks at 111 Middleboro Road, Maintenance Road 334, in a Westerly direction approximately 3 tenths of a mile to its intersection with Maryland Avenue, Maintenance Road 336.

Section 2. Any funds appropriated herein which remain unexpended by June 30, 1968, 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 July 13, 1967.

CHAPTER 92

**AN ACT TO AMEND SECTION 3923, TITLE 7, DELAWARE CODE, RELATING TO USE OF APPROPRIATED MON-
EYS IN NEW CASTLE COUNTY BY THE DELAWARE
SOIL AND WATER CONSERVATION COMMISSION OF
NEW CASTLE SOIL AND WATER CONSERVATION
DISTRICTS BY EXPANDING THE USES FOR WHICH
MONEYS MAY BE SPENT.**

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

Section 1. Section 3923, Title 7, Delaware Code, is amended to read:

§ 3923. Use of appropriated moneys in New Castle County

The moneys appropriated pursuant to Section 3921 of this title shall be used by the Delaware Soil and Water 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. The tax ditches shall be organized under the provisions of Chapter 41 of this title. The public group ditches shall be ditches providing water management and drainage for groups of landowners and for landowners and portions of state highways for which this state or New Castle County shall have acquired the necessary easements or rights-of-way, by dedication, direct conveyance, or otherwise, or which shall exist by virtue of being shown on a plot recorded in the New Castle County Recorder of Deeds Office. The highway ditches shall be ditches maintained by the public on State or County owned easements or rights-of-way, acquired by dedication, direct conveyance, or otherwise, adjacent to the roads of New Castle County. The moneys shall be paid from time to time by the State Treasurer and the Department of Finance of New Castle County to the Delaware Soil and Water Conservation Commission, or to the New Castle Soil and Water Conservation Districts, for these purposes, or directly to contractors and suppliers furnishing work, labor, services, and materials for such projects or to land-owners 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.

Approved July 13, 1967.

CHAPTER 93

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".

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. Section 10, Chapter 384, Volume 54, Laws of Delaware, is amended to read:

Section 10. No construction authorized by Section 6 of this Act shall be started nor any moneys shall be borrowed for the construction authorized by Section 6 of this Act later than June 30, 1970, except such moneys as are necessary to complete construction started prior to July 1, 1970.

Approved July 13, 1967.

CHAPTER 94

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO ISSUE BONDS ON THE FULL FAITH AND CREDIT OF THE COUNTY NOT EXCEEDING \$2,500,000.00 TO PROVIDE FUNDS FOR THE CONSTRUCTION OF A NEW COURT HOUSE AND/OR AN ADDITION TO THE EXISTING COURT HOUSE AND EQUIPMENT TO BE USED THEREIN, PROVIDING FOR THE POWER OF CONDEMNATION AND METHOD OF REPAYMENT OF SAID BONDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The Levy Court of Sussex County is hereby authorized to issue bonds of said County not to exceed in the aggregate principal amount of \$2,500,000 without regard to any debt limitation contained in any other law for the purpose of acquiring land and constructing additions or repairs to the existing Court House facilities, to construct new Court House facilities, whether contracts for such new construction or additions or repairs to the existing Court House have been executed before or after the passage of this Act, including parking areas and landscaped areas and purchasing necessary equipment and furniture to be used therein. The said facilities are to lie within the boundaries of the Circle, East Market Street, South Bedford Street, East Pine Street, and South Race Street within the corporate limits of the Town of Georgetown.

Section 2. The bonds issued pursuant to this Chapter shall be issued upon the full faith and credit of the County and the Levy Court shall levy such ad valorem taxes as are necessary to pay the principal of and interest on the said bonds as they fall due without regard to any other limitation concerning the maximum rate of taxation.

Section 3. The bonds of each issue shall be dated, shall bear interest at a rate or rates not exceeding five percentum (5%) per annum, payable semi-annually, shall mature at such time or times not exceeding forty (40) years and may be made

redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the Levy Court prior to the issuance of the bonds. The Levy Court shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds. The interest on and principal of all bonds issued pursuant to this Act shall be made payable at the Farmers Bank of the State of Delaware at Georgetown, Delaware. The bonds shall be signed by the President of the Levy Court of Sussex County and by one other member of the Levy Court of Sussex County, and the seal of the County, or a facsimile thereof shall be affixed thereto and any coupons attached thereto shall bear the facsimile signature of the President of the Levy Court. In case any member whose signature or a facsimile thereof shall appear on any bonds or coupons shall cease to be a member of the Levy Court before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have, and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of this State. Such bonds and the income therefrom shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or authority thereof. The bonds may be issued in coupon or in registered form, or both, as the Levy Court may determine and provision may be made for the registration of any coupon bonds as to principal alone, and also as to both principal and interest, and for the reconversion of any bonds registered both as to principal and interest into coupon bonds. The Levy Court may sell such bonds either at public or private sale and in such manner and for such price but not less than par value as it may determine to be for the best interest of the County, but no such sale shall be made at a price so low as to require the payment of interest on money received therefor at more than five percentum per annum (5%), computed with relation to the absolute maturities of the bonds in accordance with standard tables of bond values. The proceeds of such bonds shall be used solely for the payment of costs of the construction of a new Court House, including parking areas and landscaped areas, or improvements

to the existing Court House, including additions or repairs thereto, or both, whether contracts for such new construction or additions or repairs to the existing Court House have been executed before or after the passage of this Act, and the purchase of necessary furniture and equipment to be used therein, as the resolution authorizing the issuance of such bonds may provide. The proceeds of such bonds shall at no time revert to the general fund of the County, but shall be deposited in a special account and at all times remain available to the Levy Court for the purposes herein set forth. If the proceeds of such bonds, by error of estimates, or otherwise, shall be less than the cost of the project, additional bonds may in like manner be issued to provide the amount of such deficit; provided that the aggregate principal amount of such additional bonds together with the principal amount of all bonds theretofore issued, shall not exceed the amount of \$2,500,000.00 and unless otherwise provided in the resolution authorizing the issuance of the bonds shall be deemed to be in the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the funds hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the Levy Court may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The Levy Court may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this Act. The Levy Court may provide for the securing of the opinion of competent counsel, whether within or without the State respecting the validity of the bonds and may pay for the cost thereof out of the proceeds of the sale of the bonds.

Section 4. The Levy Court may issue and sell notes of Sussex County at either public or private sale for not less than par value. The notes shall bear interest at a rate not exceeding four

percentum (4%) per annum. The notes shall be made payable not more than one (1) year after issuance and may be renewed by the issuance and sale of new notes, but all such notes shall mature and be paid not later than two (2) years after issuance of the original note. The notes shall be signed by the President of the Levy Court of Sussex County and by one other member of the Levy Court of Sussex County and the seal of the County shall be affixed thereto. All notes issued pursuant to this Act shall be made payable at Farmers Bank of the State of Delaware at Georgetown, Delaware. The notes may be redeemed at par value and accrued interest prior to their maturity if the right of the County to do so shall have been reserved by an express provision in the notes. The principal and interest on said notes, including renewal notes, shall be paid from the proceeds of the sale of the bonds. The notes shall be general obligations of the County and the full faith and credit of the County shall be pledged for the full and complete payment of the interest on and principal of such notes and such notes shall be exempt from taxation with respect to both principal and interest by the State of Delaware or any political subdivision thereof for any purpose. The Levy Court of Sussex County shall have the power and be under the obligation to levy and collect such ad valorem taxes as are necessary to pay the principal of and interest on the said notes as they fall due without regard to any other limitation concerning the maximum rate of taxation. The proceeds of such notes shall at no time revert to the general fund of the County but shall be deposited in a special account and at all times remain available to the Levy Court for the purposes set forth herein.

Section 5. The Levy Court of Sussex County is hereby directed to pay the interest on said bonds when and as the same shall become due, and to pay said bonds when and as the respective classes mature. The said Levy Court, in fixing the rate of taxation, shall annually, until the first principal 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 become due and payable, shall annually, in like manner, provide for a sum equal to the principal of and interest on said bonds, which shall, when

collected and paid to the County Treasurer, be set apart by him in a separate account to be opened for that purpose; and, the said County Treasurer shall apply the said sum semi-annually for the payment of such part of said loan and interest thereon as may from time to time become due under the provisions of said bonds.

Section 6. The said Levy Court is hereby authorized and empowered to employ architects, contractors and such other workmen and agents as in their judgment is necessary and to enter into such contracts and agreements respecting the construction of a new building or buildings and additions, repairs and/or improvements of such existing buildings as in their sole discretion may be required to carry out the purposes of this Act and further shall have the power and authority to require good and sufficient bond, with surety, from any person who shall contract for the work or any part thereof to be done in the construction of said Court House or improvement to the existing Court House facilities.

Section 7. The Levy Court may purchase, adjacent to lands presently owned by the County, such additional lands, either from the Town of Georgetown or from a private owner or owners as may be necessary in its opinion to carry out the purposes of this Act, upon such terms and upon such prices as may be considered by the Levy Court to be reasonable and as can be agreed upon between it and the owner thereof, and to take title thereto in the name of the State of Delaware to and for the use of Sussex County. Whenever a price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown, the Levy Court may acquire by condemnation such property located adjacent to the present Court House in Sussex County deemed by the Levy Court to be necessary to carry out its purposes. Any condemnation of real property carried out by the said Levy Court under this authority shall be in accordance with the provisions of Chapter 61, Title 10, Del. C. of 1953, as amended, governing the procedure for all condemnations of real and personal property within the State of Delaware.

Section 8. In addition to the power to exercise the right of

eminent domain, the Levy Court is also authorized to petition the Superior Court to vacate and enclose any existing streets, alleys or ways which may lie within the area defined in Section 1 of this Act. In the event, the procedure to be followed shall be as set forth in Chapter 14, Title 17, Del. C. of 1953, as amended, except that the decision of the Levy Court that any existing street, alley or way within the area set forth in Section 1 of this Act is unnecessary and ought to be vacated shall be conclusive upon the freeholders so appointed.

Section 9. All statutes inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved July 13, 1967.

CHAPTER 95

AN ACT TO PERMIT THE LEVY COURT OF SUSSEX COUNTY TO ADOPT PLANNING AND ZONING REGULATIONS.

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 to read:

CHAPTER 68. PLANNING AND ZONING**§ 6801. Definitions**

As used in this chapter, unless the same shall be inconsistent with the context, the following terms shall mean—

“Commission” means “County Planning and Zoning Commission of Sussex County” created by this chapter;

“County Engineer” means “County Engineer of Sussex County”;

“District” means “Corporate boundaries of Sussex County including municipalities which choose to be included in the planning and zoning district”;

“Highway Department” means “State Highway Department of the State of Delaware”;

“Levy Court” means “Levy Court of Sussex County”;

“Recorder’s Office” means “Recorder of Deeds in and for Sussex County”;

“Road” includes any “road”, “street”, “highway”, “freeway”, “parkway”, or other public thoroughfare.

§ 6802. Statement of purposes

For the purpose of promoting the health, safety, prosperity and general welfare, as well as for the purpose of securing coordinated plans for land use, transportation, public facilities and

utilities and public works expenditures in that portion of Sussex County which is 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 and as well as for the purpose of preventing the unnecessary duplication of facilities or utilities, the body to be known as the County Planning and Zoning Commission of Sussex County is created and the area over which this commission shall have jurisdiction shall be known as the County Planning District.

§ 6803. Planning Commission; members; terms; qualifications; vacancies; compensation

(a) The Planning and Zoning Commission of Sussex County shall consist of ten members as follows:

(1) Five ex-officio members who shall have no vote consisting of one member of the Levy Court, the County Engineer, and three members to be appointed; one of whom shall be appointed by the State Highway Department of the State of Delaware, one of whom shall be appointed by the State Board of Health, and one of whom shall be appointed by the State Water and Air Resources Commission.

(2) Five voting members all of whom shall be appointed by the Levy Court of Sussex County. A quorum consists of three voting members of the Commission.

(b) The term of the Levy Court member and the County Engineer of Sussex County shall come to an end at the end of the term for which they were elected or chosen respectively. The members of the Commission appointed by the State Highway Department, State Board of Health, and State Water and Air Resources Commission shall serve at the pleasure of the State Highway Department, State Board of Health, and State Water and Air Resources Commission respectively.

(c) The voting members appointed by the Levy Court shall be appointed as follows:

(1) During the month of June of each year in which a term

of any members theretofore appointed by the Levy Court expires, the Levy Court shall appoint members to the Commission. The terms of office shall commence on the first day of July following appointment. Each member shall serve until his successor is appointed and qualified. Each member shall be appointed for a term of three years, except that a member appointed to fill a vacancy occurring for any reason other than expiration of term, shall be appointed for the unexpired term. The appointed members shall be residents of Sussex County and no more than two members shall be appointed for the same Representative District.

(2) Each member shall be a freeholder and resident of Sussex County, four of whom shall live outside any incorporated city or town unless such incorporated city or town is included in County Planning. No more than three of the members of the Commission shall be of the same political party. Originally two members shall be appointed for three years, two members shall be appointed for two years and the remaining member for one year.

(3) Persons shall be appointed who shall be known to have knowledge and experience to pass upon planning and zoning problems in connection with urban and rural development, and who at the time of appointment are not candidates for or incumbents of an elective public office.

(d) When any vacancy occurs in the Commission, either by death, resignation, expiration of term of office, removal, or otherwise, of any person so appointed, the vacancy shall be filled for the unexpired term by the body or person which appointed the member to the office in which such vacancy occurred.

(e) The members of the Commission shall serve without compensation, but shall be paid their necessary expenses incurred in the performance of their duties.

§ 6804. Organization; meetings; and office of Commission

(a) On the second Monday in July of each year the Commission shall convene and organize by selecting a chairman. Before entering upon the duties of the office, each member shall take and subscribe the oath or affirmation as prescribed by the Constitution. The Commission may create and fill such other offices in

addition to Chairman as it may determine. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(b) The Sussex County Levy Court shall provide suitable and convenient office space for the use and occupancy of the Commission, and the Levy Court of Sussex County shall furnish and supply all necessary equipment for the office.

§ 6805. Secretary of Commission and other personnel

(a) The Commission shall appoint a Secretary who shall serve for such time, and perform such duties and receive such compensation as the Commission may prescribe. He shall give bond if required by the Commission in such amount as the Commission may require.

(b) The Commission may appoint, discharge at pleasure and fix the compensation of such employees and staff or any contract for the services of such persons, firms, or corporations as, from time to time, in its judgment may be necessary to the exercise of its powers under this chapter; provided, however, that all actions of the Commission under this subsection are subject to Levy Court approval, and the Levy Court may require any employee to give bond with surety approved by it in a sum to be fixed by the Commission.

§ 6806. Assistance to Commission by county

The Levy Court of Sussex County, may, from time to time, upon request of the Commission and for the purpose of special surveys, assign or detail to the Commission any members of the administrative staffs or agencies of the County, or direct any such staff or agency to make for the Commission special surveys or studies requested by the Commission.

§6807. Comprehensive development plan of the district

(a) The Commission shall prepare a Comprehensive Development Plan of the District as expressed in maps, figures, and text which shall, among other elements, include: statements of objectives, standards, principles and policies pertaining to the

physical development of the District; existing and proposed patterns and intensity of land use; existing and proposed traffic circulation and transportation systems; existing and proposed public facilities, programs and utilities. Such a plan shall include such other features and programs as may come wholly or partially within County jurisdiction; and in addition, include those planning elements existing and proposed within a City or Town as are likely to bear an important relationship to the physical development of the district. Such plan shall be a public record, but its purpose and effect shall be solely as an aid to the Commission in the performance of its duties. A copy of the Plan shall be forwarded to the State Planning Office and all municipalities within the County for review. After the Commission adopts the Comprehensive Development Plan or amendments thereto, the Plan shall be forwarded to the Sussex County Levy Court for formal action.

(b) The Commission may also prepare a recommended six year capital improvements program including an annual capital budget and various codes and ordinances intended to implement the Comprehensive Plan.

(c) The Commission may, from time to time, amend, extend or add to the Comprehensive Development Plan under the provisions of §6307(a).

(d) The Comprehensive Development Plan may cover areas within the corporated limits of any city or town in Sussex County, to the extent that such areas shall be deemed, in the judgment of the Commission, to be related to the planning of the District. The Comprehensive Development Plan shall have no legal effect in such areas except when such areas request inclusion within the District as provided for in §6302 of this title.

(e) The Commission shall encourage the cooperation of the cities and towns within Sussex County in any matter concerning the Comprehensive Development Plan and, if requested, shall advise the governing body or authority of any city or town in Sussex County with respect thereto.

§ 6808. Surveys

The Commission shall have full power to make such investi-

gations, maps, and reports of the resources, condition and needs of the District as it deems desirable. Upon completion of such reports, the Commission shall submit the same to the Sussex County Levy Court with its recommendations. The Commission shall report annually to the Levy Court on the activities of the Commission during the preceeding year.

§ 6809. Official map of the county

(a) There is established an official map of the County. The Commission shall be the maker and custodian of such map. The map shall show the location and lines of the public roads, easements, water courses and public lands within the County existing and/or established by law at the time of the preparation and setting up of the map by the Commission; also the location of the lines of the roads, easements, water courses and public lands on plats which shall have been approved by the Commission at or previous to that time.

(b) Whenever the Commission has prepared an approved official map or any amendment, extension or addition thereto, after public hearing it shall submit the approved official map or such amendment, extension or addition thereto, to the Levy Court for its adoption. If the official map or amendment, extension or addition thereto shall pertain to the road system of or any road in Sussex County, the official map or any amendment, extension or addition thereto shall also be submitted to the Highway Department for its review and recommendation. Upon receipt of the recommendation from the Highway Department of the official map or such amendment, extension or addition thereto, it shall be returned to the Levy Court for its adoption. If adopted by the Levy Court, the map shall be recorded in the Recorder's Office within thirty (30) days after such action.

(c) The Commission may, from time to time, amend, extend, add to or remove from the official map all roads established or vacated by law, or as established by §6809(b).

§ 6810. Road plats; submission to Commission; recording; fees; regulations

(a) The location, proposed grades and drainage of all roads intended to be dedicated by the owner thereof to the public use or

for the use of owners of property abutting thereon or adjacent thereto within the limits of the District, shall be submitted to the Commission for its approval and the adoption of the Levy Court and no person shall record any plan or map showing the location of any new or proposed road, in any public office in Sussex County unless such plan or map shall show thereon by endorsement its approval by the Commission and its adoption by the Levy Court. The approval of such plan or map by the Commission and the adoption thereof by the Levy Court endorsed upon such plan or map shall, when recorded, be deemed and taken as an acceptance of the intended dedication of the roads appearing thereon, but shall not impose any duty upon the Levy Court or upon the Highway Department respecting the maintenance or improvement thereof. Such plan or map shall, when recorded, become a part of the official map.

(b) No plat of land within the District shall be received or recorded by the Recorder of Deeds in and for Sussex County or filed for recording in the Recorder's Office until the plat shall have been submitted to and approved by the Commission after public hearing and the Levy Court, and such approvals be endorsed in writing on the plat by the Chairman or Secretary of the Commission and President of the Levy Court. The filing or recording of a plat without the approval of the Commission and the Levy Court shall, upon application of the Commission or the Levy Court, to the Superior Court in and for Sussex County, Delaware, be deleted from the records.

(c) On the basis of the estimated cost of the services including filing fees and cost of legal notice to be rendered by it in connection with the consideration of such plats and the work incident thereto, the Commission may fix the scale of fees to be paid to it and may from time to time amend such scale. In the case of each plat submitted to the Commission, the fee thus fixed shall be paid before the plat is approved or disapproved.

(d) Every such plat shall be prepared by a registered Professional Engineer or Land Surveyor and shall be prepared upon stabilized plastic film of such size and character, with such notations, information as the Commission may, by regulation prescribe, and shall have such monuments, permanent markers, boundary stones or stations as the Commission shall prescribe,

which shall be shown and designated on the plat thereof. The Commission shall also require a certification by the registered Professional Engineer or Land Surveyor that the monuments, permanent markers, boundary stones or stations have been properly installed and verified as to final location at the completion of the project. The Commission shall prescribe the procedure for the submission of such plat and action in respect thereto.

§ 6811. Approval or disapproval of plat by Commission

The Commission shall approve or disapprove a plat within forty-five (45) 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 Commission upon demand. Such period may be extended by mutual agreement between the Commission and the applicant for the Commission's approval. The grounds of disapproval of any plat shall be stated upon the records of the Commission and a copy of such statement shall be furnished to the applicant. No plat shall be acted upon by the Commission without affording a hearing thereon as outlined in §6812 and notice of the time and place of which shall be sent by registered mail to such applicant not less than five (5) days before the date fixed therefor. Any approval or disapproval may be appealed to the Levy Court of Sussex County within thirty (30) days of the official action of the Levy Court.

§ 6812. Public hearing and notice

(a) Any public hearing required by this chapter shall be held within the county and notice of the time and place such a hearing shall be published at least twice in a newspaper of general circulation in the county; such publication shall be in two successive weeks, the first notice to appear at least fifteen (15) days before the date of the hearing. In addition, notice of the hearing shall be posted in at least four (4) public places within the county. Such notice shall state the place at which the text and maps as certified by the Planning Commission may be examined.

(b) Legal public notice of any formal action taken in regard to public hearings as required by this chapter shall be published at least once in a newspaper of general circulation in the county within fifteen (15) days of such action.

§ 6813. Recording unapproved plat; penalty for

Any Recorder who formally files or records any plat or map contrary to the provisions of this chapter shall be fined not less than \$100.00 nor more than \$500.00.

§ 6814. Cooperation with other agencies

(a) Upon the request of the Levy Court, the Commission shall, or upon the request of the Highway Department, the State Board of Health, the State Water and Air Resources Commission, or any other State, County, or municipal agency, board, department, commission or authority, the Commission may, upon such terms as may mutually be agreed upon, prepare plans and supply information relating to any of the matters set forth in this chapter.

(b) In exercising the powers conferred by this chapter, the Commission is empowered to act in conjunction and cooperation with representatives, agencies, or officers of the United States Government, this State, any other State, or any County, City or Town within or without this State.

§ 6815. Entry upon land; access to records

(a) In the performance of the functions and duties of the Commission, any member thereof or any employee or agent thereof shall have the right to enter into and upon, at reasonable times (Sundays and holidays excluded) between the hours of 8 a.m. and 5 p.m. any lands in the District, either public or private, and to make surveys and to place and maintain necessary monuments and markers thereon, but such entry shall be made with due care and regard for the protection and preservation of property.

(b) In the performance of the functions and duties of the Commission, any member thereof, or any employee or agent thereof shall have free access, without expense, to all State, County, municipal and other public records.

§ 6816. Appropriation; authority to make

The Levy Court may appropriate out of the general county fund such monies, otherwise unappropriated, as it may deem

fit to finance the work of the Commission and may enforce the regulations and restrictions which are adopted pursuant to this chapter, and may accept grants of money and service for these purposes, and other purposes, in accordance with this chapter, from either private or public sources, State or Federal.

§ 6817. Powers and duties of State Highway Department

Nothing contained in this chapter shall change, alter, affect, or modify the rights, powers and duties elsewhere conferred upon the State Highway Department.

§ 6818. Powers and duties of municipal corporations not affected

Nothing contained in this chapter shall change, alter, affect, or modify the rights, powers and duties heretofore conferred upon any municipal corporation over, in or upon any lands lying outside of the corporate limits of the municipal corporation.

Approved July 13, 1967.

CHAPTER 96

AMENDING TITLE 15, DELAWARE CODE BY ADDING CHAPTER 44 ENTITLED "REGISTRATION AND VOTING FOR PRESIDENTIAL ELECTORS ONLY, BY UNITED STATES CITIZENS WHO FAIL TO FULFILL CERTAIN RESIDENCE REQUIREMENTS."

WHEREAS, the 123rd General Assembly of the State of Delaware has agreed, by a two-thirds vote, to a proposed amendment to Article V, Section 2 of the Constitution of the State of Delaware; and,

WHEREAS, the 124th General Assembly of the State of Delaware has, under consideration, an identical proposed amendment to Article V, Section 2 of the Constitution of the State of Delaware,

NOW THEREFORE,

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

Section 1. Title 15, Delaware Code, is amended by adding Chapter 44, entitled "Registration and Voting for Presidential electors only, by United States Citizens Who Fail to Fulfill Certain Residence Requirements."

§ 4401. Registration qualifications

The Departments of Election in each of the three counties of this state shall permit registration by:

(a) Any citizen of this State who shall have changed his residence from one county, hundred, or election district to another located within the State, but who has not resided therein for a sufficient time so as to be otherwise eligible to register from his new place of residence; provided that such citizen would have been eligible to register within this State had he not moved; and provided that he is not entitled to vote in any other place; and provided further that such citizen would be otherwise qualified to register under the Constitution of the State of Delaware.

(b) Any citizen of the United States who has been a resident of this State for at least three months next preceding a Presidential election but who would be otherwise unable to vote because he has not been a resident thereof for one year next preceding the Presidential election; 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 or could have registered to vote, had he remained in such other State until such election; and provided that he is not entitled to vote in any other State; and provided further that such citizen would be otherwise qualified to register except that he had not resided in this State for one year.

§ 4402. Time of registration

The Departments of Election of the three counties shall be open for registration by citizens qualifying under §4401, Title 15, Delaware Code, during regular registration hours otherwise set by law, but no sooner than 90 days before such Presidential election and no later than the last general registration day.

§ 4403. Place of registration; records

The Departments of Election shall permit aforementioned registration only in the central office of such Board and the names and addresses of persons so registered shall be kept in a separate poll book.

§ 4404. Method of registration

Each person who shall apply at the office of the Department of Elections for registration under this chapter shall be examined under oath or affirmation as to his name, age, address, qualification as a voter and his right to register pursuant to this chapter as such on forms supplied by the Department of Elections.

§ 4405. Place of voting

Each Department of Elections shall designate one centrally located polling place in its county where those persons who are qualified to vote pursuant to this chapter in their county shall be permitted to vote.

§ 4406. Voting officials

Election officers for the polling places designated pursuant to §4410 of this Act, shall be appointed by each Department of Elections pursuant to Chapter 47, Title 15, Delaware Code.

§ 4407. Voting procedure

After proper verification of registration, registrants under this chapter shall be permitted to vote by voting machine for Presidential electors only. The voting hours shall be the same as general voting hours.

§ 4408. Tallying and recording of vote

At the close of voting hours on election day, the election officers appointed under this chapter shall read the results from the voting machine, record them on forms supplied by the county Board of Election, attest to their accuracy by signature of all election officers present and return such form to the County Board of Election office. The returns so reported shall be then added to the county vote for Presidential electors and be so presented to the Board of Canvass.

Section 2. This Act shall become effective

(a) after passage of the necessary requirements for the aforementioned amendment to the Constitution of the State of Delaware;

(b) upon signature of the Governor of the State of Delaware.

Approved July 13, 1967.

CHAPTER 97

AN ACT TO AMEND TITLE 9, DELAWARE CODE BY ADDING A CHAPTER 69 THERETO PROVIDING FOR ZONING IN SUSSEX COUNTY.

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 69 to read as follows:

CHAPTER 69. ZONING**§ 6901. Definitions**

All definitions used in Chapter 63, Section 6301 shall apply to this chapter and as used in this chapter, unless the same shall be inconsistent with the context, the following terms shall mean—

“Nonconforming Structure”: A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning regulation or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or code or amendment by reason of its location. Such nonconforming structures include nonconforming signs.

“Nonconforming Use”: A use, whether of land or of a structure, which does not comply with the applicable use provisions in a zoning regulation or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or code or amendment, or prior to the application of such ordinance or code or amendment by reason of its location.

“Structure”: Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land. The word “structure” includes the word “building”.

§6902. Power of Levy Court; area subject to regulation

The Levy Court may, in accordance with the conditions and procedure specified in this chapter, regulate the location, height, bulk and size of buildings and other structures, the percentage of

lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes and the uses of land for trade, industry, residence, recreation, public activities, water supply conservation, soil conservation, or other similar purposes, in any portion or portions of Sussex County which lie outside of incorporated municipalities, and also incorporated municipalities without zoning provisions, notwithstanding any provisions of other Titles or Chapters of the Delaware Code to the contrary.

§6903. Zoning map and regulations; commission

(a) For any or all of the purposes specified in section 6402 of this Title the Levy Court may divide the territory of Sussex County into districts or zones of such number, shape, or area as it may determine, and within such districts, or any of them, may regulate the erection, construction, reconstruction, alteration, and the nature and extent of use of buildings and structures, and the nature and extent of the use of land.

(b) All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts.

(c) The Levy Court shall provide for the manner in which regulations shall be enforced, prescribe penalties for violations and shall designate the administrator of the regulations. The administrator so designated shall have authority to act as such throughout the County.

§6904. Purposes of regulations

(a) Regulations adopted by the Levy Court, pursuant to the provisions of the Chapter, shall be in accordance with the approved Comprehensive Development Plan and shall be designated and adopted for the purpose of promoting the health, safety, morale, convenience, order, prosperity or welfare of the present and future inhabitants of Sussex County, including, amongst other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads, securing safety from fire, flood, and other dangers, pro-

viding adequate light and air, preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flowage, water supply, water and air pollution abatement, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, fostering the State's agricultural and other industries, and the protection of both urban and non-urban development.

(b) The regulations shall be made with reasonable consideration, among other things, of the character of the particular district involved, its peculiar suitability for particular uses, the conservation of property values and natural resources and the general and appropriate trend and character of land, building and population development.

§6905. Planning and zoning commission; appointment; term and qualifications

(a) In order to avail itself of the powers conferred by this chapter, the Levy Court shall appoint a permanent commission of five members which shall be known as the County Planning and Zoning Commission of Sussex County and who shall be the same voting members appointed under Chapter 63, §6303, and its organization, meeting, office of the commission, secretary of the commission, and other personnel shall be the same as in Chapter 63, Planning §6304 and §6305.

§6906. Assistance from and cooperation with other agencies

In performing its zoning function the commission may make use of the expert advice and information which may be furnished by appropriate State, Federal, or other officials, departments and agencies. All officials, departments, and agencies within the State having information, maps and data pertinent to county zoning shall make the same available for the use of the commission, as well as furnish such other technical assistance and advice as they may have available for such purpose.

§6907. Tentative zoning proposal preparation by Commission

(a) The commission shall make, as promptly as possible, for certification to the Levy Court, a zoning proposal based upon and in full accordance with the adopted Comprehensive Development Plan including both the full text of the zoning regulation or regulations and the maps for the regulation by districts or zones of the location, height, bulk, and size of building and other structures, percentage of lot which may be occupied, size of lots, courts, and other open spaces, density and distribution of population; for the use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and for the uses of land for trade, industry, recreation, public activities, soil conservation, water supply conservation or other similar purposes.

(b) After the creation of the commission and prior to the creation of the adopted Comprehensive Development Plan and prior to the tentative zoning proposal described in §6406 (a) above, an interim holding zone proposal to control the development of land may be instituted by Sussex County pursuant to §6409 as a temporary measure, but in no case shall the interim zoning exceed two years from the passage of this chapter.

§6908. Public hearing and notice

Any public hearing required by this chapter shall be held in accordance with Chapter 63, §6312.

§6909. Commission's powers in conduct of public hearings

For the purpose of any public hearing under this chapter, the Commission shall have power to summon witnesses, administer oaths, and compel the giving of testimony. A written transcript of the public hearing shall be made and become a part of the commission's public records.

§6910. Adoption by Levy Court of zoning map and regulations; public hearings and notice; consultative hearings; resubmission to Commission

(a) After receiving the certification of a zoning proposal from the Commission and before the adoption of any zoning regu-

lations, the Levy Court shall give public notice in accordance with §6312. In addition a third public notice shall be required and published at least thirty (30) days prior to the public hearing.

(b) The Levy Court may conduct consultative hearings prior to the required public hearing to aid it in determining the desirability of contemplated or recommended regulations.

(c) No change in or departure from text or maps, as certified by the commission, shall be made unless such change or departure shall first be submitted to the Commission for its approval or disapproval or suggestions. The Commission shall have forty-five (45) days from and after such submission within which to send its report to the Levy Court, but the Levy Court shall not be bound by the report.

§6911. Changes in zoning district; map or regulations; procedure

(a) The Levy Court may, from time to time, make amendments, supplements, changes or modifications (herein called "changes") in accordance with the Comprehensive Development Plan with respect to the number, shape, boundary or area of any district or districts, or any regulation of, or within, such district or districts, or any other provision of any zoning regulation or regulations, but no such changes shall be made or become effective until the same shall have been proposed by or be first submitted to the Commission.

(b) With respect to any proposed changes, the Commission shall hold at least one public hearing pursuant to §6312.

(c) Unless the Commission shall have transmitted its report upon the proposed changes within forty-five (45) days after the submission thereof to it, the Levy Court shall be free to proceed to the adoption of the changes without further awaiting the receipt of the report of the Commission. In any event, the Levy Court shall not be bound by the report of the Commission. Before finally adopting any changes, the Levy Court shall hold a public hearing thereon pursuant to §6312.

§6912. Zoning coordination

The Commission may cooperate with other planning and zon-

§6907. Tentative zoning proposal preparation by Commission

(a) The commission shall make, as promptly as possible, for certification to the Levy Court, a zoning proposal based upon and in full accordance with the adopted Comprehensive Development Plan including both the full text of the zoning regulation or regulations and the maps for the regulation by districts or zones of the location, height, bulk, and size of building and other structures, percentage of lot which may be occupied, size of lots, courts, and other open spaces, density and distribution of population; for the use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and for the uses of land for trade, industry, recreation, public activities, soil conservation, water supply conservation or other similar purposes.

(b) After the creation of the commission and prior to the creation of the adopted Comprehensive Development Plan and prior to the tentative zoning proposal described in §6406 (a) above, an interim holding zone proposal to control the development of land may be instituted by Sussex County pursuant to §6409 as a temporary measure, but in no case shall the interim zoning exceed two years from the passage of this chapter.

§6908. Public hearing and notice

Any public hearing required by this chapter shall be held in accordance with Chapter 63, §6312.

§6909. Commission's powers in conduct of public hearings

For the purpose of any public hearing under this chapter, the Commission shall have power to summon witnesses, administer oaths, and compel the giving of testimony. A written transcript of the public hearing shall be made and become a part of the commission's public records.

§6910. Adoption by Levy Court of zoning map and regulations; public hearings and notice; consultative hearings; resubmission to Commission

(a) After receiving the certification of a zoning proposal from the Commission and before the adoption of any zoning regu-

lations, the Levy Court shall give public notice in accordance with §6312. In addition a third public notice shall be required and published at least thirty (30) days prior to the public hearing.

(b) The Levy Court may conduct consultative hearings prior to the required public hearing to aid it in determining the desirability of contemplated or recommended regulations.

(c) No change in or departure from text or maps, as certified by the commission, shall be made unless such change or departure shall first be submitted to the Commission for its approval or disapproval or suggestions. The Commission shall have forty-five (45) days from and after such submission within which to send its report to the Levy Court, but the Levy Court shall not be bound by the report.

§6911. Changes in zoning district; map or regulations; procedure

(a) The Levy Court may, from time to time, make amendments, supplements, changes or modifications (herein called "changes") in accordance with the Comprehensive Development Plan with respect to the number, shape, boundary or area of any district or districts, or any regulation of, or within, such district or districts, or any other provision of any zoning regulation or regulations, but no such changes shall be made or become effective until the same shall have been proposed by or be first submitted to the Commission.

(b) With respect to any proposed changes, the Commission shall hold at least one public hearing pursuant to §6312.

(c) Unless the Commission shall have transmitted its report upon the proposed changes within forty-five (45) days after the submission thereof to it, the Levy Court shall be free to proceed to the adoption of the changes without further awaiting the receipt of the report of the Commission. In any event, the Levy Court shall not be bound by the report of the Commission. Before finally adopting any changes, the Levy Court shall hold a public hearing thereon pursuant to §6312.

§6912. Zoning coordination

The Commission may cooperate with other planning and zon-

ing commissions within Sussex County and within other counties and states, and with legislative and administrative authorities of incorporated or unincorporated municipalities, either within or without such county, with a view to coordinating and integrating and the zoning of the county with the planning and zoning of other counties or states or of municipalities. The Commission shall also have power to appoint such committee or committees, and adopt such rules for the conduct of its business, as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions.

§6913. Board of Adjustment; appointment, terms and qualifications; removal; vacancies; compensation

(a) The Levy Court for Sussex County shall appoint a Board of Adjustment of five members, subject to the same terms and qualifications as indicated in §6803(c).

§6914. Office and personnel of Board of Adjustment

The Levy Court shall furnish the Board of Adjustment with necessary office space and other facilities. Subject to the approval of the Levy Court, the Board may employ such secretarial and technical assistants as may be required to properly perform its functions.

§6915. Rules governing organization; procedure and jurisdiction of Board of Adjustment

The Levy Court shall provide and specify in its zoning or other regulations, general rules to govern the organization, procedure and jurisdiction of the Board of Adjustment, which rules shall not be inconsistent with this chapter, and the Board of Adjustment may adopt supplemental rules of procedure not inconsistent with this chapter or such general rules.

§6916. Appeals to the Board of Adjustment; who may take; procedure

(a) Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement

of the provisions of the zoning regulations. Appeals to the Board of Adjustment may be taken by any property owner, officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning regulations.

(b) The time within which such appeal must be made, and the effect of other procedure relating thereto, shall be as specified in the general rules provided by the Levy Court to govern the procedure of the Board of Adjustment or in the supplemental rules of procedure adopted by the Board.

(c) All appeals taken to the Board of Adjustment shall be referred to the Commission for its review and recommendations.

§ 6917. Powers of Board of Adjustment upon appeals

Upon appeals the Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning regulations.

(2) To hear and decide, in accordance with the provisions of any zoning regulation, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which the Board is authorized by any zoning regulation to pass.

(3) To hear and decide requests for variances. The Board may grant a variance in the application of the provisions of the zoning ordinance or code only if all of the following findings are made:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally

created by the provisions of the zoning ordinance or code in the neighborhood or district in which the property is located; and

- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance or code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property; and
- c. That such unnecessary hardship has not been created by the appellant; and
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance or code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

§ 6918. Court review of decision of Board of Adjustment; procedure

(a) Any persons jointly or severally aggrieved by a 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 in and for Sussex County, a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the Court within 30 days after the filing 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 of Adjustment, and shall prescribe therein the time within which a return thereto 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 appealed from, but the Court may, on application, on notice to the Board 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 appealed from 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 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, unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

§ 6919. Violations of regulations of chapter; enforcement; remedies and penalties

(a) No person shall erect, construct, reconstruct, alter, maintain or use any building or structure or use any land in violation of any regulation, in or of any provision of, any zoning regulation, or any change, thereof, enacted or adopted by the Levy Court under the authority of this chapter.

(b) Whoever violates any such regulation, provision or change, or any provision of this chapter, shall be fined not more than \$100.00, or imprisoned not more than ten days, or both.

(c) Each and every day during which such illegal erection, construction, alteration, maintenance or use continues shall be deemed a separate offense.

(d) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this chapter or of any regulation or provision of any regulation or change thereof, enacted or adopted by the Levy Court under the authority granted by this chapter, the Levy Court, the attorney thereof, or any owner of real estate within the county in which such building, structure or land is situated, 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 remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

§6920. Nonconforming uses of land or structure

(a) Nonconforming uses of land or structure may, except as hereinafter provided, be continued although such use does not conform with the provisions of such regulations or change, provided no structural alteration of such building is proposed or made for the purpose of such extension.

(b) If the County acquires title to any property by reason of tax delinquency and such properties be not redeemed as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning regulations of the County, or with any change of such regulations, equally applicable to other like properties within the district in which the property acquired by the County is located.

§6921. List of nonconforming structures and uses

Immediately after the adoption of any zoning regulations or changes by the Levy Court, the Commission shall prepare and publish a complete list of all nonconforming structures and uses in the affected area and existing at the time of the adoption of the regulations. Such lists shall contain the names and addresses of the owner or owners of such nonconforming use and of any occupant, other than the owner, and list the nonconforming

structure or use and applicable section of the zoning regulation. Any necessary corrections shall be made under a procedure prescribed by the Levy Court, and copies of such list shall, when approved by the Levy Court, be filed for record in the offices of the Commission and the Board of Adjustment.

§6922. Appropriations

The Levy Court may appropriate out of the general county fund such moneys, otherwise unappropriated, as it may deem fit to finance the work of the Zoning Commission and of the Board of Adjustment, and may enforce the zoning regulations and restrictions which are adopted, and may accept grants of money and service for these purposes, and other purposes, in accordance with this chapter, from either private or public sources, State or Federal.

§6923. Conflict between zoning regulations and other laws

Whenever any regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute or local regulation, the provisions of the regulations made under authority of this chapter shall govern. Whenever the provisions of any other statute or local regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this chapter, the provisions of such statute shall govern.

Whenever the provisions of any other statute shall derogate from the provisions of this chapter, unless it be a statute granting powers to the State Planning Office, the provisions of this chapter shall govern.

Approved July 13, 1967.

CHAPTER 98

AN ACT TO AMEND SECTION 9615, TITLE 9, DELAWARE CODE, RELATING TO THE DELIVERY OF RECORDS TO PUBLIC ARCHIVES COMMISSION.

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

Section 1. Section 9615, Title 9, Delaware Code, is amended by adding a new subsection to be known as subsection (d) as follows:

(d) The Recorder of Deeds in and for Sussex County, upon the advice and approval of the Resident Associate Judge of the Superior Court, in and for Sussex County, may photocopy or microfilm any volume of land records in his official custody, the age and condition of which render its continued use by the public inadvisable. Such photostat copy or microfilm shall be indexed and stored as provided for in section 9605 (d). The Recorder of Deeds shall certify that the contents of such copies are complete and correct. When so copied and certified, the Recorder of Deeds may issue certified copies of any instrument contained in the photostat or microfilm copy of the original volume, and any such certified copy shall be admissible in evidence in any court of justice in the same manner and entitled to the same weight and have the same effect as certified copies made from the original volume. Any original volumes of land records so copied and certified by the Recorder of Deeds may be delivered to the Public Archives Commission with the consent of the State Archivist for the preservation in the public archives of the State of Delaware. The Recorder of Deeds shall certify to the State Archivist that the copying of the original volume or volumes was done under his authorization and supervision, and he shall take a receipt for the same and the receipt shall be preserved in the office of the Recorder of Deeds, in and for Sussex County.

Approved July 17, 1967.

CHAPTER 99

AN ACT TO AMEND SECTION 9605, TITLE 9, DELAWARE CODE, RELATING TO THE RECORDATION OF INSTRUMENTS IN SUSSEX COUNTY BY PROVIDING FOR RECORDATION BY MICROFILMING METHODS.

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

Section 1. Section 9605 (d), Title 9, Delaware Code, is amended to read as follows:

(d) The recording of all instruments in Sussex County on and after September 1, 1967, as provided for in this section shall be accomplished by copying the original by means of a photocopying or microfilming machine, and either binding or inserting the same in appropriate books, with proper identification, for the preservation of such records, or in the case of microfilm, by binding, inserting or storing such microfilm records in appropriate books, card systems (properly indexed) or an approved roll film storage system (properly indexed) with proper identification for the preservation of such records.

Section 2. Section 9605, Title 9, is further amended by adding a new subsection to read as follows:

(e) For the purposes of this Chapter, and this section, any reference in any section of this Chapter to the recordation of any document or instrument in books or volumes shall be deemed to mean and include recordation and filing in the manner and form provided for in subsection (d) above.

Approved July 17, 1967.

CHAPTER 100

**AN ACT TO AMEND SECTION 9618, TITLE 9, DELAWARE
CODE, RELATING TO FEES CHARGED BY THE RE-
RECORDER OF DEEDS IN SUSSEX COUNTY.**

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

Section 1. Section 9618, Title 9, Delaware Code, is amended to read as follows:

§9618. Fees in Sussex County

The fees of the Recorder in Sussex County, for the services specified, shall be as follows:

For recording, comparing and certifying an official obligation	\$5.00
--	--------

For recording, comparing and indexing a Private Act of Assembly, deed, mortgage, chattel mortgage, release, as signment, contract of marriage, or other paper proper to be recorded, first page	5.00
each additional page or fractional part of a page	1.00

Certificate of Incorporation and Certificate of Amendment of Incorporation, first page	5.00
each additional page	1.00

For certificate under hand and seal of office	1.00
---	------

For certified copy, office copy or exemplified copy of any record photocopied, per page	1.00
---	------

For noting satisfaction of mortgage to be paid at time mortgage is recorded	1.00
---	------

For certificate under hand, of the date of receiving mortgage for record	1.00
--	------

For furnishing list of mortgages under hand and seal of office to Sheriff for applying proceeds of sale of lands taken in execution, or otherwise	1.00
---	------

Conveyance and lien searches, time consumed in making same, first hour	2.50
each additional hour	1.00

For filing certificate of Prothonotary, and noting on margin of mortgage return on writ of levavi facias	1.00
---	------

For noting on margin of record of mortgage, names of parties, number of writ and term in scire facias proceedings under certificate of Prothonotary	1.00
---	------

For preparing and furnishing abstract of mortgage in scire facias proceedings by photocopying per page50
---	-----

A record page shall consist of 45 lines; a line, when used as a measure of computation, shall mean 8 words.

For filing conditional sales contract and entering required information	2.00
---	------

For noting satisfaction of conditional sales contract, to be paid when contract is filed	1.00
--	------

Approved July 17, 1967.

CHAPTER 101

AN ACT TO AMEND SECTION 132 (c) (8), TITLE 17, DELAWARE CODE, RELATING TO GRANTS BY THE STATE HIGHWAY DEPARTMENT OF FRANCHISES AND LICENSES TO USE STATE HIGHWAYS.

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

Section 1. Section 132 (c) (8), Title 17, Delaware Code, is hereby amended to read as follows:

(8) Exclusively grant franchises and licenses to public service corporations or, to corporations furnishing gasoline or petroleum products to the air field installation operated by the Federal Government in Kent County, to use the State Highways, in whole or in part, for a term not exceeding 50 years; provided, however, any franchise or license granted to any such corporation furnishing gasoline or petroleum products to said air field installation shall restrict the use of said State Highways to the transmission of gasoline or petroleum products to said air field installation. Any franchise or license owned by any public service corporation on April 2, 1917 shall not be affected by this chapter.

Approved July 20, 1967.

CHAPTER 102

AN ACT TO AMEND SECTION 4703 (a), CHAPTER 47, TITLE 7, DELAWARE CODE, BY ADDING THERETO A NEW SUB-PARAGRAPH AUTHORIZING THE STATE PARK COMMISSION, WITH THE APPROVAL OF THE STATE PLANNING OFFICE, TO GRANT CERTAIN EASEMENTS OVER OR UNDER LAND ADMINISTERED BY IT AND TO FIX AND CHARGE FEES THEREFOR.

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

Section 1. Section 4703 (a), Chapter 47, Title 7, Delaware Code, is amended by adding a new sub-paragraph thereto, being sub-paragraph (8), to read as follows:

(8) Grant, together with the written approval of the State Planning Office, easements, for either private or public purpose over or under any public lands which it administers, for the purpose of transmission lines, such as: telephone and telegraph lines, electric power lines, gas pipe lines, and water and sewage pipelines and appurtenances. The term of any such easement together with the amount of any fee charged therefor shall be determined by the Commission, pursuant to the approval of the State Planning Office as aforesaid, and any funds received for the grant of such easements shall be deposited by the Commission with the State Treasurer.

Approved July 20, 1967.

CHAPTER 103

**AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE
RELATING TO "HOME RULE" LEGISLATION FOR
KENT COUNTY.**

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

Section 1. Chapter 41, Title 9, Delaware Code, is amended by adding thereto a new Section 4116 to read as follows:

§ 4116. Sinking fund

The Levy Court may create a Sinking Fund for public buildings, public improvements, and public works generally, and for such purposes may open a special bank account in the name of the Receiver of Taxes and County Treasurer of the County and may deposit therein such sums at such times as the Levy Court deems advisable. The money in such fund shall be paid out upon warrants as other County monies are paid out according to law, at such times and in such amounts and for the above stated purposes or for any of such purposes, as the Levy Court shall determine.

Section 2. Chapter 41, Title 9, Delaware Code, is amended by adding thereto, a new Section 4117 to read as follows:

§ 4117. County Engineer and other employees; appointment and duties

(e) 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 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.

Section 3. Chapter 41, Title 9, Delaware Code, is amended by adding thereto a new Section 4118 to read as follows:

§ 4118. Dumping of garbage, rubbish, ashes or other waste material

The Levy Court may regulate or prohibit the dumping of garbage, rubbish, ashes or other waste material in or upon land within the County outside of any incorporated municipality and, for that purpose, enact and from time to time amend or rescind, suitable ordinances, rules or regulations.

Section 4. Chapter 41, Title 9, Delaware Code, is amended by adding thereto a new Section 4119 to read as follows:

§ 4119. Rivers, creeks, or small runs; widening, straightening, etc.

(a) In case the Levy Court, upon the advice of the County Engineer deems it advisable to widen, straighten or alter the course of any part of any small run, river or creek in the County; the Levy Court and the County Engineer may enter upon any land for the purpose of surveying and locating the changes necessary to widen, straighten or alter the course of any part of such river, run or creek.

(b) Any person owning land which it will be necessary to procure for such purpose may dedicate the same for such purpose, and the Levy Court may enter into negotiations with the owner or owners for that purpose, and may secure the necessary conveyance or dedication of the land. The Levy Court may also purchase the land from the owner or owners thereof upon such terms as the Levy Court deems advisable. All conveyances and dedications shall be to the State of Delaware, for the use of Kent County, and all conveyances, dedications and other papers relating to the acquirement of such land for such purpose shall be and remain a part of the records of the office of the County Engineer.

Section 5. Section 304, Title 9, Delaware Code, is amended to read as follows:

§ 304. Election; qualifications and terms of Levy Court Commissioners; Kent County

(a) In Kent County, the Levy Court shall consist of not less than three or more than seven Commissioners, one from each of the Representative Districts as these Districts exist at the time of election; and must be a resident and freeholder of their respective District; and shall be elected by a majority vote of the qualified voters of the Representative District in which each of the Commissioners resides. The term of office shall be for four years. In order to establish four year staggered terms of office so that no more than three Commissioners shall be elected in any one biennial general election, the Commissioners elected at the next biennial general election for the three lowest numbered Representative Districts shall serve for a term of four years with the remaining Commissioners to initially serve two-year terms, but these remaining Commissioners shall serve for regular four year terms at each successive election thereafter.

(b) In the event that a primary election is necessary in any Levy Court District, only the qualified voters of the said Levy Court District in which such primary contest exists, shall be eligible to vote in said primary.

(c) 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, and a temporary Commissioner shall be appointed by the majority vote of the remaining body of Levy Court Commissioners to serve out his remaining term.

Section 6. Section 308, Title 9, Delaware Code, is amended to read as follows:

§ 308. Vacancies

In case of a vacancy in the Levy Court of any County, or the County governing body of any County, for any cause, the members of that Levy Court may, by a majority vote of the remaining members, fill that vacancy temporarily pending a special election

to fill the vacancy. The Special Election shall be held within six months of the occurring of the vacancy and shall be held in the same manner as a regular election for a full term would be. The person so elected shall hold office for the duration of the unexpired term.

Section 7. Section 345 (b), Title 9, Delaware Code, is amended to read as follows:

(b) In Kent County such capitation tax shall in no case exceed the sum of Five Dollars (\$5.00), nor be less than One Dollar (\$1.00), and in Sussex County such capitation tax shall in no case exceed the sum of One Dollar and Twenty-Five Cents (\$1.25), nor be less than One Dollar (\$1.00), and shall be uniform throughout the County in which the same is levied and assessed.

Section 8. Section 4405, Title 9, Delaware Code, is amended to read as follows:

§ 4405. Fees

The fees for issuing permits shall be prescribed by the Levy Court of Kent County, but in no case shall said fees exceed the aggregate fee of One Dollar (\$1.00) per each One Thousand (\$1,000.00) of assessed valuation, nor be less than One Dollar (\$1.00) per each Five Thousand (\$5,000.00) Dollars of assessed valuations.

Section 9. Section 4407, Title 9, Delaware Code, is amended to read as follows:

§ 4407. Permits required

(a) A building permit shall be obtained from the Levy Court for any new construction of any kind including additions or alterations to existing structures.

(b) Before issuing a building permit, the Levy Court may require the builder or home owner to have a permit for waste disposal from the Water and Air Resources Commission.

Section 10. Section 8301, Title 9, Delaware Code, is amended in the following manner:

The period following the word "year" in Line 14 is deleted and the following added, "and to keep current the assessment valuation of all other assessable property within the County. The procedure in New Castle County shall be as provided in Chapter 13 of this Title."

Section 11. Chapter 41, Title 9, Delaware Code, is amended by adding thereto a new subchapter to read as follows:

SUBCHAPTER IV—PERSONNEL ADMINISTRATION

§ 4151. Personnel Administration Board; compensation; terms of office; duties

The Kent County Levy Court, by ordinance, shall provide for the establishment of a Personnel Administration Board, headed by a Director of Personnel to be appointed by the Levy Court. The ordinance shall provide that the Director of Personnel shall serve at the pleasure of the Levy Court 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 Levy Court 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 Kent 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. Not more than two members of the Board shall be of the same 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 \$20.00 per meeting not to exceed 20 meetings in any fiscal year. The ordinance shall further provide for employees of the Personnel Administration Board to be subordinate to the Director and to the Personnel Administration Board. The

ordinance shall further provide for the adoption of a system of personnel administration which shall be administered by the said Board 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 Administration 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.

Section 12, Chapter 45, Title 9, Delaware Code, is amended to read as follows:

CHAPTER 45—WATER AND WATER SYSTEMS

§ 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 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;

"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 water system, and acquire by gift, purchase, or the exercise of the right of eminent domain, land or rights in land in connection therewith;

(2) Operate and maintain any water system and furnish the services and facilities rendered or afforded thereby;

(3) 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 water system, pledging the full faith and credit of the County to the punctual payment of the bonds and the interest thereon;

(4) Pledge to the punctual payment of the bonds and the interest thereon an amount of the revenues derived from the operation of such water system (including the revenues of the existing facilities, if any, comprising a 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 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 of portion of such revenues;

(5) 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

water system and enter into agreements with such agency respecting such loans and grants;

(6) 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. Water system within city or town

No 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 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 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 issue 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 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 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 water systems;

(4) The operation and maintenance of such 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 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 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 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 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 water 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 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 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 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 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 purchasers 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. 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 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 hereof an index according to the name of the owner against which such lien has been assessed. No water lien shall be valid unless duly recorded as provided in this section. All water 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 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 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 the filtering, purifying or supplying of water

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 of 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 water mains

Permits for connecting any property by a pipe with any County 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 pipe with any 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 pipe to be used and a full description of the premises, its location, the number and size of each building located thereon, the area of each floor thereof, all of the purposes for which the 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 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 water mains

All necessary plumbing work to be done in connecting any property with a County 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 water mains; penalty

Whoever wilfully makes any misrepresentation in any application or makes or maintains any connection with any water main contrary to the authority granted by permits issued herefor by the Levy Court, or without a permit therefor in accordance with the provisions of this chapter, shall be fined not less than \$5.00 nor more than \$500.00.

§ 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 water mains, water systems, water treatment plants, or pumping plants or for rights-of-way, or other property rights required for the water systems.

(b) The Levy Court or its designated representative may inspect, at reasonable hours, any premises, dwellings or other buildings in the vicinity of a County water main to determine if it is connected to the County water main, or to determine if the 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 \$10.00 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 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.

Section 13. Chapter 46, Title 9, Delaware Code, is repealed in its entirety, and a new Chapter 46 is inserted in lieu thereof, to read as follows:

CHAPTER 46. SEWERS AND SEWER DISTRICTS

§ 4601. Definitions

As used in this chapter, unless a different meaning clearly appears from the context:

- (1) The term "County" shall mean Kent County.
- (2) The term "district" or the term "county sewer district" shall mean any sewage disposal district or sanitary district established pursuant to this chapter.
- (3) The term "sewage disposal district" shall mean a county sewer district established to provide one or more sewer facilities necessary or convenient for the transmission, final treatment and disposal of effluent received from the sewage collection facilities of a sanitary sewer district or from any other source as specifically provided herein.
- (4) The term "sanitary district" shall mean a county sewer district established to provide one or more facilities necessary or convenient for the collection of sewage, the treatment of such sewage and delivery of such treated effluent into the facilities of a sewage disposal district for final treatment.
- (5) The term "sewage" shall mean all types of human or animal waste, industrial or commercial waste or any other waste suitable for treatment and disposal through the facilities of sewage treatment plant.

§ 4602. Purpose

(a) The Levy Court of Kent County may establish or extend one or more county sewage disposal districts and county sanitary districts in the manner hereinafter provided for the purpose of the collection, transmission, treatment, and disposal of sewage.

(b) A county district established or extended hereunder may consist of two or more noncontiguous areas.

(c) Sanitary districts may only be established or extended within the boundaries of a sewage disposal district.

§ 4603. Planning

(a) The Levy Court (1) may assemble data, and develop plans relating to the collection, transmission, treatment and disposal of sewage within the county, and relating to the elimination or alleviation of sewage problems, and (2) may study the possibility of developing and utilizing existing facilities to make them available to the several municipalities, and other political subdivisions and unincorporated areas within the county.

(b) The Levy Court on its own motion may cause a preliminary report including maps and plans to be prepared for the establishment of a certain area or areas of the county as a county district. Such maps and plans shall show (1) the boundaries of the area or areas which the Levy Court in its judgment considers will be benefited directly or indirectly by the particular project, (2) a description of the area or areas sufficient to permit definite and conclusive identification of all parcels of property included therein, (3) the proposed location of all facilities such as lateral, trunk, interceptor and outfall sewers, pumping stations, and treatment and disposal facilities, (4) estimates of the cost of construction of the facilities as shown on the maps and plans, and (5) the method of financing such facilities. If the report shall contain recommendations for the establishment of two or more zones of assessment within a county district, the maps and plans shall show the boundaries of each of such zones and the estimated initial allocation of the cost of construction of the facilities recommended to be charged to each of such zones.

(c) The Levy Court may employ or contract for such engineering, legal, professional and other assistance as from time to

time may be needed, and may incur such other expenses as may be necessary to carry out the powers herein set forth.

§ 4604. Public hearing

Upon completion of the preliminary report and the maps and plans, the Levy Court shall call a public hearing upon a proposal to establish a county district to comprise the area or areas defined in such maps and plans. The Levy Court shall cause a notice of public hearing to be posted in four public places within the proposed district and shall cause a notice of the public hearing to be published at least once in a newspaper published within the county and having a general circulation therein. The first publication thereof shall be not less than ten days before the date set therein for the hearing. The notice of hearing shall contain a description of the area or areas to be included within the proposed district, and if the report shall have recommended the establishment of zones of assessment, a description of the area or areas to be included within such zones, the improvement proposed, the maximum amount proposed to be expended for the improvement, the allocation of such maximum amount as between the zones of assessment recommended, if any, and shall specify the time and the place where the Levy Court will meet to consider the matter and to hear all parties interested therein concerning the same. In the event that zones of assessment and allocation of cost of the facilities between such zones of assessment are provided for, said notice shall further state that said zones of assessment and said allocations of cost may be changed from time to time by resolution of the Levy Court adopted after a public hearing whenever said Levy Court shall determine that such changes are necessary in the public interest.

§ 4605. Representation by municipalities and districts

At the public hearing on the establishment of a county district which includes the whole or any part of a district furnishing a similar service as the proposed district, a city or a town, such district, city or town, may be represented by an officer of the district, city or town, duly designated by the governing body of such district, city or town, to attend.

§ 4606. Establishment of the county district

Upon the evidence presented at the public hearing, and after due consideration of the maps and plans, reports, recommendations and other data filed with it, the Levy Court shall determine by resolution whether or not the proposed district and facilities are satisfactory and sufficient, and if it shall determine such question in the negative, it may proceed to make a further study. The Levy Court may make such further study and amend and revise the maps and plans and estimate of cost in conformance with its findings. If the revised maps and plans and revised estimate alter the estimated maximum expenditure for the project, alter the boundaries of the proposed district, alter the boundaries of zones of assessment or change the allocation or cost of the facilities as between zones of assessment, the Levy Court shall call a further public hearing thereon in the manner provided in section 4604. When the Levy Court shall find that the proposed district and facilities are adequate and appropriate, it shall further determine by resolution (1) whether all the property and property owners within the proposed district are benefited directly or indirectly thereby, (2) whether all of the property and the property owners so benefited are included within the limits of the proposed district, (3) whether it is in the public interest to establish the district, and (4) if said maps and plans and report recommend the establishment of zones of assessment and the allocation of the cost of the facilities as between such zones of assessment, whether such zones of assessment and the allocation of the cost of the facilities thereto represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land in such zones will derive therefrom.

If the Levy Court shall determine that it is in the public interest to establish the district, but shall find that (1) any part or portion of the property or property owners within the proposed district are not benefited directly or indirectly thereby, or (2) that certain property owners benefited directly or indirectly thereby have not been included therein, or (3) if zones of assessment are proposed to be established and the cost of facilities allocated among said zones of assessment, that any part or portion of the property of property owners within a proposed zone of assessment should be placed in a different zone or that a different

allocation of the cost should be made as between the zones of assessment, the board shall cause the necessary changes of the boundaries of the proposed district, or the necessary changes of the boundaries of any proposed zone of assessment or the necessary changes as to the allocation of costs, as the case may be, to be made, and the board shall call a further hearing at a definite place and time not less than ten nor more than thirty days after such determination. Notice of such further hearing shall be published in the manner provided in section 4604 except that such notice shall also specify the manner in which it is proposed to alter the boundaries of the proposed district, or the boundaries of the zones of assessment or the allocation of the cost of the facilities as between said zones of assessment, as the case may be. If and when the board shall determine in the affirmative all of the questions set forth above, the board may adopt a resolution approving the establishment of the district, as the boundaries shall be finally determined, and the construction of the improvement, and if zones of assessment have been established and an allocation of the costs of the facilities made as between such zones of assessment, further approving the establishment of the initial zones of assessment and the initial allocation of the costs of the facilities as between said zones of assessment. Such resolution shall be subject to referendum upon petition as hereinafter provided.

§ 4607. Referendum upon petition

Within ten days after the adoption of a resolution subject to referendum upon petition, the Levy Court shall cause a notice to be published at least once in a newspaper published within the county and having a general circulation therein. Such notice shall contain a true copy of the resolution, the date of adoption thereof, and a statement that such resolution is subject to referendum upon petition. Such resolution shall not take effect until thirty days after its adoption; nor unless it is approved by the affirmative vote of a majority of qualified electors of the proposed district, voting thereon, if within thirty days after its adoption there be filed with the Levy Court a petition signed by ten percent of the electors of the proposed district. Such petition shall state that a referendum is requested on such resolution describing the same by its date of adoption, and shall contain an abstract of the text thereof. The petition may consist of separate sheets and the

signatures to each sheet shall be acknowledged by the signer thereof or it may be proved by the oath of a witness who shall swear that he knows the signer and that the petition was signed in the presence of the witness. If the petition be sufficient and valid, the Levy Court shall by resolution fix a date not less than forty-five days after its adoption by which a proposition as herein provided for is to be submitted to a general or special election. Within thirty days after the adoption of a resolution which is subject to referendum upon petition, the Levy Court may, on its own motion, provide that such resolution be submitted to a vote of the qualified resident electors of the district. Notice of the election shall be advertised in the same manner as provided in section 4604 of this title, for advertising a public hearing. The cost of the election shall be borne by the county, which shall be reimbursed for such cost by the district, if established. The proposition for the submission of a resolution of the Levy Court to the approval of the voters pursuant to this chapter, shall contain an abstract of such resolution stating the purpose and effect thereof. The clerk of the Levy Court shall prepare such abstract with the advice of the Levy Court attorney and shall transmit the proposition, in the form in which it is to be submitted, to the Levy Court who shall submit same at a general or special election in accordance with the provisions of this chapter. The majority of votes cast shall decide the matter. 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 sewer district and who would be entitled at the time of the holding of such election to register and vote at a general election, if such general election were held on the day of such election in the proposed sewer district, may vote at such election whether or not he is at the time a registered voter.

§ 4608. Review

Any interested party aggrieved by the final determination made by the Levy Court establishing the district or authorizing the increase and improvement of facilities previously authorized for an existing district, may make application for review by a court of competent jurisdiction, of any and all of the final determinations made by the Levy Court in connection with the proceeding establishing the district or authorizing the increase

for improvements of facilities previously authorized for an existing district; provided that application for review is made within thirty days from the effective date of the resolution establishing the district, or extending the boundaries thereof, or the adoption of a resolution authorizing the increase and improvement of facilities previously authorized for an existing district. Unless such application is made within thirty days as aforesaid, the resolution establishing the district, extending the boundaries thereof, or authorizing the increase and improvement of facilities previously authorized for an existing district shall be final and conclusive, and shall be presumptive evidence of the regularity of the proceedings for the establishment of the district for the extension thereof or for the authorization of the increase and improvement of facilities previously authorized for an existing district, and all other actions taken by the Levy Court in relation thereto.

§ 4609. Plans and specifications

After a district shall have been established, the Levy Court shall cause to be prepared by the county engineer or duly licensed engineer employed or contracted for that purpose, detailed plans and specifications for the improvement, a detailed estimate of the expense, and with the assistance of the Levy Court attorney, or other legal or professional help employed or contracted for that purpose, a proposed contract or contracts for the execution of the work.

§ 4610. Contracts

All contracts or orders for work, material or supplies, performed or furnished in connection with construction, shall be awarded by the Levy Court by or pursuant to resolution. Such contracts or orders for work, material or supplies needed for any particular purpose involving an expenditure of more than \$2,000.00 shall be awarded only after inviting sealed bids or proposals therefor. The notice inviting sealed bids or proposals shall be published at least once in a newspaper or trade paper selected by the Levy Court for such purpose, such publication to be at least ten days before the date for the receipt of bids. If the Levy Court shall not deem it for the interest of the Levy Court to reject all bids, it shall award the contract to the lowest bidder,

unless the Levy Court shall determine that it is in the public interest that a bid other than the lowest bid should be accepted. The bidder whose bid is accepted shall give security for payment for materials and for the faithful performance of the contract, for maintenance following completion, and for such other purposes as the Levy Court may require. The sufficiency of such security shall be determined by the Levy Court. All bids or proposals shall be publicly opened by the Levy Court or its duly authorized agent. If the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded to him on his bid or proposal, or, if he accepts but does not execute the contract and give proper security, the Levy Court shall have the right to declare his deposit forfeited, and thereupon it shall be readvertised and relet as above provided. In case any work shall be abandoned by any contractor, the Levy Court may, if the best interests of the district be thereby served, adopt on behalf of the district any or all subcontracts made by such contractor for such work and all such sub-contractors shall be bound by such adoption if made; and the Levy Court shall in the manner provided herein advertise and relet the work specified in the original contract exclusive of so much thereof as shall be provided for in the subcontract or subcontracts so adopted. Notwithstanding, the provisions of this section or any other provision of law, the Levy Court may contract for engineering, legal or other professional services requiring special skill or training for any project authorized by this chapter without requesting competitive bids or proposals, and without awarding such contract to the lowest bidder.

§ 4611. Powers of the Levy Court

In addition to other powers which it has in reference to a district or extension thereof, the Levy Court may:

(1) Plan, construct, reconstruct, improve, better or extend a sewage system or systems, acquire by gift, purchase, lease or the exercise of the right to eminent domain, a sewage system or lands or rights in land in connection therewith; on behalf of a district, acquire by purchase or lease any sewage collection, treatment or disposal facilities owned, maintained or operated

by any municipal, public or district corporation, or special district, and such agencies shall have the power to sell or lease such facilities to a county sewer district, notwithstanding that such sewage facilities have already been devoted to and are held for public use; and may, instead of making any cash payment agreed or required to be made to the municipal, public or district corporation or special district, as compensation for such sewage facilities, agree to pay the principal of and interest on outstanding bonds issued by or on behalf of such municipal, public or district corporation or special district, of a principal amount not exceeding any lump sum amount agreed upon as consideration for such purchase or lease, as such principal and interest shall become due and payable;

(2) Operate and maintain a sewage system or systems, 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, district or agency of the State or Federal Government for the provision and operation by the county sewer district of a sewage system to abate or reduce the pollution of waters caused by discharges of sewage and industrial wastes by such industrial establishment, municipality, district or agency of the State or Federal Government; and such contract may provide for the payment periodically by the industrial establishment, municipality, district or agency of the State or Federal Government to the county sewer district of amounts to compensate the county sewer districts for the cost of providing (including payment of principal and interest charges, if any) and of operating and maintaining the sewage system or part thereof serving such industrial establishments, municipality, district or agency of the State or Federal Government;

(4) After appropriate notice, to require a municipality, public or district corporation or special district which maintains or operates any sewage collection treatment or disposal facilities within the area of a County Sewage Disposal District, established pursuant to the provisions of this Chapter, to connect to and utilize the Sewage System and facilities of such County Sewage Disposal District in order to abate or reduce the pollution of waters caused by discharges of sewage and industrial waste;

(5) Accept from any authorized agency of the State or Federal Government, or from persons, firms or corporations, loans, grants or contribution for the planning, construction, acquisition, lease, reconstruction, improvement, betterment or extension of any sewage system and enter into agreements respecting such loans, grants and contributions;

(6) 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 of such loans;

(7) Enter into and perform contracts with any person for the sale of effluent products; and

(8) After a public hearing called and held in the manner provided in Section 4604, adopt, amend and repeal from time to time ordinances, resolutions, and rules and regulations for the operation of a county sewer district and the use of the sewage system therein, including regulation of the manner of making connections and the construction to the system and all facilities and appurtenances; and a violation of any ordinance, resolution or rule or regulations, so adopted by the Levy Court, shall be punishable by a fine of not less than \$5.00 nor more than \$500.00.

§ 4612. Preliminary expenses

The preliminary expenses incurred for the preparation of maps, plans, studies, reports and other matters relating to the establishment or extension of a sewer district as authorized by this chapter, shall be a county charge and shall be assessed, levied and collected in the same manner as other county charges. If the Levy Court shall thereafter establish or extend a sewer district and construct a sewer system therein pursuant to the provisions of this chapter, the expenses incurred by the Levy Court as set forth above shall be deemed to be part of the cost of such improvement and the county shall be reimbursed for the whole amount paid therefor, or for such portion of that amount which the Levy Court shall allocate against such district or extension. In the event the district is not established or extended, the Levy Court may issue bonds to finance the above cost either

in whole or in part, pledging the full faith and credit of the county to the punctual payment of the bonds and the interest thereon. Such bonds may be issued for a period of not to exceed five years from their respective dates.

§ 4613. Sewage charges and revenues

(a) The Levy Court may, after a public hearing called and held in the manner provided in section 4604, by ordinance or resolution establish charges for the use of a sewage system or any part or parts thereof. Such charges may be based on any of the following: (1) the consumption of water on the premises connected with and served by the sewage system or such part or parts thereof, (2) the number and kind of plumbing fixtures on the premises connected with and served by the sewage system or such part or parts thereof, (3) the number of persons served on the premises connected with and served by the sewage system or such part or parts thereof, (4) the volume and character of sewage, industrial waste and other waste discharged into the sewage system or such part or parts thereof, or (5) any other equitable basis determined by the Levy Court including but not limited to any combination of the foregoing.

(b) Such sewage charges, together with the amount of any penalty and interest prescribed by the Levy Court and due for nonpayment of such charges, shall constitute a lien upon the real property served by the sewage system or such part or parts thereof for which sewage charges shall have been established and imposed. The lien shall be prior and superior to every other lien or claim except as otherwise may be provided by law.

(c) The Levy Court on behalf of a sewer district may bring and maintain an action: (1) to collect sewage charges in arrears including penalties and interest, or (2) to foreclose liens for such sewage charges. As an alternative to the maintenance of any such action, the Levy Court may annually cause a statement to be prepared stating the amount of each lien for sewage charges in arrears including penalties, the real property affected thereby, and the name of the person in whose name such real property is assessed. The Levy Court shall cause to be levied the amounts contained in such statements against the real property at the same time and in the same manner as county taxes, and such amounts

shall be set forth in a separate column in the annual tax rolls. The amount so levied shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of county taxes.

(d) The ordinance or resolution establishing and imposing sewage charges:

(1) Shall describe the sewer system or the part or parts of the sewer system for which such charges shall be established and imposed.

(2) Shall prescribe the basis for such charges.

(3) Shall provide for the date or dates on which sewage charges shall become due and payable.

(4) May provide for penalties and interest for sewage charges in arrears, or for discounts for the prompt payment of such charges, or for penalties, interest and discounts.

§ 4614. Expense of the improvement

The cost of establishment of a county sewer district and the furnishing of the improvement therein shall include the amount of all contracts, the cost of all lands and interests therein necessarily acquired, the cost of erection of necessary facilities and appurtenances for operation or administration of the improvement, the cost of necessary equipment for operation or administration of the improvement, printing, publishing, interest on loans, legal, engineering and other professional services, and all other expenses incurred or occasioned by reason of the establishment or extension of the district and the furnishing of the improvement. In addition, there shall be apportioned against, charged to and included in such cost such allowance as the Levy Court may make for expenditures which are directly attributable to the establishment or extension of the district as well as for any services rendered by the Levy Court attorney, the county engineer or any other salaried county officer or employee when such services have been necessary to or occasioned by reason of the establishment of the district.

§ 4615. Increase and improvement of facilities

Whenever the Levy Court shall determine it necessary to

acquire additional lands or interests in lands or to acquire or to construct additional trunk, interceptor and outfall sewers, pumping stations, treatment and disposal works and appurtenance, lateral sewers or other facilities or whenever the Levy Court shall determine it necessary for the purpose of the operation and maintenance of such facilities to increase, improve and reconstruct the facilities thereof, including the acquisition of additional lands or interests in lands, it may cause the same to be accomplished without further authorization; provided, however, that if it is proposed to finance any part of the cost thereof by the issuance and sale of county obligations, such improvement shall not be undertaken unless authorized by proceedings taken in the same manner as the proceedings taken for the original establishment or extension of the district except that the sole determination which the Levy Court shall make is whether such improvement is in the public interest, and, if zones of assessment have been established, said Levy Court shall further determine the allocation of the cost thereof as between such zones.

§ 4616. Increase of maximum amount to be expended

At any time after the establishment of a district or extension thereof pursuant to this chapter, the maximum amount authorized to be expended for the original improvement in such district or extension thereof may be increased by a resolution of the Levy Court, provided the Levy Court shall, after a public hearing called and held in the manner provided in section 4604, determine that it is in the public interest to authorize an increase of such maximum amount. If zones of assessment have been established, such resolution of the Levy Court shall further provide for the allocation of such increase as between such zones of assessment and the notice of such public hearing shall state such allocation.

§ 4617. Method of assessment

The Levy Court may determine to issue obligations of the county in such an amount as they may estimate to be sufficient to pay the entire cost of the improvement, but not in excess of the maximum amount proposed to be expended for the improvement as stated in the notice of hearing published pursuant to section

4604. In preparing the annual estimate of revenues and expenditures for the district or extension thereof, the Levy Court shall include, in addition to all costs of operation and maintenance for the next succeeding fiscal year, sums sufficient to pay the annual installments of principal of and interest on obligations issued on behalf of the district or extension thereof. The Levy Court shall thereupon annually assess the amount of the estimate of expenditures less the estimates of revenues as set forth in the estimate so prepared at a time to be fixed by it and shall, after a public hearing, establish an annual assessment roll for the county sewer district or extension thereof which shall be known as the "Sewer District Assessment Roll." The annual assessments may be apportioned by the Levy Court against the several lots and parcels of land in the district or extension thereof by one or more of the following methods:

(1) An ad valorem assessment levied on all the lots and parcels of land within the district or extension thereof.

(2) An assessment on the lots and parcels of land in the district or extension thereof in proportion as nearly as may be to the benefit which each parcel would derive from the improvement.

(3) If zones of assessment have been established and an allocation of the total estimated cost of the facilities have been made to such zones, the amount of the cost of the facilities so allocated to any such zone of assessment may be apportioned by an ad valorem assessment levied on all the lots and parcels of land within such zone.

(4) If zones of assessment have been established as provided above, by assessment on the lots and parcels of land within such zone in proportion as nearly as may be to the benefit which each parcel will derive from the improvement.

Notice of such public hearing shall state that the assessment roll has been completed and filed and the time and place fixed for the public hearing. Notice of such public hearing shall be published in a newspaper published within Kent County and having a general circulation therein at least once, not less than seven days immediately preceding the date of the public hearing. At the time and place specified, the Levy Court shall meet

and hear and consider any objections to the assessment roll, and may change or amend the same as it deems necessary or just, may affirm and adopt the same as originally proposed or as amended or changed, or the Levy Court may prepare a new roll. No such amended, changed or new roll shall be adopted unless the Levy Court shall hold another hearing thereon in the manner and upon the notice prescribed for the original hearing. The annual assessment shall be levied and collected at the same time as taxes levied for general county purposes. The County Treasurer shall keep a separate account of such moneys and they shall be used only for the purpose of the district or extension thereof for which collected. 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.

§4618. Extension of the district

The district may be extended so as to include territory not previously included within its boundaries in the same manner as hereinbefore prescribed for the original establishment of a district. The cost of the extension shall include all the costs and expenses occasioned by reason of such extension and in addition thereto such proportion of the cost of the system of the original district as the Levy Court shall determine.

§4619. Changes in zones of assessment

The Levy Court, after holding a public hearing upon notice published in the same manner as provided in section 4604, from time to time, by resolution may:

- (1) Change the allocation of the cost of such facility as between zones of assessment,
- (2) Change the boundaries of zones of assessment, or
- (3) Establish new zones of assessment or eliminate existing zones of assessment.

§4620. Order to connect to 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 district or extension thereof which abuts upon a street or right of way containing a sewer which is part of or served by the county sewage 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 sewer.

(b) If any owner shall fail to comply within 60 days with such order to connect with such sewer, the Levy Court may forthwith institute action in any Justice of the Peace Court or may institute a summary action in the Superior Court of the State of Delaware to compel compliance with such order.

§4621. Surveys and inspection by Levy Court; penalty for refusal to permit.

(a) The Levy Court or its designated representatives may to upon any land for the purpose of making surveys for sewers, sewage systems, sewage disposal plants, pumping stations or other facilities, or for rights of way or other property rights required for a sewage system.

(b) The Levy Court or its designated representatives may inspect, at reasonable hours, any premises, dwelling or other building in the vicinity of a sewer to determine if it is connected to the sewer, or to determine if the sewer 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 \$10.00 nor more than \$100.00 for every such refusal.

§4622. 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 sewage 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.

§4623. Dissolution and diminishing area of sewer districts

Whenever the Levy Court shall determine it to be in the public interest, said Levy Court, upon its own motion, but after a public hearing called and held in the manner provided in section 4604, may dissolve and discontinue any sewer district (1) provided that the period of three years shall have elapsed since the date of establishment of such district, and that no improvement has been constructed or service provided for such district at any time since the establishment thereof, and (2) further provided that there be no indebtedness outstanding and unpaid, incurred to accomplish any of the purposes of such district.

§4624. Exception to limitation on borrowing power

Section 4111, Title 9, Delaware Code, shall not apply to this Chapter.

§4625. Power to incur indebtedness by issuing bonds and notes

The Levy Court of Kent County may incur indebtedness by issuing negotiable bonds, and notes in anticipation of bonds, pursuant to this Chapter to finance the cost of the establishment or extension of a district and the improvements therein which it may lawfully construct or acquire pursuant to this Chapter.

§4626. Bond resolution vote required

The Levy Court shall authorize the issuance of bonds by a "bond resolution" passed by the affirmative vote of at least three fifths of all the members of its governing body.

§4627. Form and content of bond resolution

Every bond resolution adopted pursuant to this Chapter shall be properly dated and shall bear a title indicating the type of obligation to which it relates and shall contain, in substance, at least the following provisions:

(1) A statement of the specific purpose for which the obligations authorized by the resolution are to be issued; such specific purpose to be described in brief and general terms sufficient for reasonable identification;

(2) If the obligations to be authorized are for a specific purpose, a statement of the estimate of the maximum cost of each item of such specific purpose, such statement shall also set forth the plan for the financing of such purpose which shall indicate the sources of the amounts of money which have been previously authorized to be applied to the payment of the cost of each purpose, and the intended source or sources other than the proceeds of such obligations of the balance of the money to be so applied;

(3) A statement of the amount of bonds to be issued for such specific purpose; and

(4) A determination of the period of usefulness of the project within the limitations provided for in this Chapter computed from the date of issuance of the first obligation in reference thereto.

§4628. Procedure for passage of bond resolution

Every bond resolution shall be introduced in writing in the form in which it is to be finally passed, and upon final passage shall be published in full in at least one newspaper published in the County and having general circulation therein together with a notice in substantially the following form:

NOTICE

The bond resolution published herewith was adopted on the day of, 196.., and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) such obligations are authorized for a purpose for which the County is not authorized to expend money, or

(2) the provisions of law which should be complied with at the date of the publication of such reso-

lution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) such obligations are authorized in violation of the provisions of the Constitution.

.....
Clerk

§4629. Effective date of bond resolution

Each bond resolution shall take effect immediately after passage.

§4630. Authorization of notes in anticipation of bonds

In anticipation of the issuance of bonds, the Levy Court may by resolution authorize the issuance of negotiable notes when it shall have theretofore authorized the issuance of bonds. Such notes shall mature within one year from the date of their issue and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year, and in no event shall such notes extend more than three years beyond the original date of issue.

§4631. Other proceedings by resolution

All matters in connection with the authorization, sale and issuance of the bonds or notes not specifically required to be provided in the bond resolution may be determined or provided by subsequent resolutions adopted by the affirmative votes of at least the majority of the members of the Levy Court.

§4632. Payment of bonds

The bonds may be payable at such time or times as may be determined in the bond resolution, within the limitations provided in this Chapter.

§4633. Payment of installment

The last installment of each authorized issue of bonds shall

be paid not later than the date of expiration of the period of usefulness of the project for the financing of which such bonds are issued, as determined in the bond resolution authorizing the issuance of the bonds, computed from the date of issuance of the bonds or of the issuance of the first note or notes, whichever is the earlier.

§4634. Period of usefulness

(a) The following maximum periods of usefulness are hereby prescribed for the respective projects authorized by this Chapter, and the period of usefulness of any project, determined in any bond resolution shall, in no event, exceed the maximum period hereby prescribed for that project.

(b) The acquisition, construction or reconstruction of a sewage system or an addition thereto, whether or not including treatment or disposal plants or buildings, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, is forty years; the replacement or the later addition of furnishings is ten years.

§4635. Consolidation of bond issues

Bonds for one or more specific objects or purposes or classes of objects or purposes, or a combination thereof may be consolidated and sold as a single bond issue.

§4636. Public sale of bonds

All bonds issued under this law, except as otherwise provided in section 4643 and except bonds of authorized issues of \$30,000.00 or less and having a maximum maturity of not more than five years from the date of issuance of such bonds, shall be sold at public sale upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the City of New York, and at least ten days' notice published at least once in a newspaper published in the county and having general circulation therein. Bonds of authorized issues of \$30,000.00 or less, and maturing as hereinabove set forth, and all bond anticipation

notes may be sold at private sale by such financial officer as the Levy Court may by resolution provide.

§4637. Contents of notice of sale

The public notice of sale of bonds shall describe the bonds and set forth the terms and conditions of sale. It shall invite bidders to name the rate or rates of interest to be borne by the bonds, which rate or rates shall be stated in multiples of one-eighth or one-tenth of one per centum. The notice shall also state that the bonds will not be sold for less than par and accrued interest.

§4638. Contents of notice; award of bonds at single interest rate

Unless the notice of sale permits the naming of more than one rate of interest, as hereinafter provided, it shall state that all the bonds bid for shall bear a single rate of interest and, in case of a sale of more than one issue, after describing the separate issues, shall state the combined maturities as if such combined maturities constituted a single issue. The notice of sale shall state that the bonds will be awarded to the bidder offering the lowest interest rate and, as between bidders offering the same lowest rate, to the bidder who offers to pay the highest cash premium.

§4639. Contents of notice; multiple rate bidding

The notice of sale may, as an alternative to a single interest rate, permit bidders to name two or more interest rates for the bonds proposed to be sold, within such limitations as the notice of sale may provide. In such event it shall state that all the bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost to the district, such net cost being computed, as to each bid, by adding to the total principal amount of the bonds the total interest which will be paid under the terms of the bid, after deducting from such interest the amount of premium, if any.

§4640. Contents of notice; deposit

The notice of sale shall require all bidders to deposit a cer-

tified or cashier's check for two per centum of the amount of bonds proposed to be sold, to secure the district from any loss resulting from the failure of the bidder to comply with the terms of his bid.

§4641. Contents of notice; rejection of proposals

Each notice of sale shall reserve the right to reject any and all bids and shall state that any bid not complying with the terms of the notice will be rejected.

§4642. Proposals opened publicly

All proposals shall be opened publicly at the time and place stated in the notice of sale, and not before, and shall be publicly announced.

§4643. Private sale to public agencies

Notwithstanding the provisions of this or any other law, any bonds may be sold without previous public offering to, and may be purchased by, the sinking fund commission or the insurance or pension fund commission of the County of Kent, or State of Delaware, or may be sold to any agency acting on behalf of the United States of America.

§4644. Form of bonds

Bonds may be issued in form payable to bearer with coupons attached for the payment of interest and, if so issued, may be made subject to registration as to principal only or as to both principal and interest.

§4645. Form of notes

Notes may be issued in fully registered form; or notes may be issued in form payable to bearer, with interest payable to bearer on presentation for endorsement, and, if so issued, shall be subject to full registration. Interest on notes issued in registered form and interest on bearer notes which have been registered shall be payable to the registered holder.

§4646. Execution of bonds and notes

All bonds and notes shall be executed in the name of the County of Kent by such officials, including a financial officer, as may be designated by resolution of the Levy Court, and shall be under the seal or a facsimile seal of the County and attested by the clerk. Coupons attached to a bond shall be authenticated by the manual signature or the facsimile signature of the financial officer signing the bond.

§4647. Bonds and notes redeemable prior to maturity

No bonds or notes shall be made payable on demand, but any bond or note may be made subject to redemption prior to maturity on such notice, at such time or times, with such redemption provisions and at such redemption prices as may be stated in the bond or note. When any such bond or note shall have been validly called for redemption, and any payment of the principal thereof and of the interest thereon accrued to the date of redemption shall have been made or provided for, interest thereon shall cease.

§4648. Interest rate

No bond or note issued pursuant to this law shall bear interest at a rate exceeding six per centum per annum.

§4649. Application of proceeds

After payment of the reasonable cost of issuance, including printing or engraving costs, advertising expense and legal and other professional expenses, the proceeds of the sale of any bonds or notes shall be applied only to the purpose or purposes for which the obligations were authorized to be issued, and any excess amount thereof or any amount thereof which for any reason is not necessary for any such purpose, shall (1) be applied to payment of such obligations at not more than their face value, and (2) be applied to payment of the first maturing installments of such issue.

§4650. Bonds and notes negotiable

All bonds and notes of the county issued pursuant to this law, whether payable to bearer or in fully registered form, shall be negotiable instruments.

§4651. Reconversion of fully registered bonds

Any bond originally issued in form payable to bearer with coupons attached may contain a provision that, when it has been fully registered, it will, on the written request of the holder thereof, be reconverted, at the expense of such holder, into a new coupon bond by the preparation and substitution of a new bond and coupons for unmatured interest, of the same form and tenor as those originally authorized. Any such bond may again be converted into a fully registered bond and be reconverted into a coupon bond from time to time in the manner herein provided. The resolution of the governing body authorizing any conversion or reconversion shall set forth the date, maturities, interest rate, denominations, and numbers of the old and new bonds and the name of the holder.

§4652. Reissuance of bonds or notes lost or destroyed

If lost or completely destroyed, any bond or note may be reissued in the form and tenor of the lost or destroyed bond upon the owner furnishing, to the satisfaction of the governing body: (a) proof of ownership, (b) proof of loss or destruction, (c) a surety bond in twice the face amount of the bond and coupons, and (d) payment of the cost of preparing and issuing the new bond or note.

§4653. Reissuance of defaced or partially destroyed bonds or notes

If defaced or partially destroyed, any bond may be reissued in the form and tenor of the defaced or partially destroyed bond or note, to the bearer, or if registered, to the registered holder, at the expense of such holder, on surrender of the defaced or partially destroyed bond or note, and on such other conditions as the resolution authorizing the reissuance may provide.

§4654. Certain agreements forbidden

In the issuance or sale of bonds or notes it shall be unlawful for the governing body, or any member or members thereof, or any official of the County of Kent to:

- (1) Agree to pay directly or indirectly any bonus for the

issuance or for the sale of the obligations authorized, and every such payment may be recovered by the county in an action at law;

(2) Enter into any agreement with any original purchaser or his representative regarding the deposit or disposition of any moneys received or to be received from such sale and every such agreement shall be void;

(3) Enter into any agreement in the nature of a service contract providing for publication of notice of sale, and printing of bonds or notes, and for the providing of a legal opinion or for any technical or advisory services used in connection with the issuance of bonds or notes, unless such agreement provides that any advisor, agent, technician or any other person acting in an advisory capacity agrees not to offer to purchase or to participate in the purchase, or in the distribution of the bonds or notes at public or private sale; and any agreement to the contrary shall be void and any money or compensation paid thereon may be recovered by the county in an action at law.

§4655. Payment of bonds and notes

The power and obligation of the county to pay all bonds and notes hereafter issued by it pursuant to this chapter shall be unlimited. The full faith and credit of the county is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the county hereafter issued pursuant to this chapter whether or not such pledge be stated in the bonds or notes, or in the bond resolution, or note resolution, authorizing their issuance. Bonds or notes issued for the purpose of acquiring, constructing, extending or improving projects authorized by this Chapter may be additionally secured by a pledge of the revenue derived from the operation of said enterprise, as may be provided in the bond resolution or note resolution, authorizing the bonds or notes.

§4656. Appropriation may include engineering and other costs

In determining the amount to be appropriated for a project pursuant to this Chapter, the Levy Court may include the engineering, legal and other professional costs, and other costs of acquisition, construction or reconstruction of the property or

improvement to be financed. Interest on notes issued during the construction period may also be financed.

§4657. Validity of bonds not dependent on preliminary proceedings

It is the intent of this Chapter that the power to issue obligations under this Chapter and the validity of the bonds or notes so issued shall not be affected by, or be dependent in any way on the validity or the regularity of any proceedings for the issuance of any bonds or notes to be renewed, extended, retired, funded or refunded by the issuance of such obligations, and shall be independent of the power to make improvements or acquire property and shall not be dependent on or affected by the validity or regularity of any improvements or the acquisition of any property, or the authorization thereof, for the financing of which such bonds or notes are issued, or are to be issued.

§4658. Legal effect of debt statement

After the issuance of any bonds or notes in reliance on any debt statement issued by the county, the accuracy and sufficiency of such debt statement shall not be contested by any suit, action or proceeding relating to the validity of such bonds or notes and such bonds or notes shall be presumed to be within all debt or other limitations prescribed by any law of the State of Delaware.

§4659. Short period of limitations

The bond resolution authorizing the issuance of bonds, or any notes issued in anticipation of said bonds, may be contested only if:

(1) such obligations are authorized for a purpose for which the county is not authorized to expend money;

(2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication; or

(3) such obligations are authorized in violation of the provisions of the Constitution of the State of Delaware.

§4660. 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.

Section 14. Title 9 of the Delaware Code is amended by adding thereto a new Chapter 47 to read as follows:

CHAPTER 47. GARBAGE DISPOSAL

§4701. Acquisition of land; construction and operation of incineration plant; definitions

The Levy Court may acquire land or any interest therein at any place within the County that it deems advisable and may construct and operate upon the land so acquired an incineration or garbage disposal plant or plants. The Levy Court may enter into contracts and agreements with persons, firms or corporations relative to the purchase of the land and to the building, constructing and equipping of an incineration or garbage disposal plant or plants and may require from such persons, firms or corporations proper security for the faithful performance of the work to be done. The Levy Court may engage the services of competent architects and engineers in connection with the construction of the plant or plants and shall award any contract to the lowest responsible bidder with the right to reject any and all bids.

The words "garbage disposal plant or plants" wherever used in this chapter include incineration, sanitary landfill, garbage grinding plants, composting for disposal of garbage, or any other means of garbage disposal which shall conform with reasonable standards of sanitary engineering.

§ 4702. Acquisition of land by purchase

The Levy Court may acquire the land, or interest therein, by purchase, but not by exercise of the right of eminent domain.

§4703. Powers of Levy Court as to operation of plant; regulations and charges for service

(a) The Levy Court may enter into contracts, leases or agreements of any nature pertaining to the operation of the incineration and garbage disposal plant or plants, including the right to sell such portion of land acquired as may not be necessary to use. The power to contract shall include the power to contract with any governmental agency of any sort whatsoever and to receive grants in aid from any such agency or any other person or organization.

(b) The Levy Court may adopt regulations and establish fees and charges for the services rendered by the said incineration and garbage disposal plant or plants.

§4704. Power to borrow money and issue bonds

The Levy Court may borrow money upon the faith and credit of the County as provided in this chapter for the purpose of acquiring land and property for the establishment of an incineration and garbage disposal plant or plants and for the construction of such a plant or plants in the County and for the purpose of securing the payment of such sum to issue bonds in such denominations and bearing such rate of interest, not exceeding three per cent per annum, and in such form as the Levy Court shall deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year after the date of issuance thereof.

§4705. Terms of bonds

The Levy Court shall decide upon and determine the form and time or times of maturity of the bonds provided that no bond shall be issued for a term exceeding 25 years. The bonds may or may not at the option of the Levy Court be made redeemable at such time or times before maturity, at such price or prices and under such terms and conditions as may be fixed by

the Levy Court prior to the issuance of the bonds. The bonds shall contain such other provisions, not inconsistent with the requirements of this chapter, as the Levy Court may deem expedient.

§4706. Execution and record of bonds

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 the Levy Court of Kent County. Such officers shall execute the bonds when directed by the Levy Court to do so. The Receiver of Taxes and County Treasurer and the Levy Court shall keep a record of the bonds.

§4707. Sale of bonds

The bonds or any part thereof may be sold when and as the Levy Court by resolution determines and until sold shall remain in custody of the Receiver of Taxes and County Treasurer. Whenever in the judgment of the Levy Court it is deemed advisable that any part or all of the bonds shall be sold, the Levy Court may sell and dispose of the same at public sale after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any members of the Levy Court for effecting the sale or negotiation of such bonds.

§4708. Principal and interest payments; taxes

(a) The bonds, principal and interest, shall be payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, out of the money from time to time appropriated for that purpose by the Levy Court of Kent County as hereinafter provided in this section; and the Levy Court shall pay the interest on the bonds at the Farmers Bank when and as the same shall become due, and pay the bonds when and as they mature in accordance with the foregoing.

(b) The Levy Court in fixing the rate of taxation shall annually provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest upon the

unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer be set apart by him in a separate account to be opened for that purpose; and the Receiver of Taxes and County Treasurer shall apply the said sum annually to the payments of such part of said loan and interest thereon as may from time to time become due under the provisions of this Chapter.

§4709. Deposit and use of proceeds of sale of bonds

All money received from the sale of any or all of such bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the Receiver of Taxes and County Treasurer in the Farmers Bank of the State of Delaware, at Dover, Delaware, to the credit of the Levy Court of Kent County in a separate account and payments thereof shall be made in the same manner as other payments by the Levy Court. No part of the money thus obtained, except as in this section provided, shall be used for any other purpose than those stated in this Chapter and further the purchasers or holders of the bonds shall not be bound to see to or be affected by the application of the money realized from the sale of the bonds.

Section 15. Title 9 of the Delaware Code is amended by adding thereto a new Chapter 48 to read as follows:

CHAPTER 48. REGIONAL PLANNING

§4801. Definitions

As used in this chapter, unless the same shall be inconsistent with the context, the following terms shall mean—

“Commission” means “Regional Planning Commission of Kent County” created by this Chapter;

“Council” means “The Council of the Mayor and Council of Dover”;

“County Engineer” means “County Engineer of Kent County”;

"District" means "Regional Planning District of Kent County" created by this chapter;

"Highway Department" means "State Highway Department of the State of Delaware";

"Levy Court" means "Levy Court of Kent County";

"Recorder's Office" means "Recorder of Deeds in and for Kent County";

"Road" includes any "road," "street," "highway," "freeway," "parkway" or other public thoroughfare.

§4802. Regional planning commission and regional planning district

For the purpose of promoting health, safety, prosperity and general welfare, as well as for the purpose of securing coordinated plans for roads, airways, railways, public buildings, parks, playgrounds, civic centers, airports, water supplies, sewers and sewage disposal, drainage and other improvements and utilities (excepting, however, privately owned public utilities engaged in furnishing light, heat, power, transportation or communication by telephone or by telegraph or otherwise, as to which the provisions of this chapter shall not apply) in that portion of Kent County which is 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 of authority of any such city or town, and as well as for the purpose of preventing the unnecessary duplication of such improvements or utilities, the department known as the Regional Planning Commission of Kent County is continued, and the area shall continue to be known as Regional Planning District of Kent County.

§4803. Regional planning commission; members; terms; qualifications; vacancies; compensation

(a) The Regional Planning Commission of Kent County shall consist of nine members as follows:

(a) There shall be four ex-officio members, without a vote, consisting of the Chief Engineer of the Street and Sewer Department of the City of Dover, the County Engineer, a member

unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer be set apart by him in a separate account to be opened for that purpose; and the Receiver of Taxes and County Treasurer shall apply the said sum annually to the payments of such part of said loan and interest thereon as may from time to time become due under the provisions of this Chapter.

§4709. Deposit and use of proceeds of sale of bonds

All money received from the sale of any or all of such bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the Receiver of Taxes and County Treasurer in the Farmers Bank of the State of Delaware, at Dover, Delaware, to the credit of the Levy Court of Kent County in a separate account and payments thereof shall be made in the same manner as other payments by the Levy Court. No part of the money thus obtained, except as in this section provided, shall be used for any other purpose than those stated in this Chapter and further the purchasers or holders of the bonds shall not be bound to see to or be affected by the application of the money realized from the sale of the bonds.

Section 15. Title 9 of the Delaware Code is amended by adding thereto a new Chapter 48 to read as follows:

CHAPTER 48. REGIONAL PLANNING

§4801. Definitions

As used in this chapter, unless the same shall be inconsistent with the context, the following terms shall mean—

“Commission” means “Regional Planning Commission of Kent County” created by this Chapter;

“Council” means “The Council of the Mayor and Council of Dover”;

“County Engineer” means “County Engineer of Kent County”;

"District" means "Regional Planning District of Kent County" created by this chapter;

"Highway Department" means "State Highway Department of the State of Delaware";

"Levy Court" means "Levy Court of Kent County";

"Recorder's Office" means "Recorder of Deeds in and for Kent County";

"Road" includes any "road," "street," "highway," "freeway," "parkway" or other public thoroughfare.

§4802. Regional planning commission and regional planning district

For the purpose of promoting health, safety, prosperity and general welfare, as well as for the purpose of securing coordinated plans for roads, airways, railways, public buildings, parks, playgrounds, civic centers, airports, water supplies, sewers and sewage disposal, drainage and other improvements and utilities (excepting, however, privately owned public utilities engaged in furnishing light, heat, power, transportation or communication by telephone or by telegraph or otherwise, as to which the provisions of this chapter shall not apply) in that portion of Kent County which is 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 of authority of any such city or town, and as well as for the purpose of preventing the unnecessary duplication of such improvements or utilities, the department known as the Regional Planning Commission of Kent County is continued, and the area shall continue to be known as Regional Planning District of Kent County.

§4803. Regional planning commission; members; terms; qualifications; vacancies; compensation

(a) The Regional Planning Commission of Kent County shall consist of nine members as follows:

(a) There shall be four ex-officio members, without a vote, consisting of the Chief Engineer of the Street and Sewer Department of the City of Dover, the County Engineer, a member

appointed by the State Highway Department, and a member appointed by the Board of Health of the State of Delaware. There shall be five voting members consisting of four appointed by the Levy Court and one appointed by the Mayor and Council of the City of Dover.

(b) The terms, as members of the Commission, of the Chief Engineer of the Street and Sewer Department of the City of Dover, and County Engineer of Kent County, shall come to an end at the end of the respective terms for which they were chosen as such Chief Engineer of the Street and Sewer Department of the City of Dover, and County Engineer of Kent County. The members of the Commission appointed by the State Highway Department, and by the State Board of Health, shall serve at the pleasure of the State Highway Department, and State Board of Health, respectively.

(c) The original terms of the members appointed by the Levy Court shall be one for two years, one for three years, one for four years, one for five years; with each member to thereafter serve five-year terms, those terms to end in June of the fifth year of the term. The term of the member appointed by the mayor will likewise be five years with each term thereafter to be five years, the term ending in June of the fifth year of the term.

(d) The terms of office shall commence on the first day of July following appointment. Each member shall serve until his successor is appointed and qualified.

(e) The appointed members shall be residents of Kent County and not more than two members shall be appointed from the same Representative District. Persons shall be appointed who shall be known to have knowledge and experience to pass upon regional planning and zoning problems in connection with urban and rural development, and who at the time of appointment are not candidates for or incumbents of an elective public office.

(f) When any vacancy occurs in the Commission, either by death, resignation, expiration of term of office, removal, or otherwise, of any person so appointed, the vacancy shall be filled for the unexpired term by the body or person which appointed the member to the office in which such vacancy occurred.

(g) The members of the Commission shall serve without compensation, but shall be paid their necessary expenses incurred in the performance of their duties.

(h) A quorum of no less than three voting members shall be necessary before the Commission may take official action upon any matter before it for consideration.

§4804. Organization, meetings, and office of commission

(a) On the second Monday in July of each year the Commission shall convene and organize by selecting a chairman. Before entering upon the duties of the office, each member shall take and subscribe the oath or affirmation as prescribed by the Constitution. The Commission may create and fill such other offices in addition to Chairman as it may determine. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(b) The Kent County Levy Court shall provide suitable and convenient office space for the use and occupancy of the Commission, and the Levy Court of Kent County shall furnish and supply all necessary equipment for the office.

§4805. Secretary of commission and other personnel

(a) The Commission shall appoint a Secretary who shall serve for such time, and perform such duties and receive such compensation as the Commission may prescribe. He shall give bond if required by the Commission in such amount as the Commission may require.

(b) The Commission may appoint, discharge at pleasure and fix the compensation of such employees and staff or may contract for the services of such persons, firms, or corporations as from time to time, in its judgment may be necessary to the exercise of its powers under this chapter, provided; however, that all actions of the Commission are subject to Levy Court approval, and the Levy Court may require any employee to give bond with surety approved by it in a sum to be fixed by the Commission.

§4806. Assistance to commission by County and City of Dover

The Levy Court of Kent County, or the Mayor or Council of the City of Dover, may, from time to time, upon request of the Commission and for the purpose of special surveys, assign or detail to the Commission any members of the administrative staffs or agencies of the County or City, or may direct any such staff or agency to make for the Commission special surveys or studies requested by the Commission.

§4807. Master plan of district

(a) The Commission shall prepare a master plan of the District showing existing and proposed roads included in or likely to be incorporated in the road system, together with the indication of their existing and proposed widths; existing and proposed county parks, play grounds, parkways, and other recreation places; existing and proposed county airways, aviation fields and other county open places; existing and proposed sites for county buildings; and such other features as may come wholly or partially within county jurisdiction; and in addition, similar elements of the plan existing and proposed within city or town as have or are likely to bear an important relation to the above county features. Such master plan shall be a public record, but its purpose and effect shall be solely as an aid to the Commission in the performance of its duties.

(b) The Commission may, from time to time, amend, extend or add to the master plan.

(c) The master plan may cover areas within the corporate limits of any city or town in Kent County, to the extent that such areas shall be deemed, in the judgment of the Commission, to be related to the planning of the District. The master plan shall have no legal effect in such areas except as in pursuance of a request for the inclusion of such area within the District as provided in section 4802 of this title.

(d) The Commission shall encourage the cooperation of the cities and towns within Kent County in any matter concerning the master plan and, if requested, shall advise the governing body or authority of any city or town in Kent County with respect thereto.

§4808. Road surveys

The Commission may, in pursuance of the development and carrying out of its master plan, make from time to time surveys for the exact location of the lines of future roads, road relocations, road extensions, road widenings or narrowings in the District or any portion thereof, and make plats of the areas thus surveyed, showing the Commission's recommendations for the exact locations of such future road lines.

§4809. Official map of the district

(a) There is established an official map of the District. The Commission shall be the maker and custodian of such map. The map shall show the location and lines of the roads within the District existing and established by law as public roads at the time of the preparation and setting up of the map by the Commission; also the location of the lines of the roads on plats which shall have been approved by the Commission at or previous to that time.

(b) Whenever the Commission shall have adopted an official map or any amendment, extension or addition thereto, it shall submit the official map or such amendment, extension or addition thereto, to the Levy Court for its approval and if the official map or amendment, extension or addition thereto shall pertain to the road system of or any road in Kent County, the official map or any amendment, extension or addition thereto shall also be submitted to the Highway Department for its approval and upon approval of the official map or such amendment, extension or addition thereto, the Commission shall cause the official map or such amendment, extension or addition thereto to be recorded in the Recorder's Office within 15 days after such approval.

(c) The Commission may, from time to time, amend, extend, add to or remove from the official map all roads established or vacated by law.

(d) If the State Highway Department of the State of Delaware changes or amends existing roads or adds new roads which vary from the master plan as established, pursuant to §4807 of this Title, the Commission shall have the right, after due notice in writing, to the Highway Department of the State of Delaware, to appeal such change or addition, to the State High-

way Commissioners in an official meeting of which the public shall be given notice and which the public may attend. After receiving notice in writing of the appeal of the Regional Planning Commission, the State Highway Commissioners and their employees will refrain from execution of plans changing or adding roads in variance from the aforesaid master plan until the appeal has been heard and a written decision rendered by the said State Highway Commissioners. That decision may be summarily appealed to the Superior Court of the State of Delaware which shall have the power to enjoin further action by all parties until a determination is reached by that Court as to whether the promotion of the health, safety, prosperity and general welfare of the citizens of the State of Delaware and of Kent County are better served by compliance with the aforesaid master plan or by granting the change or addition desired by the State Highway Department of the State of Delaware.

§4810. Road plats; submission to commission; recording; fees; regulations

(a) The location, proposed grades and drainage of all roads intended to be dedicated by the owner thereof to the public use or for the use of owners of property abutting thereon or adjacent thereto within the limits of the District, shall be submitted to the Commission for its adoption and the approval of the Levy Court and no person shall record any plan or map showing the location of any new or proposed road, in any public office in Kent County unless such plan or map shall show thereon by endorsement its adoption by the Commission and its approval by the Levy Court. The adoption of such plan or map by the Commission and the approval thereof by the Levy Court endorsed upon such plan or map shall, when recorded, be deemed and taken as an acceptance of the intended dedication of the road appearing thereon, but shall not impose any duty upon the Levy Court or upon the Highway Department respecting the maintenance or improvement thereof. Such plan or map shall, when recorded, become a part of the official map.

(b) No plat of land within the District shall be received or recorded by the Recorder of Deeds in and for Kent County or filed for recording in the Recorder's Office until the plat shall have been submitted to and approved by the Commission and the Levy

Court and such approvals be endorsed in writing on the plat by the Chairman or Secretary of the Commission and the President of the Levy Court. The filing or recording of a plat without the approval of the Commission and the Levy Court shall, upon application of the Commission or the Levy Court, to the Superior Court in and for Kent County, Delaware, be expunged from the records.

(c) On the basis of the estimated cost of the services to be rendered by it in connection with the consideration of such plats and the work incident thereto, the Commission may fix the scale of fees to be paid to it and may from time to time amend such scale. In the case of each plat submitted to the Commission, the fee thus fixed shall be paid before the plat is approved or disapproved, but such fees shall not exceed the actual cost to the Commission of the services and shall be paid by the person requesting the Commission's approval.

(d) Every such plat shall be prepared upon cloth of such size and character, with such notations, information and markings, and accompanied by such data and information as the Commission may, by regulation prescribe, and shall have such permanent markers, boundary stones or stations as the Commission shall prescribe, which shall be shown and designated on the plat thereof. The Commission shall prescribe the procedure for the submission of such plats and action in respect thereto, which shall include certification by a registered Engineer or Land Surveyor as to the proper location on the plat of the aforesaid boundary markers, boundary stones or stations.

§4811. Approval or disapproval of plat by commission; hearing

The Commission 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 Commission upon demand. Such period may be extended by mutual agreement between the Commission and the applicant for the Commission's approval. The grounds of disapproval of any plat shall be stated upon the records of the Commission and a copy of such statement shall be furnished to the applicant. No plat shall be acted upon by the Commission without affording a hearing thereon, notice of the time and place of which shall be sent by registered mail to such applicant not less than five days before the date fixed therefor. However, in

his application the applicant may waive the requirement of such hearing and notice. Any approval or disapproval, after its recordation by the Commission, may be appealed to the Levy Court of Kent County within 30 days.

§4812. Recording unapproved plan; penalty for

Any Recorder who receives for filing or recording any plan or map contrary to the provisions of this chapter shall be fined not less than \$100.00 nor more than \$500.00.

§4813. Cooperation with other agencies

(a) Upon the request of the Levy Court or the Mayor or the Council of the City of Dover or the Highway Department or the State Board of Health or any other State, County, or municipal agency, board, department, commission or authority, the Commission shall, upon such term as may mutually be agreed upon, prepare plans and supply information relating to any of the matters set forth in this chapter.

(b) In exercising the powers conferred by this chapter the Commission is empowered to act in conjunction and cooperation with representatives, agencies, or officers of the United States Government, this State, any other State, or any County, City or Town within or without this State.

§4814. Entry upon land; access to records

(a) In the performance of the functions and duties of the Commission any member thereof or any employee or agent thereof shall have the right to enter and go upon, at reasonable times (Sundays and holidays excluded) between the hours of 8 A.M. and 5 P.M. any lands in the District, either public or private, and to make surveys and to place and maintain necessary monuments and markers thereon, but such entry shall be made with due care and regard for the protection and preservation of property.

(b) In the performance of the functions and duties of the Commission, any member thereof, or any employee or agent thereof shall have free access, without expense, to all State, County, municipal and other public records.

§4815. Appropriation; authority to make

The Levy Court of Kent County may annually appropriate a sum not exceeding \$100,000.00 for the purpose of carrying out the provisions of this chapter, to be paid as other County expenses out of monies collected for taxes for County purposes.

§4816. Powers and duties of State Highway Department

Nothing contained in this chapter shall change, alter, affect, or modify the rights, powers and duties elsewhere conferred upon the State Highway Department.

§4817. Powers and duties of municipal corporations not affected

Nothing contained in this chapter shall change, alter, affect, or modify the rights, powers and duties heretofore conferred upon any municipal corporation over, in or upon any lands lying outside of the corporate limits of the municipal corporation.

Section 16. Title 9 of the Delaware Code is amended by adding thereto a new chapter 49 to read as follows:

CHAPTER 49. ZONING**§4901. Power of Levy Court; area subject to regulation**

The Levy Court may, in accordance with the conditions and procedure specified in this Chapter, regulate the location, height, bulk and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, public activities, water supply conservation, soil conservation, or other similar purposes, in any portion or portions of Kent County which lie outside of incorporated municipalities, or incorporated municipalities without zoning provisions, notwithstanding any provisions of other Titles or Chapters of the Delaware Code to the contrary.

§4902. Zoning plan and regulations

(a) For any or all of the purposes specified in section 4901 of this Title the Levy Court may divide the territory of Kent County into districts or zones of such number, shape, or area as it may determine, and within such districts, or any of them, may regulate the erection, construction, reconstruction, alterations, and uses of buildings and structures and the uses of land.

(b) All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts.

(c) The Levy Court shall provide for the manner in which regulations shall be enforced and shall designate the administrator of the regulations. The administrator so designated shall have authority to act as such throughout the County.

§4903. Purposes of regulations

(a) Regulations adopted by the Levy Court, pursuant to the provisions of this chapter, shall be designated and adopted for the purpose of promoting the health, safety, morale, convenience, order, prosperity or welfare of the present and future inhabitants of this State, including, amongst other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, fostering the State's agricultural and other industries, and the protection of both urban and non-urban development.

(b) The regulations shall be made with reasonable consideration, among other things, of the character of the particular district involved, its peculiar suitability for particular uses, the conservation of property values and natural resources and the

general and appropriate trend and character of land, building and population development.

§4904. Kent County zoning commission; appointment; term and qualifications

(a) In order to avail itself of the powers conferred by this chapter, the Levy Court shall appoint a permanent commission of five members which shall be known as the Kent County Zoning Commission. Each member shall be appointed for a term of 6 years except that a member appointed to fill a vacancy occurring for any reason other than expiration of term, shall be appointed for the unexpired term.

(b) Each member shall be a freeholder and resident of Kent County, four of whom shall live outside any incorporated city or town. No more than three of the members of the Commission shall be of the same political party. Originally three members shall be appointed for three years, and the remaining three for six years so that at any biennial election, no more than three members shall be up for appointment. Members of the Regional Planning Commission otherwise qualified, shall be eligible for appointment to the Kent County Zoning Commission.

§4905. Assistance from and cooperation with other agencies

The Zoning Commission shall make use of the expert advice and information which may be furnished by appropriate State, Federal, or other officials, departments and agencies. All officials, departments, and agencies within the State having information, maps and data pertinent to county zoning shall make the same available for the use of the Zoning Commission, as well as furnish such other technical assistance and advice as they may have available for such purpose.

§4906. Personnel and office facilities of zoning commission

The Zoning Commission may employ such experts, trained personnel, and staff as the funds provided therefor may permit. The Levy Court shall furnish the Zoning Commission with appropriate office space and other facilities. The Levy Court may pay to the Regional Planning Commission of Kent County for salaries and other expenses of the Zoning Commission an amount

based upon a proportionate use of personnel and facilities of the Regional Planning Commission by the Zoning Commission.

§4907. Tentative zoning plan; preparation of by commission

The Zoning Commission shall make, as promptly as possible, for certification to the Levy Court, a zoning plan or plans, including both the full text of the zoning regulation or regulations and the maps, and representing the recommendations of the Zoning Commission for the regulation by districts or zones of the location, height, bulk, and size of building and other structures, percentage of lot which may be occupied.

The size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, recreation, public activities, soil conservation, water supply conservation or other similar purposes.

§4908. Public hearing and notice

When the efforts of the Commission shall have reached the stage of a tentative plan, the Commission shall hold at least one public hearing on each tentative plan to be separately submitted, notice of which hearing shall be published at least 15 days before the date of the hearing in a newspaper of general circulation in the county. The notice shall contain the time and place of hearing, and shall specify the place and times at which the tentative text and maps of the zoning regulations may be examined.

§4909. Commission's powers in conduct of public hearing

For the purpose of any public hearing under this chapter, the Commission shall have the power to summon witnesses, administer oaths, and compel the giving of testimony.

§4910. Adoption by Levy Court of zoning plan and regulations; public hearing and notice; consultative hearings; resubmission to commission

(a) After receiving the certification of a zoning plan from the Zoning Commission and before the adoption of any zoning regulations, the Levy Court shall hold a public hearing thereon,

the time and place of which at least 30 days' notice shall be given by one publication in a newspaper of general circulation in the county. Such notice shall state the place at which the text and maps as certified by the Zoning Commission may be examined.

(b) The Levy Court may conduct consultative hearings to aid it in determining the desirability of contemplated or recommended regulations.

(c) No change in or departure from text or maps, as certified by the Zoning Commission, shall be made unless such change or departure shall first be submitted to the Zoning Commission for its approval or disapproval or suggestions. The Zoning Commission shall have 30 days from and after such submission within which to send its report to the Levy Court, but the Levy Court shall not be bound by the report.

§4911. Changes in zoning district; plan or regulations; procedure

(a) The Levy Court may, from time to time, make amendments, supplements, changes or modifications (herein called "changes") with respect to the number, shape, boundary or area of any district or districts, or any regulation of, or within, such district or districts, or any other provision of any zoning regulation or regulations, but no such changes shall be made or become effective until the same shall have been proposed by or be first submitted to the Zoning Commission.

(b) With respect to any proposed changes, the Zoning Commission shall hold at least one public hearing, notice of which hearing shall be published at least 15 days before the date of the hearing in a newspaper of general circulation in the county. The notice shall contain the time and place of hearing, and shall specify the nature of the proposed change in a general way and shall specify the place and times at which the text and map relating to the proposed change may be examined.

(c) Unless the Zoning Commission shall have transmitted its report upon the proposed changes within 30 days after submission thereof to it, the Levy Court shall be free to proceed to the adoption of the changes without further awaiting the receipt of the report of the Zoning Commission. In any event, the Levy Court shall not be bound by the report of the Zoning Commis-

sion. Before finally adopting any such changes, the Levy Court shall hold a public hearing thereon, at least 15 days' notice of the time and place of which shall be given at least one publication in a newspaper of general circulation in the County.

§4912. Zoning coordination and integration

The Kent County Zoning Commission may cooperate with other planning and zoning commissions within Kent County, and within other counties and states, and with the planning, zoning, legislative and administrative authorities of incorporated or unincorporated municipalities, either within or without such county, with a view to coordinating and integrating the zoning of the county with the planning and zoning of other counties or of municipalities. The Zoning Commission shall also have power to appoint such committee or committees, and adopt such rules for the conduct of its business, as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions.

§4913. Board of adjustment; appointment, term and qualifications; removal; vacancies; compensation

(a) The Levy Court for Kent County shall appoint a Board of Adjustment of five members. The members shall be appointed for a term of four years. Of the original members of the Board of Adjustment, one member shall be appointed for a term of two years, another for a term of three years and another for a term of four years, and two for terms of five years. Thereafter, each shall have five-year terms. The persons appointed to the Board of Adjustment shall be individuals with knowledge of and experience in dealing with problems of urban and rural development. At the time of appointment, they shall not be candidates for, candidates-elect for, or incumbent of an elective public office.

(b) Any member of the Board may be removed for cause by the Levy Court upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of regular appointments.

(c) The Levy Court shall provide compensation for services rendered and for payment of necessary expenses of the members of the Board.

§4914. Office and personnel of Board of Adjustment

The Levy Court shall furnish the Board of Adjustment with necessary office space and other facilities. Subject to the approval of the Levy Court, the Board may employ such secretarial and technical assistants as may be required to properly perform its functions.

§4915. Rules governing organization, procedure and jurisdiction of Board of Adjustment

The Levy Court shall provide and specify in its zoning or other regulations, general rules to govern the organization, procedure and jurisdiction of the Board of Adjustment, which rules shall not be inconsistent with this chapter, and the Board of Adjustment may adopt supplemental rules of procedure not inconsistent with this chapter or such general rules.

§4916. Appeals to the Board of Adjustment; who may take; procedure

(a) Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning regulations. Appeals to the Board of Adjustment may be taken by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning regulations.

(b) The time within which such appeal must be made, and the effect, form, or other procedure relating thereto, shall be specified in the general rules provided by the Levy Court to govern the procedure of the Board of Adjustment or in the supplemental rules of procedure adopted by the Board.

§4917. Powers of Board of Adjustment upon appeals

Upon appeals the Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning regulations.

(2) To hear and decide, in accordance with the provisions of any zoning regulations, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which the Board is authorized by any zoning regulation to pass.

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation adopted under this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship; provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning regulations.

§4918. Court review of decision of Board of Adjustment; proceedings

(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 in and for Kent County, a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the Court 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 of Adjustment, and shall prescribe therein the time within which a return thereto 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 proceeding upon the decision appealed from, but the Court may, on application, on notice to the Board 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 appealed from 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 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, unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

§4919. Violations of regulations of Chapter; enforcement, remedies and penalties

(a) No person shall erect, construct, reconstruct, alter, maintain or use any building or structure or use any land in violation of any regulation in or of any provision of, any zoning regulation, or any change thereof, enacted or adopted by the Levy Court under the authority of this chapter.

(b) Whoever violates any such regulation, provision or change, or any provision of this chapter, shall be fined not more than \$100.00, or imprisoned not more than ten days, or both.

(c) Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.

(d) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this chapter or of any regulation or provision of any regulation or change thereof, enacted or adopted by the Levy Court under the authority granted by this chapter, the Levy Court, the attorney thereof, or any owner of real estate within the District in which such building, structure or land is situated, 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 remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

§4920. Nonconforming uses of land or buildings

(a) The lawful use of a building or structure, or the lawful use of any land, as existing and lawful at the time of the enactment of a zoning regulation, or in the case of a change of regulations, then at the time of such change, may, except as hereinafter provided, be continued although such use does not conform with the provisions of such regulations or change, and such use may be extended throughout the same building, provided no structural alteration of such building is proposed or made for the purpose of such extension. The Levy Court in any zoning regulations may permit the restoration, reconstruction, extension or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning regulations.

(b) If the County acquires title to any property by reason of tax delinquency and such properties be not redeemed as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning regulations of the County, or with any change of such regulations, equally applicable to other like properties within the district in which the property acquired by the County is located.

§4921. List of nonconforming uses

Immediately after the adoption of any zoning regulations or changes by the Levy Court, the Zoning Commission shall prepare and publish a complete list of all nonconforming uses and occupations existing at the time of the adoption of the regulations or changes. Such list shall contain the names and addresses

of the owner or owners of such nonconforming use and of any occupant, other than the owner, the legal description or descriptions of the land, and the nature and extent of land use. After any necessary corrections have been made under a procedure prescribed by the Levy Court, copies of such list shall, when approved by the Levy Court, be filed for record in the offices of the Zoning Commission and of the Board of Adjustment, and shall be corrected yearly as the Levy Court may prescribe.

§4922. Appropriations

The Levy Court may appropriate out of the general county fund such moneys, otherwise unappropriated, as it may deem fit to finance the work of the Zoning Commission and of the Board of Adjustment, and may enforce the zoning regulations and restrictions which are adopted, and may accept grants of money and service for these purposes, and other purposes, in accordance with this chapter, from either private or public sources, State or Federal.

§4923. Conflict between zoning regulations and other laws

Whenever any regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute or local regulations, the provisions of the regulations made under authority of this chapter shall govern. Whenever the provisions of any other statute or local regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this chapter, the provisions of such statute shall govern.

Whenever the provisions of any other statute shall derogate from the provisions of this chapter, unless it be a statute granting powers to the State Planning Office, the provisions of this chapter shall govern.

Approved August 2, 1967.

CHAPTER 104

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DEPART-
MENT FOR FLAGS.**

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

Section 1. The sum of \$2,500 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1968, for the purpose of purchasing flags of this State to be distributed gratis to members of the Armed Forces of the United States serving overseas.

Section 2. The 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 August 2, 1967.

CHAPTER 105

**AN ACT TO AMEND CHAPTER 45, TITLE 21, DELAWARE
CODE RELATING TO THE LENGTH OF VEHICLES
AND LENGTH OF PILING AND POLE TRAILERS.**

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

Section 1. §4502(c), Title 21, Delaware Code, is amended by striking the figure "60" after "shall not exceed a length of" in line 3 thereof and inserting in lieu thereof the figure "65".

Section 2. §4502(c), Title 21, Delaware Code, is amended by striking the figure "60" after "shall not exceed a length of" in line 4 thereof and inserting in lieu thereof the figure "70".

Approved August 2, 1967.

CHAPTER 106

AN ACT TO APPROPRIATE MONEYS TO CERTAIN HOSPITALS AND THE DEPARTMENT OF PUBLIC WELFARE FOR CERTAIN HEALTH SERVICES.

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. There is appropriated for the maintenance, equipment and operation of the Hospitals hereinafter mentioned, for the fiscal year ending June 30, 1968, the sums of money set after the names of such hospitals respectively:

Hospital	No. of Beds	Amount
Beebe Hospital of Sussex County, Inc. . .	128	\$ 70,400.00
Kent General Hospital	129	70,950.00
Milford Memorial Hospital, Inc.	141	77,550.00
Nanticoke Memorial Hospital	75	41,250.00
Riverside Hospital	48	26,400.00
St. Francis Hospital, Inc.	180	99,000.00
Wilmington Medical Center		
Delaware Division	421	231,550.00
General Division	329	180,950.00
Memorial Division	300	165,000.00
Eugene duPont	60	33,000.00
TOTAL	1,811	\$996,050.00

Each of the appropriations shall be paid to the respective Hospitals in equal quarterly installments on the fifteenth day of July, October, January and April of the fiscal year ending June 30, 1968.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of the Wilmington Medical Center, the sum of \$550 per bed for the Delaware Division not in excess of 34 beds. The said appropriation to be paid to the said hospital, upon the completion of such additional capacity, in equal quarterly installments on the fifteenth day of July, October, January and April of the fiscal year ending June 30, 1968;

provided, however, that no portion of said appropriation shall be paid to said hospital unless such additional bed capacity shall have been completed and in operation prior to December 31, 1967; and provided further 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, 1967.

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. The State Auditor shall from time to time verify the bed capacity of said hospitals and report to the State Treasurer and the Budget Director.

Section 4. The provisions of Sections 1, 2 and 3 of this Act notwithstanding, the Budget Commission shall administer this Act and shall have the power to reduce the amounts to be paid to the individual hospitals to the extent that the funds withheld are allocated and transferred to the Department of Public Welfare as provided for in Section 5 of this Act, and the State Treasurer shall make no payment under this Act except upon the prior approval of the Budget Commission and of the Budget Director as elsewhere required by law. In reducing the amounts to be paid to the hospitals pursuant to this section, the Budget Commission shall make such reduction on as nearly a uniform basis as possible; provided, however, that the Commission shall endeavor to assure that each hospital shall receive during the fiscal year payments from the Department of Public Welfare for Medical benefits and grants pursuant to this Act which total not less than the amount specified for such hospital in Sections 1 and 2 of this Act.

Section 5. The Budget Commission shall have the power to

allocate and transfer to the Department of Public Welfare from the sums herein appropriated to the hospitals amounts not to exceed initially \$200,000 for any fiscal quarter, for the purpose of continuing the program of medical assistance within the requirements of Section 121 (a) of P.L. 89-97 enacted by the Congress of the United States and commonly known as Title XIX of the Social Security Act. After the requirements of Section 4 of this Act have been met, the Budget Commisison shall have the additional power to transfer remaining funds to the Department of Public Welfare within the requirements of Section 121 (a) of P.L. 89-97. The Budget Commission shall not allocate to the Department of Public Welfare any of the sums herein mentioned except upon the following conditions:

(A) The State Plan of Medical Care to be carried out by the Department of Public Welfare meets the requirements for federal financial participation under the aforementioned Title XIX, and

(B) The sums expended by the Department pursuant to this Act shall be limited to:

- (1) inpatient hospital services,
- (2) outpatient hospital services,
- (3) other laboratory and X-ray services,
- (4) skilled nursing home services for individuals 21 years of age or older, and
- (5) physicians services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home or elsewhere.

Section 6. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer from the General Fund of the State.

Approved August 2, 1967.

CHAPTER 107

AN ACT TO AMEND CHAPTER 45, TITLE 21, DELAWARE CODE, RELATING TO THE LENGTH OF AUTO TRANSPORTERS.

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

Section 1. §4502 (c), Title 21, Delaware Code, is amended by inserting after the words "55 feet" in line 2 thereof the following:

"except auto transporters shall not exceed 65 feet"

Approved August 2, 1967.

CHAPTER 108

AN ACT TO AMEND TITLE 31, §4319, DELAWARE CODE, RELATING TO PAYMENTS BY HOUSING AUTHORITIES TO CITIES OR COUNTIES FOR SERVICES IN LIEU OF TAXES, AND TO DECLARE VALID AND LEGAL AND TO APPROVE AGREEMENTS AND PAYMENTS TO PUBLIC BODIES IN THE STATE AND THE UNDERTAKINGS OF SUCH HOUSING AUTHORITIES AND ALL PROCEEDINGS, ACTS, AND THINGS UNDERTAKEN OR DONE WITH REFERENCE THERETO.

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

Section 1. Title 31, Section 4319, Delaware Code, is hereby amended by striking out the second sentence thereof and inserting in lieu thereof the following:

In lieu of such taxes an authority may agree to make an annual payments to such city or county for improvements, services and facilities furnished by such city or county for the benefit of the housing project, in amounts not to exceed the regular taxes which would be levied on such projects by the aforesaid taxing bodies if the project were not exempt therefrom.

Section 2. Anything in the Laws of Delaware now or heretofore to the contrary notwithstanding, all payments in lieu of taxes made, and agreements to make such payments executed, by any housing authority prior to the date of this enactment, are hereby validated, confirmed, and declared to be, and to have heretofore been, legal and valid in all respects.

Section 3. This act shall become effective from and after its passage and approval by the Governor.

Approved August 2, 1967.

CHAPTER 109

AN ACT TO AMEND TITLE 14, SECTION 1912, DELAWARE CODE, RELATING TO SCHOOL CAPITATION TAXES.

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

Section 1. Title 14, Section 1912, Delaware Code, is amended by adding thereto a new paragraph to read as follows:

In the event a school capitation tax is approved by the voters of the District, in New Castle County, the Department of Finance shall collect such taxes and make deposits of the moneys so collected in accordance with Section 1918 of the Title. Warrants or drafts on the said fund shall be drawn by the School Board of the District.

Approved August 2, 1967.

CHAPTER 110

AN ACT TO REQUIRE THE STATE HIGHWAY DEPARTMENT TO INSTALL A TRAFFIC LIGHT CONTROL FOR THE WILMINGTON MANOR FIRE COMPANY, INC., AT STATE ROAD, NEW CASTLE COUNTY, DELAWARE.

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

Section 1. The State Highway Department is authorized and directed to install a traffic light control for the use of the Wilmington Manor Fire Company, Inc., at State Road, New Castle County, Delaware, which will, when operated, cause traffic lights on U. S. Route 13 near the said Fire Hall to direct traffic as agreed upon between the State Highway Department and the Wilmington Manor Fire Company.

Section 2. There is hereby appropriated to the State Highway Department the sum of \$6,200 for the sole purpose of installing the said traffic light control. Such sum shall be paid by the State Treasurer out of the General Fund from money not otherwise appropriated. Any portion of the said sum of \$6,200 which shall remain unexpended after the installation of the traffic light control or which remains unexpended on June 30, 1968, whichever first occurs, shall revert to the General Fund of the State of Delaware.

Approved August 2, 1967.

CHAPTER 111

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY PROVIDING FOR RAISING AND COLLECTION OF REVENUE FOR COUNTY VOCATIONAL-TECHNICAL HIGH SCHOOLS AND COUNTY VOCATIONAL-TECHNICAL CENTERS.

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

Section 1. Title 14, Delaware Code, is hereby amended by adding a new chapter to be known as Chapter 26, as follows:

CHAPTER 26. VOCATIONAL SCHOOLS

§2601. Power of county vocational high school districts and county vocational technical school districts to levy taxes for school purposes.

Any county vocational technical high school district or county vocational technical center district may, in addition to the amounts appropriated to it by the General Assembly, levy and collect additional taxes for school purposes upon the assessed value of real estate in such district, as determined and fixed for county taxation purposes. The amount to be raised by taxation shall not exceed 3 cents on each one hundred dollars of the value of real property in any of the three Counties.

§2602. Notification of tax rate

The Board of Trustees for each vocational technical high school and each vocational technical center shall establish the tax rate in the month of May of each year and shall notify the Department of Finance in New Castle County and the Receiver of Taxes and County Treasurer in Kent and Sussex Counties by the first day of June of each year as to the tax rate established for the foregoing year; provided, however, for the tax year beginning July 1, 1967, the Board of Trustees shall not be required to notify the Department of Finance in New Castle County and Receiver of Taxes and County Treasurer in Kent

CHAPTER 110

AN ACT TO REQUIRE THE STATE HIGHWAY DEPARTMENT TO INSTALL A TRAFFIC LIGHT CONTROL FOR THE WILMINGTON MANOR FIRE COMPANY, INC., AT STATE ROAD, NEW CASTLE COUNTY, DELAWARE.

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

Section 1. The State Highway Department is authorized and directed to install a traffic light control for the use of the Wilmington Manor Fire Company, Inc., at State Road, New Castle County, Delaware, which will, when operated, cause traffic lights on U. S. Route 13 near the said Fire Hall to direct traffic as agreed upon between the State Highway Department and the Wilmington Manor Fire Company.

Section 2. There is hereby appropriated to the State Highway Department the sum of \$6,200 for the sole purpose of installing the said traffic light control. Such sum shall be paid by the State Treasurer out of the General Fund from money not otherwise appropriated. Any portion of the said sum of \$6,200 which shall remain unexpended after the installation of the traffic light control or which remains unexpended on June 30, 1968, whichever first occurs, shall revert to the General Fund of the State of Delaware.

Approved August 2, 1967.

CHAPTER 111

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE
BY PROVIDING FOR RAISING AND COLLECTION OF
REVENUE FOR COUNTY VOCATIONAL-TECHNICAL
HIGH SCHOOLS AND COUNTY VOCATIONAL-TECH-
NICAL CENTERS.**

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

Section 1. Title 14, Delaware Code, is hereby amended by adding a new chapter to be known as Chapter 26, as follows:

CHAPTER 26. VOCATIONAL SCHOOLS

§2601. Power of county vocational high school districts and county vocational technical school districts to levy taxes for school purposes.

Any county vocational technical high school district or county vocational technical center district may, in addition to the amounts appropriated to it by the General Assembly, levy and collect additional taxes for school purposes upon the assessed value of real estate in such district, as determined and fixed for county taxation purposes. The amount to be raised by taxation shall not exceed 3 cents on each one hundred dollars of the value of real property in any of the three Counties.

§2602. Notification of tax rate

The Board of Trustees for each vocational technical high school and each vocational technical center shall establish the tax rate in the month of May of each year and shall notify the Department of Finance in New Castle County and the Receiver of Taxes and County Treasurer in Kent and Sussex Counties by the first day of June of each year as to the tax rate established for the forecoming year; provided, however, for the tax year beginning July 1, 1967, the Board of Trustees shall not be required to notify the Department of Finance in New Castle County and Receiver of Taxes and County Treasurer in Kent

and Sussex Counties until July 15, 1967, as to the tax rate established by the Board of Trustees.

§2603. Collection and deposit of school taxes

(a) The Department of Finance for New Castle County and the Receiver of Taxes and County Treasurer for Kent and Sussex Counties shall collect such taxes in the same manner and at the same time as provided by law for the collection of taxes for other purposes; provided, however, that after June 30, 1957, in New Castle County the Department of Finance and the Receiver of Taxes and County Treasurer in Kent and Sussex Counties shall allow no abatement or discount upon any taxes levied for school purposes required to be collected by them; and for all tax years commencing after June 30, 1958, shall after the thirtieth day of September in the year in which the tax rolls shall be delivered to them, add to the taxes to be paid thereafter a penalty of one-half of one per cent per month until the same shall be paid.

(b) All money so collected shall be paid to the State Treasurer and shall be deposited by him in a separate account in the depository for other school moneys to the credit of the District.

§2604. Disbursement of school taxes

Warrants or drafts on the said fund shall be drawn by the School Board of the District and shall be applied only for the purpose for which the levy is made.

§2605. Report of school tax collections and payment of collected taxes

(a) The Department of Finance for New Castle County and each Receiver of Taxes and County Treasurer for Kent and Sussex Counties shall on the first day of each month make a report to the School Board of the District for which he is collecting taxes, to the State Treasurer and the State Board of Education, of all taxes collected in the previous month. The forms shall show a complete breakdown of taxes collected, such as capitation, debt service and current expenses, and such other information as may be required.

(b) The Department of Finance for New Castle County and each Receiver of Taxes and County Treasurer for Kent and Sussex Counties shall not less than once each calendar month, pay over to the State Treasurer all funds collected by him for any District.

Approved August 2, 1967.

CHAPTER 112

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968" BEING HOUSE BILL NO. 137, AS AMENDED, OF THE 124TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1968 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 137, as amended and approved by both the Senate and the House of Representatives of the 124th General Assembly and entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1968," and also known as the 1968 Budget Appropriation Bill, is amended by adding a new section directly following the section entitled "Soil and Water Conservation Commission," to read as follows:

**New Castle County Division Soil and Water
Conservation Commission**

Salaries	\$28,000.00
Supplies and Materials	1,200.00
Capital Outlay	1,800.00
Travel	3,000.00
Contractual Services	6,000.00

Section 2. The said House Bill No. 137, as amended, is further amended by changing all the totals and sub-totals appearing in Section 1 thereof to reflect the changes set forth in Section 1 of this Act.

Approved August 2, 1967.

CHAPTER 113

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968" BEING HOUSE BILL NO. 137 OF THE 124TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1968 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 137, as amended, and approved by both the Senate and the House of Representatives of the 124th General Assembly and entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1968," and also known as the 1968 Budget Appropriation Bill (hereafter referred to as House Bill No. 137), is amended by striking out the figures shown therein for the lines in Section 1 hereafter listed and marked "(1)" and by inserting new figures in lieu thereof as set forth in this section; by striking out the lines in Section 1 hereinafter listed and marked "(2)" in their entirety; and by adding new lines to Section 1 as hereafter listed in this section and marked "(3)".

Department of Public Welfare-Administration

(1) Direct Care-Child Welfare Services . . \$1,355,000

Section 2. The said House Bill No. 137, as amended, is further amended by changing all the totals and sub-totals appearing in Section 1 thereof to reflect the changes set forth in Section 1 of this Act.

Approved August 2, 1967.

CHAPTER 114

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF PAYING OFF PAST DUE BILLS INCURRED BY SCHOOL DISTRICTS WHICH ARE NO LONGER IN EXISTENCE.

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

Section 1. The sum of \$908.39 is hereby appropriated to the State Board of Education for the purpose of paying off past due bills incurred by school districts which are no longer in existence.

Section 2. Any funds hereby appropriated which remain unexpended on June 30, 1968, shall revert to the General Fund of the State.

Section 3. This is an Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State from funds not otherwise appropriated.

Approved August 2, 1967.

CHAPTER 115

AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE, BY AMENDING SECTION 8327 THEREOF SO AS TO REMOVE THE EXISTING LIMITATIONS ON PENSION BENEFITS TO BE RECEIVED BY RETIRED MEMBERS OF THE DELAWARE STATE POLICE.

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

Section 1. Section 8327, Title 11 of the Delaware Code, is hereby amended by deleting the same therefrom and inserting the following new section in lieu thereof:

Sections 8323, 8324 and 8326 of this title shall apply to and be for the benefit of all members of the State Police retired as of June 28, 1963 or at any time thereafter and/or to his widow, minor children or sole dependent parent, as the case may be, and such pension payments to such persons, as adjusted from time to time as hereinabove provided, shall continue so long as any such person is entitled thereto by virtue of the provisions of this chapter.

Approved August 3, 1967.

CHAPTER 116

AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO CRIMES BY IMPOSING CRIMINAL PENALTIES FOR RIOTS.

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

Section 1. Title 11, Delaware Code, is amended by adding thereto a new section to read :

§363. Riot, prima facie evidence; liability for conduct of another

(a) A person is guilty of riot when he participates with 2 or more persons in a course of disorderly conduct:

(1) with intent to commit or facilitate the commission of a felony or misdemeanor; or

(2) with intent to prevent or coerce official action; or

(3) when the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

(b) In any prosecution for riot it is prima facie evidence of participation in the riot that the accused was present at the scene of the riot, not assisting to suppress it.

(c) Whoever violates the provisions of this section shall be guilty of a felony and shall be imprisoned for not less than 3 years nor more than 10 years and shall not be eligible for probation or parole during the first 3 years of his sentence.

(d) Any person over 16 years old who violates the provisions of this section shall be prosecuted as an adult.

(e) A person is guilty of an offense under this section committed by another person when:

(1) acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or

(2) intending to promote or facilitate the commission of the offense he:

(i) solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it; or

(ii) aids, counsels, or agrees or attempts to aid the other person in planning or committing it; or

(iii) having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so; or

(3) his conduct is expressly declared by a statute of this state to establish his complicity.

(f) In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

(1) the other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

(2) the other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

(g) Disorderly conduct as used in this section means a course of conduct by a person who:

(1) causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by

(i) engaging in fighting or in violent, tumultuous, or threatening behavior; or

(ii) making an unreasonable noise or an offensive coarse utterance, gesture, or display, or addressing abusive language to any person present; or

(iii) dispersing any lawful procession or meeting of per-

sons, not being a peace officer of this state and without lawful authority; or

(iv) creating a hazardous or physically offensive condition which serves no legitimate purpose; or

(2) engages with at least one other person in a course of disorderly conduct as defined in subparagraph (1) of this subsection which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer to the participants.

Approved August 4, 1967.

CHAPTER 117

AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO CRIMES, BY IMPOSING CRIMINAL PENALTIES FOR THE MANUFACTURE, TRANSFER, USE, POSSESSION OR TRANSPORTATION OF MOLOTOV COCKTAILS OR OTHER EXPLOSIVE DEVICES.

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

Section 1. Title 11, Delaware Code, is amended by adding thereto a new section to read:

§360. Molotov cocktails or other explosive devices prohibited

(a) Whoever manufactures, transfers, uses, possesses or transports any Molotov Cocktail or any other device, instrument or object designed to explode or produce uncontained combustion with intent to cause bodily or physical harm shall be guilty of a felony and shall be imprisoned for not less than 3 years nor more than 10 years.

(b) Any person over 16 years old who violates the provisions of this section shall be prosecuted as an adult.

(c) In any prosecution under this section, it is prima facie evidence of intent to cause bodily or physical harm if the accused had possession of the device prescribed by this section in a public place.

Approved August 4, 1967.

CHAPTER 118

AN ACT TO AMEND PART II, TITLE 20, DELAWARE CODE, RELATING TO CIVIL DEFENSE BY CONFERRING ON THE GOVERNOR ADDITIONAL POWERS TO REGULATE AND RESTRICT ACTIVITIES OF PERSONS DURING A STATE OF EMERGENCY PROCLAIMED BY HIM; AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATION OF EMERGENCY DIRECTIVES OF THE GOVERNOR OR FOR THE COMMISSION OF OTHER ACTS DURING THE STATE OF EMERGENCY.

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

Section 1. §3102, Title 20, Delaware Code, is amended by adding thereto the following definitions:

"State of Emergency" means an emergency proclaimed as such by the Governor pursuant to §3125 of this title.

"Governor" means the Governor of this state, or in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of Governor pursuant to Article 3, Section 20 of the Constitution.

Section 2. Chapter 31, Title 20, Delaware Code, is amended by adding thereto a new subchapter to read:

SUBCHAPTER II. ADDITIONAL POWERS OF GOVERNOR DURING STATE OF EMERGENCY.

§3125. Proclamation of State of Emergency

(a) In addition to the powers conferred upon the Governor by §3105 of this title, the Governor, after finding that a public disorder, disaster or emergency exists within this state or any part thereof which affects life, health, property or the public peace, may proclaim a State of Emergency in the area affected.

(b) The proclamation of a State of Emergency and other

proclamations issued under this subchapter shall be in writing and shall be signed by the Governor. They shall then be filed with the Secretary of State.

(c) The Governor shall give as much public notice as practical through the public press of the issuance of proclamations pursuant to this subchapter.

(d) The State of Emergency shall cease to exist upon the issuance of a proclamation of the Governor declaring its termination.

§3126. Restrictions which the Governor may impose during a State of Emergency; conflict with other laws

(a) The Governor during the existence of a State of Emergency, by proclamation, may prohibit:

(1) any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Governor to be a period of curfew;

(2) a designated number of persons, as designated by the Governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(3) the manufacture, transfer, use, possession or transportation of a Molotov Cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(4) the transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(5) the possession of firearms or any other deadly weapon by a person in a place other than that person's place of residence or business except for law enforcement officers;

(6) the sale, purchase or dispensing of alcoholic beverages;

(7) the sale, purchase or dispensing of other commodities or goods, as designated by the Governor;

(8) the use of certain streets, highways or public ways by the public; and

(9) such other activities as he reasonably believes should be prohibited to help maintain life, health, property or the public peace.

(b) In imposing the restrictions provided for by this subchapter, the Governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state as he from time to time deems necessary.

§3127. Conflict with other laws

(a) Whenever the restrictions imposed pursuant to this subchapter are more restrictive than are required by any other statute, local ordinance or regulations, the provisions of the restrictions imposed pursuant to this subchapter shall govern.

(b) Whenever the restrictions of any other statute, local ordinance or regulations are more restrictive than the restrictions imposed pursuant to this subchapter, the provisions of such statute, local ordinance or regulations shall govern.

§3128. Penalties

Except wherein specific penalties are prescribed in this subchapter, whoever violates any provisions of this subchapter or any provision of a proclamation issued pursuant to this subchapter shall be deemed guilty of a misdemeanor and shall be punished in the discretion of the court.

§3129. Destruction of property or injury of persons during State of Emergency penalty; liability for conduct of another

(a) During a State of Emergency, whoever maliciously destroys, or damages, any real or personal property or maliciously injures another shall be guilty of a felony.

(b) Whoever is found guilty of violating this section shall be imprisoned for not less than 3 years, nor more than 10 years.

(c) No person found guilty of violating this section shall be eligible for probation or parole during the first 3 years of his sentence.

(d) Any person over 16 years old who violates the provisions of this section shall be prosecuted as an adult.

(e) A person is guilty of an offense under this section committed by another person when:

(1) acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or

(2) intending to promote or facilitate the commission of the offense he:

(i) solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it; or

(ii) aids, counsels, or agrees or attempts to aid the other person in planning or committing it; or

(iii) having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so; or

(f) In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

(1) the other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

(2) the other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

Approved August 4, 1967.

CHAPTER 119

AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE, BY ADDING THERETO A NEW CHAPTER PROVIDING FOR THE GRANTING OF LICENSES TO CONDUCT HORSE RACING MEETS IN KENT COUNTY DURING EITHER DAYLIGHT OR EVENING HOURS, OR BOTH, ON A TRACK NO LESS THAN FIVE-EIGHTHS OF A MILE IN CIRCUMFERENCE, PROVIDING FOR THE PAYMENT OF TAXES THEREON, PROVIDING CERTAIN REGULATORY PROVISIONS AND PENALTIES THEREFOR, AUTHORIZING WAGERING OR BETTING BY PARI-MUTUEL MACHINES OR TOTALIZATORS, AND PLACING THE ISSUANCE AND CONTROL OF SUCH LICENSES WITHIN THE AUTHORITY AND JURISDICTION OF THE DELAWARE RACING COMMISSION.

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

Section 1. Title 28 of the Delaware Code, is hereby amended by adding thereto a new chapter, to be designated as Chapter 4 thereof, to read as follows:

**SUBCHAPTER I. LICENSE TO CONDUCT
RACING MEET; TAXES**

§401. Authority for horse racing in Kent County on five-eighths mile track

Horse racing for stake, purse or reward at and upon a race track of no less than five-eighths of a mile in circumference may be conducted in Kent County in this State subject to the provisions of this chapter. Such horse racing may be conducted during either daylight or evening hours, or both.

§402. License as required

Any person desiring to conduct horse racing for any stake, purse or reward in Kent County in this State during any calendar year, shall first obtain a license to do so from the Delaware Racing Commission.

§403. Application; rejection; award of dates and maximum racing days

(a) Any person, desiring to conduct a horse racing meet within Kent County in this State during any calendar year shall file an application with the secretary of the Commission on or before a day to fixed by the Commission. The application shall specify the days on which such racing is desired to be conducted, and shall be in such form and supply such data and information, including a blueprint of the track and specifications of its surface and blueprints and specifications of buildings and grandstand on the land where the meet is to be conducted, as the Commission prescribes; provided, however, that it shall not be necessary for the applicant to submit blueprints and specifications with the application if the race meet for which a license is requested to be conducted at a track for which the Commission granted a license the preceding year.

The blueprints and specifications shall be subject to the approval of the Commission, which, at the expense of the applicant, may order such engineering examination thereof as to the Commission seems necessary. The erection and construction of the track, grandstand and buildings of any applicant for a license to conduct horse racing under this chapter, shall be subject to the inspection of the Commission, which may order such engineering examination as the Commission deems necessary at the expense of the applicant, and may employ such inspectors as the Commission considers necessary for that purpose.

(b) The Commission may reject any application for a license for any cause which it deems sufficient and the action of the Commission shall be final.

(c) The Commission shall, on or before the 15th day of January of each year, award all dates for horse racing in Kent County in this State within the current year, but the dates so awarded shall not exceed 55 days in the aggregate and all such dates shall be awarded during the months of February, March and April. The decision of the Commission on the award of all dates shall be final.

(d) No more than two horse racing meets shall be held in Kent County in any one year.

(e) The Commission may meet subsequently to the 15th day of January of each year and award dates for horse racing within the limits provided in this section on application submitted to it, provided that the days so awarded in no way conflict with any other provision of this chapter.

(f) No license to conduct horse racing under the provisions of this section shall be granted except to a private stock corporation formed and existing under the laws of the State of Delaware for the purpose of conducting horse racing and businesses incident thereto, in compliance with the following conditions and requirements:

(1) Before a license shall be issue under the provisions of this chapter, the applicant shall file with the Commission, in addition to other requirements of this chapter, the names, addresses and the terms of office of its directors and officers and at such other time or times thereafter as they may be changed, the names and addresses of such directors and officers; a copy of the certificate of incorporation duly certified by the Secretary of the State of Delaware, and a copy of its by-laws. Such applicant shall file with the Commission a copy of any amendment to its certificate of incorporation, duly certified as aforesaid, within 10 days after the effective date of any such amendment.

(2) The Board of Directors of the applicant shall not be less than five in number;

(3) The applicant shall have no other office except in the State of Delaware;

(4) Every applicant for a license shall file with the Commission at the time of application for a license a statement of its resources and liabilities. The Commission shall have access at all times to the books, records and accounts of the licensee;

(5) No license shall be issued unless a majority of the Board of Directors and officers shall be bone fide residents of the State of Delaware.

§404. Application fee and license fee

Any person, upon applying to the Commission for a license to conduct a horse racing meet pursuant to this chapter during

any calendar year, shall, at the time of making the application, pay to the Commission, a fee of \$500.

Any person, who is granted a license by the Commission to conduct a horse racing meet pursuant to this chapter during any calendar year, shall at the time the license is granted, pay to the Commission an additional fee of \$250.

§405. Issuance

Upon the award of days to any applicant, the Commission shall issue a license for the holding of the meet or meets during the dates awarded to the applicant. The license shall be subject to all rights, regulations and conditions from time to time prescribed by the Commission.

§406. Suspension or revocation; appeal

Any license issued by the Commission shall be subject to suspension or revocation by the Commission for any cause whatsoever which the Commission deems sufficient. If any license is suspended or revoked, the Commission shall state publicly its reasons for so doing and cause an entry of the reasons to be made on the minute book of the Commission, and its action shall be final. The propriety of such action shall be subject to review, upon questions of law only, by the Superior Court of Kent County. The action of the Commission shall stand unless and until reversed by the Court.

§407. Rules of Jockey Club and of National Steeple Chase and Hunt Association

Every license issued under this chapter shall contain a condition that all running races or racing meets conducted thereunder shall be subject to the reasonable rules and regulations, from time to time prescribed by the Jockey Club, a corporation organized under the laws of the State of New York, and that all steeplechase races, or steeplechases shall be subject to the reasonable rules and regulations from time to time prescribed by the National Steeple Chase and Hunt Association, a corporation organized under the laws of the State of New York. Any rule or regulation of the Jockey Club or National Steeple Chase and Hunt Association may be modified or abrogated by the Commission, upon giving the Jockey Club or National Steeple Chase and Hunt Association an opportunity to be heard.

§408. Inspection of racing premises prior to meet

Not less than 5 days prior to the opening of any meet authorized by the Commission, the Commission, at the expense of the licensee for the meet, shall cause to be made an inspection of the track, grandstand and buildings where the meet is to be held, and unless the track, grandstand and buildings where the meet is to be held are found to be safe for animals and persons, or are rendered safe prior to the opening of the meet, the license for the meet shall be withdrawn.

§409. Rules, regulations and special powers of Commission

(a) The Commission may make rules governing, restricting or regulating the rate or charge by a licensee for admission, or for the performance of any service, or the sale of any article on the premises of a licensee.

(b) All proposed extensions, additions or improvements to the buildings, stables or improvements on tracks or property owned or leased by a licensee under this chapter, shall be subject to the approval of the Commission.

(c) The Commission may compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person licensed under the provisions of this chapter to conduct racing meets.

(d) The Commission may at any time require the removal of any employee or official employed by any licensee hereunder.

(e) The Commission may require that the books, records and financial or other statements of any person, licensed under the provisions of this chapter, shall be kept in such form or in such manner as the Commission prescribes. The Commission may visit, investigate, and place expert accountants and such other persons as it deems necessary, in the offices, tracks, or places of business of any such person for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with. The salaries and expenses of such expert accountants or other persons shall be paid by the person to whom they are assigned.

(f) The Commission may issue, under the hand of any Commissioner and the seal of the Commission, subpoenas for the at-

tendance of witnesses and the production of books, papers and documents, before the Commission, and may administer oaths or affirmations to the witnesses whenever in the judgment of the Commission it is necessary for the effectual discharge of its duties. If any person refuses to obey any subpoena, or to testify, or to produce any books, papers or documents, then the Commission may apply to the Superior Court of Kent County, and thereupon, the Court shall issue its subpoena requiring the person to appear and to testify, or to produce the books, papers and documents. Whoever fails to obey or refuses to obey a subpoena of the Court shall be guilty of contempt of court, and shall be punished accordingly. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

§410. Licensee's annual financial statement

Every licensee shall file with the Commission not later than four months after the close of its fiscal year a statement, duly certified by an independent public accountant, of its receipts from all sources whatsoever during the fiscal year and of all expenses and disbursements, itemized in the manner and form directed by the Commission, showing the net revenue from all sources derived by the licensee during the fiscal year covered by such statement.

§411. Tax on admissions; inspection of licensee's records

(a) Every person licensed to hold a horse racing meet within Kent County in this State shall pay to the Commission a tax of 10 cents on each admission on each day of any such meet, excepting admissions of persons performing any duty or work in connection with the holding of the meet and excepting admissions of spouses of jockeys, owners and trainers of horses participating in the meet. The licensee may collect such amount from each ticket holder in addition to the amount charged for the ticket of admission.

(b) Accurate records and books shall at all times be kept and maintained by the licensee showing the number of admissions, employees of the licensee and spouses of jockeys, owners and trainers of horses excepted, on each racing day of each horse racing meet. The Commission, or its duly authorized representative shall at all reasonable times have access to the admission

records of any licensee for the purpose of examining and checking the same, and ascertaining whether or not the proper amount has been, or is being, paid the State. The Commission may also, from time to time, require sworn statements of the number or numbers of such admissions and prescribe blanks upon which the reports shall be made.

SUBCHAPTER II. REGULATORY PROVISIONS, OFFENSES AND PENALTIES

§421. Application of chapter

This chapter shall apply to horse races upon which wagering or betting is conducted in accordance with subchapter III of this chapter. No part of this chapter shall be construed to apply to harness horse racing or harness horse races and/or dog racing or dog races.

§422. Liability insurance of licensee

Ten days before any horse racing meet may be held under this chapter, those licensed to conduct the meet shall deposit with the Commission, a policy of insurance against personal injury liability which may be sustained at the meet. The insurance shall be in an amount approved by the Commission, with premium prepaid.

§423. Limitation on compensation that may be paid by licensee

No salary, fee or compensation exceeding the sum of \$2,000 shall be paid in any calendar year by any person licensed under this chapter, except to officials or employees actively engaged in the operations incident to the holding of the racing meet or in the maintenance of the racing plant.

§424. Enforcement

All officers of the law shall cooperate with the Commission for the proper enforcement of this chapter.

§425. Aiding or abetting unlicensed meet; penalty

Whoever aids or abets in the conduct of any meet within Kent County in this state at which horse racing or horse races

are permitted for any stake, purse or reward, and upon which wagering or betting is conducted as provided in this chapter, except in accordance with a license duly issued and unsuspended or unrevoked by the Commission, shall be fined not less than \$500 and not more than \$10,000 for each day of such unauthorized meeting, or imprisoned.

§426. Failure of licensee to pay tax on admissions; penalty

(a) Whoever, being a licensee, fails or refuses to pay the amount found to be due by the Commission as the tax on admissions shall be fined not more than \$25,000 in addition to the amount due the Commission.

(b) All fines up to the amount found to be due the Commission and paid into court by a licensee found guilty of violating this section, shall be transmitted and paid over by the clerk of the court to the Commission.

**SUBCHAPTER III. WAGERING OR BETTING BY
PARI-MUTUEL MACHINES OR TOTALIZATORS**

§441. Place for wagering

Within the enclosure of any horse racing meet licensed and conducted under this chapter, but not elsewhere, the wagering and betting on horse racing by the use of pari-mutuel machines or totalizators is authorized and permitted.

§442. License to conduct pools, application; qualifications

(a) The Commission may grant a license to any person to make, conduct and sell pools by the use of pari-mutuel machines or totalizators for the purpose of receiving wagers or bets on horse races within the enclosure of any horse racing meet licensed and conducted under this chapter, but not otherwise, under such regulations as the Commission prescribes.

(b) The Commission may prescribe regulations governing the granting of applications for licenses, the granting of licenses, and the conditions under which any licensee may conduct, sell or make any such pool.

(c) The qualifications of any licensee shall be such as to afford a reasonable belief that the licensee will be financially

responsible and will conduct the business of operating the pools in a proper and orderly manner. A licensee to make, conduct and sell such pools shall be a person licensed to conduct a horse racing meet under this chapter.

§443. Revocation of license

All licenses for the operation of pools as provided in this chapter shall be revocable at any time, without hearing, in the absolute discretion of the Commission.

§444. Rules, regulations and special powers of Commission

(a) The Commission may require the keeping of books and records by a licensee of a pool in such forms, or in such manner, as the Commission prescribes. The Commission may also regulate the duties of any employee of any such licensee, and visit, investigate, and place expert accountants and such other persons as it deems necessary in the office or place of business of any person licensed to operate a pool for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with.

(b) The Commission may also issue, under its hand and seal, subpoenas for the attendance of witnesses and production of books, papers and documents of the licensee, before the Commission, and may administer oaths or affirmations to the witnesses whenever in the judgment of the Commission it is necessary for the effectual discharge of its duties. If any person refuses to obey any subpoena, or to testify, or to produce any books, papers or documents, then the Commission may apply to the Superior Court of Kent County and thereupon the Court shall issue its subpoena requiring the person to appear and testify, or to produce the books, papers and documents before the Commission. Any person failing to obey or refusing to obey a subpoena of the Court is guilty of contempt of court and shall be punished accordingly. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

§445. Tax on pari-mutuel and totalizator pools

Every person engaged in the business of conducting a horse racing meet under this chapter shall pay as a tax to this State

4½ per cent of the total contributions to all pari-mutuel and totalizator pools conducted or made on any and every race track licensed under this chapter and on every race at such track. The tax shall be paid by certified check and shall be transmitted by the licensee to the Commission. If the Commission finds it correct, it shall transmit the check to the State Treasurer.

§446. Licensee's commissions on pari-mutuel and totalizator pools

The Commission shall authorize as commissions on pari-mutuel or totalizator pools to the licensee operating a racing meet pursuant to this chapter, 12½ per cent of the total contributions to all pari-mutuel and totalizator pools conducted or made at the racing meet, and at every race at the meeting, plus the odd cents of all redistributions to be made on all pari-mutuel or totalizator pool contributions exceeding the sum equal to the next lowest multiple of five, such odd cents to be calculated upon the basis of each dollar wagered.

§447. Deduction of federal taxes from total of contributions

For the purpose of making any of the calculations of amounts payable to the State and to the licensee under sections 455 and 456 of this title, no federal taxes, if any, shall be deducted from the amount of total contributions before applying the percentage specified in those sections.

§448. Disposition of monies for unclaimed pari-mutuel tickets

All sums held by any licensee for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within a period of one year following the last day of the meet shall be paid by certified check to the Commission. If the Commission finds such payment correct it shall transmit the check to the State Treasurer.

SUBCHAPTER IV. JURISDICTION AND EFFECT

§461. Authority of Delaware Racing Commission

(a) The Delaware Racing Commission as created and existing under chapter 3 of this title shall have jurisdiction over horse

racing in Kent County in this State pursuant to the provisions of this chapter, and shall have authority to grant licenses therefor as herein provided.

(b) The word "Commission" as it appears in this chapter shall mean the Delaware Racing Commission as created and existing pursuant to chapter 3 of this title.

§462. Effect of chapter

No provision of this chapter shall in any way be construed to repeal any provision contained in chapter 3 of this title; provided, however, that where any provision of this chapter shall be in conflict with any provision of Chapter 3 of this title, the provisions of this chapter shall control with respect to horse racing in Kent County in this State.

Approved July 27, 1967.

CHAPTER 120

**AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE
CODE RELATING TO PROCUREMENT OF LIBRARY
BOOKS BY SCHOOL LIBRARIANS.**

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

Section 1. Chapter 69, Title 29, Delaware Code, is amended by adding the following new section thereto:

§6919. Purchases of Library Books by School Librarians

The provisions of this chapter shall not apply to any purchase of library books by school librarians.

On August 4, 1967, became Law without the approval of the Governor in accordance with Article III, Section 18, as amended, of the Constitution of the State of Delaware.

CHAPTER 121

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 MONEYS 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 branch thereof concurring therein) :

Section 1. There is appropriated to the agencies of this State set forth in Section 7 hereof the sum of \$33,857,600, 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 Section 7, Section 8, Section 11 and Section 13 of this Act.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in Section 7, Section 8, Section 11 and Section 13 of this Act and are to include but not 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 off-site sidewalk construction by school districts or 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.

Section 4. The said sum of \$33,857,600 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 1968."

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 monies 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, or so much thereof as is necessary to carry out the purposes of this Act, shall be expended by the following state agencies in the following amounts:

- (b) State Highway Department—
Communications Division ...\$ 130,000
- (c) State Fire Prevention Commission 482,000

(d) State Forestry Department ..	90,000
(e) Board of Game and Fish Commissioners	70,000
(f) Department of Mental Health	615,000
(g) State Park Commission	587,000
(h) Board of Post Mortem Examiners	300,000
(i) Delaware State College	1,495,000
(j) University of Delaware	3,855,000
(k) State Budget Commission ...	100,000
(l) State Supreme Court	390,000
(m) State Board of Education for construction or improvement of school facilities as more particularly set forth in Section 8 of this Act	10,643,200
(n) State Highway Department for construction or improvement of highways and highway related facilities as more particularly set forth in Section 11 of this Act	14,450,000
(o) State Board of Education for the cost of minor capital improvements, non-ordinary and non-recurring repairs to school buildings as more particularly set forth in Section 13 of this Act	650,400
TOTAL	\$33,857,600

Section 8. The sum of \$10,643,200 appropriated by Section 7(m) 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	Total Cost	State Share	Local Share
(a) Alexis I. duPont Special	\$ 143,000	\$ 24,000	\$ 119,000
(b) Alfred I. duPont	1,625,000	975,000	650,000
(c) Bridgeville No. 90	541,000	325,000	216,000
(d) Caesar Rodney Special	577,000	406,000	171,000
(e) Claymont Special	222,000	133,000	89,000
(f) De La Warr No. 47	1,910,000	1,146,000	764,000
(g) John Dickinson No. 133	1,662,000	997,200	664,800
(h) Mount Pleasant Special	72,000	43,000	29,000
(i) Millsboro No. 23	90,000	54,000	36,000
(j) Newark Special	6,098,000	3,659,000	2,439,000
(k) Smyrna Special	59,000	35,000	24,000
(l) Wilmington	1,988,000	1,194,000	794,000
(m) State Board of Education for Deaf and Aphasic	487,000	487,000	
(n) Dover Special	1,942,000	1,165,000	777,000
TOTAL	\$17,416,000	\$10,643,200	\$6,187,800

Section 9. The sums of money allocated and appropriated for school construction purposes pursuant to Section 7 and Section 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 of an expendable nature which are consumed or materially changed as they are used; provided, however, that nothing herein contained shall preclude the purchase of all educational supplies necessary for the initial operation of schools so built, altered or added to in accordance with the provisions of the School Construction Capital Improvements Act being Chapter 75, title 29, of the Delaware Code. Each of said local shares shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other state monies in said Bank and said local shares shall be fully expended before state shares are expended.

Section 11. The sum of \$14,450,000, appropriated by Section 7 (n) 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 Programs:

(a) General Highway Construction Program	\$ 6,484,000
(b) Construction of Buildings	174,000
(c) Non-Corridor Route Improvement Program	2,892,000
(d) Safety Improvements Program	600,000
(e) Intersection Improvements Program	200,000
(f) Traffic Signal Improvements Program	100,000
(g) Small Bridge Replacement Program	1,000,000
(i) Suburban Development Street Improvement Program	500,000
(j) General Minor Capital Improvements Program	100,000
(k) Advance Planning and Engineering Program	300,000

(l) Advance Right of Way Acquisition Program	100,000
(m) Contingencies	1,500,000
TOTAL	<u>\$14,450,000</u>

Section 12. The moneys allocated in Section 11 of this Act shall be expended for highway construction or related purposes, notwithstanding they shall not be used for office supplies and materials or office equipment and furnishings.

Section 13. (a) The sum of \$650,400 appropriated by Section 7 (o) of this Act to the State Board of Education for minor capital improvements, non-ordinary and non-recurring repairs to school buildings, or so much thereof as shall be necessary to carry out the purposes of this Act, shall be paid by the State Board of Education to the local districts as is provided in this section.

(b) The State Board shall establish criteria for the types of minor capital improvements and repairs which it will approve under this section. The State Board shall pay local districts only for the actual expenses of repairs and replacements of a capital nature which shall include but not be limited to the rebuilding or major repair of roofs, floors, heating systems, electrical, and plumbing or water systems and facilities. The State Board shall not pay school districts for ordinary or minor maintenance repairs such as repainting, replacing of broken glass, refinishing floors, or for other repairs of a temporary duration from the funds appropriated by this section. The State Board shall in any case, pay only 60% of the total costs of such capital improvements and repairs.

(c) Before any improvements or repairs authorized by this section are undertaken by any school district, the school district shall send a request to the State Board of Education which request shall itemize the improvements or repairs needed and show the estimated cost of each item. The State Board, using the criteria set forth in subsection (b) of this section, shall decide as to the right of payment to the local school district for show the estimated cost of each item. The State Board, using shall be final.

(d) In order to determine the right of payment to the school district under this section, the State Board, or its designated representative, shall:

(i) inspect the building or buildings to determine that the improvements or repairs requested by the school district are needed and are in accordance with the criteria set forth in subsection (b) of this section;

(ii) provide necessary help to the school district for letting of bids on the repairs or replacements meeting the criteria;

(iii) inspect the improvements or repairs upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality; and

(iv) pay the State's share of the cost of the improvements or repairs made by the school district in accordance with the provisions of this section after the improvements or repairs are accepted as meeting all specifications as to workmanship and materials.

(e) The State Board of Education shall, if and when the criteria established in this section are met, pay the school district for the school building repairs, except that the amount paid to each school district shall not be in excess of the amount shown opposite the name of the school district in the following table:

Name of District	Maximum Amount	Maximum State Share	Maximum Local Share
Bridgeville No. 90	\$ 32,000	\$ 19,200	\$ 12,800
Claymont Special	119,000	71,400	47,600
Conrad, Henry C., No. 131	35,000	21,000	14,000
Delmar No. 163	15,000	9,000	6,000
Dickinson, John, No. 133	8,000	4,800	3,200
Dover Special	141,000	84,600	56,400
Alexis I. duPont Special	17,000	10,200	6,800
Alfred I. duPont, No. 7	98,000	58,800	39,200
Felton No. 54	6,000	3,600	2,400
Georgetown Special	25,000	15,000	10,000
Harrington Special	40,000	24,000	16,000

Laurel Special	22,000	13,200	8,800
Marshallton, No. 77	30,000	18,000	12,000
Middletown No. 60	61,000	36,600	24,400
Milford Special	15,000	9,000	6,000
Mount Pleasant Special	29,000	17,400	11,600
New Castle Special	28,000	16,800	11,200
Newport No. 21	22,000	13,200	8,800
Oak Grove No. 130	19,000	11,400	7,600
Rehoboth Special	10,000	6,000	4,000
Seaford Special	177,000	106,200	70,800
Smyrna Special	40,000	24,000	16,000
Wilmington	45,000	27,000	18,000
State Board of Education	50,000	30,000	20,000
TOTAL	\$1,084,000	\$650,400	\$433,600

(f) Any school district may levy and collect a tax to pay their 40% share of the cost of the improvements and repairs authorized by this section. Such taxes shall be collected by local taxation within the school district according to the provisions set forth in Chapter 19, title 14, of the Delaware Code, except that no referendum shall be required.

(g) Any school district, as an alternate to the levy and collection of a tax to pay its 40% share as provided in (f) above, may authorize the issuance of bonds to pay its 40% share of the cost of the improvements and repairs authorized by this section, pursuant to Chapter 21, title 14, Delaware Code. In the event that such share is to be raised by the alternate method herein permitted the provisions of Section 7507, Chapter 75, title 29, Delaware Code, shall apply.

(h) The provisions of Chapter 75, title 29, Delaware Code, shall not apply to the improvements and repairs authorized by this section except for the applicability of Section 7507 of said chapter as provided in (g) above.

Section 14. All moneys appropriated by this Act shall be expended in accordance with the 1968 Annual Capital Projects Schedule as prepared by the State Planning Office on February 28, 1967, and approved by the Governor on March 15, 1967.

Section 15. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs authorized by this Act and any funds borrowed pursuant to this Act and remaining unexpended because a project authorized by this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements. Any federal funds received as reimbursement for funds appropriated by this Act other than the funds allocated and appropriated for highway construction purposes pursuant to Section 7 and Section 11 of this Act, shall be deposited in a special account and applied against future capital improvement bond requirements.

Section 16. None of the moneys appropriated by this Act shall be expended before July 1, 1967. None of the moneys appropriated by this Act shall be expended unless a contract for the expenditure of such moneys is entered into before July 1, 1970 and the actual work on the contract is commenced prior to July 1, 1970.

Section 17. No bonds or notes shall be issued or moneys borrowed on behalf of this State, pursuant to this Act, after June 30, 1973, except as provided in Chapter 75, title 29, Delaware Code.

Section 18. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1968".

Section 19. Notwithstanding the provisions of Section 14 of this Act, the appropriations for projects authorized by this Act which are not included in the 1968 Annual Capital Projects Schedule may be expended, except that in the case of appropriations for projects authorized in Section 8 of this Act such appropriations may be expended provided such projects were approved by the State Board of Education and submitted to the State Planner prior to February 28, 1967.

Section 20. No funds appropriated to the State Highway Department in Section 11 of this Act for "Contingencies" shall be obligated or expended without the prior approval of the Budget Commission.

Section 21. None of the funds appropriated in this Act for highway construction purposes shall be used for the purpose of the construction of a By-pass near or around Dover which would form a part of U.S. Route 13, a continuous road which extends through a portion of the three counties of the State of Delaware.

Approved August 10, 1967.

Section 15. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs authorized by this Act and any funds borrowed pursuant to this Act and remaining unexpended because a project authorized by this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements. Any federal funds received as reimbursement for funds appropriated by this Act other than the funds allocated and appropriated for highway construction purposes pursuant to Section 7 and Section 11 of this Act, shall be deposited in a special account and applied against future capital improvement bond requirements.

Section 16. None of the moneys appropriated by this Act shall be expended before July 1, 1967. None of the moneys appropriated by this Act shall be expended unless a contract for the expenditure of such moneys is entered into before July 1, 1970 and the actual work on the contract is commenced prior to July 1, 1970.

Section 17. No bonds or notes shall be issued or moneys borrowed on behalf of this State, pursuant to this Act, after June 30, 1973, except as provided in Chapter 75, title 29, Delaware Code.

Section 18. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1968".

Section 19. Notwithstanding the provisions of Section 14 of this Act, the appropriations for projects authorized by this Act which are not included in the 1968 Annual Capital Projects Schedule may be expended, except that in the case of appropriations for projects authorized in Section 8 of this Act such appropriations may be expended provided such projects were approved by the State Board of Education and submitted to the State Planner prior to February 28, 1967.

Section 20. No funds appropriated to the State Highway Department in Section 11 of this Act for "Contingencies" shall be obligated or expended without the prior approval of the Budget Commission.

Section 21. None of the funds appropriated in this Act for highway construction purposes shall be used for the purpose of the construction of a By-pass near or around Dover which would form a part of U.S. Route 13, a continuous road which extends through a portion of the three counties of the State of Delaware.

Approved August 10, 1967.

CHAPTER 122

AN ACT PERMITTING MILLSBORO SCHOOL, DISTRICT No. 23, TO TRANSFER SURPLUS FUNDS FROM A DEBT SERVICE LOCAL FUNDS ACCOUNT TO THE MILLSBORO CONSTRUCTION FUND ACCOUNT.

WHEREAS, the Millsboro School, District No. 23, has a surplus of approximately \$44,000.00 in the account entitled Millsboro School District No. 23 Debt Service Local Funds Account; and

WHEREAS, the said Debt Service Account exceeds in amount any fiscal requirements for the funds therein by some \$40,000.00; and

WHEREAS, the funds expected from taxes for the present year, 1967, to be paid into the Local Funds Debt Service Account will exceed by a considerable sum the fiscal requirements for the fund therein; and

WHEREAS, the surplus in said Debt Service Local Funds Account is not needed for the fiscal requirements for such account; and

WHEREAS, the surplus in said Local Funds Service Account (81-860-00) is required for the purposes of Construction Fund Account (67-860-00) in connection with the building program now in progress at said Millsboro School District No. 23 which program was approved by local referendum and by Legislative enactment:

NOW, THEREFORE;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE-FOURTHS OF ALL MEMBERS ELECTED THERETO CONCURRING THEREIN):

Section 1. The Millsboro School, District No. 23, is hereby authorized and empowered to transfer the sum of \$40,000.00

from the Millsboro School, District No. 23, Debt Service Local Funds Account (81-860-00) to Millsboro School, District No. 23, Construction Fund Account (67-860-00).

Approved August 18, 1967.

CHAPTER 123

AN ACT TO AMEND CHAPTER 429, VOLUME 55, 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 TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING \$42,639,992.00 TO VARIOUS AGENCIES OF THE 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. Section 18, of Chapter 429, Volume 55, Laws of Delaware, is amended to read:

Section 18. Notwithstanding the provisions of Section 13 of this Act, the appropriations for projects authorized by this Act which are not included in the 1967 Annual Capital Projects Schedule may be expended, except that in the case of appropriations for projects authorized in Section 8 of this Act, such appropriations may be expended provided such projects are approved by the State Board of Education and submitted to the State Planner.

Approved October 13, 1967.

CHAPTER 124

AN ACT TO AMEND SECTION 8705, TITLE 10, DELAWARE CODE, RELATING TO FEES AND COSTS TO BE CHARGED BY THE PROTHONOTARY BY PROVIDING THAT THE SUPERIOR COURT SHALL DECIDE WHETHER THE FEE FOR FILING AN AFFIDAVIT OF ACKNOWLEDGMENT OF PARENTAGE WITH CERTIFICATION SHALL BE CHARGED.

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

Section 1. Section 8705, Title 10, Delaware Code, is amended by adding after the words "Affidavit of acknowledgment of Parentage with Certification" the following:

This fee may be charged only with the approval of the Resident Judge of the Superior Court for the County in which the Affidavit is to be filed. The Superior Court may promulgate Rules concerning the implimentation of this provision.

Approved October 13, 1967.

CHAPTER 125

AN ACT TO REINCORPORATE 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 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 purpose, 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 Town Assembly of Arden.

Territorial Limits

Section 2. (a) The corporate limits of the Village are hereby established and declared to be as follows:

BEGINNING at a point on the southeasterly right of way line or Marsh Road (at 60 feet wide), said point of Beginning

being in the center line of the West Branch of Naamans Creek and a corner for lands now or formerly of the Trustees of Ardentown; thence from said point of Beginning and along the said center line of the West Branch of Naamans Creek by the various courses thereof in a generally southeasterly direction and along line of said lands now or formerly of the Trustees of Ardentown, lands now or formerly of the Albert T. Hanby Foundation, along the southwesterly boundary line of Highland Woods, along line of lands now or formerly of Stockdale Corp., and along the southwesterly boundary line of Indian Field, 3900± feet to a point; thence along the northwesterly line of Ardentown, South 62°-08'-05" West, 2291.79 feet to a point in the center line of Grubb or Harvey Road, said course crossing over an existing monument set on the southwesterly side of Orchard Road (at 38 feet wide) and crossing Apple Tree Lane and Millers Road (at 38 feet wide); thence along the said center line of Grubb or Harvey Road, North 20°-05'-50" West, 5.75 feet to a point; thence along line of lands now or formerly of Alfred Strickler the three following described courses and distances: (1) South 63°-05'-40" West, and passing through a 48 inch tulip poplar tree, 86.89 feet to a point; (2) South 60°-31'-00" West, 127.20 feet to a point; and (3) South 58°-45'-00" West, 131.90 feet to a point, a corner for said lands now or formerly of Alfred Strickler and lands known as Ardencroft; thence along the northwesterly line of said lands known as Ardencroft and lands now or formerly of the Ardencroft Association known as the Mushroom House Lot, South 57°-38'-50" West, 1356.16 feet to an existing pipe in the northeasterly line of lands now or formerly of Benjamin J. Steinbery et ux; thence thereby North 25°-04'-24" West, 1354.00 feet to a point, a corner for lands now or formerly of Samuel B. Eure et ux; thence along the northeasterly line of said lands now or formerly of Samuel B. Eure et ux, North 25°-00'-25" West, 777.10 feet to a monument located on the said southeasterly right of way line of Marsh Road; thence along the said southeasterly right of way line of Marsh Road the three following described courses and distances: (1) North 58°-31'-13" East, 758.02 feet to a point, said course crossing said Grubb or Harvey Road; (2) North 56°-54'-59" East, 1062.84 feet to a point of curvature; and (3) northeasterly along a curve to the left having a radius of 984.93 feet, an arc distance

of 317.89 feet to a point in the said center line of the West Branch of Naamans Creek and a corner for said lands now or formerly of the Trustees of Ardentown and the point and place of Beginning, said course being distant by a chord of North 47°-40'-12" East, 316.51 feet from the last described point. CONTAINING within such metes and bounds, and including Grubb or Harvey Road, 159.00 acres of land be the same more or less. . .

(b) The Town Assembly may, at any time hereafter, cause a survey and plot of the village to be made, and said plot or any supplement thereto, when so made and approved by the Town Assembly, signed by the Secretary of the Town Assembly, who shall affix thereto the municipal corporate seal of the Village, and upon being recorded in the office of the Recorder of Deeds of the State of Delaware in and for New Castle County, shall be the record thereof, and such record, or a duly certified copy thereof, shall be evidence in all Courts of Law and Equity of this State.

Definitions

Section 3. As used in this Act

(a) Resident shall mean a person, male or female, above the age of twenty-one (21) years, who shall have resided in the Village for a period of six consecutive months immediately preceding each referendum or each meeting of the Town Assembly of Arden held pursuant to this Act.

(b) General referendum shall mean an election or vote of the residents of the Village at which the vote of a majority of the residents of the Village shall be necessary for the passage or approval of any matter or the election of any candidate voted upon thereat, unless otherwise expressly provided in this Act.

(c) Trustee shall mean a person serving as Trustee under a certain Indenture made the 31st day of January, 1908 wherein the lands described in Section 2 hereof, were conveyed upon certain trusts.

(d) Leaseholder shall mean a person who leases a portion of the lands described in Section 2 hereof, from the Trustees serving under said Indenture.

Structure of Government

Section 4. 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 Town Assembly of the Village of Arden, referred to herein as the "Town Assembly". The Town Assembly shall consist of all residents of the Village.

Meetings of the Town Assembly

Section 5. (a) Regular meetings of the Town Assembly shall be held on the fourth Monday of January, March, June and September of each year after the approval of this Act at the Gild Hall in the Village or other suitable public place in the Village. Written notice of the time, date and place of all regular meetings of the Town Assembly shall be mailed by the Secretary of the Town Assembly to all residents of the Village at least 5 days prior thereto.

(b) Special meetings of the Town Assembly shall be called by the Secretary of the Town Assembly (1) upon the written request of 25 residents, provided that such request shall state the purpose for calling such meeting, which purpose shall be set forth in the notice of such meeting; or (2) upon the affirmative vote of a majority of residents in attendance at a regular or special meeting of the Town Assembly provided that any motion for the calling of a special meeting shall state the purpose therefor, which purpose shall be set forth in the notice thereof. Notice of the time, date and place of any special meeting of the Town Assembly shall be mailed to all residents at least 5 days before the date thereof.

(c) At all meetings of the Town Assembly thirty-five (35) residents shall constitute a quorum for the enactment of all ordinances, the adoption of all resolutions and motions, and the transaction of all business properly before the Town Assembly.

(d) Each resident attending a meeting of the Town Assembly shall have one vote on each matter brought before such meeting. The Secretary of the Town Assembly shall take the yeas and nays and, unless otherwise specified in this Act, a

majority of the yeas shall be sufficient to pass all ordinances, resolutions and motions at any meeting of the Town Assembly and to transact all business properly brought before the meeting.

(e) No ordinance of the Village shall be voted upon by the Town Assembly unless submitted to the Town Assembly in writing and read at the two consecutive meetings, whether regular or special, next preceding the meeting at which such ordinance shall be voted upon.

(f) The Town Assembly shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays which shall be taken upon the passage of every ordinance and resolution.

(g) The Town Assembly shall elect a resident to serve as Chairman of the Town Assembly who shall preside at all meetings thereof. The Chairman shall serve for a term of one (1) year or until his successor is duly elected by the Town Assembly in accordance with the provisions hereof. The signature, certifications or attestation of the Chairman of the Town Assembly to any document pertaining to the affairs of the Village called for by any act, statute, rule or regulation of the State of Delaware or any agency thereof shall be good and sufficient compliance therewith, notwithstanding that such act, statute, rule or regulation designates such document to be signed, certified or attested by the Mayor, City Manager, President of Council or like designated chief executive of an incorporated municipality of the State of Delaware.

(h) The Town Assembly shall elect a resident to serve as Secretary of the Town Assembly for a term of one year or until his successor is duly elected by the Town Assembly in accordance with the provisions hereof. The Secretary 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 shall keep a full and complete record of all of the transactions of the Town Assembly. He shall file and keep in a safe place the seal of the Village and all papers and documents arising out of the proceedings of the Town Assembly and relative to the affairs of the Village. He shall deliver the same to his successor in office. He shall attest the seal of the Village when authorized by the

Town Assembly and shall perform such duties and have such other powers as may be prescribed by ordinance. All books, records and journals of the Village in the custody of the Secretary may, in the presence of the Secretary, be inspected by any resident, Trustee or leaseholder of the Village desiring legitimate information at any time or times as may be convenient. The compensation of the Secretary for his duties as such, shall be determined by the Town Assembly.

Committees of the Town Assembly

Section 6. (a) The Town Assembly may elect such officials, including a Treasurer, and such agents, committees and commissioners of the Village which the Town Assembly may deem proper and necessary for the management of the Village and for the operation and enforcement of this Act and of any ordinances and resolutions adopted hereinunder. Any person so elected shall be a resident of the Village and shall serve at the pleasure of the Town Assembly but in no event longer than two years unless re-elected.

(b) All persons presently serving on committees of the Town Assembly shall continue in office until their successors are duly elected in the manner herein provided.

Board of Assessors

Section 7. (a) The Board of Assessors shall consist of seven (7) residents elected in the manner herein provided: Candidates for the Board of Assessors shall be nominated by the Town Assembly at its regular September meeting of each year. No later than 45 days after such nomination, the Registration Committee of the Village shall mail ballots containing the names of all nominees to each resident of the Village. The ballots shall be in such form as the Registration Committee shall prescribe and shall contain suitable boxes for marking the choices of the voters. Each resident shall return his marked ballot to the Registration Committee within 30 days after the mailing thereof. The Registration Committee shall tally the votes cast and report the results of the election at the first regular meeting of the Town Assembly following the election. The election and the result

thereof shall be governed by the Hare System of Proportional Representation.

(b) The members of the Board of Assessors shall serve for one year or until their successors are duly elected in accordance with the provisions of this Act.

(c) The duties of the Board of Assessors shall consist of assessing the full rental value of leased lands in the Village. The Board shall conduct two hearings during May and June of each year which shall be open to all residents, Trustees and leaseholders of the Village. Notice of the time, date and place of each hearing shall be mailed to all residents, leaseholders and Trustees at least five (5) days before such hearing. The Board shall fix rules and regulations for the conduct of the hearings, provided that reasonable opportunity shall be afforded to all persons entitled to notice thereof to be heard at such hearings. The Board shall report its assessment rate to the regular June meeting of the Town Assembly.

(d) The Assessors shall, before assuming office, take an oath of office before any person qualified under the Laws of the State of Delaware, to administer oaths, which oath shall be in the following form: "I do solemnly swear (or affirm) that I will faithfully perform and discharge my duties as Assessor of Arden to the best of my ability and that I will as nearly as possible assess the full rental value for Arden lands as required by the Deed of Trust and the Leases of Arden."

(e) The assessment rate determined by the Board for the assessment of Arden lands shall be final and conclusive, provided that any leaseholder of the Village shall have the right to appeal such determination by submitting a proposed assessment rate to the Town Assembly at its regular September meeting. In the event that such proposed rate shall receive the affirmative vote of two-thirds of the residents voting at such meeting, such proposed rate and the rate determined by the Board shall both be submitted to a general referendum of the residents of the Village. The referendum shall be conducted by the Registration Committee. The rate approved by a majority of residents shall be the rate in effect until redetermined in the manner herein provided.

(f) The Board of Assessors shall determine the applicability of differential factors to the application of the assessment rate upon leaseholds in the Village. The Board shall afford leaseholders the opportunity to be heard upon any question arising thereunder.

(g) It shall be the duty of the Board to keep and maintain a full and accurate record of its deliberations and proceedings, including all information and data considered in its determinations. Such record shall be open to the inspection of any Trustee, resident or leaseholder at any time or times as may be convenient. Upon the expiration of their term in office, the assessors shall deliver the same to their successors.

Budget Committee

Section 8. (a) The Budget Committee shall consist of five residents of the Village elected by the Town Assembly. Three members of the Committee shall be elected by the Town Assembly at its regular March meeting in each odd-numbered year following the approval of this Act. Two members of the Committee shall be elected by the Town Assembly at its regular March meeting in each even-numbered year following the approval of this Act. Each member, so elected, shall serve in office for two years or until his successor is duly elected.

(b) The Budget Committee shall prepare a budget governing (1) the expenditure of all Village funds, the use and expenditure of which are not specifically governed by Federal, State or County laws, rules and regulations; and (2) the expenditure of all monies derived from the collection of ground rents, the lawful use and expenditure of which are now and hereafter subject to the approval and consent of the residents of the Village.

(c) The budget prepared by the Committee shall be reported to the Town Assembly at its regular September meeting of each year. The Town Assembly may modify or amend all or any portion of the budget. The budget, with any amendments thereto, shall be approved by the Town Assembly and submitted to a general referendum of the residents of the Village. The referendum shall be conducted by the Registration Committee within 45 days after the regular September meeting of the Town

Assembly. The Registration Committee shall mail ballots to all residents of the Village. The ballots shall contain suitable boxes for marking the approval or disapproval of the entire proposed budget and each item therein enumerated. No ballot shall be counted unless received by the Registration Committee on or before a date fixed by the Committee which shall in no event be less than fifteen (15) days from the date the Registration Committee mails the ballots to the residents of the Village. The budget, if approved by a majority of the residents of the Village, shall govern the use and expenditure of the monies therein specified for and during the fiscal year of the Village commencing March 25 next following the referendum.

Registration Committee

Section 9. (a) The Registration Committee shall consist of: (1) three residents of the Village who shall be elected by the Town Assembly at its regular March meeting to serve for a term of one year or until their successors are duly elected; and (2) the Senior Trustee of Arden and the Secretary of the Town Assembly. The Clerk of the Trustees shall be an ex-officio member of this committee.

(b) The Registration Committee shall register all residents of the Village as defined in Section 3 of this Act and shall keep a full and accurate record thereof which shall set forth the date each resident establishes his residence. The registration record shall be conclusive evidence of the entitlement of the persons therein listed to vote at meetings of the Town Assembly and referenda held hereunder.

(c) The Registration Committee shall supervise all referenda held hereunder and shall fix rules and regulations, not inconsistent with the provision of this act, for the proper and orderly conduct thereof. The Registration Committee shall certify in writing to the Town Assembly and to the Trustees the results of all referenda held hereunder.

Vacancies

Section 10. In case of vacancy created in any office established under the provisions of this Act and the doings of the

Town Assembly by reason of death, resignation, loss of residence in the Village, conviction of a felony or otherwise, the Town Assembly, at the earliest possible meeting, shall elect some suitable person to serve the unexpired term of such office.

Powers and Ordinances

Section 11. The Village shall have all powers possible for the Village to have under the Constitution and laws of Delaware as fully and completely as though they were specifically enumerated by this Act. In furtherance thereof, the Town Assembly is hereby vested with the authority to enact ordinances and adopt resolutions relating to any subject within the powers or functions of the Village, or relating to the government of the Village, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances or resolutions on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated. 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 Town Assembly; provided, however, that the Town Assembly may, but is 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 purpose.

The Village may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more states or civil divisions or agencies thereof, including the government of New Castle County, or the United States or any agency thereof.

It shall be the duty of the Town Assembly, at a reasonable time or times, to compile the ordinances, codes, orders and rules

of the Town Assembly of the Village. The Town Assembly 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 to the same, the Secretary of the Town Assembly shall enroll the same in the journal of the Town Assembly and keep copies of the same in a book to be provided for that purpose so that the same may be readily examined.

Enforcement, Fines and Penalties

Section 12. (a) The Justices of the Peace sitting (whether regularly, specially or otherwise) in the Justice of the Peace Court located nearest to the Village shall have jurisdiction and cognizance of all offenses against the provisions of this Act or the authorized ordinances of the Village committed within the limits of the Village as far as to arrest and hold to bail or fine and imprison offenders; 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 30 days. The New Castle County Correctional Institution may be used for imprisonment under the provisions of this Act provided that the Town Assembly shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

(b) No ordinance of the Village shall provide for a fine in excess of \$100 or imprisonment of more than 30 days.

(c) Any person convicted before such Justice of the Peace for the violation of any Village ordinance may appeal from such conviction to the Superior Court in and for New Castle County upon giving bond to the State with or without surety, as such Justice of the Peace shall determine, binding the person taking the appeal to appear before the Court. Notice of such an appeal shall be given to such Justice of the Peace within five (5) days from the time of conviction, counting the day of conviction as one, and the bond with surety, if any, shall be filed within five (5) days. No bond upon appeal from a conviction for violation of a Village ordinance shall exceed the sum of one hundred dollars (\$100). Such appeal shall be prosecuted and the proceedings shall be had as in an appeal from a conviction before a Justice

of the Peace in the case of a violation of the laws relating to the operation of motor vehicles.

Police Force

Section 13. The Town Assembly may appoint a police force consisting of such person or persons as the Town Assembly may deem wise and advisable. The Town Assembly shall from time to time, upon recommendations of its Safety Committee, adopt 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 Town Assembly and may be removed by the Town Assembly 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 Town Assembly 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 such 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 Justice of the Peace, as provided in Section 12 of this Act, 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.

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 ordinance 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 Justice of the Peace, as aforesaid.

Contracts of the Town Assembly

Section 14. The Town Assembly is 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. All formal contracts shall be signed by the Chairman of the Town Assembly, with the seal of the Village attached and attested by the Secretary of the Town Assembly.

Fire, Zoning and Housing Codes

Section 15. For protection against fire and for the preservation of the beauty of the Village and the health of the inhabitants, the Town Assembly 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 Town Assembly 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 Town Assembly may create a Village Zoning Commission for the development, improvement and beautification of the Village and may prescribe its powers and duties.

The Town Assembly 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 Town Assembly 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.

Savings Clause

Section 16. All ordinances, resolutions and motions adopted by the Commissioners of the Village of Arden and in force at the time of the approval, acceptance and going into effect of this Act are continued in force until the same or any of them, shall be repealed, modified or altered by the Town Assembly under the provisions of this Act. All the acts and doings of the Commissioners of the Village of Arden or of any official of the Village of Arden which shall have been lawfully done or performed under the laws of this State, prior to the approval, acceptance and going into effect of this Act are hereby ratified and confirmed unless otherwise provided herein.

Severability

Section 17. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of this Act.

Section 18. This Act shall be deemed and taken to be a public Act.

Approved October 13, 1967.

CHAPTER 126

**AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE
CODE, RELATING TO FEES OF THE RECORDER OF
DEEDS FOR KENT COUNTY.**

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

Section 1. Section 9617, Title 9, Delaware Code, is hereby amended by striking the words "Recorders in New Castle and Kent Counties" in the first line thereof, and, inserting in lieu thereof the words "Recorder in New Castle County."

Section 2. Chapter 96, Title 9, Delaware Code, is hereby amended by adding a new section 9620 to read as follows:

§9620. Fees in Kent County

The fees of the Recorder in Kent County, for the services specified, shall be as follows:

For recording, comparing, and certifying an official obligation	\$3.00
For recording, comparing, and indexing a private Act of Assembly, deed, mortgage, release, assignment, contract of marriage, certificate of incorporation and certificate of amendment of incorporation or other papers to be recorded, for each page	3.00
For certified copy, office copy, or exemplified copy of any record, if copies are furnished to the Recorder, for each page or fractional part of a page	1.00
if copies are not furnished, for each page or fractional part of a page	4.00
For noting a satisfaction of mortgage	1.00
For certificate under hand of the date of receiving mortgage for record50
For furnishing list of mortgage under hand and seal of office to sheriff	1.00
Conveyance and lien searches, time consumed in mak-	

ing same, for first hour	3.00
and for each additional hour	2.00
For filing certificates of Prothonotary and noting on the margin return on writ of levavi facias	1.00
For filing, abstracting, and indexing a conditional sales agreement	2.00
For noting on margin of record of mortgage names of parties, number of writ and term in scire facias proceedings upon certificate of Prothonotary	1.00
For preparing and furnishing abstract of mortgage in scire facias proceedings, per page or fractional part of a page	3.00
Registering deeds in the Board of Assessment of Kent County, for each property description	2.00
For noting on margin of record of mortgage name or names of assignees in assignment of mortgage, for each notation	1.00
For recording, comparing, and certifying a certificate of extension, restoration, renewal, or revival of the charter of a corporation or a certificate of change of location of the principal offices or change of resident agent or transfer of the location of any office of the agent of any corporation in any city or town of this State to another location in the same town or city or from any city or town in this State to any other town or city in this State, per page or fractional part of a page	3.00
For noting revocation of charter on margin of corporation charter, for each notation	1.00
For recording, comparing, and indexing a chattel mortgage	3.00
For recording and indexing a development plot	5.00
For satisfying a mortgage of record under a power of attorney from a mortgagee to any employee in the Recorder's office	5.00

Approved October 13, 1967.

CHAPTER 127

**AN ACT TO AID CERTAIN ORGANIZATIONS WHICH
MAINTAIN EMERGENCY VEHICLES BY MAKING AP-
PROPRIATIONS THEREFOR.**

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 listed organizations 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 #14 in Smyrna, Del.	750
Selbyville American Post #39, Inc.	750
Sussex Memorial Post #7422 V.F.W. at Mills- boro	750
TOTAL	\$3,000

Section 2. The above said sums shall be paid by the State Treasurer to said organizations within 3 months after the beginning of the fiscal year for which appropriated.

Section 3. This Act is a supplementary appropriation for the fiscal year ending June 30, 1968, 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 October 13, 1967.

CHAPTER 128

AN ACT TO AMEND CHAPTER 49, TITLE 29, DELAWARE CODE, RELATING TO PLANNING BY PROVIDING FOR ADVANCE LAND ACQUISITION FOR CAPITAL IMPROVEMENTS AND MAKING AN APPROPRIATION THEREFOR FROM THE CAPITAL INVESTMENT FUND AND TO AUTHORIZE SCHOOL DISTRICTS TO ISSUE BONDS AND NOTES THEREFOR.

WHEREAS, there is a need for Advanced Land Acquisition Funds to assist the Administration in the timely acquiring of real property for public use;

WHEREAS, population and development growth appreciates the value of land;

WHEREAS, such cost of appreciation in certain instances can be reduced substantially by early acquisition.

NOW, THEREFORE,

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. Chapter 49, Title 29, Delaware Code, is amended by adding thereto a new subchapter to read:

**SUBCHAPTER III. ADVANCED LAND
ACQUISITION FUND**

§4930. Advanced land acquisition fund

(a) A special fund is created in the State Treasury to be known as the "Advanced Land Acquisition Fund" hereafter referred to in this subchapter as "Fund."

(b) The Fund shall initially consist of \$3,000,000.

(c) The Fund shall be expended for advance land acquisition by State agencies but shall not include highway right of way acquisition.

§4931. Withdrawals from the fund

(a) Before any sum is withdrawn from the Fund for advanced land acquisition a request shall be made by the agency desiring such land to the State Planning Office and that office shall report to the Budget Commission whether the request is consistent with the Capital Program provided for by section 4910 of this title or the State Planning Office's long-range planning recommendations for the State.

(b) If the State Planning Office recommends approval of the request after determining that the proposed land acquisition is consistent with the Capital Program or its long-range planning recommendations for the State, the Budget Commission may authorize an expenditure from the Fund to cover the cost of such land acquisition.

§4932. Reversion of unused funds

(a) Any monies for advanced land acquisition provided by the Budget Commission to a State agency which shall not be expended by the agency within 12 months shall revert to the Budget Commission to be redeposited in the Fund.

§4933. Reimbursement of the fund

(a) Upon the funding of a capital project for which advanced land acquisition funds have been provided from the Fund, a refund shall be made to the Fund from such funding, by the State Treasurer from the appropriation made for the capital project. In the case of a school district, the local share shall be refunded upon deposit of local funds for the project with the State Treasurer. The local share of the advance land acquisition refund shall be the same percentage as the local share for the total project as authorized.

(b) If Federal funds are received as reimbursement for any lands purchased with the Fund such monies shall be deposited as a refund to the Fund.

(c) In the event land is purchased and then plans for utilization of the site abandoned, the agency, with approval of the Budget Commission may sell the land and shall deposit the receipts to the Fund.

§4934. Idle monies to be held in capital investment fund

Any monies allocated to the Fund under this subchapter which are not immediately needed for the purposes of this subchapter may be held by the Budget Commission in the Capital Investment Fund until needed in the Advanced Land Acquisition Fund.

§4935. Authorization for sale of school district bonds

In the case of a School District, use of funds authorized by this subchapter to purchase land shall constitute authorization for the sale of District Bonds after referendum as provided in Section 7506A of this title.

Section 2. There is hereby appropriated and transferred from the Capital Investment Fund, existing pursuant to Chapter 62, Title 29, Delaware Code, to the Advanced Land Acquisition Fund created by this Act the sum of \$3,000,000 or so much thereof as from time to time may be necessary to fulfill the purpose of this Act.

Approved October 26, 1967.

CHAPTER 129

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968" BEING HOUSE BILL NO. 137, AS AMENDED, OF THE 124TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1968 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 137, as amended and approved by both the Senate and the House of Representatives of the 124th General Assembly and entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1968," and also known as the 1968 Budget Appropriation Bill, is amended by adding a new section directly following the section entitled "General Assembly," to read as follows:

Legislative Council

Personal Services	
Lawyers	\$15,000.00
Travel	500.00
Contractual Services	30,000.00
Supplies and Materials	20,000.00
Capital Outlay	10,500.00

Section 2. The said House Bill No. 137, as amended, is further amended by changing all the totals and sub-totals appearing in Section 1 thereof to reflect the changes set forth in Section 1 of this Act.

Approved November 2, 1967.

CHAPTER 130

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, RELATING TO CREATION OF A VICE PRESIDENT OF THE COMMISSIONERS OF BETHANY BEACH; REPEAL OF CERTAIN REAL ESTATE EXEMPTIONS FROM MUNICIPAL TAXATION; INCREASE OF THE AMOUNT WHICH MAY BE RAISED FROM TAXATION OF REAL ESTATE; AND LICENSURE OF BUSINESS AND OCCUPATIONS.

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 6, Chapter 212, Volume 25, Laws of Delaware, as amended, is hereby further amended by striking out all of said section and substituting in lieu thereof the following:

The Commissioners and their successors, at the first meeting after each election, or as soon thereafter as may be, shall choose a President and a Vice President from their own number and a Secretary and Treasurer, to serve during the pleasure of such Commissioners. The said Secretary and Treasurer may be one and the same person and shall receive such compensation as shall be fixed by the Commissioners. The said Treasurer shall give such bond as shall be determined, and as shall be approved by said Commissioners. The said Commissioners shall also appoint a collector to collect the taxes that shall be assessed during the current year. If a vacancy shall occur in the office of any officer appointed by the Commissioners, the said Commissioners shall fill such vacancy for the unexpired term. It shall be the duty of the President: to preside at the meetings of the said Commissioners and to have the general supervision of the affairs of said town and of the persons who may be employed by the said Commissioners; to receive the complaints of nuisances and violation of laws and ordinances and present the same to the said Commissioners at their next meeting for their action; to sign all warrants on the Treasurer for the payment of any moneys; and to perform such other duties as may be prescribed by any ordi-

nance of the by-laws adopted by said Commissioners. The Vice-President shall act as President of the Commissioners during the absence or disability of the President and shall perform such other duties as may be assigned to him by the President. The duties of said Secretary shall be such as are prescribed by the by-laws, but, in conjunction with the said Treasurer, he shall prepare an annual report of the financial condition of said town showing the receipts and expenditures, which said report shall be submitted to the said Commissioners and be open to the inspection of any freeholder of said town. The Treasurer shall have custody of all funds and resources of the town and his duties generally shall be prescribed by the Commissioners. A majority of said Commissioners shall constitute a quorum and may transact any business and perform any duties that may come before them or which is imposed on them by this act.

Section 2. Section 13, Chapter 212, Volume 25, Laws of Delaware, as amended, is hereby further amended by striking from said Section the last two sentences thereof.

Section 3. Section 12, Chapter 212, Volume 25, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

Section 12. That for the purpose of raising money for the general purposes of said Town, the Commissioners of said Town are authorized and empowered to levy and collect by taxation an annual sum, not exceeding One Hundred Thousand Dollars, on all assessable real estate within the limits of the said Town."

Section 4, Chapter 212, Volume 25, Laws of Delaware, as amended, is hereby further amended by inserting a new Section to be known as Section 9A to read as follows:

Section 9A. The Commissioners are hereby authorized to license, tax, and collect fees annually for any and all municipal purposes of such various amounts as the Commissioners may from time to time fix by ordinance from any individual, firm or corporation carrying on or practicing any business, profession or occupation within the corporate limits of the Town; pro-

vided, however, that nothing herein shall be construed to make it mandatory upon any resident of this State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

Approved November 7, 1967.

CHAPTER 131

AN ACT TO AMEND SECTION 1306 AND SECTION 1321, TITLE 14, DELAWARE CODE, RELATING TO STATE SUPPORTED SALARY SCHEDULES FOR SCHOOL EMPLOYEES BY PROVIDING A FORMULA FOR ADDITIONAL STAFFING IN THE SCHOOL DISTRICTS AND BY MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION THEREFOR.

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

Section 1. Section 1306, Title 14, Delaware Code, is amended by striking the present subsection (b) thereof and by amending the title of said section to read as follows:

Salary schedules for chief school officers

Section 2. Section 1321, Title 14, Delaware Code, is hereby amended by striking all that portion of subsection (a) appearing after the salary schedule entitled "State Board of Education or State Board of Vocational Education" and by adding new subsections to said section to read as follows:

(c) Each teacher, specialist, supervisor, administrative assistant, director and assistant superintendent employed by a district and having the qualifications required by the certifying board shall receive as an annual salary the amount for which he qualifies under Section 1305 of this title plus an annual amount for administrative responsibility to be determined, as the case may be, in accordance with the following schedule:

School Districts					
Years of Administrative Experience	Teachers, Specialists	Supervisor Administrative Assistants	Director	Assistant Superin- tendent	
0	\$ 600	\$ 900	\$1,000	\$2,000	
1	800	1,100	1,500	2,500	
2	To be paid as pro- vided for in Sec- tion 1305 of this Chapter	1,000	1,300	2,000	3,000
3		1,200	1,500	2,500	3,500
4		1,400	1,700	3,000	4,000

(d) One-twelfth of the additional amount set forth in the schedule in subsection (c) of this section shall be deducted for each month that the employee is not employed.

(e) The Board of Public Education in Wilmington, the Boards of Education of Special School Districts and the Boards of Trustees for Other School Districts may employ:

1. Assistant Superintendents at the rate of one for the first full 400 state units of pupils and one for the next full 250 state units of pupils not to exceed a total of 2 per school district;

2. Directors at the rate of one for the first full 150 state units of pupils and one for each additional full 150 state units of pupils, not to exceed a total of 4 per school district;

3. Administrative Assistants at the rate of one for the first full 75 state units of pupils not to exceed a total of one (1) per school district;

4. Supervisors for a period of 10 months per year at the rate of six for the first full 300 state units of pupils and two for each additional full 100 state units of pupils not to exceed a total of sixteen per school district;

5. Specialist-Psychologists for a period of 10 months per year at the rate of one for each full 140 state units of pupils;

6. Speech and Hearing Teachers for a period of 10 months per year at the rate of one for each full 140 state units of pupils;

7. Specialist-Visiting Teachers for a period of 10 months per year at the rate of one (1) for the first full 300 state units of pupils and one for each additional full 200 state units of pupils.

(f) The State Board of Education may include in its annual budget request funds to provide psychologists and speech and hearing teachers for districts that do not qualify for such personnel under the provisions of subsection (e) of this section. Such personnel may be assigned by the State Board of Education to combinations of such districts having a full 140 state units of pupils.

(g) Other provisions of this chapter notwithstanding, one

Assistant Superintendent, one Director, one Administrative Assistant and one Supervisor in each district having such employees assigned duties in the areas of business, finance or purchasing may be credited with years of experience on the salary schedule set forth in Section 1305 of this title for years of experience in public or private business in accordance with rules established by the State Board of Education.

Section 3. Section 1321, Title 14, Delaware Code, is hereby further amended by striking the title thereof and by inserting in lieu thereof a new title to read as follows:

Salary schedules for certain professional personnel employed by the State Board of Education and the State Board for Vocational Education; employment formulae and salary schedules for certain professional personnel employed by the school districts.

Section 4. To carry out the provisions of this Act there is hereby appropriated to the State Board of Education the sum of \$200,000.00 for the fiscal year ending June 30, 1968.

Section 5. This Act is a supplementary appropriation act and the money hereby appropriated shall be paid by the State Treasurer from the General Fund.

Section 6. This Act shall become effective February 1, 1968.

Approved November 7, 1967.

CHAPTER 132

AN ACT TO AMEND SECTION 8311, TITLE 9, DELAWARE CODE, RELATING TO PUBLIC INSPECTION OF COMPLETED COUNTY ASSESSMENT.

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

Section 1. Section 8311 (a) (2) of Title 9, Delaware Code, is amended to read:

(2) Kent County, by April first; assessment for each Hundred to be posted in a convenient place in such Hundred.

Approved November 22, 1967.

CHAPTER 133

AN ACT TO AMEND CHAPTER 25, TITLE 14, DELAWARE CODE, ENTITLED "HIGH SCHOOLS," BY ADDING A NEW SECTION RELATING TO DRIVER EDUCATION.

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 and additional section to be known as §2508 as follows:

§2508. Driver education

In cooperation with the State Highway Department and the Delaware Safety Council, the State Board of Education shall adopt and supervise a student driver education and safety program. Instruction in automobile driving technique and safety shall be made available without charge to all high school students in the State, using dual control vehicles and the procedures provided by §2708 (c), Chapter 27, Title 21, Delaware Code.

Approved November 22, 1967.

NOTE

This act was codified as § 2510, title 14, Delaware Code.

CHAPTER 134

**AN ACT TO AMEND §902 (a), TITLE 19, DELAWARE CODE,
RELATING TO MINIMUM WAGE RATE.**

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

Section 1. §902 (a), Title 19, Delaware Code, is amended by striking the figure \$1.00 and substituting in lieu thereof the figure \$1.25.

Section 2. This Act shall become effective on February 1, 1968.

Approved November 22, 1967.

CHAPTER 135

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT FOR CON-
STRUCTION OF SIDEWALKS IN LAUREL.**

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

Section 1. The sum of \$3,500 is appropriated to the State Highway Department for the fiscal year ending June 30, 1968, for the purpose of constructing sidewalks in Laurel in the vicinity of the Laurel Elementary School.

Section 2. The 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 November 22, 1967.

CHAPTER 136

**AN ACT TO AMEND SECTION 1561 AND SECTION 1563 OF
TITLE 10, DELAWARE CODE, RELATING TO ABOL-
ISHMENT OF THE REQUIREMENT OF VERIFICA-
TION OF CLAIMS FOR RELIEF AND ANSWERS TO BE
FILED IN THE COURT OF COMMON PLEAS FOR KENT
COUNTY.**

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

Section 1. Section 1561 (e) is hereby repealed in its entirety.

Section 2. Section 1563 (c) is hereby repealed in its entirety, and the existing Section 1563 (d) shall hereafter be designated as Section 1563 (c).

Approved November 22, 1967.

CHAPTER 137

AN ACT TO AMEND SUBCHAPTER XXIII, CHAPTER 3, TITLE 11, DELAWARE CODE, SO AS TO PREVENT AND PUNISH THE DESECRATION, MUTILATION OR IMPROPER USE OF THE FLAG OF THE UNITED STATES OF AMERICA, AND OF THIS STATE, AND OF ANY FLAG, STANDARD, COLOR, ENSIGN OR SHIELD AUTHORIZED BY LAW.

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

Section 1. Subchapter XXIII, Chapter 3, Title 11, Delaware Code, is amended to read:

SUBCHAPTER XXIII. FLAGS**§531. Definition**

The words flag, standard, color, ensign or shield, as used in this subchapter, shall include any flag, standard, color, ensign or shield, or copy, picture or representation thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign or shield of the United States or of this state, or a copy, picture or representation thereof.

§532. Desecration

No person shall, in any manner, for exhibition or display:

(a) Place or cause to be placed any word, figure, mark, picture, design, drawing or advertisement of any nature upon any flag, standard, color, ensign or shield of the United States or of this state, or authorized by any law of the United States or this state; or

(b) Expose to public view any such flag, standard, color, ensign or shield upon which shall have been printed, painted or otherwise produced, or to which shall have been attached, appended, affixed or annexed any such word, figure, mark, picture, design, drawing or advertisement; or

(c) Expose to public view for sale, manufacture, or otherwise, or to sell, give or have in possession for sale, for gift or for use for any purpose, any substance, being an article of merchandise, or receptacle, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any such flag, standard, color, ensign or shield, in order to advertise, call attention to, decorate, mark or distinguish such article or substance.

§533. Mutilation

No person shall publicly mutilate, deface, defile, defy, trample upon, or by word or act cast contempt upon any such flag, standard, color, ensign or shield.

§534. Exceptions

This subchapter shall not apply to any act permitted by the statutes of the United States or of this state, or by the United States Army and Navy regulations, nor shall it apply to any printed or written document or production, stationery, ornament, picture or jewelry whereon shall be depicted said flag, standard, color, ensign or shield with no design or words thereon and disconnected with any advertisement.

§535. Penalty

Any violation of this subchapter shall be a misdemeanor and punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both fine and imprisonment, in the discretion of the Court.

§536. Interpretation

This subchapter shall be so construed as to effectuate its general purpose and to make uniform the laws of the states which enact it.

§537. Short title

This subchapter may be titled as the Uniform Flag Law.

Approved November 22, 1967.

CHAPTER 138

AN ACT TO AMEND SUBCHAPTER X, CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO ILLEGAL PARKING BY PROVIDING THAT A SUMMONS MAY BE ATTACHED TO AN UNATTENDED VEHICLE IN LIEU OF ARREST OF ITS OPERATOR AND MAKING THE VEHICLE OWNER PRIMA FACIE LIABLE FOR SUCH PARKING VIOLATION IN THE ABSENCE OF THE OPERATOR.

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

Section 1. Subchapter X, Chapter 41, title 21, Delaware Code, is hereby amended by adding thereto a new section to be designated "§ 4179A" as follows:

§4179A. Summons for unattended vehicle; owner prima facie liable

A summons in appropriate form to be adopted by resolution of the State Highway Department may be attached by any police officer authorized to arrest for violations of this title to an unattended vehicle found in violation of any of the provisions of this subchapter, in lieu of arrest of the operator of such vehicle. If any vehicle found by such police officer to be in violation of any of the provisions of this subchapter is unattended at the time of the violation is discovered, and the identity of the operator is not otherwise apparent, the person in whose name such vehicle is registered as the owner shall be held prima facie responsible for such violation. The State Highway Department may, by resolution, adopt a schedule of fines for all violations delineated in this subchapter, between a minimum of \$2.00 and a maximum of \$25.00, and such schedule may be printed upon the form of summons adopted pursuant to this section. It shall be permissible for an owner or operator to mail such summons and the appropriate fine in accordance with such schedule, directly to the court designated upon the summons, instead of appearing before such court for trial of the charge, provided that such remittance of the summons and fine is mailed at least 2

days before the trial date designated upon the summons. Except as supplemented by this section, proceedings initiated by summons for violations of this subchapter shall be as provided in Chapter 7 of this title. Additional court costs shall not be assessed if a fine is paid pursuant to this section.

Approved November 22, 1967.

CHAPTER 139

AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT PROVIDING FOR A POLICE PENSION FUND FOR MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON", AND THE AMENDMENTS THERETO, BY PERMITTING DANIEL PENNELL, A MEMBER OF THE WILMINGTON BUREAU OF POLICE, TO BECOME ELIGIBLE FOR PENSION BENEFITS AS PROVIDED FOR MEMBERS OF THE POLICE BUREAU OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON.

WHEREAS, Daniel Pennell joined the Wilmington Bureau of Police on July 1, 1946, but failed to agree voluntarily to accept the provisions of Volume 32, Chapter 113, Laws of Delaware, as amended, prior to July 1, 1951, thus losing his eligibility for pension benefits thereunder as a member of the Police Bureau of Wilmington; and

WHEREAS, it is the wish and desire of said Daniel Pennell to be permitted to come within the provisions of the aforesaid statute, as amended, in order to provide for pension benefits to him as a member of the Wilmington Bureau of Police.

NOW, THEREFORE,

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

Section 1. That Chapter 113, Volume 32, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof a new Section 10 to read as follows:

"Section 10. The provisions of this Act relating to the necessity of members of the Bureau of Police of the Department of Public Safety of the City of Wilmington to agree voluntarily to accept the provisions of the pension statutes herein provided between April 16, 1945, and July 1, 1951, shall not be applicable to Daniel Pennell, member of The Wilmington Bureau of Police, and said member shall

be eligible for pension benefits as set forth in this Act upon his giving proper notice to persons charged with the administration of the pensions fund of his desire to be included therein and upon his applying and qualifying therefor.

To qualify under this Act, Daniel Pennell must pay to the police pension fund referred to in this section a sum equal to four per cent (4%) of the salary received by the said Daniel Pennell in each year since July 1, 1946."

Section 2. This Act shall be effective upon its passage and approval of the Governor.

Approved November 22, 1967.

CHAPTER 140

**AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES
OF THE MIDDLETOWN SCHOOL DISTRICT NO. 60 TO
TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT
SERVICE ACCOUNT TO ITS MINOR CAPITAL IM-
PROVEMENT PROGRAM.**

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 Board of School Trustees of the Middletown School District No. 60 is authorized to transfer the sum of \$24,400 from its local Debt Service Account to its minor capital improvement program. The sums transferred are to be used for payment of the local district's share of the cost of school repairs, renovations and improvements authorized by House Bill No. 267 House Amendment No. 1 and Senate Amendments No. 1, 2, and 3 as it appears in Chapter 121, Volume 56, Laws of Delaware.

Approved November 22, 1967

CHAPTER 141

AN ACT TO PERMIT HARTLY SCHOOL NO. 96 TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS LOCAL CURRENT EXPENSE ACCOUNT.

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. Hartly School No. 96 is authorized to transfer the sum of \$10,000 from its local debt service account to its local current expense account, the sums transferred to be used to pay tuition expenses of children from the Hartly School District attending school in the Dover Special School District.

Approved November 22, 1967.

CHAPTER 142

**AN ACT DIRECTING AND EMPOWERING THE STATE
PARK COMMISSION TO ALTER THE CONTRACT FOR
THE CONSTRUCTION OF DELAWARE SEASHORE
STATE PARK AT INDIAN RIVER INLET SO AS TO
PROVIDE A CHANNEL IN INDIAN RIVER INLET.**

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

Section 1. The State Park Commission is directed and empowered to alter the contract for Hydraulic Dredge Fill Construction for Delaware Seashore State Park (Contract No. 1967—IRI—100) at Indian River Inlet by changing the designated borrow area so as to have cut a channel in the Indian River Inlet from the mouth of Scott's Marina to the main channel of Indian River Inlet as is provided for in Article II (c) of the specifications of the contract.

Section 2. All parts of any laws of this State which are inconsistent with the provisions of this Act are hereby repealed as to such inconsistency.

Approved November 22, 1967.

CHAPTER 143

**AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE
CODE RELATING TO SALARY SCHEDULES FOR
SCHOOL EMPLOYEES.**

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

Section 1. Section 1305(a), Title 14, Delaware Code, is hereby amended by striking the salary schedule contained therein and by inserting in lieu thereof a new salary schedule to read as follows:

Yrs. of Expernc.	No Degree	Bach. Degree	Bach Degree Plus 30 Grad. Credits	Mast. Degree	Mast. Degree Plus 30 Grad. Credits	Doctor's Degree or Equivalent
0	5,200	5,600	6,200	6,400	7,000	7,400
1	5,400	5,800	6,400	6,600	7,200	7,600
2	5,600	6,000	6,600	6,800	7,400	7,800
3	5,800	6,200	6,800	7,000	7,600	8,000
4	6,000	6,400	7,000	7,200	7,800	8,200
5	6,200	6,600	7,200	7,400	8,000	8,400
6	6,400	6,800	7,400	7,600	8,200	8,600
7	6,600	7,000	7,600	7,800	8,400	8,800
8	6,800	7,200	7,800	8,000	8,600	9,000
9	7,000	7,400	8,000	8,200	8,800	9,200
10	7,200	7,600	8,200	8,400	9,000	9,400

Section 2. Chapter 13, Title 14, Delaware Code, is hereby amended by striking out all of Sections 1308 and 1309 and substituting in lieu thereof a new Section 1308 to read as follows:

§1308. Salary schedules for certified secretaries, senior secretaries, secretaries and clerks.

(a) Each certified secretary, senior secretary, secretary and clerk having the qualifications required by the certifying board and who works and is paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Certified Secretaries	Senior Secretaries	Secretaries	Clerks
0	4,400	4,300	4,000	3,200
1	4,600	4,500	4,200	3,400
2	4,800	4,700	4,400	3,600
3	5,000	4,900	4,600	3,800
4	5,200	5,100	4,800	4,000
5	5,400	5,300	5,000	4,200
6	5,600	5,500	5,200	
7	5,800			
8	6,000			
9	6,200			
10	6,400			

(b) One-twelfth of the salary rate set forth under subsection (a) of this section shall be deducted for each month that the employee is not employed.

(c) These same classifications and pay rates shall apply to the State Board of Education and the State Board for Vocational Education.

(d) At least 25% of the positions provided in each school district and in State Board of Education and in the State Board for Vocational Education with pay rates set forth in this section shall be classified as "clerks" as nearly as is mathematically possible and without reduction in classification for personnel employed on or before the effective date of this Act in accordance with regulations established by the State Board of Education.

Section 3. Sections 1310(a), 1311(a), 1322(a) and 1324-(b), Title 14, Delaware Code, are hereby amended by striking out all the salary figures contained therein and by substituting in lieu thereof new salary figures \$400 higher in each case.

Section 4. §1301, Title 14, Delaware Code is amended by adding thereto a new paragraph to read:

In interpreting the salary, the salary schedule set forth in subsection 1305(a) of this title, in the case of trades and industry teachers—"bachelors degree" means 2 years of college or technical training plus 6 years trade experience;

"Bachelor's degree plus 30 graduate credits" means 3 years of college or technical training plus 6 years of trade experience; "master's degree" means a bachelor's degree plus 6 years of trade experience or a bachelor's degree plus 30 graduate credits plus 4 years of trade experience.

Section 5. The provisions of this Act shall become effective July 1, 1968.

Approved November 22, 1967.

CHAPTER 144

AN ACT TO AMEND CHAPTER 27, TITLE 29, DELAWARE CODE, RELATING TO THE STATE TREASURER BY PROVIDING FOR THE REFUNDING OF IMPROPERLY COLLECTED FEES.

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

Section 1. Chapter 27, Title 29, Delaware Code, is hereby amended by adding a new section thereto to read as follows:

§ 2714. Refunding of improperly collected fees

In the event any agency of this State having the power to collect fees or other receipts that become revenue to the General Fund of the State shall improperly collect and deposit such fees or other receipts with the State Treasurer, the State Treasurer shall have the authority, except as otherwise provided specifically by law, upon certification by the collecting agency that a fee or other receipt was improperly collected and deposited, to make a refund from the General Fund of the State in the amount improperly collected and deposited to the person from whom the fee or receipt was improperly collected.

Approved December 20, 1967.

CHAPTER 145

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 4 OF
THE CONSTITUTION OF THE STATE OF DELAWARE
RELATING TO THE CREATION OF A COURT ON THE
JUDICIARY.**

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. Article 4 of the Constitution of the State of Delaware is amended by adding the following section thereto:

Section 37. A Court on the Judiciary is hereby created consisting of the Chief Justice and the Associate Justices of the Supreme Court, the Chancellor, and the President Judge of the Superior Court.

Any judicial officer appointed by the Governor may be censured or removed or retired by the Court on the Judiciary as herein provided.

A judicial officer may be censured or removed by virtue of this section for wilful misconduct in office, wilful and persistent failure to perform his duties, the commission after appointment of an offense involving moral turpitude, or other persistent misconduct in violation of the Canons of Judicial Ethics as adopted by the Delaware Supreme Court from time to time.

A judicial officer may be retired by virtue of this section for permanent mental or physical disability interfering with the proper performance of the duties of his office.

No judicial officer shall be censured or removed or retired under this section unless he has been served with a written statement of the charges against him, or of the grounds of his retirement, and shall have had an opportunity to be heard in accordance with due process of law. The affirmative concurrence of not less than two-thirds of the members of the Court on the Judiciary shall be necessary for the censure or removal or retirement of a judicial officer. The Court on the Judiciary shall be convened for appropriate action upon the order of the Chief

Justice, or upon the order of any other three members of the Court on the Judiciary. All hearings and other proceedings of the Court on the Judiciary shall be private, and all records except a final order of removal or retirement shall be confidential, unless the judicial officer involved shall otherwise request.

Upon an order of removal, the judicial officer shall thereby be removed from office, all of his authority, rights and privileges as a judicial officer shall cease from the date of the order, and a vacancy shall be deemed to exist as of that date. Upon an order of retirement, the judicial officer shall thereby be retired with such rights and privileges as may be provided by law for the disability retirement of a judicial officer, and a vacancy shall be deemed to exist as of the date of retirement.

In the absence or disqualification of a member of the Court on the Judiciary, the Chief Justice, or in his absence or disqualification the Senior Associate Justice, shall appoint a substitute member *pro tempore*.

The Court on the Judiciary shall have:

(a) the power to summon witnesses to appear and testify under oath and to compel the production of books, papers and documents, and

(b) the power to adopt rules establishing procedures for the investigation and trial of a judicial officer hereunder.

CHAPTER 146

**AN ACT PROPOSING AN AMENDMENT TO SECTION 11,
ARTICLE 4 OF THE CONSTITUTION RELATING TO
JURISDICTION OF THE SUPREME COURT IN CRIM-
INAL CASES.**

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

Section 1. § 11, Article 4 of the Constitution of the State of Delaware is amended by adding a new subsection 1(c) as follows:

1 (c) To receive appeals on behalf of the State in criminal cases from such inferior courts over which the Supreme Court otherwise has jurisdiction on appeals by the accused in the following categories.

(i) Appeals as of right shall be permitted as provided by law where the lower court has ruled adversely to the State on the validity or construction of a statute upon which an indictment or information is based, or where the lower court has determined that it lacks jurisdiction over the person or the subject matter; or

(ii) Discretionary appeals of other substantial questions of law or procedure which shall be permitted by law provided that the appeal shall not affect the rights of the defendant.

(iii) Cross appeals in such manner as shall be provided by law where the accused has appealed to the Supreme Court.

CHAPTER 147

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO
ARTICLE 4 OF THE CONSTITUTION OF THE STATE
OF DELAWARE RELATING TO THE ORPHANS'
COURT.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 123rd General Assembly as follows:

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 4
OF THE CONSTITUTION OF THE STATE OF DELA-
WARE RELATING TO THE ORPHANS' COURT.**

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. Article 4 of the Constitution of the State of Delaware is amended by adding the following section thereto:

Section 36. The General Assembly shall have power to transfer to such court or courts as it deems appropriate all or any part of the jurisdiction, powers and functions of the Orphans' Court and all or any part of the matters pending before the Orphans' Court, and to abolish the Orphans' Court; AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 123rd 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 branch concurring therein):

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

Effective December 19, 1967.

CHAPTER 148

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO
ARTICLE 3 OF THE CONSTITUTION OF THE STATE
OF DELAWARE RELATING TO THE CLERK OF THE
ORPHANS' COURT.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 123rd General Assembly as follows:

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 3
OF THE CONSTITUTION OF THE STATE OF DELA-
WARE RELATING TO THE CLERK OF THE ORPHANS'
COURT.**

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. Article 3 of the Constitution of the State of Delaware is amended by adding the following section thereto:

Section 24. The General Assembly shall have power to transfer all or any part of the powers, functions and records of the Clerk of the Orphans' Court for any county to such other office or offices as it deems appropriate, and to abolish the office of Clerk of the Orphans' Court for any county; AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 123rd 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 branch concurring therein):

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

Effective December 19, 1967.

CHAPTER 149

AN ACT TO AMEND SECTION 4322, TITLE 11, DELAWARE CODE, RELATING TO THE PROTECTION OF RECORDS OF THE DEPARTMENT OF CORRECTION.

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

Section 1. § 4322, title 11, Delaware Code, is amended by adding thereto a new subsection to read:

(b) The Commissioner or his designees may receive and use, for the purpose of aiding in the treatment of rehabilitation of offenders, the pre-parole report, the supervision history and other Department of Corection case records, provided that such information or reports remain privileged for any other purpose.

The provisions of this subsection shall not apply to the pre-sentence reports of the Superior Court, and the Courts of Common Pleas for Kent and Sussex County which reports shall remain under the control of such courts.

Approved December 26, 1967.

CHAPTER 150

AN ACT TO AMEND CHAPTER 17, TITLE 16, DELAWARE CODE, RELATING TO REFUSE AND GARBAGE.

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

Section 1. Chapter 17, Title 16, Delaware Code, is amended to provide a new Section 1708 as follows:

§ 1708. (a) Multi-family houses and apartment complexes shall provide adequate storage areas outside the principal structure of such multi-family houses and apartment complexes for the temporary storage of trash and garbage and shall provide covered metal containers in such areas for the temporary storage of refuse classed as garbage.

(b) Violation of this Act shall be a misdemeanor and upon conviction thereof be fined, for the first offense, \$10.00 and for each subsequent conviction thereof be fined not less than \$25.00 and not more than \$500.00 and/or be imprisoned not more than 90 days.

Approved December 26, 1967.

CHAPTER 151.

AN ACT TO AMEND CHAPTER 35, TITLE 11, DELAWARE CODE, RELATING TO GENERAL PROVISIONS CONCERNING WITNESSES AND EVIDENCE BY PROVIDING FOR OBTAINING OF TESTIMONY UNDER COURT ORDER AND FOR WITNESS IMMUNITY.

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

Section 1. Chapter 35, Title 11, Delaware Code, is amended by adding a new section at the end of subchapter I thereof to read as follows:

§ 3508. Obtaining of testimony under court order; witness immunity

(a) In any criminal action or in any investigation carried on by the Grand Jury, if a person refuses to answer any question or to produce evidence of any kind solely on the ground that he may thereby be incriminated, the Superior Court, upon motion of the Attorney General, may order such person to answer the question or produce the evidence, after notice to the witness and a hearing. Provided, however, the Court shall not enter such order if the Court finds: (1) that such person may be subjected to criminal prosecution relating to the same transaction or occurrence under the laws of the United States or any other state and that any such evidence so compelled could be used against him in any such prosecution; or (2) such order would otherwise be clearly contrary to the public interest. Such person, so ordered by the Court, shall comply with the Court order. After complying such person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in accordance with the order, he gave answer or produced evidence; provided that, but for this section, such person would have been privileged to withhold the answer given or the evidence produced by him. In no event, however, shall such person, acting pursuant to such order, be exempt from prosecution or penalty or forfeiture for any perjury, false statement, or contempt committed in answering or failing to answer, or in producing or failing to produce evidence

in accordance with the order, and any testimony or evidence so given or produced shall not by virtue of this section be rendered inadmissible in evidence upon any criminal action, investigation or proceeding concerning such perjury, false statement or contempt.

(b) No statement or other evidence obtained from any person who shall have been compelled to make such statement or produce such evidence by any Court of competent jurisdiction of the United States or of any other state pursuant to a claim of privilege and Court order under a statute substantially equivalent to subsection (a) of this section shall be admissible in evidence in any criminal prosecution in this State against such person arising out of the same transaction or occurrence.

Approved December 26, 1967.

CHAPTER 152

AN ACT TO AMEND SECTION 1902, TITLE 11, DELAWARE CODE, BY PERMITTING THE QUESTIONING AND DETAINING OF SUSPECTS FOUND IN A PUBLIC PLACE.

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

Section 1. Section 1902, Title 11, Delaware Code, is hereby amended by striking subsection (a) and inserting in lieu thereof a new subsection (a) as follows:

A peace officer may stop any person abroad, or in a public place, who he has reasonable ground to suspect is committing, has committed, or is about to commit a crime, and may demand of him his name, address, business abroad, and where he is going.

Approved December 26, 1967.

CHAPTER 153

AN ACT TO AMEND SECTION 4402, CHAPTER 44, TITLE 21, DELAWARE CODE, RELATING TO REMOVAL OF ABANDONED VEHICLES BY PERMITTING THE NEW CASTLE COUNTY POLICE TO ENFORCE SUCH PROVISIONS IN CONJUNCTION WITH THE STATE POLICE.

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

Section 1. Section 4402, Chapter 44, Title 21, Delaware Code, is hereby amended by striking the second sentence of subsection (a) of said Section and inserting in lieu thereof a new second sentence as follows:

In all other instances, the State Police shall enforce this chapter, except that in New Castle County the New Castle County Police shall have concurrent authority to enforce this chapter.

Approved December 26, 1967.

CHAPTER 154

AN ACT TO AMEND TITLE 11, CHAPTER 19, SUBCHAPTER II, DELAWARE CODE, RELATIVE TO FRESH PURSUIT IN FELONIES, MISDEMEANORS, AND VIOLATIONS OF MOTOR VEHICLE LAW.

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

Section 1. Title 11, Chapter 19, Subchapter II, Section 1931, Delaware Code, is stricken and a new section 1931 enacted in lieu thereof to read:

§ 1931. Definitions.

As used in the subchapter—

"Fresh pursuit" includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or a misdemeanor or a violation of the Motor Vehicle Code of the State of Delaware or who is reasonably suspected of having committed a felony or a misdemeanor or a violation of the Motor Vehicle Code of the State of Delaware and also includes the pursuit of a person suspected of having committed a supposed felony or misdemeanor or violation of the Motor Vehicle Code of the State of Delaware though no violation of the law has actually been committed, if there is reasonable grounds for believing that a violation of the law has been committed; however, fresh pursuit as used herein does not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Section 2. Title 11, Chapter 19, Subchapter II, Section 1932 (a), Delaware Code, is stricken and a new Section 1932 (a) enacted in lieu thereof to read:

§ 1932. Arrest by out-of-state police

(a) Any member of a duly organized State, county or Municipal peace unit of another state of the United States who enters this State in fresh pursuit, and continues within this State in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony,

a misdemeanor or a violation of the Motor Vehicle Code in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized State, county or municipal peace unit of this State, to arrest and hold in custody a person on the ground that he is believed to have committed a felony, a misdemeanor or any violation of the Motor Vehicle Code in this State.

Section 3. Title 11, Chapter 19, Subchapter II, Delaware Code, is amended by adding the following new section to be known as Section 1935:

§ 1935. Fresh pursuit by county, municipal, town and other peace units.

Any peace officer of a duly organized county, municipal, town, interstate bridge or park peace unit may carry out fresh pursuit of any person anywhere within this State, regardless of the original territorial jurisdiction of such officer, in order to arrest such person pursued, when there is reasonable grounds to suspect that a felony, misdemeanor, or violation of the Motor Vehicle Code has been committed in this State by such a person.

Approved December 26, 1967.

CHAPTER 155

AN ACT TO AMEND TITLE 5, DELAWARE CODE, RELATING TO CORPORATION LAW FOR STATE BANKS AND TRUST COMPANIES, BY LENGTHENING THE PERIOD OF EXTENSION OF CERTIFICATE OF AUTHORITY TO OPEN A BRANCH OFFICE.

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

Section 1. Title 5, Delaware Code, § 770, is amended by striking from the last sentence of sub-section (a) thereof the words "30 days" and inserting in lieu thereof the words "six months."

Approved December 26, 1967.

CHAPTER 156

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. § 555, Title 28, Delaware Code, is amended to read:

§ 555. Tax on pari-mutuel and totalizator pools; special fund

(a) Every person engaged in the business of conducting a harness racing meet under this chapter shall pay as a tax to this state 5 per cent of the total contributions to all pari-mutuel and totalizator pools conducted or made on any and every race track licensed under this chapter, and on every race at such track. The tax shall be paid by certified check and shall be transmitted by the licensee to the Commission. If the Commission finds it correct, it shall transmit the check to the State Treasurer.

(b) The State Treasurer shall deposit the monies received pursuant to this section in the General Fund of this state except that an amount equal to $\frac{1}{2}$ of one per cent of all contributions to all pari-mutuel and totalizator pools conducted or made on any and every race track licensed under this chapter and on every race at such track, shall be deposited to a special fund called "The Delaware Standardbred Development Fund" which shall be administered pursuant to subchapter V of this chapter.

Section 2. Chapter 5, Title 28, Delaware Code, is amended by adding a new subchapter V to read:

**SUBCHAPTER V. DELAWARE STANDARDBRED
DEVELOPMENT FUND**

§ 561. Board of Trustees

The Governor shall appoint seven (7) members to the Board of Trustees for a term of four (4) years. This Board will consist of the following: one person from each county who represents a holder of a pari-mutuel license in that county, one

person who is a recognized breeder of Standardbred horses in this state, and three persons, one from each county who are members of a recognized Standardbred Horsemen's Association. Four of the members of the Board of Trustees shall be members of one of the 2 major political parties and the other 3 members shall be members of the other political party.

§ 562. Definitions

As used in this subchapter:

(a) "Horse", "stallion", "mare", or "foal" means horses of the Standardbred breed.

(b) "Accredited Delaware Standardbred Horse" means a horse conceived in this state and born in this state which is:

(1) Born of a mare that is residing in this state at the time of such conception, remains continuously in the state through the date on which such horse is born, and is registered as required by the rules of the Board of Trustees; and

(2) Conceived by a stallion that is residing in this state from the first day of February to the first day of August of the year in which such horse is conceived, stands for breeding purposes only in this state in the year in which such horse is conceived, and is registered as required by the rules of the Board of Trustees.

(c) "Delaware conceived and foaled horse" means a horse born in this state after December 31, 1967 of a mare bred in this state and sired by a stallion standing for breeding purposes in this state at the time of the conception of such horse and not standing for such purposes at any place outside the state during the calendar year in which such horse is conceived, and which horse is registered as required by the rules of the Board of Trustees.

(d) "Delaware foaled horse" means a horse born after December 31, 1967, of a mare which enters this state on or before the fifteenth day of July of the year in which the horse is conceived and remains continuously in this state until the horse is born, which horse is registered as required by the rules of the Board of Trustees.

(e) "Delaware owned horse" means a horse whose owner is a Delaware owner as defined in the rules of the Board of Trustees.

§ 563. Delaware Standardbred Development Fund

There is created in the State Treasury a special Delaware Standardbred Development Fund, hereinafter referred to as "Fund", which shall consist of monies deposited thereto pursuant to § 555 of this title.

§ 564. Use of the fund

(a) The Board of Trustees shall use the Fund to promote Delaware bred harness horse races and to provide purses for such races for horses in the following order of preference, so that the funds will be used for races for a lower preferenced class of horses when sufficient races for a higher preferenced class:

- (1) Accredited Delaware Standardbred horses;
- (2) Delaware conceived and foaled horses;
- (3) Delaware foaled horses;
- (4) Delaware owned horses.

(b) Such races shall be held on such conditions as the Board of Trustees may, in its sole discretion, determine. The Board of Trustees may combine any of the above classes of horses in one race with preference given to horses of the higher preferenced class. No horse shall compete in any race for which monies from the Fund are used for purse purposes unless such horse is registered as required by the rules of the Board of Trustees. In no event shall the Board of Trustees require an entry fee in excess of \$100 for such races. In no event shall the age of any horse or horses exceed 4 years old.

§ 565. Scheduling of races

Each holder of a license to conduct a harness racing meet shall schedule Delaware bred harness horse races promoted by the Board of Trustees in accordance with the direction of the Board of Trustees, but the licensee shall have the absolute right and uncontrolled discretion to fix the date or dates and the time or position on its daily racing programs at which such races

shall be held and to determine whether or not such races shall be wagering or non-wagering races.

§ 566. Location of races

At least 20 per cent of the total purse money provided by the Board of Trustees annually for Delaware bred harness horse races, as authorized by § 564 of this title, shall be allocated for the special races required by this subchapter in each county of the state.

§ 567. Rules of the Board of Trustees

The Board of Trustees shall implement this subchapter by the promulgation of such rules as it finds necessary or desirable including rules relating to the registration of horses and the qualification of owners as Delaware owners. Such rules may include such nominating and stake fees as the Board of Trustees determines is appropriate.

§ 568. Budget procedures

Procedures for the use of The Delaware Standardbred Development Fund by the Board of Trustees, as authorized in § 564 of this title, shall be established by the Budget Director.

§ 569. Advertising budget

Advertising for The Delaware Standardbred Development Fund shall not exceed more than 10 per cent of the annual income of the Fund.

§ 570. Operating budget

The total operating budget of the Delaware Standardbred Development Fund, not including advertising, shall not exceed more than 10 per cent of the annual income of the Fund.

Section 3. The provisions of this act shall become effective 30 days after approval by the Governor.

Approved December 26, 1967.

CHAPTER 157

AN ACT RELATING TO THE INSURANCE STUDY AND REVISION COMMITTEE ESTABLISHED BY CHAPTER 306, VOLUME 55, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 356, VOLUME 55, LAWS OF DELAWARE, CONTINUING THE LIFE OF SAID COMMITTEE AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. The Insurance Study and Revision Committee established by Chapter 306, Volume 55, Laws of Delaware, as amended by Chapter 356, Volume 55, Laws of Delaware, shall continue and be comprised of Robert A. Short, Calvin R. McCullough, Harry S. Wilson, William F. Lynch, II, Robert G. Hackett, Harry S. Smith and Ralph Lord, until April 15, 1968. Any vacancy created by death or resignation shall be filled by appointment by the Governor.

Section 2. The time for submission of the report, containing recommended revisions of the Insurance Law of the State of Delaware for submission to the General Assembly, shall be extended to on or before April 15, 1968.

Section 3. There is hereby appropriated to the Insurance Study and Revision Committee the sum of \$20,000 to be used by the Committee for its comprehensive review and study of the Insurance Law of the State of Delaware and for the preparation of the aforesaid report containing recommended revisions of such law for submission to the General Assembly.

Section 4. The Insurance Study and Revision Committee is authorized to spend the money appropriated by Section 3 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 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. 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, 1968, and any of said money remaining unexpended upon the completion of the project or on June 30, 1968 shall revert to the General Fund of the State.

Approved December 26, 1967.

CHAPTER 158

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE," BEING CHAPTER 649, VOLUME 18, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE ANNUAL SALARY PAID TO MEMBERS OF THE TOWN COUNCIL AND PENALTY FOR THE LATE PAYMENT OF TAXES.

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

Section 1. Section 13, Chapter 649, Volume 18, Laws of Delaware, is amended by striking the last sentence of said paragraph as it now appears and inserting a new one in lieu thereof, to read as follows:

The members of the Council shall be paid an annual salary of Sixty Dollars (\$60.00).

Section 2. Section 23, Chapter 649, Volume 18, Laws of Delaware, is amended by adding a new paragraph at the end of Section 23, as it now appears, to read as follows:

The Collector of Taxes shall charge a one percent (1%) penalty per month on all taxes not paid by July 1 of each year.

Approved December 26, 1967.

CHAPTER 159

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BETHANY BEACH TO BORROW \$900,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM FOR THE TOWN OF BETHANY BEACH 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 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 Commissioners of Bethany Beach and shall have been approved by the qualified voters 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 of the Town of Bethany Beach within thirty (30) days prior to the election or distributed in circular form at least (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 estate located in said Town, and the said vote may be the cast 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 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 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 front foot assessment 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. The Commissioners of Bethany Beach shall levy such ad valorem taxes as may be necessary to pay the principal of and interest on the said bonds as they fall due without regard to any other limitation concerning the maximum rate of taxation.

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 Nine Hundred Thousand Dollars (\$900,000.00).

Section 11. That the said, The Commissioners of Bethany Beach 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, in order to furnish the citizens residing within the corporate limits of Bethany Beach, and in the discretion and under such terms and conditions as will be in the best interest of the Town of Bethany Beach, those persons, firms or corporations whose property lies outside the corporate limits of Bethany Beach with proper and adequate sewerage 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, rights of way, 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 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 Commissioners of Bethany Beach are authorized to do in connection with the public streets within the said Town. The Commissioners of Bethany Beach 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 Commissioners of Bethany Beach the said Commissioners 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 Commissioners of Bethany Beach shall have the supervision and control of all public pipes, sewers and drains connected with the said sewer system and sewerage disposal works, 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, drains and sewers to be made and opened. The said, The Commissioners of Bethany Beach 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 Commissioners of Bethany Beach may deem proper. The said, The Commissioners of Bethany Beach is hereby authorized to make rules regulating the tapping or use of public sewers by the owners of abutting land, and shall provide for the granting of permits for the same and for the payment of such front foot assessments, tapping fees and sewer rental as the said The Commissioners of Bethany Beach 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 12. That the said, 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 erection, completion, extension or improvement of said sewer system and sewerage disposal works as herein provided.

Section 13. That the said, 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 sewer system and sewerage disposal works and may grant to all persons and corporations in the said Town of Bethany Beach 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 Commissioners of Bethany Beach.

Section 14. Any funds received from the proceeds of any bond issue issued pursuant to this Act which shall exceed the amount required for the purpose set forth herein shall be paid into the general fund of the Town of Bethany Beach.

Section 15. Any Act inconsistent with the provisions hereof be and the same is hereby repealed to the extent of such inconsistency.

Approved December 26, 1967.

CHAPTER 160

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE CORRECTIONAL COUNCIL OF DELAWARE,
INC. FOR THE OPERATION OF ITS HALFWAY HOUSE.**

WHEREAS, there has been a marked increase in referrals of youthful offenders to the 308 West Residence ("Halfway House"); and

WHEREAS, experience of 308 West Residence and other similar programs throughout the country has shown that Correction and Rehabilitation results are often most significant with youthful offenders; and

WHEREAS, one of the major basic recommendations of the President's Crime Commission was for a marked increase in the use of Halfway Houses as a means of coping with crime; and

WHEREAS, various studies within the State support the President's Crime Commission report; and

WHEREAS, there is a pressing need for additional residential counselors for this particular work with youthful offenders at 308 West Residence.

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 \$4,000 is appropriated to the Correctional Council of Delaware, Inc., to cover the expenses of additional residential counselors in operation of the program of 308 West Residence as provided by Chapter 322, Volume 51, Laws of Delaware, for the fiscal year ending June 30, 1968.

Section 2. 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 not otherwise appropriated.

Approved December 26, 1967.

CHAPTER 161

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968" BY PROVIDING AN ADDITIONAL APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR TRANSPORTATION CONTRACTUAL SERVICES.

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

Section 1. The Act entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1968", and also known as the 1967-1968 Budget Appropriation Bill, is hereby amended by striking from Division II under the heading "Public Education—State Board of Education" the following line from the "Contractual Services" subsection :

Transportation—Bus Contracts 2,500,000
and substituting in lieu thereof the following line:

Transportation—Bus Contracts 2,648,500.

Approved December 26, 1967.

CHAPTER 162

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 \$25,000 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, 1968.

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 26, 1967.

CHAPTER 163

AN ACT TO AMEND CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" BY PROVIDING FOR THE EXTENSION OF THE POLICE POWERS TO INCLUDE AN AREA ONE-HALF MILE FROM THE BOUNDARIES OF SAID TOWN.

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

Section 1. Section 17, Chapter 166, Volume 37, Laws of Delaware, is amended to read as follows:

17. To provide an efficient fire and police force and to make and enforce within said town, and within an area of one-half mile from the boundary lines of said Town of Selbyville, such fire and police and other regulations as are deemed expedient and necessary to protect persons and property, maintain the public peace, prevent crime, promote the public morals, and safeguard the public; said regulations, rules or ordinances must conform to and be consistent with the laws of this State.

Approved December 26, 1967.

CHAPTER 164

AN ACT TO AMEND VOLUME 56, CHAPTER 40, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968" BY PROVIDING AN ADDITIONAL APPROPRIATION TO THE STATE BOARD OF VOCATIONAL EDUCATION FOR ADULT EDUCATION FEDERAL MATCHING FUNDS.

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

Section 1. Volume 56, Chapter 40 Laws of Delaware, entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1968", and also known as the 1967-68 Budget Appropriation Act, is hereby amended by adding to Section 1 a new subpart "(3)" under the heading Educational Contingency Fund as follows:

- | | |
|---|-----------|
| (3) Adult Education Federal Matching
Fund — State Board of Vocational
Education | \$50,000. |
|---|-----------|

Approved December 26, 1967.

CHAPTER 165

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
STATE BOARD OF EDUCATION FOR THE PURPOSE
OF CONSTRUCTING AND INSTALLING A SEWAGE
TREATMENT PLANT AT LORD BALTIMORE SCHOOL
DISTRICT NO. 28 AT OCEAN VIEW, DELAWARE.**

WHEREAS, under the existing conditions, effluent from the septic tanks of Lord Baltimore School District No. 28 is discharged into an open ditch and ultimately into White Creek which is used by the public for wading and bathing and from which shellfish are taken; and

WHEREAS, an Engineering Report dated April 20, 1966, prepared by Whitman, Requardt and Associates recommended that the construction and installation of new sewage treatment facilities estimated to cost Thirty Nine Thousand Dollars (\$39,000.00) as the most feasible method to eliminate this unsanitary condition; and

WHEREAS an appropriation was made in that amount; and

WHEREAS, the total project is expected to cost Eighty Four Thousand Two Hundred Twenty-five Dollars (\$84,225.00); and

WHEREAS, it is deemed in the public interest that additional funds to complete the construction and installation of the new sewage treatment facilities be appropriated;

NOW THEREFORE,

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

Section 1. The sum of Twenty-two Thousand Dollars (\$22,000.00) is appropriated to the State Board of Education for the purpose of constructing and installing new sewage treatment facilities at Lord Baltimore School District No. 28.

Section 2. The State Board of Education is authorized and directed to proceed to carry out the purposes of this Act.

Section 3. The moneys hereby appropriated shall be paid from the General Fund of the State Treasury, from time to time, upon vouchers submitted by the State Board of Education.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid from the General Fund of the State Treasury, not otherwise appropriated, and any portion of the funds hereby appropriated remaining unexpended on July 1, 1968, shall revert to the General Fund.

Approved December 26, 1967.

CHAPTER 166

AN ACT TO AMEND SECTION 7129 (a), TITLE 14, DELAWARE CODE, RELATING TO ESTABLISHMENT AND MAINTENANCE OF FREE PUBLIC LIBRARIES.

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

Section 1. Section 7129 (a), Title 14, Delaware Code, is hereby amended by striking out the figures "\$45,000" as they appear in line 11 of said subsection and inserting, in lieu thereof, the figures "\$65,000".

Approved December 26, 1967.

CHAPTER 167

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
FOR THE EXPENSES OF THE BOARD OF GAME AND
FISH COMMISSIONERS OF THE STATE OF DELA-
WARE FOR THE FISCAL YEAR ENDING JUNE 30,
1968.**

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

Section 1. The sum of \$75,000 is appropriated to the Board of Game and Fish Commissioners of the State of Delaware for matching funds for federal aid to improve shad and striped bass fisheries and other migratory fisheries in the Delaware River Bay and its tributaries, including Brandywine Creek.

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 money authorized by this Act but unexpended at the end of the fiscal year 1968 shall revert to the General Fund.

Approved December 26, 1967.

CHAPTER 168

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE ALCOHOLIC BEVERAGE CON-
TROL COMMISSION FOR ITS EXPENSES FOR THE
FISCAL YEAR ENDING JUNE 30, 1968.**

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

Section 1. The sum of \$15,055 is hereby appropriated to to the Delaware Alcoholic Beverage Control Commission for its expenses and to be applied for payment of the following items:

Personal Services, Court Reporter	\$2,800.00
Capital Outlay, Office Equipment	1,500.00
Contractural Services	10,755.00
Postage, Rent, Printing,	
Moving & Photo-copying	

Section 2. 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 December 26, 1967.

CHAPTER 169

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE PUBLIC ARCHIVES COMMISSION FOR THE
PURPOSE OF PROTECTING AND MAINTAINING HIS-
TORICAL STATE PROPERTY.**

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

Section 1. The sum of \$4,500 is hereby appropriated to the Public Archives Commission for the purpose of protecting and maintaining the properties recently acquired by the State of Delaware located at the junction of Naaman's Road and the Philadelphia Pike known as the old Robinson House (constructed in 1725) and the Swedish Block House (constructed in 1645) as follows:

Salaries — watchman	\$3,600.00
Contractural Services	550.00
Supplies	350.00
Total	<hr/> \$4,500.00

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated which remain unexpended on June 30, 1968, shall revert to the General Fund of the State.

Section 3. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State from funds not otherwise appropriated.

Approved December 26, 1967.

CHAPTER 170

**AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE
CODE RELATING TO LIMITATION ON EXPENDI-
TURES OF THE DELAWARE RACING COMMISSION.**

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

Section 1. § 308, Chapter 3, Title 28, Delaware Code, is hereby repealed.

Approved December 26, 1967.

CHAPTER 171

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO BIG BROTHERS ASSOCIATION OF NORTHERN
DELAWARE, 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 \$2500.00 is appropriated to Big Brothers Association of Northern Delaware, Inc., for the fiscal year ending June 30, 1968, to aid the Association in the furtherance and realization of its aims and goals.

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 money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1968.

Approved December 26, 1967.

CHAPTER 172

AN ACT TO AMEND TITLE 21, SECTION 4169 (b), DELAWARE CODE, RELATIVE TO SPEED LIMITS AND EFFECT OF SIGNS ON HIGHWAYS.

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

Section 1. Title 21, section 4169 (b), Delaware Code, is amended by adding at the end of paragraph (b) the following sentence:

Where appropriate signs giving notice of reasonable and safe maximum speed limits are erected on any highway, proof of the existence of such signs shall be prima facie evidence in any court of this State that the State Highway Department has determined that the speed indicated upon such signs is the reasonable and safe maximum speed for said highway.

Approved December 27, 1967.

CHAPTER 173

AN ACT TO AMEND SECTION 813, TITLE 11, DELAWARE CODE, RELATING TO ASSAULT ON POLICE OFFICERS.

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

Section 1. Section 813, Title 11, Delaware Code, is amended by striking the remainder of subsection (a) after the word "imprisoned" and inserting in lieu thereof the following:

"not less than thirty days or more than two years, or both."

Section 2. Subsection (b) of Section 813, Title 11, Delaware Code, is hereby repealed.

Approved December 27, 1967.

CHAPTER 174

AN ACT TO AMEND SECTION 4304, CHAPTER 43, TITLE 29, DELAWARE CODE, RELATING TO NOTARIES PUBLIC, BY ADDING JEWISH WAR VETERANS TO THE LIST OF SERVICE ORGANIZATIONS FOR WHICH THE GOVERNOR MAY APPOINT NOTARIES.

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

Section 1. Section 4304, Chapter 43, Title 29, Delaware Code, is hereby amended by striking subsection (a) of said section and substituting in lieu thereof a new subsection (a) as follows:

(a) The Governor may, upon the request of the Department Commander of the Spanish-American War Veterans, of the Veterans of Foreign Wars of the United States, of the Disabled American Veterans, of the Jewish War Veterans, and of the American Legion, appoint one notary public for each of the organizations for a term of four years, without cost to such appointees or to the Commanders or to the organizations, in any such appointments.

Approved December 27, 1967.

CHAPTER 175

**AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES
OF GEORGETOWN SPECIAL SCHOOL DISTRICT TO
TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT
SERVICE ACCOUNT TO ITS MINOR CAPITAL IM-
PROVEMENTS PROGRAM.**

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. The Board of School Trustees of the Georgetown Special School District is authorized to transfer the sum of \$10,000 from its local debt service account to its minor capital improvements program. The sum transferred is to be used for payment of the local district share of the cost of school repairs, renovations and improvements authorized for said district by Section 13 of House Bill No. 267 as amended by House Amendment No. 1 and Senate Amendments Nos. 1, 2, and 3 which appears in Chapter 121, Volume 56, Laws of Delaware.

Approved December 27, 1967.

CHAPTER 176

AN ACT TO AMEND SECTION 2804 (b), CHAPTER 28, TITLE 10, OF THE DELAWARE CODE, RELATING TO THE PAYMENT OF MILEAGE TO JUSTICE OF THE PEACE CONSTABLES.

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

Section 2804 (b), Chapter 28, title 10, of the Delaware Code, is amended by repealing paragraph (b) of Section 2804 in its entirety and inserting in lieu thereof, a new paragraph (b) of Section 2804, as follows:

In addition to his salary, each constable shall be entitled to receive mileage at the rate of \$.10 per mile for each mile necessarily travelled by him in the necessary discharge of his duties as constable. Each constable, on the last day of each month, shall present to the State Treasurer an itemized and verified account of all mileage fees incurred as aforesaid, and the State Treasurer shall pay the amount thereof to the constable. The total charge for mileage thus compiled in each case shall be charged as costs in the case and when collected shall be paid to the State Treasurer.

Approved December 27, 1967.

CHAPTER 177

AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO STATE SUPPORTED SALARY SCHEDULES FOR SCHOOL EMPLOYEES BY AMENDING THE SALARY SCHEDULE FOR SUPERVISORS, DIRECTORS AND ASSISTANT SUPERINTENDENTS EMPLOYED BY THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR VOCATIONAL EDUCATION IN THE FISCAL YEAR BEGINNING JULY 1, 1968.

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

Section 1. Section 1321 (a), title 14, Delaware Code, is hereby amended by striking from that section the Salary Schedule entitled, "State Board of Education or State Board of Vocational Education," and by inserting in lieu thereof the following new Salary Schedule:

**STATE BOARD OF EDUCATION OR
STATE BOARD FOR VOCATIONAL EDUCATION**

Classification	Specialist	Supervisor		Director		Assist. Supt.	Assoc. Supt.	Deputy Supt.
Level	1	1	2	1	2			
Years of Experience								
0	\$ 600	\$2,100	\$2,800	\$3,500	\$4,200	\$5,300	\$6,800	\$8,300
1	900	2,400	3,100	3,800	4,500	5,600	7,100	8,600
2	1,200	2,700	3,400	4,100	4,800	5,900	7,400	8,900
3	1,500	3,000	3,700	4,400	5,100	6,200	7,700	9,200
4	1,800	3,300	4,000	4,700	5,400	6,500	8,000	9,500

Section 2. This Act shall be effective July 1, 1968.

Approved December 27, 1967.

CHAPTER 178

**AN ACT TO AMEND SECTION 1108, TITLE 17, DELAWARE
CODE, RELATING TO OUTDOOR ADVERTISING
SIGNS.**

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

Section 1. Section 1108 (b), Title 17, Delaware Code, is hereby amended by striking therefrom the figures "1966" as they appear on the last line of said subsection, and inserting in lieu thereof, the figures "1968".

Approved December 27, 1967.

CHAPTER 179

**AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES
OF THE SEAFORD SPECIAL SCHOOL DISTRICT TO
TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT
SERVICE ACCOUNT TO ITS MINOR CAPITAL IM-
PROVEMENT PROGRAM.**

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 Board of School Trustees of the Seaford Special School District is authorized to transfer the sum of \$24,000 from its local Debt Service Account to its Minor Capital Improvement Program. The sums transferred are to be used for payment of the local district's share of the cost of school repairs, renovations, and improvements authorized by House Bill No. 267, House Amendment No. 1, and Senate Amendments Nos. 1, 2, and 3, as it appears in Chapter 121, Volume 56, Laws of Delaware.

Approved December 27, 1967.

CHAPTER 180

**AN ACT TO PERMIT THE BOARD OF EDUCATION OF
THE MILFORD SPECIAL SCHOOL DISTRICT TO
TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT
SERVICE ACCOUNT TO ITS MINOR CAPITAL IM-
PROVEMENT PROGRAM AND CURRENT OPERATING
EXPENSES.**

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. The Board of Education of Milford Special School District is authorized to transfer the sum of twenty thousand dollars (\$20,000) from its local debt service account, six thousand dollars (\$6,000) thereof to be applied to the minor capital improvement program authorized for said District by House Bill No. 267 (Chapter 121, Volume 56, Laws of Delaware), representing the District's share of the cost of said minor capital improvements, and fourteen thousand dollars (\$14,000) thereof to be used by the District for current operating expenses.

Approved December 27, 1967.

CHAPTER 181

AN ACT AMENDING CHAPTER 3, TITLE 11, DELAWARE
CODE RELATING TO TRESPASS.

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

Section 1. § 871, Title 11, Delaware Code, is amended by striking the figure "\$5" after "not more than" in line three thereof and inserting in lieu thereof the figure "\$25".

Section 2. § 873, Title 11, Delaware Code, is amended by striking the figure "\$25" after "not less than" in line four thereof and inserting in lieu thereof the figure "\$100".

Section 3. § 877, Title 11, Delaware Code, is amended by striking the figure "\$25" before "not more than" in line six thereof and inserting in lieu thereof the figure "\$100".

Approved December 27, 1967.

CHAPTER 182

AN ACT TO REPEAL 29 DELAWARE CODE CHAPTER 34, ENTITLED "NEW CASTLE HISTORIC BUILDINGS COMMISSION," AND TO AMEND SUBCHAPTER III OF 29 DELAWARE CODE CHAPTER 33, ENTITLED "PUBLIC ARCHIVES COMMISSION," TRANSFERRING THE PROPERTY, POWERS AND DUTIES OF THE NEW CASTLE HISTORIC BUILDINGS COMMISSION TO THE PUBLIC ARCHIVES COMMISSION.

PREAMBLE

Whereas, the Public Archives Commission is charged by law with the administration of historic sites and inasmuch as the New Castle Historic Buildings Commission, currently holding title to the State or Court House and other public buildings on the New Castle Market Square and the land upon which they are erected, has agreed by resolution formally adopted to transfer title and control of this historic site to the Public Archives Commission; and

Whereas, the transfer of the property, powers and duties of the New Castle Historic Buildings Commission to the Public Archives Commission is in accordance with the program of the Goals Commission established by the Governor of the State of Delaware to consolidate state agencies wherever possible for greater efficiency of operation; 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 Public Archives Commission shall have charge of and is hereby vested with all those three certain tracts or parcels of land with the buildings thereon erected, bounded and described in the Act of June 13, 1772, being Chapter CCXII of Volume 1 Laws of Delaware, in the Preamble to said Act and in Sections 2 and 5 thereof, and also set out in the Act of March 31, 1913, being Chapter 219, Volume 27, Laws of Delaware, subject to the terms of outstanding leases heretofore made by proper authority. All the said land with the immunities, im-

provements, advantages, hereditaments and appurtenances, and the remainder and revision thereof, shall from and after the passage of this Act be vested in the Public Archives Commission, for the uses and purposes expressed and declared in this Subchapter.

Section 2. The Public Archives Commission, in addition to all powers conferred by law upon it with respect to historical buildings, sites and objects, shall have the following specific powers and authority in connection with the preservation, maintenance and operation of the historic site referred to in Section 1.

(a) To take and hold real and personal estate by deed, devise, bequest, gift, grant or otherwise, and to alien, lease, sell, transfer, and dispose of the same as occasion may require;

(b) To invest and reinvest in property, funds or securities for the benefit of the Commission and the historic site referred to in Section 1 any funds, securities or proceeds of sale received by the Commission for use in connection with said historic site, without regard to the technical rules governing the investment of trust funds by Trustees;

(c) To appoint a local committee to advise in the operation and supervision of the buildings and grounds of said historic site;

(d) To take and hold by grant from the State of Delaware real and personal estate upon such terms, conditions and limitations as may be expressed in such grant;

(e) To maintain a bank account or bank accounts at any banking institution located within the State of Delaware, and to make deposits in and withdrawals from the same;

(f) To accept from the Treasurer of the State of Delaware all moneys from appropriations made by the General Assembly to the Commission, to deposit the same in the Commission's bank account or accounts, and to expend them for the business of the Commission and for the purposes named in said appropriation;

(g) To retain, invest, or expend for the benefit of the Commission and the historic site referred to in Section 1 all income, rents, or profits derived from property, estates, gifts or investments related to said historic site.

Section 3. All cash on hand or on deposit, investments and other assets of the New Castle Historic Buildings Commission shall be transferred and delivered, subject to all outstanding debts and obligations, to the Public Archives Commission to be used in connection with the preservation, maintenance and operation of the historic site referred to in Section 1.

Any donations made to the New Castle Historic Buildings Commission for specific purposes shall be transferred and delivered to the Public Archives Commission to be used for the purposes specified.

All appropriations made by the General Assembly to the New Castle Historic Buildings Commission for the current fiscal year shall be transferred and delivered to the Public Archives Commission to be used for the purposes named in said appropriations.

Section 4. Transfer and delivery to the Public Archives Commission of all assets of the New Castle Historic Buildings Commission referred to in Section 3 shall be accomplished upon the demand of the Public Archives Commission; and certification of transfer and delivery of said assets shall be made by the New Castle Historic Buildings Commission to the Secretary of the State of Delaware within ten (10) days thereafter, whereupon the New Castle Historic Buildings Commission is abolished.

Section 5. All requests for appropriations made by the New Castle Historic Buildings Commission to the State of Delaware for the coming fiscal year are hereby adopted by the Public Archives Commission.

Section 6. Title 29, Delaware Code, Chapter 34, entitled "New Castle Historic Buildings Commission," is hereby repealed.

Approved December 27, 1967.

CHAPTER 183

AN ACT TO AMEND TITLE 9, DELAWARE CODE, RELATING TO THE RECEIPT OF SOCIAL SECURITY AND OTHER BENEFITS BY FORMER SUSSEX COUNTY EMPLOYEES AND ITS EFFECT ON THEIR PENSIONS.

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

Section 1. Section 6414, Title 9, Delaware Code, is repealed.

Approved December 27, 1967.

CHAPTER 184

AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, BY ADDING THE DELAWARE INSTITUTE OF TECHNOLOGY TO THE LIST OF EXEMPT AGENCIES.

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

That Section 5903, Title 29, Delaware Code, be amended by adding thereto a new and additional subsection (19), reading as follows:

Section 5903 (19) All employees of the Delaware Institute of Technology.

Approved December 27, 1967.

CHAPTER 185

AN ACT TO PERMIT HARTLY SCHOOL NO. 96 TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT NO. 81-834 TO ITS 1963 CONSTRUCTION FUND AND TO PERMIT THE STATE TREASURER TO TRANSFER CERTAIN FUNDS FROM THE STATE TREASURER'S BOND ACCOUNT NO. 60-024 TO THE 1963 HARTLY CONSTRUCTION FUND.

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. Hartly School No. 96 is authorized to transfer the sum of \$2740.70 from its local debt service account No. 81-834 to its 1963 Construction Fund to complete payment for architectural services for its 1963 construction program.

Section 2. The State Treasurer is authorized to transfer the sum of \$4111.06 from The State Treasurer's Bond Account No. 60-024 to the 1963 Hartly Construction Fund to complete payment for architectural services for the 1963 Hartly Construction Program.

Approved December 27, 1967.

CHAPTER 186

AN ACT TO AMEND TITLE 8, DELAWARE CODE, ENTITLED "CORPORATIONS," BY MAKING CERTAIN TECHNICAL AND OTHER AMENDMENTS TO SAID TITLE.

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

Section 1. Section 103 of Title 8 of the Delaware Code, is amended by inserting the word "attested" immediately following the words "by a vice president, and "in subparagraph (a) (2) (i); by inserting the words "or, if more than one person signs, one of such persons" immediately following the word "instrument" in paragraph (b) (1); by inserting the words "or that it is the act and deed of the corporation, as the case may be," immediately following the words "his act and deed" in paragraph (b) (1); by substituting the words "the recording fee to be collected by the Recorder shall be increased by 25 percent." for the words "it shall become ineffective upon the expiration of such 20 day period and shall not again become effective until it has been so recorded." in subsection (d); and by deleting the words "and recording" immediately following the words "subsequent to its filing date" in subparagraph (d).

Section 2. Section 136 of Title 8 of the Delaware Code, is amended by substituting the words "president, a vice president, or the secretary thereof" for the words "president or secretary thereof" in subsection (a) and by substituting the words "certified or registered mail" for the words "registered mail" in subsection (a).

Section 3. Section 141 of Title 8 of the Delaware Code, is amended by inserting the sentence "Any director may resign at any time upon written notice to the corporation." after the third sentence of subsection (b).

Section 4. Section 142 of Title 8 of the Delaware Code, is amended by placing a period after the words "may direct" in the

first sentence of subsection (a) and by substituting the following for the remainder of that sentence: "Each officer shall hold his office until his successor is elected and qualified or until his earlier resignation or removal. Any officer may resign at any time upon written notice to the corporation."

Section 5. Section 144 of Title 8 of the Delaware Code, is amended by substituting the words "Interested directors" in lieu of the words "Common or interested directors" in subsection (b).

Section 6. Section 145 of Title 8 of the Delaware Code, is amended by substituting the words "specific case" for the words "manner provided in subsection (d)" in subsection (e), and by substituting the words "seeking indemnification" for the word "indemnified" in subsection (f).

Section 7. Section 155 of Title 8 of the Delaware Code, is amended by substituting the following for the first sentence thereof:

A corporation may, but shall not be required to, issue fractions of a share. In lieu thereof it shall either pay in cash the fair value of fractions of a share, as determined by the board of directors, to those entitled thereto, or issue scrip or fractional warrants in registered or bearer form over the manual or facsimile signature of an officer of the corporation or of its agent, exchangeable as therein provided for full shares but such scrip or fractional warrants shall not entitle the holder to any rights of a shareholder except as therein provided.

Section 8. Section 158 of Title 8 of the Delaware Code, is amended by substituting the words "any other signature on the certificate may be a facsimile." for the words "the signatures of the officers of the corporation may be facsimiles." in the second sentence, and by inserting the words "officer, transfer agent, or registrar" for the word "officer" on each of the three occasions that word appears in the third sentence.

Section 9. Section 170 of Title 8 of the Delaware Code, is amended by deleting the parenthetical clause and all which follows it in subsection (b) and substituting in lieu thereof the following:

(including but not limited to a corporation engaged in the exploitation of natural resources or other wasting assets, including patents, or engaged primarily in the liquidation of specific assets) may determine the net profits derived from the exploitation of such wasting assets or the net proceeds derived from such liquidation without taking into consideration the depletion of such assets resulting from lapse of time, consumption, liquidation or exploitation of such assets.

Section 10. Section 172 of Title 8 of the Delaware Code, is amended by inserting the words "or other records" after the words "books of account" and by inserting the words "or by an appraiser selected with reasonable care by the board of directors" after the words "independent public accountants."

Section 11. Section 202 of Title 8 of the Delaware Code, is amended by substituting the word "corporation" for the word "directors" in paragraph (c) (3).

Section 12. Section 211 of Title 8 of the Delaware Code, is amended by deleting the words "notice of which was given in the notice of the meeting," in subsection (b).

Section 13. Section 218 of Title 8 of the Delaware Code, is amended by inserting the words "at any time within two years prior to the time of the expiration of such agreement," after the word "but" in subsection (c).

Section 14. Section 228 of Title 8 of the Delaware Code, is amended by deleting the word "total" on both occasions where it appears therein.

Section 15. Section 245 of Title 8 of the Delaware Code, is amended by substituting the words "certificate of incorporation" for the words "certificate of amendment" in subsection (b).

Section 16. Section 251 of Title 8 of the Delaware Code, is amended by substituting the words "the holders of such shares are to receive in exchange for such shares or upon their conversion and the surrender of the certificates evidencing such shares" for the words "is to be paid or delivered to the holders of such

shares in exchange for or upon surrender of such shares" in subsection (b) ; by inserting the words "or in lieu of" after the words "in addition to" in subsection (b) ; by deleting the words "into which any of the shares of any of the constituent corporations are to be converted" in subsection (b) ; by inserting the words "or of any other corporation the securities of which are to be received in the merger or consolidation" immediately prior to the period at the end of the second sentence of subsection (b) ; and by substituting the words "office of the Recorder of the County of this State in which the registered office of each such constituent corporation is located" for the words "offices of the Recorders of the counties of this State in which any of the constituent corporations shall have its original certificate of incorporation recorded" in subsection (c).

Section 17. Section 252 of Title 8 of the Delaware Code, is amended by inserting the words "or of the District of Columbia" after the words "United States" in the first sentence of subsection (a) ; by inserting the words "or of the District" after the words "such other state or states" in the first sentence of subsection (a) ; by substituting the words "the holders of each shares are to receive in exchange for such shares or upon their conversion and the surrender of the certificates evidencing such shares" for the words "is to be paid or delivered to the holders of such shares in exchange for or upon the surrender of such shares" in subsection (b) ; by inserting the words "or in lieu of" after the words "in addition to" in subsection (b) ; by deleting the words "into which any of the shares of any of the constituent corporations are to be converted" in subsection (b) ; by inserting the words "or of any other corporation the securities of which are to be received in the merger or consolidation" immediately prior to the period at the end of the second sentence of subsection (b) ; by inserting "certified," after "approved" in subsection (c) ; and by inserting the words "the District of Columbia or" after the words "laws of" in the first sentence of subsection (d).

Section 18. Section 253 of Title 8 of the Delaware Code, is amended by inserting the words "or of the District of Columbia" after the word "states" in the first sentence of subsection (a) ; by substituting the words "office of the Recorder of the County in this State in which the registered office of each con-

stituent corporation which is a corporation of this State is located" for the words "offices of the Recorder of the counties of this State in which any of the constituent corporations shall have its original certificate of incorporation recorded" in the third sentence of subsection (a) ; by inserting the words "the District of Columbia or" after the words "laws of" in the fourth sentence of subsection (a) ; and by substituting the words "by certified or registered mail" for the words "by registered mail" in subsection (d).

Section 19. Section 255 of Title 8 of the Delaware Code, is amended by substituting the words "office of the Recorder of the County in this State in which the registered office of each such constituent corporation is located" for the words "offices of the Recorders of the counties of this State in which any of the constituent corporations shall have its original certificate of incorporation recorded" in subsection (c).

Section 20. Section 256 of Title 8 of the Delaware Code, is amended by inserting the words "or of the District of Columbia" after the words "the United States" in the first sentence of subsection (a) ; by inserting the words "or of the District" after the words "states" in the first sentence of subsection (a) ; and by inserting "non-stock, non-profit" after the words "with one or more" in the third sentence of subsection (a).

Section 21. Section 257 of Title 8 of the Delaware Code, is amended by deleting the first semi-colon in subsection (d) and substituting a comma in lieu thereof, and by adding a new subsection (e) to read as follows:

(e) Nothing in this section shall be deemed to authorize the merger of a charitable non-stock corporation into a stock corporation, if the charitable status of such non-stock corporation would thereby be lost or impaired; but a stock corporation may be merged into a charitable non-stock corporation which shall continue as the surviving corporation.

Section 22. Section 258 of Title 8 of the Delaware Code, is amended by inserting the words "or of the District of Columbia" after the words "United States" in the first sentence of

subsection (a); by substituting the word "place" for the word "state" in the second sentence of subsection (a), and by adding a new subsection (d) to read as follows:

(d) Nothing in this section shall be deemed to authorize the merger of a charitable non-stock corporation into a stock corporation, if the charitable status of such non-stock corporation would thereby be lost or impaired; but a stock corporation may be merged into a charitable non-stock corporation which shall continue as the surviving corporation.

Section 23. Section 259 of Title 8 of the Delaware Code, is amended by substituting the words "any merger or consolidation" for the words "an agreement of merger or consolidation and the merger or consolidation effected thereby" in subsection (a), and by deleting "in accordance with the provisions of said agreement," in subsection (a).

Section 24. Section 262 of Title 8 of the Delaware Code, is amended by inserting the words "or consolidation" after the words "not voted in favor of the merger" in subsection (b), and by substituting for the last sentence of subsection (k) the following:

This subsection shall not be applicable to the holders of a class or series of stock of a constituent corporation if under the terms of a merger or consolidation pursuant to sections 251 or 252 of this title such holders are required to accept for such stock anything except stock or stock and cash in lieu of fractional shares, of the corporation surviving or resulting from such merger or consolidation.

Section 25. Section 311 of Title 8 of the Delaware Code, is amended by placing a period after the word "business" in subsection (b) and deleting the remainder of that subsection.

Section 26. Section 313 of Title 8 of the Delaware Code, is amended by substituting the words "the required filing fee" for the words "the filing fee as required in said subsection" in subsection (b).

Section 27. Section 355 of Title 8 of the Delaware Code,

is amended by substituting the word "give" for the word "given" in subsection (a).

Section 28. Section 376 of Title 8 of the Delaware Code, is amended by designating the present section "subsection (a)" and adding a new subsection (b) to read as follows:

(b) In case the officer whose duty it is to serve legal process, cannot by due diligence serve the process in any manner provided for by subsection (a) of this section, it shall be lawful to serve the process against the corporation upon the Secretary of State, and the service shall be as effectual to all intents and purposes as if made in any of the ways provided for in subsection (a). Within two business days after service upon the Secretary of State, it shall be the duty of the Secretary of State to notify the corporation thereof by sending two identical letters, one directed to the corporation at its last registered office in this State and one directed to the main or headquarters place of business of the corporation without this State as listed in the last annual report filed pursuant to Section 374. In each letter a copy of the process or other papers served shall be included. It shall be the duty of the plaintiff in any action in which the process shall be issued, to pay to the Secretary of State, for the use of the State, the sum of \$5, which sum shall be taxed as a part of the costs in the action if the plaintiff shall prevail therein. The Secretary of State shall alphabetically enter in the "process book" the name of the plaintiff and defendant, the title of the action in which process has been served upon him, the text of the process so served and the return day thereof, and the day and hour when the service was made.

Section 29. Section 380 of Title 8 of the Delaware Code, is amended by inserting the words "the District of Columbia or of" before the words "any state of the United States other than Delaware" and before the words "state in which the foreign corporation is organized."

Section 30. Section 383 of Title 8 of the Delaware Code, is amended by inserting the word "not" after the word "shall" in the last sentence of subsection (a).

Section 31. Section 391 of Title 8 of the Delaware Code,

is amended by deleting the words "and the affidavit" from paragraph (a) (5), and by substituting a period for the last semicolon in paragraph (a) (6) and deleting the remainder of that paragraph.

Section 32. Section 505 (c) of Title 8 of the Delaware Code, is amended to read:

(c) Any corporation, within a 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 upon which the petitioner relies. The Secretary of State shall 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.

Section 33. All rights, privileges and immunities vested or accrued by and under any laws enacted prior to the adoption or amendment of this Act, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws enacted prior to the adoption or amendment of this Act, shall not be impaired, diminished or affected by this Act.

Approved January 2, 1968.

CHAPTER 187

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION, BY CHANGING CERTAIN OF THE ADMINISTRATIVE PROVISIONS THEREOF AND CREATING A SPECIAL ADMINISTRATION FUND.

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

Section 1. Chapter 31, Title 19, Delaware Code, is amended by adding thereto an additional section, to read:

Section 3166. (a) *Special administration fund.* There is hereby created in the State treasury a special fund to be known as the special administration fund. This fund shall consist of all interest and penalties collected under the provisions of this part after September 30, 1967.

(b) *Administration of the fund.* All interest and penalty payments collected pursuant to the provisions of this part shall be deposited in the clearing account of the unemployment compensation fund for clearance only and shall not become part of said fund. After clearance, the moneys derived from such payments shall be deposited in the special administration fund. All moneys in the special administration fund shall be deposited, administered, and disbursed in the same manner as is provided by law for other special funds in the State Treasury, and such moneys shall be maintained in a separate ledger account on the books of the Budget Director. The State Treasurer shall be the custodian of, and shall be liable on his official bond for the faithful performance of his duties in connection with, the special administration fund. Such liability on the official bond shall exist in addition to the liability upon any separate bond which may be given by the State Treasurer. All sums recovered on any such official bond for losses sustained by the special administration fund shall be deposited in this fund. The premium for such official bond shall be paid from the moneys in the special administration fund. Balances to the credit of the special administration fund shall not lapse at any time but shall be continually available to the Commissioner for expenditures consistent with the pro-

visions of this section. If on September 30th of any calendar year the balance in the special administration fund exceeds \$1,000.00, the State Treasurer shall promptly transfer the entire amount over \$1,000.00 to the unemployment compensation fund.

(c) *Use of fund.* The moneys in the special administration fund may be used by the Commission for:

The payment of costs of the administration of this part which are not properly and validly chargeable against Federal granted funds or other funds received for or in the unemployment compensation administration fund;

Replacement, within a reasonable time and subject to the provisions of Section 3165, of any moneys received by this State in the form of grants from the Federal government for administrative expenses which because of any action or contingency have been lost or have been expended for purposes other than or in amounts in excess of those considered by the United States Secretary of Labor to be necessary for the proper and efficient administration of this part;

A revolving fund to cover expenditures for which Federal funds have been duly requested but not yet received, subject to the replacement of the amount expended when such funds are received; and refunds or erroneously collected interest and penalties subject to the provisions of Section 3365.

Section 2. The beginning of the second paragraph of Section 3161, Title 19, Delaware Code, is amended to read:

This fund shall consist of

- (1) All assessments collected under this part, together with any interest thereon collected prior to October 1, 1967, pursuant to Sections 3357-3365 of this part;
- (2) All penalties collected prior to October 1, 1967, pursuant to the provisions of this part;

Section 3. The fifth and sixth sentences of Section 3162 (a), Title 19, Delaware Code, are amended to read as follows:

Refunds payable pursuant to Section 3365 of this part shall

be paid in accordance with the provisions of that section and may be paid from the clearing account upon warrants issued by the State Treasurer under the direction of the Commission.

Notwithstanding any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this State, after clearance thereof, all moneys in the clearing account derived from assessments shall be immediately deposited with the Secretary of the Treasury of the United States, to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to Section 904 of the U. S. Social Security Act, as amended, and all moneys derived from interest and penalties shall be deposited in the special administration fund established and maintained pursuant to the provisions of Section 3166 of this part.

Section 4. Chapter 31, Title 19, Delaware Code, is hereby amended by repealing Section 3165 thereof and substituting and enacting in lieu thereof the following new section:

§ 3165. Reimbursement of administration fund by State

If any moneys received after June 30, 1941, from the Secretary of Labor under Title III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this State pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this State or its political subdivisions are found by the Secretary of Labor, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by the Secretary of Labor for the proper administration of this part, it is the policy of this State that such amounts shall be replaced from the moneys in the special administration fund. Upon receipt of notice of such a finding by the United States Secretary of Labor, the Commission shall promptly replace the amount required for such replacement from the special administration fund, or, if the balance in this fund is insufficient, it shall promptly report the amount required for such replacement to the Governor, and the Governor shall, at the

earliest opportunity, submit to the legislature the request for the appropriation of such amount. This Section and Section 3164 of this title shall not be construed to relieve this State of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Title III of the Social Security Act.

Section 5. The last sentence in the first paragraph of §3357, Title 19, Delaware Code, is amended to read as follows:

Interest collected pursuant to this section after September 30, 1967, shall be paid into the special administration fund.

Section 6. The last sentence in the last paragraph of §3357, Title 19, Delaware Code, is amended to read as follows:

As used in this section "State" includes the District of Columbia and Puerto Rico.

Section 7. Section 3360, Title 19, Delaware Code, is amended to read:

§ 3360. Assessments, penalties and interest as debt to fund; reduction to judgment

The assessments, penalties, and interest due from the employer under the provisions of this chapter, from the time they become due, shall be a debt of the employer to the unemployment compensation fund and may be reduced to judgment in accordance with Sections 3358 and 3361 of this title, except that the interest and penalty from the employer under the provisions of this title after September 30, 1967, shall be a debt of the employer to the special administration fund.

Section 8. Chapter 33, Title 19, Delaware Code, is hereby amended by repealing §3365 thereof and substituting and enacting in lieu thereof the following new section:

§ 3365. Adjustments and refunds

(a) If not later than four years after the date on which any assessments became due, an employer who has paid such assessments makes application for an adjustment thereof in connection with subsequent assessment payments, or for a refund

thereof because such adjustment cannot be made, and the Commission determines that such assessments or any portion thereof was erroneously collected, the Commission shall allow such employer to make an adjustment thereof in connection with subsequent assessment payments by him, or if such adjustment cannot be made, the Commission shall refund the amount from the fund. For like cause and within the same period, adjustment or refund may be so made on the Commission's own initiative.

(b) If not later than four years after the date of payment of any amount of interest or penalty, an employing unit which has made such payment determines that it was made erroneously, it may request to have any subsequent amount of interest and penalties which has been, or might be, assessed against him, adjusted by the amount of the erroneous payment, or, if it appears that such adjustment would not be feasible within a reasonable time, it may request a refund of the erroneous payment. If, upon receipt of such a request, the Commission determines that the payment of interest or penalties, or any portion thereof, was erroneous, it shall allow such employing unit to make an adjustment in an amount equal to that erroneously paid, without interest, in connection with any subsequent interest or penalty payment which may be due, or, if such adjustment cannot be made, the Commission shall refund the amount, without interest, from the fund into which such payment was deposited or from the interest and penalty moneys in the clearing account in the unemployment compensation fund. For like cause, within the same period, and subject to the same conditions, adjustment or refund of interest or penalty may be so made on the Commission's own initiative.

Approved December 27, 1967.

CHAPTER 188

AN ACT AMENDING CHAPTER 17 OF TITLE 10, DELAWARE CODE OF 1953, RELATING TO THE JUDGES OF THE MUNICIPAL COURT FOR THE CITY OF WILMINGTON.

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 1702 of Title 10, Delaware Code of 1953, is hereby repealed and the following new §1702 is enacted in lieu thereof:

§ 1702. Appointment of judges; terms; qualifications; salary

(a) The Governor shall, with the approval of the Senate, appoint and commission two Judges, each for a term of 12 years and each of whom shall be qualified to hold and preside over the Municipal Court for the City of Wilmington. Both Judges shall not be appointed from the membership of the same political party.

(b) No person shall be eligible to hold the office of Judge of the Municipal Court for the City of Wilmington unless he has been duly licensed to practice law before the Supreme Court of this State for at least five years preceding his appointment and has been a resident of the City of Wilmington for a period of three years prior to the date of his appointment.

(c) Whenever used in this Code or in any other law of this State, unless the context requires a different meaning, the term "City Judge" shall mean the two Judges of the Municipal Court for the City of Wilmington.

(d) The Judges of such Court shall receive a compensation equal in the amount as provided for by the Council of the City of Wilmington.

(e) No Judge of such Court shall, upon assuming his duties, practice law during his term of office.

Section 2. This law shall take effect February 1, 1969; provided, however, that the Judges of the Municipal Court now serving shall have the option of completing their respective terms of office without regard to the provisions of subsection (e) of Section 1702.

Approved December 28, 1967.

CHAPTER 189

AN ACT TO PROVIDE FOR A CONSTITUTIONAL REVISION COMMISSION.

WHEREAS, there has been an expression of sentiment in favor of revising the Constitution of the State of Delaware; and

WHEREAS, the history of previous Constitutional Conventions reveals that such conventions were often conducted in secret and the Constitutions promulgated without the general public of the State being apprised of the provisions of the Constitutions until after their promulgation; and

WHEREAS, the experience of other states has shown that a Constitutional Convention is time consuming and inefficient, and that Constitutional Revision Commissions are more effective and efficient, now then

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

Section 1. There is hereby created the Delaware Constitutional Revision Commission which shall consist of five members to be appointed by the Governor, five members to be appointed by the President Pro tempore of the Senate, and five members to be appointed by the Speaker of the House. Three members of the Commission shall reside in Sussex County, three members shall reside in Kent County, three members shall reside in the City of Wilmington, and six members shall reside in New Castle County outside the City of Wilmington. Of the fifteen members, the Governor, President Pro tempore of the Senate and Speaker of the House shall each appoint one member from Sussex County, one member from Kent County, one member from the City of Wilmington, and two members from New Castle County outside the City of Wilmington. No more than eight members shall be registered members of the political party which received the largest vote for Governor at the last general election. All appointments shall be made within thirty days of the effective date hereof. Within thirty days of the last appointment, the members of the Commission shall, by majority vote, elect a

chairman from among the members of the Commission. If the members of the Commission do not elect a chairman within the time provided, the Governor shall name an acting chairman from among the members of the Commission, and the acting chairman shall act as chairman until the members elect a permanent chairman as provided in this section. The permanent chairman, or the acting chairman if no permanent chairman has been elected, shall serve in such a position until the purposes of this act are completed or until he vacates the chair by resignation or death or until he shall be removed from the position of chairman by a vote of no less than eight members of the Commission.

Section 2. The Commission shall, before January 10, 1969, submit to the General Assembly a proposed draft for a new Constitution for the State of Delaware, or shall present a draft of proposed amendments to the present Constitution.

Section 3. The Commission shall have full power and authority to engage such aid and assistance as it deems necessary in order to effectuate the purpose of this act.

Section 4. The sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated from the General Fund of the State of Delaware to enable the Commission established hereby to carry out the purposes of this Act.

Section 5. Any of the monies appropriated herein which shall remain unexpended on June 30, 1969, shall revert to the Fund from which they are herein appropriated.

Approved December 28, 1967.

CHAPTER 190

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968" BEING CHAPTER 40, VOLUME 56, LAWS OF DELAWARE, AS AMENDED.

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

Section 1. Chapter 40, Volume 56, Laws of Delaware, as amended, is further amended by adding to Section 15 thereof the following:

This section shall apply except to the transfer of up to \$30,000 appropriated to the Department of Mental Health for Salaries and Wages which the Budget Director is hereby authorized to transfer, pursuant to Section 6314 (6) of Title 29, of the Delaware Code, for the purpose of purchasing of Supplies and Materials-Drugs.

Approved December 28, 1967.

CHAPTER 191

AN ACT TO AMEND TITLE 3, DELAWARE CODE, ENTITLED AGRICULTURE BY PROVIDING FOR INSPECTION OF LIVESTOCK AND POULTRY SLAUGHTERED OR PROCESSED; MEAT PRODUCTS; CONDEMNATION AND DESTRUCTION OF CARCASSES AND PRODUCTS UNFIT FOR HUMAN FOOD; REGULATION OF SANITATION OF ESTABLISHMENTS; REGULATION OF MARKING AND LABELING OF CARCASSES AND PRODUCTS THEREOF; PROVIDING PENALTIES; AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. Title 3, Delaware Code, is amended by adding thereto a new part to read :

**PART VIII. MEAT INSPECTION
CHAPTER 87. MEAT AND POULTRY INSPECTION
SUBCHAPTER I. GENERALLY**

§ 8701. Short title

This chapter may be cited as the "Meat and Poultry Products Inspection Act".

§ 8702. Declaration of policy

Meat, meat food products, and poultry products are an important source of the supply of human food in this State and legislation to assure that such food supplies are wholesome, unadulterated, and otherwise fit for human consumption, and properly labeled is in the public interest. Therefore, it is hereby declared to be the policy of this State to provide for the inspection as herein provided of livestock and poultry slaughtered, and the carcasses, parts thereof, meat food products and poultry products processed therefrom, for human food, at certain establishments to prevent the distribution in intrastate commerce, for human consumption of livestock and poultry carcasses and parts

thereof, meat food products, and poultry products which are unwholesome, adulterated or otherwise unfit for human food or improperly labeled.

§ 8703. Definitions

As used in this chapter:

(a) "Intrastate commerce" means commerce within this State.

(b) "Board" means the State Board of Agriculture of this State, or any person authorized to act in its stead.

(c) "Board of Health" means the State Board of Health.

(d) "Chief Inspector" means the employee of the State Board of Agriculture designated to be the Chief enforcement officer for this Chapter.

(e) "Livestock" means cattle, sheep, swine, or goats.

(f) "Meat" means any edible part of the carcass of any livestock.

(g) "Meat food product" means any article of food, or any article intended for or capable of use as human food, which is derived or prepared, in whole or in part, from any portion of any livestock, unless exempted by the Board upon its determination that the article (1) contains only a minimal amount of meat and is not represented as a meat food product or (2) is for medicinal purposes and is advertised only to the medical profession.

(h) "Poultry" means any live or slaughtered domesticated bird.

(i) "Poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, heart, and viscera have been removed in accordance with rules and regulations promulgated by the Board, any edible part of poultry, or any human food product consisting of any edible part of poultry separately or in combination with other ingredients. However, any such human food product may be exempted from this definition by the Board upon its determination that the product (1) contains only a minimal amount of poultry

and is not represented as a poultry product or (2) is used for medicinal purposes and is advertised only to the medical profession.

(j) "Wholesome" means sound, healthful, clean and otherwise fit for human food.

(k) "Unwholesome" means

(1) unsound, injurious to health, containing any biological residue not permitted by rules or regulations prescribed by the Board, or otherwise rendered unfit for human food;

(2) consisting in whole or in part of any filthy, putrid, or decomposed substance;

(3) processed, prepared, packed, or held under unsanitary conditions whereby any livestock or poultry carcass or part thereof or any meat food product or poultry product may have become contaminated with filth or may have been rendered injurious to health;

(4) produced in whole or in part from livestock or poultry which has died otherwise than by slaughter; or

(5) packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(l) "Adulterated" shall apply to any livestock or poultry carcass, part thereof, meat food product or poultry product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but, in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quality of such substance does not ordinarily render it injurious to health;

(2) If it bears or contains any added poisonous or added deleterious substance, unless such substance is permitted in its production or is unavoidable under good manufacturing practices as may be determined by rules and regulations prescribed by the Board; Provided, that any quantity of such added substances exceeding the limit so fixed shall also be deemed to constitute adulteration;

(3) If any substance has been substituted, wholly or in part, therefor;

(4) If damage or inferiority has been concealed in any manner;

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom;

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(m) "Inspector" means an employee or official of this State authorized by the Board to:

(1) inspect livestock or poultry or carcasses or parts thereof, meat food products, or poultry products under the authority of this Chapter; and,

(2) to inspect the premises, facilities, equipment, and surroundings of establishments.

(n) "Official inspection mark" means any symbol, formulated pursuant to rules and regulations prescribed by the Board stating that an article was inspected and passed.

(o) "Inspection service" means the official Government service within the Department of Agriculture of this State designated by the Board as having the responsibility for carrying out the provisions of this Chapter.

(p) "Container" and "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(q) "Official establishment" means any establishment in this State as determined by the Chief Inspector at which inspection of the slaughter of livestock or poultry or the processing of livestock or poultry carcasses or parts thereof, meat food products, or poultry products, is maintained under the authority of this Chapter.

(r) "Label" means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer pack-

age, of an article, or accompanying such article.

(s) "Shipping container" means any container used or intended for use in packaging the article packed in an immediate container.

(t) "Immediate container" means any consumer package; or any other container in which an article, not consumer packaged, is packed.

(u) "Federal Meat Inspection Act" means the Act of Congress approved March 4, 1907, as amended and extended (21 U.S.C. 71 *et seq.*) and the imported meat provisions or subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 106 (b) and (c)).

(v) "Federal Poultry Products Inspection Act" means the Act of Congress approved August 28, 1957, as amended (21 U.S.C. 451 *et seq.*).

(w) "Person" means any individual, partnership, corporation, association or other business entity.

§ 8704. Cost of inspection

The cost of inspection rendered under this Chapter shall be borne by the State.

§ 8705. Hours and days for slaughtering

Hours and days for slaughtering shall be established by the Board under the rules promulgated by it under this Chapter.

SUBCHAPTER II. INSPECTION

§ 8707. Inspection required

(a) For the purpose of preventing the entry into or movement in intrastate commerce of any livestock or poultry carcass, part thereof, meat food product or poultry product which is unwholesome or adulterated and is intended for or capable of use as human food, the Chief Inspector shall, where and to the extent considered by him necessary, cause to be made by inspectors ante-mortem inspection of livestock and poultry in any official establishment where livestock or poultry are slaughtered

for such commerce.

(b) For the purpose stated in subsection (a), the Chief Inspector whenever slaughtering or other processing operations are being conducted, may cause to be made by inspectors post-mortem inspection of the carcasses and parts thereof of each animal and bird slaughtered in any such official establishment and may cause to be made by inspectors an inspection of all meat food products and poultry products processed in any official establishment in which meat food products or poultry products are processed for intrastate commerce.

(c) The Chief Inspector shall cause to be taken samples of livestock and poultry carcasses and parts thereof, meat food products and poultry products where and to the extent considered by him necessary to effectuate the purposes of this Chapter.

(d) The Chief Inspector shall also cause, at any time, such quarantine, segregation, and reinspection of livestock and poultry, livestock and poultry carcasses and parts thereof, meat food products and poultry products in official establishments as he deems necessary to effectuate the purposes of this Chapter.

(e) All livestock and poultry carcasses and parts thereof, meat food products, and poultry products found by an inspector to be unwholesome or adulterated in any official establishment shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That articles, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If any appeal be taken from such determination, the articles shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Board determines that the appeal is frivolous. If the determination of condemnation is sustained, the articles shall be destroyed for human food purposes under the supervision of an inspector.

(f) No official establishment in this State shall slaughter any livestock or poultry or process any livestock or poultry or

process any livestock or poultry carcasses, or parts thereof, meat food products, or poultry products, for human consumption, except in compliance with the requirements of this Chapter.

(g) For the purpose of this Chapter, the Board shall employ as inspectors persons who are trained and skilled in the inspection of meats and meat food products for wholesomeness and healthfulness. This does not apply to Chief Inspector who must be a veterinarian.

§ 8708. Standards for official establishments

(a) The premises, facilities and equipment of each official establishment shall be maintained, kept and operated in accordance with regulations approved by the State Board of Agriculture.

(b) Every vehicle used by an official establishment under state inspection for transporting dressed carcasses and poultry intended for human consumption, parts thereof, meats or meat products, inspected and marked in accordance with this Chapter shall be maintained in a clean and sanitary condition and shall be regularly inspected by inspectors stationed at the establishment in accordance with the regulations of the Board conducting the inspection of such establishments.

(c) No official establishment shall be constructed, altered, renovated or added to unless suitable plans for such construction, alteration, renovation or addition have been submitted to the Board and a written approval has been obtained from the Board prior to beginning such construction, alteration, renovation or addition.

(d) No livestock or poultry carcasses or parts thereof, meat food product or poultry products shall be admitted into any official establishment unless they have been prepared under the inspection pursuant to this Chapter or the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, or their admission is permitted by rules or regulations prescribed by the Board under this Chapter.

(e) The Chief Inspector shall refuse to approve inspection to any establishment whose premises, facilities, or equipment, or

the operation thereof, fail to meet the requirements of this section.

§ 8709. Labeling and marking

(a) Each shipping container of any meat, meat food product, or poultry product inspected under the authority of this Chapter and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which contents were processed. Each immediate container of any meat, meat food product or poultry product inspected under the authority of this Chapter and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients, including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the article was prepared and packed. Each livestock carcass and each primal part of such a carcass shall bear the official inspection mark and approved plant number of the establishment when it leaves the official establishment. The Board may by rules or regulations require additional marks or label information to appear on livestock or poultry carcasses or parts thereof, meat food products or poultry products when they leave the official establishments or at the time of their transportation or sale in this State, and the Chief Inspector may permit reasonable variations and grant exemptions from the marking and labeling requirements of this subsection in any manner not in conflict with the purposes of this Chapter. Official inspection marks and labels required under this subsection shall be applied only by, or under the supervision of, an inspector.

(b) The use of any written, printed or graphic matter upon or accompanying any livestock or poultry carcass, or part there-

of, meat food product, or poultry product inspected or required to be inspected pursuant to the provisions of this Chapter or the container thereof, which is false or misleading in any particular is prohibited. No livestock or poultry carcasses or parts thereof, meat food products, or poultry products inspected or required to be inspected pursuant to the provisions of this Chapter shall be sold or offered for sale by any person under any false or deceptive name; but established trade names which are usual to such articles and which are not false or deceptive and which shall be approved by the Chief Inspector are permitted. Proposed labels shall be submitted by any official establishment to the Board for approval prior to printing and again prior to use. If the Chief Inspector has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Chief Inspector, he may request a hearing by the Board, but the use of the label shall, if the Chief Inspector so directs, be withheld pending hearing and final determination by the Board.

(c) Each carcass or part thereof which is found on post-mortem inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, shall be marked conspicuously by the inspector at the time of inspection with the words, "Delaware inspected and condemned."

SUBCHAPTER III. LICENSING

§ 8711. License for operating official establishments

No person shall operate and maintain an official establishment within this State without first having received a license from the Board.

§ 8712. Applications for license

Persons desiring a license to operate and maintain an official establishment shall make application in duplicate upon forms which may be secured from the Board. The application shall contain the name and address of the applicant, the location of

the official establishment and such other pertinent information as shall be prescribed by the Board in pursuance of the provisions of this Chapter.

§ 8713. License fee; issuance and term of license

(a) The application shall be accompanied by a fee of \$10. Upon receipt of the application and fee the Board shall inspect the official establishment, and upon a finding that the official establishment is capable of being operated in a sanitary and satisfactory manner, shall issue a license.

(b) The license shall be for the fiscal year ending June 30th, unless sooner revoked as provided in this Chapter, and it shall be renewable annually thereafter.

(c) The license fee shall be payable to the State Treasurer.

§ 8714. Form and display of license

All licenses granted shall be numbered and describe the location of the official establishment, and shall be displayed in a conspicuous place on the premises so covered.

§ 8715. Denial or revocation of license; grounds

A license may be denied at the time of the application or revoked after its issuance if the official establishment of the applicant is in an unsanitary condition, or becomes so thereafter, or if the establishment of the applicant fails to provide for the removal of its filth or other refuse in a sanitary manner or in a manner not creating a noisome or obnoxious condition, or if the establishment violates any other rules or regulations laid down by the Board.

§ 8716. Revocation of licenses; duration and effect

(a) The Board may revoke any license issued under the provisions of this Chapter whenever it determines that any provisions of this Chapter have been violated.

(b) Any person whose license has been revoked shall discontinue the operation of an official establishment within this State until the provisions of this Chapter have been complied with and a new license issued.

(c) The Board may suspend a license temporarily until there is a compliance with such conditions as it may prescribe, or permanently for the unexpired period of such license.

SUBCHAPTER IV. EXCEPTIONS

§ 8720. Conflict with federal law

(a) This Chapter shall not apply to any act or transaction subject to regulation under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act.

(b) The Board may cooperate with the Federal Government and the several state governments in carrying out the provisions of this Chapter or the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act. Such cooperation may include application and use of federal funds where applicable to assisting in carrying out the rules and regulations as set forth in this Chapter.

§ 8721. Exemptions

(a) The Board shall, by regulation and under such conditions as to labeling, and sanitary standards, practices, and procedures as it may prescribe, exempt from specific provisions of this Chapter:

(1) livestock producers and poultry producers with respect to livestock and poultry carcasses and parts thereof, meat food products, and poultry products, processed by them from livestock or poultry of their own raising or finishing on their own farms, incidental to their farming, which they sell at their farm directly to household consumers: *Provided*, That such livestock producers do not engage in the business of buying or selling livestock carcasses or parts thereof, or meat food products, other than those produced from livestock raised or finished on their own farms and such poultry producers do not engage in the business of buying or selling poultry carcasses or parts thereof, or poultry products other than those produced from poultry raised on their own farms;

(2) retail dealers with respect to meat and meat food products previously inspected pursuant to this Chapter and sold directly to consumers without further processing in individual

retail stores; and retail dealers with respect to poultry products previously inspected pursuant to this Chapter and sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers with respect to poultry is the cutting up of poultry products on the premises where such sales to consumers are made;

(3) any person engaged in slaughtering livestock or poultry or processing livestock or poultry carcasses or parts thereof, meat food products, or poultry products for intrastate commerce, and the articles so processed by such person, whenever the Chief Inspector determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Chapter;

(4) persons slaughtering livestock or poultry or otherwise processing or handling livestock or poultry carcasses or parts thereof, meat food products, or poultry products, which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Chief Inspector determines is necessary to avoid conflict with such requirements while still effectuating the purposes of this Chapter;

(5) the transportation of dead and condemned carcasses of animals to rendering plants.

(b) The Board may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Chapter.

SUBCHAPTER V. ENFORCEMENT

§ 8724. Regulations

The Board shall promulgate such rules and regulations and appoint such veterinarians and other qualified personnel as are necessary to carry out the purposes or provisions of this Chapter. Such rules and regulations shall be in conformity with the rules and regulations under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act as now in effect and with subsequent amendments thereof unless they are considered by the Board as not to be in accord with the objectives of this Chapter.

§ 8725. Keeping records

For the purpose of enforcing the provisions of this Chapter, persons engaged in this State in the business of processing for intrastate commerce or transporting, shipping or receiving in such commerce livestock or poultry slaughtered for human consumption, or meat, meat food products or poultry products, or holding such articles so received, shall maintain such records as the Board by regulation may require, showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of such articles and shall, upon the request of a duly authorized representative of the Board, permit, at reasonable times, access to and the copying of all such records. Any record required to be maintained by this section shall be maintained for a period of 2 years after the transaction, which is the subject of such record, has taken place.

§ 8726. Prohibited acts

The following acts or the causing thereof within this State are prohibited:

(a) The processing for, or the sale or offering for sale, transportation, or delivery or receiving for transportation, in intrastate commerce, of any livestock carcass or part thereof, meat food product, or poultry product, unless such article has been inspected for wholesomeness and unless the article and its shipping container and immediate container, if any, are marked in accordance with the requirements under this Chapter or the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act.

(b) The processing for, or the sale or offering for sale, transportation, or delivering or receiving for transportation, in intrastate commerce, of any meat, poultry or products thereof, sausage casings or other casings that contain artificial coloring. Casings shall not have an amber or smoked color of such shade, degree or intensity as to give a false impression with respect to smoking or degree of smoking of the meat or poultry.

(c) The sale or other disposition for human food of any livestock or poultry carcass or part thereof, meat food product, or poultry product which has been inspected and declared to be

unwholesome or adulterated under this Chapter.

(d) Falsely making or issuing, altering, forging, simulating, or counterfeiting, or using without proper authority any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, used in connection with inspection under this Chapter, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, counterfeiting, or unauthorized use, or knowingly possessing, without promptly notifying the Chief Inspector or his representative, uttering, publishing or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any article has been officially inspected under the authority of this Chapter when such article has in fact not been so inspected, or knowingly making any false representation in any certificate prescribed by the Board in rules or regulations under this Chapter or any form resembling any such certificate.

(e) Using in intrastate commerce a false or misleading label on any livestock or poultry carcass or part thereof, meat food product, or poultry product.

(f) The use of any container bearing an official inspection mark except for the article in the original form in which it was inspected and covered by such mark unless the mark is removed, obliterated, or otherwise destroyed.

(g) The refusal to permit access by any duly authorized representative of the Board, at all reasonable times, to the premises of an establishment in this State at which livestock or poultry are slaughtered or the carcasses or parts thereof, meat food products, or poultry products are processed for intrastate commerce, upon presentation of appropriate credentials.

(h) The refusal to permit access to and the copying of any record as authorized by Section 8725 of this title.

(i) The using by any person to his own advantage, or revealing, other than to the authorized representatives of any government agency in their official capacity, or to the courts

when relevant in any judicial proceeding, any information acquired under the authority of this Chapter, concerning any matter which as a trade secret is entitled to protection.

(j) Delivering, receiving, transporting, selling, or offering for sale or transportation in intrastate commerce, for human consumption, any uneviscerated slaughtered poultry, or any livestock or poultry carcass or part thereof, meat food product or poultry product which has been processed in violation of any requirements under this Chapter, except as may be authorized by and pursuant to rules and regulations prescribed by the Board.

(k) Delivering, receiving, transporting, selling or offering for sale or transportation in intrastate commerce any livestock or poultry carcass or part thereof, meat food product, or poultry product which is exempted under this title and is unwholesome or adulterated, and is intended for human consumption.

(l) Delivering, receiving, transporting, selling or offering for sale or transportation in intrastate commerce, horse, mule, stillborn calf or burro meats shall be unlawful in this State, if intended for human consumption.

(m) Applying to any livestock or poultry carcass or part thereof, meat food product, or poultry product, or any container thereof, any official inspection mark or label required under this Chapter, except by, or under the supervision of, an inspector.

(n) The slaughtering of horses, mules, or burros in establishments coming under the jurisdiction of this Chapter where cattle, calves, sheep, swine and poultry are slaughtered for human consumption, or to bring horse meat into establishments where meat or poultry or products thereof are prepared for human consumption.

The adding of horse meat to meat, or products thereof, for human consumption in official establishments coming within the jurisdiction of this Chapter, and the Chief Inspector may seize and destroy for food purposes any such meat or products thereof, wherever found, to which horse meat has been added.

§ 8727. Penalties; jurisdiction

(a) Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 1 year, or a fine of not more than \$3,000 or both.

(b) When construing or enforcing the provisions of this Chapter, the act, omission, or failure of any person acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such employer, as well as of such person committing the act.

(c) No carrier or warehouseman shall be subject to the penalties of this Chapter, other than the penalties for violation of Section 8725 of this title, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman, of livestock or poultry carcasses, parts thereof, meat food products, or poultry products, owned by another person, unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe, that such articles were not inspected or marked in accordance with the provisions of this Chapter or were not otherwise in compliance with this Chapter.

§ 8728. Reporting of violations

Before any violation of this Chapter is reported by the Chief Inspector to the Attorney General for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Chapter shall be construed as requiring the Chief Inspector to report for criminal prosecution violations of this Chapter whenever he believes that the public interest will be adequately served and compliance with the Chapter obtained by a suitable written notice or warning.

§ 8729. Denial of inspection

The Board may withdraw or otherwise deny inspection under this Chapter with respect to any establishment, for such

period as he deems necessary to effectuate the purpose of this Chapter, for any violation of the Chapter or any requirements thereunder by the operator of such establishment.

SUBCHAPTER VI. HEARINGS AND APPEALS

§ 8730. Hearings; notice; records

(a) Before refusing an application for licensing as an official establishment and in other cases where a person deems himself aggrieved by any action or ruling of the Chief Inspector, the Board shall hold a hearing at which time, the applicant or aggrieved party 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 or aggrieved party 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 decision, opinion, or report by the officer presiding at the hearing; and
- (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) Finding of fact shall be based exclusively on the evidence and on matters officially noticed.

(g) The Board shall notify the applicant or aggrieved party in writing of its decision and reasons therefor.

§ 8731. Appeals

(a) Any person who deems himself aggrieved by any final action of the Board may appeal such decision to the Superior Court of the State of Delaware by filing a petition for appeal with such court within 20 days after the mailing of the notice of the decision of the Board.

(b) The Court may grant a stay of any order pending a determination of the appeal upon appropriate terms.

Section 2. Chapter 37, Title 16, Delaware Code, relating to Poultry Processing, is repealed.

Section 3. The sum of \$52,660.00 is appropriated to the State Board of Agriculture for the fiscal year ended June 30, 1968. The sums so appropriated may be used prior to the enforcement of the regulatory provisions of this Act for employment and training of personnel and the purchase of equipment and supplies.

Section 4. The funds appropriated under Section 3 of this Act shall immediately be available to the Board on the date on which the Act is signed by the Governor, while the other provisions of this Act shall take effect six months after the date on which it is signed by the Governor; provided, however, that where, upon the initial inspection by the Inspector pursuant to this Chapter, an official establishment is found to fail to meet the standards of § 8708 of Section 1 of this Act, the owner of such official establishment shall be given 6 months to comply with said standards, and for good cause shown may be granted an additional six month period to comply with such standards.

Section 5. This Act is a supplementary appropriation and the money shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved December 28, 1967.

CHAPTER 192

AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 1, SUBCHAPTER II, SECTION 122, BY ADDING A PROVISION RELATIVE TO SUMMER DRIVER EDUCATION, AND PROVIDING AN APPROPRIATION THEREFOR.

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

Section 1. Delaware Code, Title 14, Chapter I, Subchapter II, Section 122, is hereby amended by adding to the subsection (b) a new subparagraph "(19)", as follows:

(19) Providing for instruction in Driver Education during the summer months beyond the period usually designated as the school term. Rules and regulations shall provide for a comprehensive program including at least that:

- (a) The program presented is in cooperation with the State Highway Department and the Delaware Safety Council and shall use dual controlled vehicles and follow procedures provided in Section 2708 (c), Chapter 27, Title 21, Delaware Code.
- (b) The program will be available to any pupil who is a resident of the school district in which the program is offered or in which the program is offered in cooperation with other school districts, who has been enrolled in or is eligible for enrollment in the tenth grade or who is enrolled in grades eleven or twelve.
- (c) Teachers shall be assigned on a ratio of 140 qualified pupils, or one-fifth of a teacher assignment may be made for each 28 qualified pupils, except as said ratio shall be modified by other sections of this Title enacted after July 1, 1967.
- (d) Instruction is available to qualified pupils without charge to said pupils.
- (e) Teachers shall be regularly certified to teach Driver Education.

- (f) Salaries paid to teachers assigned to the program shall be paid in accordance with the provisions of Chapter 13 of this Title.

Approved December 28, 1967.

CHAPTER 193

AN ACT TO AMEND CHAPTER 62, TITLE 9, DELAWARE CODE, RELATING TO INDIGENT SICK.

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

Section 1. Section 6209, Title 9, Delaware Code, is amended by striking \$8 in the last line thereof and inserting \$12.

Section 2. Section 6205, Title 9, Delaware Code, is amended by adding at the end thereof the following:

Any money remaining in the Sussex County Indigent Sick Fund at the end of the year shall be divided among and distributed to each hospital in Sussex County within ten days thereafter on the basis of the number of indigent patients treated by said hospital that year.

Approved December 28, 1967.

CHAPTER 194

AN ACT TO AMEND 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" TO PROVIDE FOR THE APPOINTMENT OF AN ALDERMAN AND AN ASSISTANT ALDERMAN, ESTABLISHING HIS QUALIFICATIONS AND JURISDICTION AND PROVIDING FOR REMOVAL.

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 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by creating a new Section providing for an Alderman and an Assistant Alderman and establishing his jurisdiction and to be designated as Section 21A, as follows:

ALDERMAN AND ASSISTANT ALDERMAN

Section 21A. (a) The Mayor, upon the approval of this Act, shall appoint some suitable person to act as Alderman and may appoint some suitable person to act as Assistant Alderman. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be at least twenty-one years of age, shall be of good character and reputation and shall be a resident of the City of Rehoboth Beach and shall not be a member of the Commissioners of Rehoboth Beach. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be appointed for an indefinite term and any such appointment shall be confirmed by a majority of all members of the Commissioners of Rehoboth Beach. Either the Alderman or the Assistant Alderman may be removed from office at any time by the affirmation vote of two-thirds of all the elected members of the Commissioners of Rehoboth Beach.

(b) Before entering upon the duties of his office, the persons appointed by the Mayor to serve as Alderman and Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of his office honestly, faithfully, and diligently and to uphold and enforce the Charter of the City of Rehoboth Beach and ordinances duly enacted by the Commissioners of Rehoboth Beach and to carry into effect all orders of the Commissioners of Rehoboth Beach made pursuant to any law of this State. The Assistant Alderman shall perform the functions of the Alderman if the Alderman is unavailable and at such other times as may be designed by the Mayor. During such periods, the Assistant Alderman shall have all the powers and duties of the Alderman.

(c) The Commissioners of Rehoboth Beach shall procure a suitable record for the use of the Alderman and the Assistant Alderman. Such record shall be known as the "Alderman's Docket." The Alderman and the Assistant Alderman shall each record all official acts and proceedings in the "Alderman's Docket."

(d) The Alderman and the Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the corporate limits of the City of Rehoboth Beach so far as to arrest and hold for bail, or fine and imprison offenders for any offense, penalty or forfeiture prescribed by the Charter of the City of Rehoboth Beach and any ordinance enacted thereunder; of all neglects, omissions or defaults of any City Officer, agent, or employee; PROVIDED, HOWEVER, that neither the Alderman nor the Assistant Alderman shall impose any fines in excess of Two Hundred Dollars (\$200.00) nor imprison any offender for more than sixty (60) days except as otherwise provided in the Charter of the City of Rehoboth Beach. The Alderman and the Assistant Alderman may, in addition to any fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by ordinance by the Commissioners of Rehoboth Beach; PROVIDED, HOWEVER, that no cost shall be imposed which is in excess of that which may be imposed by a Justice of the Peace for like service.

(e) The Alderman and the Assistant Alderman shall prepare and submit a monthly report to the Commissioners of

Rehoboth Beach reporting all fines and penalties imposed during the preceding calendar month and shall pay to the Treasurer of the City all such fines and penalties.

(f) If any Alderman or Assistant Alderman shall be removed from office as hereinbefore provided, he shall deliver to the City Manager, within two (2) days after his removal from office, all the books and papers belonging to his office, and shall pay over to the City Manager all monies in his hands within (5) days after receiving the notice of his removal from office. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or the Assistant Alderman, the City Manager shall require the auditor of the City, appointed as hereinafter provided, to make an audit of the books and papers of the official so removed from office. Upon the neglect or failure to deliver all the books and papers to the City Manager within the time specified by this Charter, or to pay over all the monies to the City Manager with the time specified, the Alderman or Assistant Alderman, so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined no less than Twenty-five Dollars (\$25.00) nor more than one Hundred Dollars (\$100.00) for each day that he fails to deliver the books and papers to the City Manager or to pay over all monies to the City Manager.

Approved December 28, 1967.

CHAPTER 195

AN ACT TO AMEND CHAPTER 22, TITLE 25, DELAWARE CODE, KNOWN AS THE "UNITY PROPERTY ACT" BY PROVIDING THAT UNIT PROPERTIES WITHIN THE MEANING OF THE ACT, MAY BE CONSTRUCTED ON LAND HELD UNDER A LEASE AND BY PROVIDING THAT UNIT OWNERS MAY SERVE AS MEMBERS OF THE "COUNCIL."

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

Section 1. Sub-paragraph 6, Section 2202, Title 25, Delaware Code of 1953, as amended, is hereby further amended by deleting the same in its entirety, and by adding in lieu thereof the following:

(6) "Declaration" means the instrument by which the owner in fee simple, or lessee of the property submits it to the provisions of this chapter as hereinafter provided and all amendments thereof.

Section 2. Sub-paragraph 10, Section 2202, Title 25, Delaware Code, is hereby amended by deleting the same in its entirety, and by adding in lieu thereof the following:

(10) "Property" means and includes the land, the building, all improvements thereon, all owned either in fee simple or under lease, and all easements, rights and appurtenances belonging thereto which have been or are intended to be submitted to the provisions of this chapter.

Section 3. Sub-paragraph 16, Section 2202, Title 25, Delaware Code, is hereby amended by deleting the same in its entirety, and by adding in lieu thereof the following:

(16) "Unit Owner" means the person or persons owning a unit.

Section 4. Section 2203, Title 25, Delaware Code, is hereby amended by deleting the same in its entirety, and by adding in

lieu thereof the following:

This chapter shall be applicable only to real property, the sole owner, or all the owners, or the lessee, or all the lessees of which submit the same to the provisions hereof by a duly recorded declaration.

Section 5. There shall be added to Title 25, Chapter 22, Delaware Code of 1953, as amended, a new section, numbered 2242, as follows:

Section 2242. Ownership of Land. Nothing in this chapter shall be construed to prevent the construction of Unit Properties, as defined herein, upon land held under a lease by the developer of the unit property provided that the declaration required under Sec. 2219 of this chapter shall be signed not only by the lessee but also by the lessor of the land who holds legal title to the land in fee simple.

Section 6. Sub-paragraph 5, Section 2202, Title 25, Delaware Code of 1953, as amended, is hereby amended by deleting the same in its entirety and adding in lieu thereof the following:

(5) "Council" means a board of natural individuals of the number stated in the code of regulations all of whom shall be either residents of this state or unit owners as defined herein, but need not be both, and who shall manage the business operation and affairs of the property on behalf of the unit owners and in compliance with and subject to the provisions of this chapter.

Approved December 28, 1967.

CHAPTER 196

AN ACT TO AMEND CHAPTER 237, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE CONSTRUCTION AND REMODELING OF STATE OFFICE BUILDINGS IN DOVER, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES THEREFORE, APPROPRIATING THE MONEY BORROWED TO A BUILDING COMMISSION AND TO THE PUBLIC ARCHIVES COMMISSION" BY INCREASING THE AMOUNT OF MONEY AUTHORIZED TO BE BORROWED AND APPROPRIATED.

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. Section 1 of Chapter 237, Volume 54, Laws of Delaware, is amended by striking out the amount of Two Million Nine Hundred Thousand Dollars (\$2,900,000), and inserting therein the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000).

Section 2. Section 4 of Chapter 237, Volume 54, Laws of Delaware, is amended by striking out the amount of Three Million One Hundred Thousand Dollars (\$3,100,000), and inserting the amount of Three Million Seven Hundred Thousand Dollars (\$3,700,000).

Approved December 28, 1967.

CHAPTER 197

AN ACT TO AMEND CHAPTER 301, VOLUME 46, LAWS OF DELAWARE, AS AMENDED, PERTAINING TO PENSION BENEFITS FOR EMPLOYEES OF NEW CASTLE COUNTY, IN ORDER TO PERMIT WARREN W. BUCKINGHAM, SR., TO BECOME ELIGIBLE FOR NEW CASTLE COUNTY PENSION BENEFITS.

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

Section 1. Chapter 301, Volume 46, Laws of Delaware, as amended, is hereby further amended by adding the following thereto:

Any other provisions of this chapter notwithstanding, Warren W. Buckingham, Sr., if otherwise qualified under this chapter and regardless of the source from where his salary was heretofore paid, shall be considered in covered employment under this Chapter and the time from which his period of service shall be deemed to have commenced shall be the time when he began his service as Justice of the Peace.

Section 2. All other provisions of Chapter 301, Volume 46, Laws of Delaware, as amended, shall remain in full force and effect except that the aforementioned addition shall permit Warren W. Buckingham, Sr., to obtain pension benefits from the New Castle County Pension Fund. The amendment set forth in this Act shall apply to the case of Warren W. Buckingham, Sr., only.

Approved December 29, 1967.

CHAPTER 198

AN ACT TO AMEND CHAPTER 56, TITLE 29, DELAWARE CODE, TO PROVIDE INCREASED PENSIONS FOR JUDGES AND TO PROVIDE FOR ACTIVE DUTY ASSIGNMENT OF RETIRED JUDGES.

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

Section 1. § 5602 (a), title 29, Delaware Code, is amended by striking said subsection and substituting therefor the following:

(a) The State Judiciary Retirement Fund shall be established and maintained by the Trustees. The State Treasurer shall act as the Trustees' agent in the care of the assets of the Fund. Each member of the State Judiciary who elects to accept the provisions of this chapter shall contribute each year for the first 25 years of service but not thereafter the lesser of \$500 or 5% of total compensation to the Fund. Such contributions shall be prorated on a monthly basis.

Section 2. § 5603, title 29, Delaware Code, is amended by striking subsection (b), (d) and (e) of said section and substituting therefor the following:

(b) Each member of the State Judiciary who shall accept the provisions of this chapter shall, upon his retirement from the State Judiciary, whether voluntary or involuntary, after serving at least 24 years as a Judge, or after having reached the age of 65 years and having served at least 12 years as a Judge, receive an annual pension from the State, payable to him in equal monthly installments, commencing upon the date of retirement and continuing during the remainder of his lifetime.

(d) Whenever any member of the State Judiciary shall die while in office or shall die after retirement on a pension payable under the provisions of this chapter or shall die during a period of involuntary retirement after having served at least 12 years as a Judge but before having reached the age of 65, an annual pension shall be paid in the following contingencies:

1. If such Judge is survived by a widow but not by a de-

pendent child, there shall be paid to such widow an annual pension as long as she lives and remains unmarried; or

2. If such Judge is survived by a widow and a dependent child or children, there shall be paid to such widow an annual pension as long as she lives and remains unmarried, but if the widow should die or remarry before the last of the said dependent children becomes independent as provided in this section or died, whichever first occurs, the said annual pension which would have been payable to the widow but for her death or remarriage, shall be divided into as many shares as there are dependent children then surviving and a said share shall be paid to or on behalf of each child annually until the said child becomes independent or dies, whichever first occurs; or

3. If such Judge leaves no surviving widow but leaves a surviving dependent child or children, the annual pension which would otherwise be paid to a surviving widow shall be divided into as many shares as there are dependent children then surviving and a said share shall be paid to or on behalf of each child annually until the said child becomes independent or dies, whichever first occurs.

As used in this section, the term "dependent child" means an unmarried child, including stepchild or an adopted child, who is under the age of eighteen years.

(e) For the purpose of computing service under this chapter, a Judge shall be deemed to commence serving as a Judge on the date his commission is issued by the Governor.

Section 3. § 5604, title 29, Delaware Code, is amended by striking subsection (a) and (b) of said section thereof and substituting therefor the following subsection:

(a) The amount of the annual pension shall be determined by first arriving at the retiring member's average annual compensation during his highest paid five consecutive years for his services as a Judge, or in the event a Judge becomes entitled to a pension prior to having served five consecutive years as a Judge then the average annual compensation during his entire term for his services as a Judge and multiplying the average annual compensation so computed by 3% and then multiplying the product

thus obtained by the total number of years of service as a Judge (including fraction of years), including all years of service of the retiring Judge both prior and subsequent to his becoming a member of the State Judiciary and both prior and subsequent to his filing a declaration of acceptance of the provisions of this chapter in accordance with Section 5606 of this title. For the purpose of determining the benefits provided under subsection (f) of Section 5603 of title 29, the retiring Judge shall be deemed to have served from the date of his original appointment until the date when he is no longer required to contribute under Section 5603 (f) of title 29. Anything to the contrary in this subsection notwithstanding, the maximum pension which a retired Judge shall receive is three quarters of the average annual compensation during the retired Judge's highest paid five consecutive years. Anything to the contrary in this subsection notwithstanding, the minimum pension which a retired Judge shall receive is one-half of the retired Judge's average annual compensation during his highest paid five consecutive years, or, in the event a Judge retires before he has served five consecutive years as a Judge, then one-half the average annual compensation during such retired Judge's entire term of service.

(b) The amount of the annual pension paid to any widow or dependent children of a deceased member of the State Judiciary shall be an amount equal to two-thirds of the annual pension such member of the State Judiciary, if he dies while in office, would have been entitled to receive if he had retired for disability on the day of his death, or shall be an amount equal to two-thirds of the pension of the deceased member of the State Judiciary if he died after having retired on pension. The amount of an annual pension paid to any widow or dependent children of a deceased member of the State Judiciary who shall die during a period of involuntary retirement after having served at least 12 years as a Judge but before having reached the age 65, shall be an amount equal to two-thirds of the annual pension such member of the State Judiciary would have been entitled to receive if he had lived to the age of 65. Such pensions shall be paid in equal monthly installments.

Section 4. Chapter 56, title 29, Delaware Code, is amended by adding thereto a new § 5611 to read as follows:

§ 5611. Assignment of retired Judges to active duty

(a) Any Judge retired from a statutorily created Court and receiving a judicial pension may be designated by the Chief Justice of Supreme Court to perform such judicial duties in any Court where such retired Judge could serve if he still held the judicial position from which he retired; provided, however, that such retired Judge assents to such designation, and provided further that such retired Judge is not actively engaged in the practice of law.

(b) Any retired Judge accepting an active duty designation pursuant to a Constitutional or statutory authorization shall be compensated on a per diem basis of one hundred dollars per day, but in no event shall the total compensation received on a per diem basis when added to his retired pay exceed the then current annual salary of the judicial position from which such Judge has retired.

Section 5. The provisions of this Act notwithstanding, any active or retired Judge may by an election made in writing to the Board of State Judiciary Pension Trustees elect to stay within the provisions of 50 Delaware Laws, Chapter 119, as amended prior to this Act. If such election is not made within 90 days following the passage of this Act, such Judge, active or retired, shall be considered to have elected to come under the provisions of this Act.

Section 6. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of this Act.

Approved December 29, 1967.

CHAPTER 199

AN ACT APPROPRIATING MONEY TO BOYS HOME OF DELAWARE, 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 Five Thousand Dollars (\$5,000.00) is appropriated to Boys Home of Delaware, Inc., a Delaware corporation, for the year beginning July 1, 1967 and ending June 30, 1968. The said sum shall be paid by the State Treasurer upon a warrant signed by the Treasurer of the said corporation.

Section 2. 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 funds not otherwise appropriated.

Approved December 29, 1967.

CHAPTER 200

AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO INCREASE THE AMOUNT AUTHORIZED TO BE RAISED AS 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. Subsection A, Section 27, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

(A) The City Council, after having ascertained the sum necessary to be raised as taxes for the purpose of this Act, which sum shall not in any one year exceed the total sum of \$225,000.00, in excess of all delinquencies and expenses of collection, and after having apportioned the sum on the assessment and valuation as hereinbefore set forth, shall annually in the month of May or as soon thereafter as practicable but in no event later than the 30th day of June in any year, cause to be delivered to the City Manager, a list containing the names of the taxables, as well as the owners of real and personal property and opposite the name of each taxable, the amount of assessment on his real and personal property, and his City per capital assessment, and the rate of tax on the real property and on the personal property per hundred dollars of assessment. The list as delivered to the City Manager shall be signed by the Mayor.

Approved December 29, 1967.

CHAPTER 201

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE COUNTY MONEYS TO SLAUGHTER BEACH VOLUNTEER MEMORIAL FIRE COMPANY FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. The Levy Court of Sussex County is authorized to appropriate the sum of Seven Hundred Fifty Dollars (\$750.00) to the Slaughter Beach Volunteer Memorial Fire Company for the maintenance of an ambulance.

Approved December 29, 1967.

CHAPTER 202

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE COUNTY MONEYS TO VOLUNTEER FIRE COMPANIES FOR THE MAINTENANCE OF RESCUE TRUCKS.

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

Section 1. The Levy Court of Sussex County is authorized to appropriate the sum of Seven Hundred Fifty Dollars (\$750.00) to each volunteer fire company in Sussex County having a rescue truck certified by the Sussex County Firemen's Association for the maintenance of such rescue trucks.

Approved December 29, 1967.

CHAPTER 203

AN ACT TO AMEND CHAPTER 283, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF LITTLE CREEK" RELATING TO THE ADOPTION AND ENFORCEMENT OF TOWN ORDINANCES.

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 283, Volume 21, Laws of Delaware, is amended by striking out all of Sections 7, 8, 9, 10, and 11 thereof and inserting in lieu thereof new Sections 7, 8, and 9 to read as follows:

Section 7. The Town shall have all powers possible for the Town to have under the Constitution and Laws of Delaware as fully and completely as though they were specifically enumerated in this Act. In furtherance thereof, the Town Commissioners are hereby vested with the authority to enact ordinances and adopt resolutions relating to any subject within the powers or functions of the Town, or relating to the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property and to fix, impose and enforce payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of the Town Charter as to ordinances or resolutions on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more states or civil divisions or agencies thereof, including the government of Kent County, or the United States or any agency thereof.

It shall be the duty of the Town Commissioners, at a reasonable time or times, to compile the ordinances, codes,

orders and rules of the Town Commissioners. The Town Commissioners shall have a reasonable number of copies printed for the use of the officials of the Town and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments to the same, the Clerk of the Town Commissioners shall enroll the same in the journal of the Town 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 8. (a) The Justice of the Peace sitting (whether regularly, specially or otherwise) in the Justice of the Peace Court located nearest to the Town shall have jurisdiction and cognizance of all offenses against the provisions of this Act or the authorized ordinances of the Town committed within the limits of the Town as far as to arrests and hold to bail or fine and imprison offenders; 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 30 days. The Kent County Jail may be used for imprisonment under the provisions of this Act provided that the Town Commissioners shall pay for the board of persons committed for breaches or ordinances which are not breaches of the general law.

(b) No ordinance of the Town shall provide for a fine in excess of \$100 or imprisonment of more than 30 days.

(c) Any person convicted before such Justice of the Peace for the violation of any Town ordinance may appeal from such conviction to the Superior Court in and for Kent County upon giving bond to the State with or without surety, such as the Justice of the Peace shall determine, binding the person taking the appeal before the Court. Notice of such an appeal shall be given to such Justice of the Peace within five (5) days from the time of conviction, counting the day of conviction as one, and the bond with surety, if any, shall be filed within five (5) days. No bond upon appeal from a conviction for violation of a Town ordinance shall exceed the sum of one hundred dollars (\$100). Such appeal shall be prosecuted and the proceedings shall be had as in an appeal from a conviction before a Justice of the

Peace in the case of a violation of the laws relating to the operation of motor vehicles.

Section 9. The Town Commissioners may appoint a police force consisting of such person or persons as the Town Commissioners may deem wise and advisable. The Town Commissioners shall from time to time adopt 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 Town Commissioners and may be removed by the Town Commissioners at any time. They shall preserve peace and order and shall compel obedience within the Town limits to the ordinances of the Town and the laws of the State; and they shall have such other duties as the Town 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 Kent County within the Town limits and within one mile outside such 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 Justice of the Peace, as provided in Section 8 above, shall be delivered by a member of the police force to the Kent County Jail, to be there imprisoned for the term of the sentence.

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 Town, 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 ordinance of the Town 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 Justice of the Peace, as aforesaid.

Section 2. Chapter 283, Volume 21, Laws of Delaware, is amended by renumbering Section 12 through 19 to read as Sections 10 through 17.

Approved December 29, 1967.

CHAPTER 204

**AN ACT TO AMEND TITLES 10 AND 12, DELAWARE CODE,
BY INCREASING THE SALARY OF THE REGISTER
IN CHANCERY AND CLERK OF THE ORPHANS'
COURT, PROTHONOTARY, AND REGISTER OF WILLS
IN AND FOR NEW CASTLE COUNTY.**

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

Section 1. Section 2502 (1), Title 10, Delaware Code, is amended to change the salary of the Register in Chancery and Clerk of the Orphans' Court in New Castle County by striking out the figures "\$9,000" as the same appears therein and inserting in lieu thereof the figures "\$12,000."

Section 2. Section 2505 (1), Title 12, Delaware Code, is amended to change the salary of the Register of Wills of New Castle County by striking out the figures "\$9,000" as the same appears therein and inserting in lieu thereof the figures "\$12,000."

Section 3. Section 2301 (1), Title 10, Delaware Code, is amended to change the salary of the Prothonotary in New Castle County by striking out the figures "\$9,000" as the same appears therein and inserting in lieu thereof the figures "\$12,000".

Section 4. This act shall become effective January 1, 1968.

Approved December 29, 1967.

CHAPTER 205

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR'S CONTINGENCY FUND.**

WHEREAS, the Governor's Contingency Fund has made available \$15,500.00 during fiscal 1968 for a special audit and reconciliation of the accounts and records of the office of State Treasurer; and

WHEREAS, an additional amount of \$14,500.00 is required to complete this audit; and

WHEREAS, no anticipation was made to meet such contingencies in the Governor's Fund; and

WHEREAS, the transfers for such contingencies have seriously depleted the Governor's Contingency Fund so that an insufficient amount remains.

NOW THEREFORE,

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

Section 1. The sum of \$30,000.00 is appropriated to the Governor's Contingency Fund to replace transfers made, or to be made, to cover fiscal 1968 costs of a special audit and reconciliation of the accounts and records of the office of State Treasurer.

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

Approved December 29, 1967.

CHAPTER 206

AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" CHANGING THE PROCEDURE FOR ANNEXATION, CHANGING THE WARD LIMITS, PERMITTING THE BORROWING OF MONEY, AUTHORIZING THE AWARDED OF CONTRACTS UNDER CERTAIN CONDITIONS WITHOUT COMPETITIVE BIDDING, CHANGING THE PROCEDURE FOR PUBLISHING OF ORDINANCES, CHANGING THE PROCEDURE FOR PAVING AND CURBING, PROVIDING A REGISTRATION PROCEDURE FOR VOTERS AND ESTABLISHING REGULATIONS FOR CONDUCTING THE GENERAL MUNICIPAL ELECTION, PROVIDING FOR THE CALLING OF SPECIAL MEETINGS, INCREASING THE AMOUNT TO BE RAISED BY TAXATION FOR GENERAL MUNICIPAL PURPOSES, DELETING THE LIMITATION OF AMOUNT TO BE RAISED BY TAXATION, ENLARGING THE BOARD OF ASSESSMENT, AND ENLARGING THE TIME WHEN TAXES SHALL BE A LIEN AGAINST 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 4, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

Section 4. Annexation of territory

In the event that it becomes feasible or necessary in the future for the Mayor and Council of the Town of Laurel to enlarge the 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 Laurel, by written petition with the signatures of each such petitioner duly acknowledged, shall request the Council to annex that certain territory in which they reside and own property, the Mayor of the Town of Laurel shall appoint a committee composed of not less than three (3) of the elected members of the Council to investigate the possibility of annexation. The petition presented to the Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the Council, 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 Council, be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the Town of Laurel.

(B) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and Council. 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 annexation and the reasons therefor. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town 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 Council proposing to the property owners and residents of both the Town and the Territory proposed to be annexed that the Mayor and Council proposes to annex certain territory contiguous to the then limits and territory of the Town of Laurel. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town 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 Town and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the Council. If the resolution shall fail to receive the affirmative vote of two-thirds

of the elected members of the Council, 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 Council setting forth the above information shall be printed in a newspaper published in the Town of Laurel at least one week prior to the date set for the public hearing, or, if no newspaper is published in the Town, publication shall be had in a newspaper having a general circulation both in the Town and in the territory proposed to be annexed, or, at the discretion of the Council the said resolution shall be posted in five (5) public places in the Town 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 Council ordering a special election to be held not less than thirty (30) days nor more than sixty days after the said public hearing on the subject of the proposed annexation. The passage of this resolution shall ipso facto be considered the Council's determination 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 preceeding the date of the special election in at least two (2) issues of a newspaper published in the Town, or, if no newspaper is published in the town, the notice may be printed within thirty (30) days immediately preceding the date of the special election in two (2) issues of a newspaper having a general circulation in the Town and in the territory proposed to be annexed, or, in the discretion of the Council the said notice may be posted in five (5) public places both in the Town 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, partnership, or a corporation, both in the Town 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 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; PROVIDED HOWEVER, that the owners of property which is exempt from taxation shall not be entitled to vote. Every citizen of either the Town 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 vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person owns property both in the Town 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 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, partnership or corporation holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual, partnership, or corporation to vote at the said special election, a duly authenticated copy of the power of attorney shall be filed in the office of the Town Clerk of the Town of Laurel. Said power of attorney as so filed shall constitute conclusive evidence of the right of said person, partnership or corporation to vote in the special election.

(F) The Council 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 Mayor 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, and at least one of whom must reside and own property in the territory proposed to be annexed. One of the said persons so appointed shall be designated the Pre-

siding Officer. Voting shall be conducted at the Town Office 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 persons, partnerships, or corporations who are authorized to vote as residents or property owners of the Town 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 in the evening, 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 Council. The said certificate shall be filed with the papers of the Council.

(J) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Referendum results in an unfavorable vote for annexation, no part of the territory considered at the Referendum for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Referendum. If a favorable vote for annexation shall have been cast, the Council of the Town of Laurel 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 recordation 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 Laurel from the time of the recordation.

Section 2. Section 3, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the fol-

lowing:

Section 3. Ward limits

The Town of Laurel shall be divided into Four Wards, described as follows:

(A) The First Ward shall consist of all that part of Town lying and being within the following boundary lines: BEGINNING at the intersection of the center line of Market Street and the center line of Central Avenue; thence southerly with the center line of Central Avenue to the southerly corporate limits of said Town, being a corner for this Ward and lands now or formerly of the Heirs of William W. Dashiell, deceased; thence with said corporate limits easterly and northerly to the center line of Fourth Street; thence following the center line of Fourth Street to Market Street, home to the place of beginning.

(B) The Second Ward shall consist of all that part of the Town of Laurel lying and being within the following boundary lines: BEGINNING at the intersection of the southerly bank of Laurel River and with the center line of Central Avenue; thence with the center line of Central Avenue in a southerly direction to a point where it intersects with the center line of Clayton Avenue; thence westerly with the center line of Clayton Avenue to a point where it intersects with the center line of Poplar Street; thence in a northerly direction with the center line of Poplar Street to a point where it intersects with the center line of West Seventh Street; thence in a westerly direction with the center line of West Seventh Street to the center line of West Poplar Street; thence with the center line of West Poplar Street in a southerly direction to a point where it intersects with the center line of Center Street; thence with the center line of Center Street in a westerly direction to western corporate limits of the Town of Laurel as set forth in the Charter; thence in a northerly direction with the westerly corporate limits of the Town of Laurel to a point where it intersects with the southerly bank of the Laurel River; thence with the southerly bank of the Laurel River in an easterly direction to the east side of Poplar Street; thence following the easterly right of way line of Poplar Street in a northerly and easterly direction to the intersection with the center line of Central Avenue;

thence following the center line of Central Avenue in a southern direction home to the place of beginning.

(C) The Third Ward shall consist of all that part of the Town of Laurel lying and being within the following boundary lines: BEGINNING at the intersection of the center line of Central Avenue and center line of Clayton Avenue; thence with the center line of Central Avenue in a southerly direction to the southerly corporate limits of the Town of Laurel, as set forth in the Charter, being a corner for this Ward and lands now or formerly of William W. Dashiell, deceased; thence in a westerly direction along the southerly corporate limits of said Town to a stone set in the lands now or formerly of Thomas H. Riggin; thence with the western boundary as set forth in the Charter of said Town in a northerly direction such distance as is required to reach the center line of Center Street; thence by and with the center line of Center Street in an easterly direction such distance as is required to reach the center line of West Street; thence by and with the center line of West Street in a northerly direction such distance as is required to reach the center line of West Seventh Street; thence by and with the center line of West Seventh Street in an easterly direction such distance as is required to reach the center line of Poplar Street; thence by and with the center line of Poplar Street in a southerly direction such distance as is required to reach the center line of Clayton Avenue; thence by and with the center line of Clayton Avenue in an easterly direction home to the place of beginning.

(D) The Fourth Ward shall consist of all that part of the Town of Laurel lying and being within the following boundary lines: BEGINNING at the intersection of the center line of Central Avenue and the intersection of the center line of Market Street; thence by and with the center line of Market Street in an easterly direction to the eastern limits of the Town of Laurel as set forth in the Charter; thence by and with the easterly boundary of said Town in a northerly direction across Records Mill Dam to a branch on the northern side of said Records Mill Dam; thence up said branch in a northerly direction to the southern right of way of Delaware Route 28 leading from Laurel to Georgetown; thence by and with the southern right of way of Delaware Route 28 in a westerly di-

rection to the center line of Central Avenue; thence by and with the center line of Central Avenue in a southerly direction home to the place of beginning.

Section 3. Subsection (39), Section 6, Chapter 277, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

(39) To borrow money in anticipation of revenues on the faith and credit of the Town of Laurel such sum or sums not exceeding Forty Thousand Dollars (\$40,000.00) in any one year when, in the opinion of a majority of the Town Council of Laurel, the needs of the Town demand it. Any sum so borrowed shall be secured by promissory notes of the Mayor and Council of Laurel, duly authorized by Resolution of the Town Council of Laurel and signed by the Mayor and attested by the Town Clerk with the corporate seal affixed and no officer or councilman shall be liable for the payment of such notes because it is signed by them as officers of the Town of Laurel and is authorized by the Resolution of the Town Council; PROVIDED, HOWEVER, that any sum of money borrowed on the faith and credit of the Mayor and Council of Laurel, as aforesaid, in any fiscal year shall be paid from the general fund of the Town, and shall be completely paid at the end of ten (10) fiscal years following the first fiscal year when said money was borrowed with interest thereon.

Section 4. Subsection (43), Section 6, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection and substituting in lieu thereof the following:

(43) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder; PROVIDED, HOWEVER, that competitive bidding shall not be required in any of the following circumstances:

1. The aggregate amount involved is not more than Two Thousand Dollars (\$2,000.00);
2. The purchase or contract is for personal or profes-

sional services;

3. The purchase or contract is for any service rendered by a university, college or other educational institution;

4. The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof;

5. The purchase or contract is for property or services for which it is impracticable to obtain competition;

6. The public exigency as determined by Mayor and Council will not permit the delay incident to advertising;

7. The materials to be purchased are to be used to complete a project under the supervision of employees of the Town of Laurel;

8. The purchase or contract is for property or service for which the Mayor and Council determine the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open competition;

9. A public emergency as determined by the Mayor and Council exists.

Section 5. Paragraph 6, Section 8, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of the said Paragraph and substituting in lieu thereof the following:

No ordinance of a general or permanent nature, except emergency ordinances as hereinafter provided, shall be passed by the Council until the title of such ordinance has been published at least once in a newspaper of general circulation in the Town of Laurel; PROVIDED, HOWEVER, that if an emergency is determined by the Mayor and Council to exist, then no publication shall be necessary for such emergency ordinance.

Section 6. Section 14, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

Section 14. Paving and curbing powers

Whenever the Mayor and Council of Laurel shall have de-

terminated that any paving, graveling, curbing, guttering, repaving, regraveling, recurbing, reguttering or any or either of all of them shall be done, they shall notify the owner or owners of the land along or in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner or owners to cause such paving, graveling, curbing, guttering, repaving, regraveling, recurbing, or reguttering to be done in conformity with said notice. In the event of any owner or owners neglecting to comply with said notice for the space of thirty days, the said Mayor and Council may proceed to have the same done, and when done the Town Clerk, shall as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling, curbing, guttering, repaving, regraveling, recurbing, or reguttering; if such owner or owners be not resident in the Town of Laurel, such bill shall be sent to the owner or owners of said land at their last known address by registered mail with return receipt requested and notice to one of any number of joint owners shall be notice to all joint owners of said property. If such bill be not paid by the owner or owners of such lands within sixty days after the presentation thereof as aforesaid, then it shall be the duty of the said Mayor and Council of Laurel to issue a warrant in the name of the Mayor and Council of Laurel under the hand of the Mayor of the Town of Laurel and seal of said Mayor and Council of Laurel, directed to the Town Clerk of the Town of Laurel, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the Town Clerk of the Town of Laurel, as soon as convenient after the said warrant shall be delivered to him, and after at least ten days' notice to the owner or owners of such lands by registered mail with return receipt requested, and after posting five or more notices of sale in at least five public places in the Town of Laurel, at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said Town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of said Town Clerk of the Town

of Laurel, after ten days notice to such owner or owners as aforesaid, by registered mail with return receipt requested, and after posting five or more notices of sale in at least five public places in the Town of Laurel, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said Town of Laurel, or if there be no newspaper printed in the said Town of Laurel, then in a newspaper printed anywhere in Sussex County, to sell the lands and tenements of such owner or owners along or in front of which such paving, graveling, curbing, guttering, repaving, regraveling, recurbing, reguttering, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with costs, and a deed from the Town Clerk of the Town of Laurel shall convey to the purchaser or purchasers of such lands and tenements a full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, curbing, guttering, repaving, regraveling, recurbing, reguttering or any of them shall be a lien on the premises along or in front of which the said work was done, and shall have priority over any lien, encumbrance, or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the Town Clerk of the Town of Laurel from the purchase money of the said goods and chattels or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of said sale to the parties entitled thereto, and to retain for the use of the Mayor and Council of Laurel the amount of said bills as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers Bank of the State of Delaware at Georgetown, to the credit of the said owner or owners. The Town Clerk of the Town of Laurel shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping or taking care of such personal property, for selling the same and for advertising all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice, required by this Section, to one co-owner shall be notice to all and in case

no owners shall reside in said Town, notice served upon any one of any number of joint owners by registered mail with return receipt requested at the last known post office address of such co-owner shall be sufficient. The provisions hereinbefore contained in this Section shall apply to any order made by the Mayor and Council of Laurel in respect to any pavement, sidewalk or curb heretofore made or done, which the said Mayor and Council of Laurel may deem insufficient or to need repairing. The said Mayor and Council of Laurel, in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce by ordinance, all the requirements of this Section, by imposing such fines and penalties as shall, in the judgment of said Council, be necessary and proper.

In addition to the remedies herein provided for the collection of bills relative to the curbing and paving of properties, or for the collection of taxes or any other debt or demand due the Town of Laurel, it shall be lawful for the Mayor and Council of Laurel to institute an action before any Justice of the Peace of the County of Sussex if the amount of the demand be One Thousand Dollars or less, or before the Superior Court of the State of Delaware, if the amount of the demand be more than One Thousand Dollars, and thereupon to obtain judgment for the amount of such demand or debt, and to collect the same in the manner now or hereafter provided for the collection of judgments in the State of Delaware.

Section 7. Section 18, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

Section 18. General municipal elections

The general election for all municipal officers to be elected hereunder shall be held biennially on the second Tuesday in March between the hours of One o'clock in the afternoon and Eight o'clock in the evening, Eastern Standard Time or Daylight Saving Time, whichever shall be in force at the time of the election.

The place of election shall be at the Town Office unless, for

sufficient cause, some other public place shall be designated by the Town Council.

Due notice of the time and place of the election and of the offices to be filled and the candidates therefor, including the number of the Ward in which the candidates for Councilman-at-large shall reside, shall be given by advertisement in a newspaper published in the Town of Laurel, and by posting notices in five of the most public places within the corporate limits of the Town not less than one week before the day of election.

At such General Municipal Election, every person, male or female, who shall have attained the age for voting as established by the State of Delaware for voting in a General Election and who shall have been a bona fide resident of the State of Delaware for at least one (1) year and a bona fide resident within the corporate limits of the Town of Laurel for a period of three (3) months immediately preceding the date of the General Municipal Election shall have one (1) vote provided he or she has registered on the "Books of Registered Voters" of the Town of Laurel. The Mayor and Council of the Town of Laurel shall provide two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the office of the Town Clerk. The "Books of Registered Voters" shall contain the following information for each registrant: The names of the voters arranged in alphabetical order, the permanent address of the voter, the birthplace of the voter, the date the registrant became a resident of the State of Delaware, the date the registrant became a resident of the Town of Laurel and other pertinent information; PROVIDED, HOWEVER, that if an area is annexed to the Town of Laurel within three (3) months immediately preceding the date of the General Municipal Election, those persons, whether male or female, who are bona fide residents of the area which has been annexed within the said three (3) month period shall be entitled to register and vote if all other qualifications hereinbefore set forth receive compliance other than the period of residence within the corporate limits of the Town of Laurel and if such persons have been bona fide residents of the area which was annexed for a period of three (3) months immediately preceding the date of the General Municipal Election. No person shall be registered upon the "Books of Registered Voters" unless he or she will

have acquired the qualification to vote in the General Municipal Election for the year in which he registers. A person shall only be required to register one time; PROVIDED, HOWEVER, that if a registered voter fails to vote in two (2) consecutive General Municipal Elections, his name shall be removed from the "Books of Registered Voters" and notice sent to said registered voter at his last known address by registered mail with return receipt requested advising that his name has been removed from the list of registered voters and that it will be necessary to register again in order to be eligible to vote in the General Municipal Election. The "Books of Registered Voter" shall be maintained at the Office of the Town Clerk and shall be conclusive evidence of the right of any person to vote at a General Municipal Election. A person may register at the Office of the Town Clerk on any business day and until the close of business on the fourth Tuesday in February in the year of the General Municipal Election by completing such forms as may be provided by the Town.

The Town Clerk shall attend the election with a list of all persons who have registered pursuant to the provisions of this Charter and no person who is not registered shall be entitled to vote thereat.

The election shall be by ballot, the form of which shall be prescribed by the Council. If more than one person residing in the same Ward shall become candidates for the office of Councilman-at-large, the qualified voter of the Town shall be entitled to vote for only one of the candidates, so that no one Ward of the Town shall be represented by more than two Councilmen. The number or numbers of the Ward in which the said candidate for the office of Councilman-at-large shall be designated on the ballot, which shall contain a direction to vote for one of the candidates only, and a direction to indicate the choice of the voter. A ballot containing the names of more than one of the said candidates for said office shall not be counted.

The Town Clerk shall provide all ballots, ballot boxes, poll books, tally sheets, certificates, blanks and other necessary stationery, and all booths and arrangements necessary and proper for conducting the election.

The election shall be held under the supervision of a Board of Election, which shall consist of one inspector and two judges, none of whom shall be members of the Council nor candidates for election and all of whom shall be qualified voters of the Town, and shall be appointed for that purpose by the Mayor with the approval of a majority of the Council at least two weeks before the election. The Board of Election shall determine who is and who is not eligible to vote at the election. The Board of Election shall preserve order at and around the voting place during the time of the election, shall keep the entrance to the voting place open and unobstructed, shall protect the voters and challengers from intimidation, shall protect the Books of Registered Voters, poll books, ballot boxes, and ballots, shall suppress and prevent any disorder which tends to disturb or interrupt voting or the counting of votes. If, at the opening of the polls, there shall not be present the three members of the Board, or any of them, the persons qualified to vote at the election and then present at the opening of the polls shall select, viva voce, a qualified voter or voters to act as a member or members of the Election Board. The Board shall be the judges of the election and shall decide upon the legality of the votes offered. The Board shall keep a true and accurate list of all voters voting.

All votes shall be offered in person; and if a majority of the Board of Election shall not be satisfied that any person offering to vote possesses the qualifications of a qualified voter as prescribed herein, the Board of Election shall receive the ballot and shall not count it, and shall return it in a separate package to the Council with the name of the person presenting the ballot.

No person, other than the Election Board and persons actually voting, shall be admitted within the voting place without the unanimous consent of the Board of Election.

Each candidate may appoint some suitable person to act as a challenger to stand without the door or entrance to the room in which the election is to be held and by the side of the passage thereto. Each challenger shall be protected in the discharge of his duty by the Board of Election and shall be a peace officer of the Town of Laurel during the time that he acts in the capacity of challenger.

No person other than Town Clerk, the Board of Election, the Clerks of the Board of Election and the challengers designated by the candidates, shall remain within fifty (50) feet of the entrance to the voting room except for the purpose of offering his vote, except that a physically handicapped person shall be permitted to bring with him into the election room any elector or two electors if the nature of the disability, in the opinion of the Board of Election, such as total disability to walk to the election room, requires it in order to render the necessary assistance.

No person shall electioneer or engage in any political discussion within the polling place during the election or counting of ballots.

Not more than one person shall be permitted to occupy any voting booth at one time except as provided in this Charter.

No person shall remain in or occupy a voting booth longer than is necessary to prepare his ballot and in no event longer than three (3) minutes.

Upon the close of the election, the votes shall be read and counted publicly and the person having the highest number of votes for each office shall be declared to be duly elected, and such persons shall continue in office during the term for which they were chosen, or until their successors shall be duly elected or appointed and qualified.

The Board of Election shall enter in a book to be provided for that purpose, minutes of the election containing the names of the persons chosen. They shall subscribe the same, and shall make and deliver to the person elected certificates of their election. The book containing such minutes, the ballots, and the list of those persons who voted, shall be delivered to the Town Clerk who shall preserve the same and shall be evidence in any Court of Law or equity.

If two or more candidates for the office of Councilman or for Mayor shall receive an equal number of votes so that there shall not be an election of a Mayor or Councilman in the incumbent Councilman or Mayor shall continue in office until the run-off election as hereinafter provided is held. The Board of Elec-

tion shall declare the election a tie and shall report that result to the Mayor and Council of Laurel which shall, within ten (10) days thereafter, hold an election between those candidates where a tie resulted under the same rules as hereinbefore set forth.

Section 8. Section 21, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

Section 21. Special meetings

A special meeting may be called by the Mayor upon his own motion and shall be called by him upon the request of a majority of the elected members of the Council. The said date, hour, and place of such special meeting shall be designated by the Mayor, but in no event shall it be later than five (5) days after the written request is made by the members of the Town Council. Failure to call such a meeting may be cause for removal of the Mayor. The Town Council shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders, and transact all other business at any such special meeting, called as hereinbefore provided, as the Council has the authority and right to do at any regular meeting.

Section 9. Section 33, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

Section 33. Taxation

Real property and interest therein, situated within the limits of the Town, shall be subject to taxation. Every person resident within the limits of the Town above the age of twenty-one (21) years shall be subject to a capitation tax to be fixed by the Council.

For general municipal purposes, an amount of money not in excess of Sixty Thousand Dollars (\$60,000.00), may be raised annually; and a further additional amount shall be raised

annually as in addition to sewer service charges, water rents and charges, and miscellaneous revenue, may be necessary to pay the interest on the municipal bonded indebtedness, and to provide an adequate sinking fund for the payment of municipal bonds at maturity, or redemption thereof before maturity.

Section 10. Section 34, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby repealed.

Section 11. The first Paragraph of Section 35, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of the said first Paragraph and substituting in lieu thereof the following:

The Board of Assessment of the Town of Laurel shall be appointed by the Mayor on or before the organization meeting in April as hereinbefore provided in Section 23 of this Act. The Board of Assessment shall consist of three (3) members all of whom shall be over the age of twenty-one (21) years, bona fide residents of the Town of Laurel and freeholders of the Town.

Section 12. Section 40, Chapter 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section and substituting in lieu thereof the following:

Section 40. Lien of taxes

Taxes levied on property and persons shall be a lien on the real estate of the taxable within the limits of the Town of which the taxable was seized at any time after the date of the levy of the tax in the month of May; and such lien shall have priority over any other lien on the real estate of the taxable in the Town although such other lien be of a prior date. The lien shall remain for ten years from the date of the tax levy; but if the real estate shall remain the property of the person who owns it at the time of the tax levy, the lien shall remain until the tax is paid.

Approved December 29, 1967.

CHAPTER 207

AN ACT TO AMEND VOLUME 52, CHAPTER 283, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF NEWPORT," ALSO KNOWN AS THE NEWPORT TOWN CHARTER, BY REVISING CHARTER PROVISIONS AS TO THE ALDERMAN, ELECTION BALLOTS, COMMISSIONERS' COMPENSATION, NON-RESIDENT VOTERS, SPECIAL MEETINGS OF THE COMMISSIONERS, COMMUNITY WELFARE FUND, CITY ENGINEER, BORROWING FOR CURRENT EXPENSES AND FEES AND COSTS IN MONITION PROCEEDINGS.

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

Section 1. Volume 52, Chapter 283, Laws of Delaware, is hereby amended by striking Section 6 thereof and substituting a new Section 6, as follows:

Section 6. Ballots

The ballots shall contain a heading for each office to be filled, and the names of the candidates for a particular office shall be listed alphabetically under the appropriate office heading. The ballot shall also contain instructions as to how many candidates to vote for as to each office and the manner in which the voter is to register his vote on the ballot for a particular candidate. A defective designation of a voter's choice under one or more office headings shall not invalidate such ballot so far as there shall appear to be a proper designation of choice of candidates under any other of the office headings.

Section 2. Volume 52, Chapter 283, Laws of Delaware, is hereby amended by striking Section 13 thereof and substituting a new Section 13 as follows:

Section 13. Compensation

Each Commissioner shall receive a minimum annual salary

of two hundred dollars (\$200) to be paid yearly during the month of December. The Commissioners may elect to pay additional compensation to themselves but such additional compensation shall not exceed one hundred (\$100) to any Commissioner in any one year. The Commissioner elected Mayor shall receive a minimum annual salary of two hundred and fifty dollars (\$250) to be paid yearly during the month of December.

The treasurer shall receive a minimum annual salary of two hundred dollars (\$200); the Alderman and assessor shall be compensated as provided in Sections 20 and 23 of this Chapter, respectively. The above mentioned salaries are to be paid yearly during the month of December. The Commissioners shall fix the compensation to be received by the Secretary and Collector of Taxes for their services in office.

Monies received from the Town by Commissioners as compensation for services and duties performed in capacities other than as Commissioner shall not be included in computing the minimum and maximum annual salary of a Commissioner.

Section 3. Volume 52, Chapter 283, Laws of Delaware, is hereby amended by striking from Section 23 thereof the word "Alderman" wherever it appears.

Section 4. Volume 52, Chapter 283, Laws of Delaware, is hereby amended by striking Section 7 thereof and substituting a new Section 7 as follows:

Section 7. Voter qualifications

Every person domiciled in the Town of Newport who shall have reached the age of twenty-one years, who is a citizen of the United States, who has been domiciled in the State of Delaware for one year and in the Town of Newport for at least three months next preceding the day of the election, or, who not being a resident of the Town, is an owner of real property in the Town, and whose name is recorded in the registration book of the Town of Newport shall be entitled to vote at the annual municipal elections, special elections and referenda, except as otherwise provided in this Charter.

Section 5. Volume 52, Chapter 283, Laws of Delaware, is hereby amended by striking Section 12 thereof and substituting a new Section 12 as follows:

Section 12. Meeting of Commissioners

In addition to the Organization Meeting there shall be twelve stated meetings of the said Commissioners in every year, viz: On the first Thursday of every month. Special meeting may be called by the Mayor or be request of any three Commissioners and, whenever practicable, upon no less than eight hours' notice to each member. All meetings except Organization Meetings shall be open to attendance by the public.

Section 6. Volume 52, Chapter 283, Laws of Delaware, Section 15, subsection (a), the first paragraph is hereby amended by striking the following words and figures in the last sentence of that paragraph, "two hundred and fifty dollars (\$250)" and inserting in lieu thereof the words and figures, "three hundred and fifty dollars (\$350)."

Section 7. Volume 52, Chapter 283, Laws of Delaware, Section 26, the ninth paragraph is hereby amended by striking the following words and figures in the first sentence of that paragraph, "two per centum (2%)" and inserting in lieu thereof the words and figures, "four per centum (4%)."

Section 8. Volume 52, Chapter 283, Laws of Delaware, Section 28, the fourth paragraph is hereby amended by striking the following words in the next to last sentence of that paragraph, "in the Town", and inserting in lieu thereof the words, "in New Castle County, Delaware."

Section 9. Volume 52, Chapter 283, Laws of Delaware, Section 29, the second paragraph is hereby amended by striking the following words in the first sentence of that paragraph, "order the City Engineer to."

Section 10. Volume 52, Chapter 283, Laws of Delaware, Section 35, the first paragraph is hereby amended by striking the following words in the second sentence of that paragraph,

"one-half" and insert in lieu thereof, "one."

Section 11. Volume 52, Chapter 283, Laws of Delaware, Section 37, subsection (b) is hereby amended by striking the last two paragraphs of said subsection beginning with paragraph, "The fees and costs * * * *" and adding in lieu of said paragraphs the following new paragraph:

The fees and costs to be fixed in all monition proceedings under this Section, where not otherwise provided for, shall be set by the Commissioners by ordinance. All other charges not covered by this Section shall be the same as are provided by law.

Approved December 29, 1967.

CHAPTER 208

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE, "BEING CHAPTER 649, VOLUME 18, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE ANNEXATION OF ADDITIONAL PROPERTY AND THE PROCEDURE THEREFOR.

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, Chapter 649, Volume 18, Laws of Delaware, is amended by adding a new section to be designated as Section 1A to read as follows:

Section 1A. Annexation of territory

In the event that it becomes feasible or necessary in the future for the Mayor and Council of the Town of Ocean View to enlarge the then existing limits and territory, such annexation accomplished in accordance with the following procedure 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 Ocean View, by written petition with the signature of each such petitioner duly acknowledged, shall request the Council to annex that certain territory in which they reside and own property, the Mayor of the Town of Ocean View shall appoint a committee composed of not less than three (3) of the elected members of the Council to investigate the possibility of annexation. The petition presented to the Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the Council, 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 Council, be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the Town of Ocean View.

(b) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and Council. 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 annexation and the reasons therefor. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town 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 Council proposing to the property owners and residents of both the Town and the territory proposed to be annexed that the Mayor and Council proposes to annex certain territory contiguous to the then limits and territory of the Town of Ocean View. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town 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 and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the Council, 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 Council setting forth the above information shall be printed in a newspaper published in the Town of Ocean View at least one week prior to the date set for the public hearing, or, if no newspaper is published in the Town, publication shall be had in a newspaper having a general circulation both in the Town and in the territory proposed to be annexed, or, at the discretion of the Council the said resolution shall be posted in five (5) public places in the Town 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 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 on the subject of the proposed annexation. The passage of this resolution shall ipso facto be considered the Council's determination 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 published in the Town, or, if no newspaper is published in the Town, the notice may be printed within thirty (30) days immediately preceding the date of the special election in two (2) issues of a newspaper having a general circulation in the Town and in the territory proposed to be annexed, or, in the discretion of the Council the said notice may be posted in five (5) public places both in the Town 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, partnership, or a corporation, both in the Town 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 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; PROVIDED, HOWEVER, that the owners of property which is exempt from taxation shall not be entitled to vote. Every citizen of either the Town 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 vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person owns property both in the Town 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 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, partnership or corporation holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual, partnership, or corporation to vote at the said special election, a duly authenticated copy of the power of attorney shall be filed in the office of the Secretary of the Town of Ocean View. Said power of attorney as so filed shall constitute conclusive evidence of the right of said person, partnership or corporation to vote in the special election.

(f) The Council 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 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, and at least one of whom must reside and own 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 at the Town Office 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 shall be deposited in the other such ballot box. The polling places shall be opened from 1:00 o'clock p.m., prevailing time, until 4:00 o'clock, 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 annexa-

tion, and the number of void votes, and shall deliver the same to the Council. The said certificate shall be filed with the papers of the Council.

(j) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Referendum results in an unfavorable vote for annexation, no part of the territory considered at the Referendum for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Referendum. If a favorable vote for annexation shall have been cast, the Council of the Town of Ocean View 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 recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be part of the Town of Ocean View from the time of recordation.

Approved December 29, 1967.

CHAPTER 209

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DELAWARE SOIL AND WATER CONSERVA-
TION COMMISSION FOR THE PURPOSE OF CONDUCT-
ING SURVEYS OF CERTAIN CREEKS IN SUSSEX
COUNTY.**

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 Soil and Water Conservation Commission for the purpose of conducting surveys as to the feasibility of dredging the following creeks, located in Sussex County:

- a. White Creek
- b. Guinea Creek
- c. Herring Creek
- d. Love Creek
- e. Pepper Creek

Section 2. Said surveys are to explore the possibility of dredging said creeks to a width of fifty (50) feet and to a depth of six (6) feet at low tide.

Section 3. The Delaware Soil and Water Conservation Commission shall complete said surveys and submit its recommendation and estimated cost figures to the House on or before June 1, 1968.

Section 4. This Act shall be known as a Supplementary Appropriation and the funds appropriated shall be paid by the State Treasurer from the General Fund. Any portion of the sum appropriated remaining unexpended on July 1, 1968, shall revert to the General Fund.

Approved December 29, 1967.

CHAPTER 210

**AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES
OF THE DOVER SPECIAL SCHOOL DISTRICT TO
TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT
SERVICE ACCOUNT TO ITS SCHOOL CONSTRUCTION
ACCOUNT.**

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 Board of School Trustees of the Dover Special School District is authorized to transfer the sum of \$30,000 from its local Debt Service Account to its School Construction Account. The sums transferred are to be used for payment of the local district's share of the additional costs of construction of an addition to the Dover High School as authorized by House Bill No. 267, House Amendment No. 1, and Senate Amendments Nos. 1, 2, and 3, as it appears in Chapter 121, Volume 56, Laws of Delaware.

Approved December 29, 1967.

CHAPTER 211

AN ACT TO PERMIT THE REHOBOTH SPECIAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS MINOR CAPITAL IMPROVEMENTS PROGRAM.

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 Board of Education of Rehoboth Special School District is hereby authorized to transfer the sum of Six Thousand Dollars (\$6,000.00) from its debt service account to its Minor Capital Improvements Program for the purpose of providing the said District's share of funds required for miscellaneous minor capital improvements as authorized by Section 13 (e), Chapter 121, Vol. 56, Laws of Delaware, as amended.

Approved December 29, 1967.

CHAPTER 212

AN ACT TO AMEND SECTION 36, CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE EXTENSION OF SEWER AND WATER FACILITIES OUTSIDE THE LIMITS OF THE TOWN OF BRIDGEVILLE.

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

Section 1. Section 36, Chapter 237, Volume 51, Laws of Delaware, is amended by adding a new paragraph at the end of said section, to read as follows:

The Commissioners of Bridgeville shall have the authority to extend water and sewage service within one mile of the town limits of the Town of Bridgeville, under such terms and conditions as they may negotiate with the property owners within the area defined, providing the taxes, water and sewer rents are no less than that paid by the residents of the Town of Bridgeville.

Approved December 29, 1967.

CHAPTER 213

AN ACT TO AMEND CHAPTER 264, VOLUME 52, LAWS OF DELAWARE BY AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MAGNOLIA" RELATING TO THE BORROWING POWER OF THE TOWN AND THE ENFORCEMENT OF TOWN ORDINANCES.

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

Section 1. Chapter 264, Volume 52, Laws of Delaware, is amended by striking the words "Five Thousand Dollars (\$5,000.00)" where they appear in Section 16 thereof and inserting in lieu thereof the word "Ten Thousand Dollars (\$10,000.00)."

Section 2. Chapter 264, Volume 52, Laws of Delaware, is further amended by adding the following paragraphs to Section 9:

The Justice of the Peace sitting (whether regularly, specially or otherwise) in the Justice of the Peace Court located nearest to the Town shall also have jurisdiction and cognizance of all offenses against the provisions of this Act or the authorized ordinances of the Town committed within the limits of the Town as far as to arrest and hold to bail or fine and imprison offenders; 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 30 days. The Kent County Jail 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 or ordinances which are not breaches of the general law.

Any person convicted before such Justice of the Peace or Alderman for the violation of any Town ordinance may appeal from such conviction to the Superior Court in and for Kent County upon giving bond to the State with or without surety, such as the Justice of the Peace or Alderman shall determine,

binding the person taking the appeal to appear before the Court. Notice of such an appeal shall be given to such Justice of the Peace or Alderman within five (5) days from the time of conviction, counting the day of conviction as one, and the bond with surety, if any, shall be filed within five (5) days. No bond upon appeal from a conviction for violation of a Town ordinance shall exceed the sum of one hundred dollars (\$100). Such appeal shall be prosecuted and the proceedings shall be had as in an appeal from a conviction before a Justice of the Peace in the case of a violation of the laws relating to the operation of motor vehicles.

Section 3. Chapter 264, Volume 52, Laws of Delaware, is further amended by striking from Section 13 the following paragraph:

The Council shall elect one or more persons to serve as police officers for and on behalf of the Town and shall fix his or their compensation. Such police officers shall be under the direction of the Mayor of the Town except as Council shall otherwise direct. It shall be the duty of such officers to police the Town of Magnolia and they shall have all the powers of the Constables of Kent County within the Town limits and within one mile adjacent to the corporate limits of said Town.

And by inserting in lieu thereof the following:

The Council may appoint a police force consisting of such person or persons as the Council may deem wise and advisable. The Council shall from time to time adopt 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 Council and may be removed by the Council at any time. They shall preserve peace and order and shall compel obedience within the Town limits to the ordinances of the Town and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the police force shall be vested with all powers and authority of a constable of Kent County within the Town limits and within one mile outside such 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 Justice of the Peace, as provided in Section 9 above, shall be delivered by a member of the police force to the Kent County Jail, to be there imprisoned for the term of the sentence.

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 Town, 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 ordinance of the Town 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 Justice of the Peace, as aforesaid.

Approved December 29, 1967.

CHAPTER 214

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO KENTON SCHOOL NO. 9.**

WHEREAS, Callie Hayes was employed by the Kenton School District No. 9 as a school teacher beginning March 1, 1967; and

WHEREAS, the salary of the said Callie Hayes had been incorrectly coded to local monies instead of to State monies for the period May 1, 1967 to June 30, 1967; and

WHEREAS, the said error resulted in a deficiency due to local monies in the total amount of \$800.29.

NOW THEREFORE:

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

Section 1. The State Treasurer is directed to pay to the Kenton School District No. 9 the sum of \$800.29 to correct an error made in the coding of the salary of Callie Hayes to local monies instead of to State monies for the period May 1, 1967 to June 30, 1967.

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

Approved December 29, 1967.

CHAPTER 215

AN ACT APPROPRIATING CERTAIN MONIES TO RACHEL LEE AND JOSEPH MAXWELL FOR ADDITIONAL SALARY TO WHICH EACH IS ENTITLED TO BE PAID AS A TEACHER AT THE DE LA WARR SCHOOL DISTRICT NO. 47.

WHEREAS, Rachael Lee and Joseph Maxwell were employed by the Board of School Trustees at the De La Warr School District No. 47, New Castle, Delaware, as school teachers; and

WHEREAS, the said Rachael Lee was so employed for the school term beginning in September 1966; and

WHEREAS, the said Rachael Lee did at the time of said employment hold a Provisional Certificate; and

WHEREAS, the said Rachael Lee was paid during the school term 1966-1967 only that salary prescribed in the laws of Delaware for a Provisional Certificate; and

WHEREAS, the said Rachael Lee was awarded a degree from the University of Delaware on January 30, 1967; and

WHEREAS, the said Joseph Maxwell was so employed for the school term beginning in September 1966; and

WHEREAS, the said Joseph Maxwell did at the time of said employment hold a Temporary Emergency Certificate; and

WHEREAS, the said Joseph Maxwell was paid during the school term 1966-1967 only that salary prescribed in the laws of Delaware for a Temporary Emergency Certificate; and

WHEREAS, the said Joseph Maxwell was awarded a degree from the University of Delaware on January 30, 1967; and

WHEREAS, the difference in salaries assigned to each teacher is \$300.00 each; and

WHEREAS, the State Department of Public Instruction notified the School District of the salary adjustment after June 30, 1967, when the 1966-1967 appropriation had reverted; and

WHEREAS, it is not the policy of the State Department of Public Instruction to make a teacher's salary retroactive,

NOW THEREFORE:

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

Section 1. The State Treasurer is directed to pay to Rachael Lee and Joseph Maxwell, within thirty (30) days, the sum of Three Hundred Dollars (\$300.00) each in payment of additional salary to which each is entitled as a school teacher in the De La Warr School District No. 47, New Castle, Delaware, for the period from February 1, 1967 to June 30, 1967.

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

Approved December 29, 1967.

CHAPTER 216

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," RELATING TO THE QUALIFICATIONS OF OFFICERS.

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. Section 14 (G) be and is hereby amended by deleting from the first sentence "a citizen and resident of the said Town."

Section 2. Section 14 (G) be and is hereby amended by deleting from the third paragraph "in the sum of Two Thousand Dollars (\$2,000.00)" and inserting in lieu thereof "in the sum of Ten Thousand Dollars (\$10,000.00)."

Section 3. Section 14 (H) be and is hereby amended by deleting from the first sentence thereof "a citizen and resident of the said Town."

Section 4. Section 14 (I) be and is hereby amended by deleting from the first and second sentence thereof "be a resident and taxable of the Town and it shall be his duty to."

Section 5. Section 15 be and is hereby amended by deleting from the first sentence thereof "a resident of said Town."

Approved December 29, 1967.

CHAPTER 217

AN ACT TO AMEND CHAPTER 131, VOLUME 33, LAWS OF DELAWARE RELATING TO THE CHARTER OF THE TOWN OF CLAYTON BY EXTENDING THE LIMITS OF SAID TOWN.

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 Charter of the Town of Clayton, Chapter 131, Volume 33, Laws of Delaware, is hereby amended by adding to Section 1 thereof the following paragraph:

In addition the limits of the Town of Clayton shall be extended to include within said Town the lands described as follows to-wit:

All that certain tract, piece or parcel of land situated in Kenton Hundred, Kent County and State of Delaware, lying adjacent to the westerly corporate limits of the Town of Clayton and the southwesterly corner for which lies at the intersection of the State Highway leading from the Town of Clayton to Blackistons Cross Roads and the Public road leading northeasterly therefrom to Wheatley's Cannery and known as Duck Creek Road, the within lands and premises being more particularly described as follows, to-wit:

Beginning at a point where a corner fence post is set along the southeast right-of-way line of Duck Creek Road at the southwest corner for the tract of land now or formerly of Gilbert and Mary Sammons and the northwest corner of lands owned by W. L. Wheatley, Inc. and running South 32 degrees 3 minutes West approximately 408 feet along lands owned by W. L. Wheatley, Inc. and along lands now of Frederick Friedel, Jr. and his wife, Mary, to a corner where the southeasterly right-of-way line of Duck Creek Road meets the northerly right-of-way line of the Clayton-Blackiston Highway; thence binding with the northerly right-of-way line of the Clayton-Blackiston Highway and running North 89 degrees 15 minutes East along said right-of-way line a distance of approximately 386.3 feet along

lands owned by Friedel and lands owned by W. L. Wheatley, Inc. to a pipe at a corner for lands of W. L. Wheatley, Inc. and lands now of John Wesley Rambo and his wife, Ruth; thence continuing along the northerly right-of-way line of said Clayton-Blackiston Highway and running North 89 degrees 15 minutes East a distance of 279.6 feet along lands of Rambo, lands now or formerly of Susie Knotts, lands of Franklin M. Steele and his wife, Lorraine S., to a post in the North right-of-way line of said Clayton-Blackiston Highway and adjoining other lands of Steele; thence proceeding North 34 degrees 28 minutes West a distance of 140.35 feet to a stake which is a corner for the described lands of Steele, other lands of Steele and lands now or formerly of Oakley Brown; thence South 53 degrees 50 minutes West a distance of 34 feet to a post which separates lands of Steele from lands now or formerly of Oakley Brown; thence proceeding North 52 degrees 26 minutes West along the boundary line between lands of Steele and lands now or formerly of Oakley Brown a distance of 29.80 feet to a post at a corner for lands of Steele, lands now or formerly of Knotts and lands now or formerly of Oakley Brown; thence binding with the last mentioned adjoining lands now or formerly of Brown which lands lie between the Knotts property and West Street and running North 50 degrees 30 minutes West a distance of 88.5 feet to a point at a corner for lands of Oakley Brown, Rambo and Knotts; thence running North 50 degrees 30 minutes West an additional 44 feet to a pipe bordering on West Street which pipe forms a corner for lands of Rambo, and lands of W. L. Wheatley, Inc.; thence running North 54 degrees 9 minutes West a distance of 142.20 feet to a pipe which is a corner for lands of W. L. Wheatley, Inc. and lands now or formerly of Ben Harris; thence North 55 degrees 48 minutes West a distance of 106.20 feet to the point and place of the Beginning, be the contents what they may.

Approved December 29, 1967.

CHAPTER 218

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO DELAWARE STATE COLLEGE FOR ROOF REPAIRS
ON THE LIBRARY.**

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

Section 1. The sum of \$15,000 is appropriated to Delaware State College for the fiscal year ending June 30, 1968, to be used for roof repairs on the library.

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 money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1968.

Approved December 29, 1967.

CHAPTER 219

AN ACT APPROPRIATING CERTAIN MONIES TO CLARA M. FORD TO WHICH SHE IS ENTITLED TO BE PAID AS A RESULT OF A REFUND SHE HAD MADE TO THE STATE TREASURER.

WHEREAS, Walter Ford was employed by the State of Delaware as a faithful public servant for approximately 39 years; and

WHEREAS, the said Walter Ford retired effective July 1, 1959, at the time being disabled and incapable of performing his duties; and

WHEREAS, the said Walter Ford received his State Pension and Federal Disability Benefits for a period of time; and

WHEREAS, the Social Security Act was amended on August 1, 1961, rendering Walter Ford eligible for retirement benefits prior to age 65; and

WHEREAS, the said Walter Ford continued to receive his State Pension and Federal Disability Benefits for which the State claimed a credit for Old Age Insurance Benefits paid; and

WHEREAS, Clara M. Ford, widow of said Walter Ford, refunded to the State Treasurer a sum of money in the amount of \$759.96 in error on August 9, 1962; and

WHEREAS, the erroneous refund of money made by Clara M. Ford, widow of Walter Ford has created a severe hardship upon the said Clara M. Ford;

NOW THEREFORE:

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

Section 1. The State Treasurer is directed to pay to Clara M. Ford, widow of Walter Ford, within thirty (30) days, the

sum of Seven Hundred Fifty Nine and 96/100 Dollars (\$759.96) in payment of an erroneous refund made by said Clara M. Ford to the State Treasurer on August 9, 1962.

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

Approved December 29, 1967.

CHAPTER 220

AN ACT TO AMEND CHAPTER 7, TITLE 14, DELAWARE CODE, RELATING TO THE AUTHORITY OF ADMINISTRATORS AND TEACHERS.

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

Section 1. Chapter 7, Delaware Code, is hereby amended by adding a new § 752 thereto to read as follows:

§ 752. Lawful authority of teachers and principals

Every teacher and administrator in the public schools of the State of Delaware shall have the right to exercise the same authority as to control, behavior and discipline over any pupil during any school activity, as the parents or guardians may exercise over said pupils.

If in cases where corporal punishment is deemed necessary it shall be administered by the Chief School Officer or by the principal in the presence of another adult.

Became law on December 30, 1967, without the approval of the Governor, and in accordance with Section 18, Article 3, as amended, of the Constitution of Delaware.

CHAPTER 221

AN ACT TO AMEND TITLE 6, DELAWARE CODE, RELATING TO RETAIL INSTALLMENT CONTRACTS AND ACCOUNTS, BY PROVIDING REMEDIES AVAILABLE TO A HOLDER OF A DEFAULTED CONTRACT CONSISTENT WITH THE DELAWARE UNIFORM COMMERCIAL CODE.

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

Section 1. Title 6, Delaware Code, is amended by striking § 4346, Chapter 43, and inserting in lieu thereof a new § 4346 to read as follows:

§ 4346. Remedies available to holder on default of buyer

In the event of any default by the buyer in the performance of his obligations under a contract or installment account, the holder, pursuant to any rights granted therein, may proceed to recover judgment for the balance due without retaking the goods, or he may retake the goods and proceed as provided for in Article 9 of Title 5A, Uniform Commercial Code.

Approved January 2, 1968.

CHAPTER 222

AN ACT TO AMEND CHAPTER 42, TITLE 9, DELAWARE CODE, RELATING TO INDIGENT SICK.

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

Section 1. Chapter 42, Title 9, Delaware Code entitled "Indigent Sick," is hereby repealed.

Section 2. A new Chapter 42, Title 9, Delaware Code, entitled "Indigent Sick," is hereby enacted as follows:

CHAPTER 42. INDIGENT SICK

Sec.

4201. Appropriation for relief of indigent sick

4202. Hospitals caring for indigent sick

4203. Records

4204. Audit of records by County Comptroller

4205. Payment of Levy Court

§ 4201. Appropriation for relief of indigent sick

(a) The Levy Court of Kent County shall annually appropriate for the relief of the indigent sick, resident in such County, the sum of \$25,000. In fixing the rate of taxation the Levy Court shall annually provide for the sum of \$25,000.

(b) The Levy Court may in its discretion, annually appropriate such additional funds as it considers necessary for the relief of the indigent sick, resident in Kent County.

§ 4202. Hospitals caring for indigent sick

Any and all hospitals serving Kent County and which are not principally dependent for their maintenance and operation upon State or Federal appropriation are authorized to accept, treat and care for any indigent sick resident in the County and

to furnish them with proper medical or surgical care and attention, to be paid therefor in the manner provided in this chapter.

§ 4203. Records

Every hospital qualifying under Section 4202 of this title, which furnishes medical or surgical care and attention to any indigent sick residing in Kent County shall keep a record thereof in the manner and form prescribed by the Comptroller of Kent County, showing the number of such indigent sick receiving medical or surgical care and attention, the name and residence of each such person, the dates the person was admitted to and discharged from the hospital and an itemized list showing all expenses incurred by the hospital for medical or surgical care and attention furnished such persons.

§ 4204. Audit of records by County Comptroller

Every hospital which desires to be paid by the Levy Court for medical or surgical care and attention for any indigent sick resident in Kent County shall on or before the fifteenth day of each month transmit to the Comptroller of Kent County a duly verified copy of the record required by Section 4203 of this title, for the preceding month, and the Comptroller upon receipt thereof shall forthwith investigate the facts contained therein, and if he deems it proper or necessary in the making of his investigation, he may make an examination of the hospital's books, papers and account appertaining thereto. If, after such investigation, the Comptroller is satisfied that the facts contained in the submitted record are true and correct, he shall approve the payment by the Levy Court to the hospital of the amount shown to be due by the record; otherwise, the Comptroller shall disapprove the same. Upon such approval or disapproval the Comptroller shall forthwith transmit the record, with his approval or disapproval endorsed thereon, to the Levy Court.

§ 4205. Payment of Levy Court

The Levy Court shall pay to each hospital qualified under Section 4202 of this title, such amount shown to be due to it by its verified record as shall be approved by the Comptroller, at such rate per day as shall be determined by the Levy Court

in its discretion for each person receiving such medical or surgical care and attention. Payments under this section shall be made out to the fund appropriated under Section 4201 of this title. No money shall be paid to any hospital for any month until the amount due to all the hospitals in the County for the preceding month has been fully determined and paid.

Approved January 2, 1968.

CHAPTER 223

AN ACT TO AMEND §9524, TITLE 10, DELAWARE CODE, RELATING TO THE SERVICE OF SUMMONS AND VERIFICATION OF SERVICE FOR DEFAULT JUDGMENT, AND TO AMEND §9302, TITLE 10, DELAWARE CODE, RELATING TO VENUE OF JUSTICES OF THE PEACE IN CIVIL ACTIONS.

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

Section 1. §9524, Title 10, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

§ 9524. Service of summons; verification for default judgment

A summons in an action under this subchapter upon an individual other than an infant or an incompetent person, shall be served, by delivering a copy of the summons, with accompanying papers, if any, to him or her personally or by leaving a copy thereof together with the accompanying papers, if any, at his or her dwelling house or usual place of abode in the presence of some person of suitable age and discretion residing therein or by delivering copies thereof to an agent authorized by appointment of by law to receive service of process, at least four days before the day of appearance, unless it be returnable "forthwith"; but service, by leaving a copy, shall not be made of any warrant returnable forthwith, nor in respect to any defendant who has not at the time a fixed place of abode in the county.

The service and the manner of service shall be stated in the return thus, "served personally," "or served by leaving a copy at the defendant's dwelling house or usual place of abode in the presence of A. B., a person of suitable age and discretion residing therein," with the date of such service; and a judgment by default shall not be rendered until this service shall be verified by the constable's affidavit in writing.

Section 2. §9302, Title 10, Delaware Code, is amended

by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

§ 9302. Venue of Justices of the Peace

(a) A civil action commenced by summons may be brought or maintained before any Justice against any resident or non-resident without regard to the county in which such resident resides or the county in which such non-resident may be served.

(b) If the defendant cannot be served with process in the county in which the suit is brought, the writ of summons may be forwarded to a constable in another county for service and the return of the process shall be made to the Justice who issued the summons.

(c) Process of execution may be directed to any constable or sheriff within this State and return thereof shall be made to the Justice of the Peace issuing the process, without regard to where the constable or sheriff resides or serves.

Approved January 2, 1968.

CHAPTER 224

AN ACT TO AMEND SECTION 106, TITLE 7, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF GAME AND FISH COMMISSIONERS.

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

Section 1. Section 106, Title 7, Delaware Code, is amended by adding a new paragraph (f) to read as follows:

(f) The Board may enter into agreements with proper persons or corporations for periods not to exceed 5 years for operation of services on the areas it administers. These services may include, but are not restricted to, farming, trapping, and forest improvement operations. All funds received in connection with such agreements shall be payable to the State Treasurer and shall become a part of the General Fund of the State.

Approved January 2, 1968.

CHAPTER 225

**AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE
RELATING TO DISTRIBUTIONS BY FIDUCIARIES.**

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

Section 1. Title 12, Chapter 23, of the Delaware Code, is amended by adding thereto a new § 2321 to read as follows:

§ 2321. Distributions by fiduciaries in satisfaction of pecuniary bequests

(a) Where a will or a trust agreement authorizes the executor or trustee (hereinafter called the "fiduciary") to satisfy wholly or partly in kind a pecuniary bequest or transfer in trust of a pecuniary amount, unless the will or trust agreement otherwise expressly provides, the assets selected by the fiduciary for that purpose shall be valued at their respective values on the date or dates of their distribution.

(b) Where a will or a trust agreement authorizes the fiduciary to satisfy wholly or partly in kind a pecuniary bequest or a transfer in trust of a pecuniary amount, and the will or trust agreement requires the fiduciary to value the assets selected for such distribution by a formula using a date other than the date or dates of their distribution, unless the will or trust agreement otherwise expressly provides, the assets selected by the fiduciary for distribution, together with any cash to be distributed, shall have an aggregate value on the date or dates of their distribution equal to the amount of such bequest or transfer in trust as determined by the formula stated in the will or trust agreement.

(c) This Section shall apply to the estates of all persons dying on or after October 1, 1964, the final settlement of which did not occur prior to the enactment of this Act.

Approved January 2, 1968.

CHAPTER 226

AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE IN RESPECT TO TAX ON MOBILE HOMES.

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

Section 1. § 1931, Title 14, Delaware Code, is amended by striking the figure "30" after "within" in line 3 thereof and inserting in lieu thereof the figure "60."

Section 2. § 1932, Title 14, Delaware Code, is amended by striking "within 10 days after such movement," after "into his park" in line 5 thereof and inserting in lieu thereof the following:

before the 15th day of the next succeeding month
after placement.

Section 3. Chapter 19, Title 14, Delaware Code, is amended by adding the following new sections:

§ 1939. Mobile home dealers to furnish monthly reports

Each mobile home dealer shall furnish to the Department of Finance of New Castle County or the Board of Assessment for Kent County or the Board of Assessment for Sussex County a monthly report, by the 15th day of each month, indicating the following:

- (a) Name and address of each purchaser from him of a mobile home during the previous month's period.
- (b) Brand name, size, year and model of each such mobile home purchased.
- (c) Gross selling price of each such mobile home purchased.

§ 1940. Penalty for mobile home dealer failing to submit monthly report

A mobile home dealer who fails to file the monthly report required by Section 1939 of this Title, shall be fined not more than \$50.

§ 1941. Penalty for mobile home owner failing to apply for a placement permit

A mobile home owner who fails to apply for a placement permit required by Section 1931 of this Title, shall be fined not more than \$200.

§ 1942. Mobile homes owned by residents over 65 years of age

A resident of Delaware as defined by Title 9, Delaware Code, Section 8131 over the age of 65 and having an income not in excess of \$3,000 per year, may apply for a waiver of tax on a mobile home, to an assessed valuation not exceeding \$5,000, in which he resides and which he owns, except that (1) no such exemption shall be in addition to any other exemption to which said person may be entitled, and (2) no such exemption shall be permitted where said person's spouse lives in said mobile home and has an income in excess of \$3,000 per year. This waiver may be applied for on forms prescribed by the Department of Finance of New Castle County or the Board of Assessment for Kent County or the Board of Assessment for Sussex County and provided for the use of the claimants hereunder by the governing body of the taxing district in which such claim is to be filed. Upon verification of the taxpayer's claim, the above mentioned assessment offices shall issue an annual numbered waiver in triplicate. One copy shall be given to the owner of the mobile home; one copy shall be mailed to the operator of a mobile home park in which the trailer is domiciled and the third copy shall be retained and filed by the above mentioned assessment offices. The operator of the mobile home park, upon making his monthly report and tax payments, shall note the name and waiver number of those residents who qualify for this tax exemption.

§ 1943. Appeals and corrections upon completion of annual assessment

Any mobile home owner who feels aggrieved by the assessment shall have the right of appeal as provided by Title 9, Delaware Code, Sections 8312, 8313.

Approved January 2, 1968.

CHAPTER 227

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF PUBLIC WELFARE FOR
THE FISCAL YEAR ENDING JUNE 30, 1968.**

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 \$500,000 is hereby appropriated to the Department of Public Welfare for assistance grant payments in the Old Age Assistance, Aid to Disabled, Aid to Families with Dependent Children and General Assistance Programs for the fiscal year ending June 30, 1968, with the general purpose of maintaining levels of assistance payments in the programs administered by the Department.

Section 2. The funds appropriated hereby shall be used only for the purpose specified and any unexpended funds shall revert to the General Funds of the State of Delaware on June 30, 1968.

Section 3. This Act shall be known as 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 January 2, 1968.

CHAPTER 228

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. § 322, Title 28, Delaware Code, is amended by striking out all of subsections (c), (d) and (e) thereof, and inserting in lieu thereof the following:

§ 322. Application; rejection; award of dates and maximum racing days

(c) The Commission shall, upon application to it, and on or before the 15th day of January of each year, award dates for racing within the respective counties of this State for the current year. The dates so awarded for racing to be conducted in any one county shall not exceed 61 days in the aggregate in which racing will be conducted in any one county in this State and the decision of the Commission on the award of dates shall be final. Dates awarded in any one county shall be used by the licensee in that county for racing in that county only.

(d) No more than two racing meets shall be held in any one county in any one year.

(e) The Commission may meet subsequently to the 15th day of January of each year and award dates for racing within the limits provided in this section on application submitted to it, provided that the days so awarded in no way conflict with any other provision of this chapter.

(f) No part of this chapter shall be construed to apply to harness horse racing or harness horse races.

Section 2. § 366, Title 28, Delaware Code, is amended by striking out all of said section and inserting in lieu thereof the following:

§ 366. Licensee's commissions on parimutuel totalizer pools

(a) The Commission shall authorize as commissions on

parimutuel and totalizer pools to the licensee operating a racing meet, $8\frac{1}{2}\%$ of the total contributions to all parimutuel and totalizer pools conducted or made at the racing meet, and at every race or meeting, plus one-half of the odd cents of all redistributions to be made on all parimutuel and totalizer pool contributions exceeding the sum equal to the next lowest multiple of 10, such odd cents to be calculated on the basis of each dollar wagered.

(b) In addition to the commissions authorized to the licensee under subsection (a) of this section, the licensee shall have the right to retain further commissions of not exceeding 1% of the total contributions to the parimutuel and totalizer pools, the first one-half of 1% of said additional commission of 1% to be used or allocated for purses and/or other payments to owners and trainers of horses participating in a race meeting; and the remaining one-half of 1% of said additional commission of 1% to be used or allocated, subject to approval of the Commission, for the servicing and repayment of debt and/or for past, present or future capital improvements.

Approved January 2, 1968.

CHAPTER 229

AN ACT TO AMEND CHAPTER 167, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS 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 Members elected to each branch thereof concurring therein):

Section 1. Section 15, Chapter 167, Volume 55, Laws of Delaware, is amended to read:

Section 15. No construction or other work authorized by Section 7 of this Act shall be started nor any monies shall be borrowed for the construction or other work authorized by Section 7 of this Act after June 30, 1968, except such monies as are necessary to complete construction or other work started prior to July 1, 1968, except that in the case of the Smyrna Special School District and Claymont Special School District no construction shall be started under the authority of this Act later than July 1, 1969, and that no monies shall be borrowed or expended for construction for the Smyrna Special School District and the Claymont Special School District authorized by Section 7 of this Act after July 1, 1973.

Approved January 2, 1968.

CHAPTER 230

AN ACT RELATING TO A PENSION FOR ELMER H. MESSICK, A FORMER EMPLOYEE OF THE STATE OF DELAWARE.

WHEREAS, Elmer H. Messick was employed by the Milton School as a faithful public servant for many years; and

WHEREAS, the present law does not provide for pension benefits for Elmer H. Messick; and

WHEREAS, Elmer H. Messick is deserving of consideration of a state pension because of unusual circumstances; and

WHEREAS, Elmer H. Messick 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 Elmer H. Messick for a Service Pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Elmer H. Messick to be eligible for said pension.

Approved January 2, 1968.

CHAPTER 231

AN ACT TO AMEND TITLE II, CHAPTER 21, OF THE DELAWARE CODE BY REPEALING SAID CHAPTER AS IT NOW APPEARS AND ENACTING A NEW CHAPTER 21 PERTAINING TO RELEASE OF PERSONS ACCUSED OF CRIMES IN THE VARIOUS COURTS OF THIS STATE PENDING TRIAL AND TO PROVIDE FOR A SYSTEM OF BAIL WITH SURETY, BAIL WITHOUT SURETY AND THE RELEASE ON PERSONAL RECOGNIZANCE AND TO EMPOWER THE COURT TO SET FORTH CONDITIONS OF ANY RELEASE AND PROVIDING THAT THE DEPARTMENT OF CORRECTION SHALL ADMINISTER BAIL AND RECOGNIZANCE PROCEDURES.

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

Section 1. Title 11, Delaware Code, Chapter 21, is amended by striking out and repealing said chapter as it now appears and enacting a new Chapter 21 which shall be as follows:

**CHAPTER 21. RELEASE OF PERSONS ACCUSED
OF CRIMES**

§ 2101. Purposes of this chapter

It is the purpose of this Chapter to reform the system of bail in the various courts of this state and to empower and equip the courts to utilize a system of personal recognizance or an unsecured personal appearance bond to be used wherever feasible consistent with a reasonable assurance of the appearance of the accused and the safety of the community in connection with the release of persons accused of crime pending a final determination of the court as to the guilt of such persons.

§ 2102. Persons charged with a capital crime

(a) A capital crime shall not be bailable, and a person so charged shall be held in custody without bail until the charge be withdrawn, reduced or dismissed or until the court shall

otherwise order after a trial which results in less than a conviction of a capital crime or except as provided in subsection (b) of this section.

(b) The Superior Court may admit to bail a person charged with a capital crime if after full inquiry, the Superior Court shall determine that there is good ground to doubt the truth of the accusation, and the burden of demonstrating such doubt shall be on the accused.

§ 2103. Release on bail or recognizance of persons charged with any other crime

Any person who is arrested and charged with any crime other than a capital crime shall be released either (a) on his own personal recognizance or (b) upon the execution of an unsecured personal appearance bond of the accused in an amount specified by the court, or (c) upon the execution of a secured appearance bond, the amount of the bond and the nature of the surety to be determined by the court. The court may also impose one or more of the conditions of release set forth in Section 2107 of this chapter. The determination of whether the accused shall be released under (a), (b), or (c) above and the conditions of the release shall be in the discretion of the court subject to the provisions of this chapter.

§ 2104. Release on personal recognizance or on unsecured personal appearance bond

(a) The court shall release a person accused of a bailable crime on his own personal recognizance or upon the execution of an unsecured personal appearance bond of the accused in an amount to be determined by the court when the court is satisfied from all the circumstances and the criteria set forth in subsection (b) of this section that it is reasonably likely that the accused will appear as required before or after conviction of the crime charged and that there is no substantial risk to the safety of the community in permitting such unsecured release.

(b) In determining whether the accused is likely to appear as required and that there will be no substantial risk to the safety of the community the court shall, on the basis of avail-

able information, take into consideration the nature and circumstances of the crime charged, the family ties of the accused, his employment, his financial resources, his character and mental condition, the length of his residence in the community, his record of convictions, his record of appearances at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

§ 2105. Release on bail with surety

If the court has determined that the accused shall not be released in accordance with Section 2104, it shall make a record finding of the reason or reasons for such action and shall permit the release of the accused upon the furnishing of surety satisfactory to the court in an amount to be determined by the court.

§ 2106. Determining the amount of bail

(a) In determining the amount of bail to be required to be posted as surety under Section 2105 or to be required for an unsecured personal appearance bond of the accused, the court shall not require oppressive bail but shall require such bail as reasonably will assure the reappearance of the accused, compliance with the conditions set forth in the bond and the safety of the community. In fixing the amount, the court shall also take into consideration the criteria set forth in subsection (b) of Section 2104 of this chapter.

(b) In any event, if a person is charged with an offense punishable by fine only, the amount of the bail shall not exceed double the amount of the maximum fine for each charge. When a person has been convicted of an offense and only a fine has been imposed as the sentence of the court, the amount of bail shall not exceed double the amount of the fine.

§ 2107. Conditions for release

In connection with either a secured release or an unsecured release of any person the court may also impose one or more of the following conditions:

(a) Require the person to return to the court at any time upon notice and submit himself to the orders and processes of

the court;

(b) Place the person in the custody of a designated person or organization agreeing to supervise him;

(c) Place the person under the supervision of a pre-sentence or probation officer;

(d) Place restrictions on the travel, associations, activities, consumption of alcoholic beverages, drugs or barbiturates, or place of abode of the person during the period of release;

(e) Require periodic reports from the person to an appropriate agent or officer of the court including the attorney for the accused;

(f) Require psychiatric or medical treatment of the person;

(g) Require the person to provide suitable support for his family under supervision of an officer of the court or the Family Court, with the consent of the Family Court;

(h) A person who has been convicted shall also be required duly to prosecute any post-conviction remedies or appeals, and if the case is affirmed or reversed and remanded he shall forthwith surrender himself to the court;

(i) Impose any other condition deemed reasonably necessary to assure appearance as required and to carry out the purpose of this Chapter.

§ 2108. Failure to provide recognizance; secured or unsecured bond or to consent to conditions

If the accused does not provide the personal recognizance, secured or unsecured bond or if he does not agree to meet the conditions for release, he shall be held in the custody of the State Board of Correction until he cures such failure or until the court otherwise orders.

§ 2109. Modification of bail, security or conditions

Either the accused or the Attorney General may apply to the court for any modification of any determination by the court as to the decision of the type of release, the amount and nature of the bond or surety or the conditions of release. Such applica-

tion shall be at such times, upon such conditions and in such manner as the Rules of Superior Court may provide.

§ 2110. Procedure for taking bail or implementing this Chapter

The procedure for taking bail or to implement any provision of this Chapter shall be as provided by the Rules of the Superior Court.

§ 2111. Bail after transfer to another court or after conviction

Once bail has been given and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction, the latter court may continue the original bail in that court. After conviction, the court may order that the original bail stand as bail pending appeal or deny, increase or reduce bail.

§ 2112. Penalties for non-compliance with conditions of recognizance; bond or conditions

(a) If the accused shall fail to appear as required by the recognizance or bond or shall commit any material breach of the conditions set forth in Section 2107 of this chapter, the court shall issue a warrant and cause the arrest of such person and the cancellation of any recognizance and the return to the court for a redetermination of the disposition of the accused.

(b) Upon the return of the accused before the court pursuant to subsection (a) or if the accused shall not be found, the court shall act with respect to the forfeiture of any secured or unsecured bond pursuant to the Rules of the Superior Court and shall redetermine the type of release, the amount of bail, if any, and conditions of the further release of the accused.

(c) If the accused fails to appear as required or breaches any condition of his release, he shall be presumed to have acted wilfully, and the burden shall be upon the accused to prove otherwise. The failure of the accused to appear as required or his breach of any condition of his release shall be a separate crime, and upon conviction thereof shall be punished as follows:

(1) If he was released in connection with one or more charges of a felony prior to trial, or while awaiting sentence or

pending appeal or certiorari after conviction of one or more felonies or misdemeanors, he shall be guilty of a felony and punished by imprisonment of not to exceed five years or a fine of \$5,000 or both;

(2) If he was released in connection with one or more charges of misdemeanor prior to trial, he shall be fined not more than \$500 or imprisoned not more than one year, or both.

(d) Any person released pursuant to this subchapter shall notify the Court, before which his case is pending, of any changes of address or residence within five (5) days of such change. Failure to make such notification will result in constructive receipt of any subpoena issued to the person by or on behalf of the Court to the last address or residence given to the Court by that person.

(e) Nothing in this chapter shall interfere with or prevent the exercise by any court of its power to punish for contempt.

§ 2113. Administration of this chapter

(a) The State Board of Correction shall administer such provisions of this chapter as are not exclusively the province of the judges of the respective courts of this state.

(b) The State Board of Correction is authorized and empowered to make investigations relative to the release of persons charged with criminal offenses and to advise and assist the courts to carry out the purposes of this chapter.

(c) The State Board of Correction shall have the power necessary to carry out the purposes of this chapter, including subpoena power, and as shall be provided by the Rules of the Superior Court.

(d) The Commissioner of the Department of Corrections shall be authorized to employ one supervisor, and such assisting and clerical staff as may be necessary to carry out the provisions of this Act.

§ 2114. Definitions

For purposes of this chapter the following definitions shall apply:

"Attorney General" includes any Deputy Attorney General or any other prosecutor of the State, County or municipality.

"Bailable offense" is any offense not punishable by death.

"Capital Crime" includes any crime for which the punishment shall be death.

"Court" includes Superior Court, Court of Common Pleas, Municipal Court of the City of Wilmington, Justice of the Peace and, for purposes of the bail provisions where the context permits, the House Sergeant of the Wilmington City Police.

"Crime" includes any offense which is punishable by a fine or imprisonment.

"Personal recognizance" is the written recognizance of the accused that he will obey the further direction of the court.

"Record finding" is a memorandum, notation, opinion, order or other writing in the file of the case of the accused reflecting the decision made by the court.

"Secured personal appearance bond" is a bond of the accused promising his appearance in court, guaranteed by a surety, property, cash or other assets.

"Unsecured personal appearance bond" is an undertaking by the accused promising his appearance in court where, upon his failure, he will be liable for the amount of the bond, but the bond is not guaranteed by any surety or specific pledge of property or other assets.

Section 2. Chapter 33 of Title 10 of the Delaware Code, is hereby repealed. All other acts inconsistent with the revision of this act are hereby repealed.

Section 3. If any part of this act shall be held to be invalid or unconstitutional, such holding shall not affect any other part of this act.

Section 4. The passage of this act and/or any repeal in this act of any laws of this State shall not affect any existing proceeding wherein any action has been taken or any act done or

omitted under prior law. This is intended to be a general savings clause.

Section 5. The sum of \$19,900.00 is appropriated to the State Board of Corrections for the fiscal year ending June 30, 1968, to pay the cost of implementing this Act.

Section 6. 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 January 8, 1968.

CHAPTER 232

AN ACT TO AMEND § 1163, CHAPTER II, PART II, TITLE 9, DELAWARE CODE, RELATING TO POWER OF COUNTY COUNCIL OF NEW CASTLE COUNTY TO CREATE DEBT.

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

Section 1. § 1163, Chapter II, Part II, Title 9, Delaware Code, is amended by deleting paragraph (a) thereof and substituting in lieu thereof the following:

§ 1163. Creation of debt

(a) (1) The County Council shall exercise all power heretofore vested in the Levy Court of New Castle County in connection with the creation of debt, and in addition, shall have the power to authorize the issuance of bonds of New Castle County to finance the cost of any object, program or purpose for which New Castle County, or any officer, department, board or agency thereof, is by this title or by any other law, authorized to raise, appropriate or expend money, or for the implementation and performance of functions, programs and purposes specified in this title, or in any other law, applicable to New Castle County; provided, however, that the County Council shall not have authority to create or to authorize the creating of any bonded indebtedness for the following purposes: the payment of any operating expenses; the payment of any judgment resulting from the failure of the County to pay any item of operating expense; 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.

(2) The powers conferred by this Chapter shall be in addition to and not in substitution for or in limitation of the powers conferred by any other law. Bonds may be issued hereunder for any object or purpose for which the County is by this Chapter or any other law authorized to raise or appropriate or expend money notwithstanding that any other law may provide for the issuance of bonds for the same or like purposes and with-

out regard to the requirements, restrictions or other provisions contained in any other law. Bonds may be issued under this Chapter notwithstanding any debt or other limitation prescribed by any other law, and the mode and manner of procedure for the issuance of bonds and the adoption of the ordinance authorizing issuance of the bonds under this Chapter need not conform to the provisions of any other law or any other provision of this Chapter.

(3) Bonds issued pursuant to this Chapter shall be authorized by an ordinance passed by the County Council with the concurrence of three-fourths of all the members elected to the County Council. Each such ordinance shall state in brief and general terms the objects or purposes for which the bonds are to be issued, the maximum aggregate principal amount of bonds to be issued for each such object or purpose, the maximum rate of interest the bonds shall bear, the times and place or places of payment of the principal of or interest on the bonds, the date of the bonds, the date upon which each installment of bonds shall become due and payable and the denomination or denominations of the bonds. All matters not determined by such ordinance may be determined by subsequent resolutions passed by the County Council.

(4) The bonds authorized by each ordinance shall mature in annual installments as may be determined by the County Council, the first of which shall be payable not more than one year after the date of such bonds and the last of which shall be payable not later than thirty years after the date of the bonds, and shall bear interest at such rate or rates as shall be determined after the bonds have been sold in the manner heretofore set forth. Provided, however, that the first maturity of bonds issued for purposes of financing a water improvement may mature not later than three years after the date thereof and, the last maturity of bonds issued to finance any single water improvement costing over \$5,000,000 may mature not later than forty years after the date of such bonds. Bonds for several objects or purposes may be combined into one consolidated issue.

(5) Bonds issued pursuant to this Chapter 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 and the bonds may be made payable at such place or places either within or without the State of Delaware as the County Council may by resolution provide. Such bonds, and any interest coupons representing the interest thereon, shall be issued in such form and shall be executed in such manner as the County Council may prescribe. The delivery of bonds executed in the manner prescribed by the County Council shall be valid notwithstanding any change in the officers or in the seal of the County occurring after the signing and sealing of the bonds.

(6) Bonds issued pursuant to this Chapter shall be sold by the County Executive and shall be sold for not less than par and accrued interest at public sale upon sealed proposals after at least ten days' notice published at least once in one newspaper published in the City of Wilmington and in a financial journal published in the City of New York, and upon such terms, conditions and regulations as the County Council may prescribe.

(7) The proceeds of the sale of bonds issued under this Chapter shall be used only for the object or purpose or objects or purposes specified in the ordinance authorizing such bonds or for the payment of the principal of and interest on temporary loans made in anticipation of the sale of such bonds. 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.

(8) Bonds shall not be issued pursuant to this Chapter if their issuance would increase the aggregate principal amount of all bonds of the County, then outstanding, to an amount in excess of 3% per centum of the assessed valuation of the real estate taxable by the County. Provided, however, that in computing the outstanding bonds under the previous sentence of this paragraph (8), there shall not be included therein any bonds, notes or other evidences of indebtedness issued or which may hereafter be issued for the purpose of financing sanitary districts, the construction or acquisition of sewer or sewage sys-

tems, suburban community improvements under 9 Delaware Code, Chapter 5, airport facilities, or water improvements or supply systems, or for anticipation of tax or other revenues pursuant to subsection (c) of this Section.

(9) Whenever the County Council shall have authorized the issuance of bonds by an ordinance adopted pursuant to the Chapter, the County may borrow money in anticipation of the issuance of such bonds so authorized and, for such purpose, may issue, and from time to time renew, negotiable bond anticipation notes of the County, of an aggregate principal amount not exceeding the principal amount of such bonds authorized by such resolution. The County Council shall authorize such notes by a resolution or resolutions which shall determine the date of the notes, date on which such notes are to be payable, the maximum principal amount thereof and the rate or maximum rate of interest to be borne thereby and the manner of their signing. The County Council in such resolution may delegate to the County Executive authority to sell the notes thereby authorized, either at public or private sale, and to determine within the limitations prescribed by such resolution the rate of interest to be borne by such notes and the principal amount thereof. Moneys raised by the issuance of notes in anticipation of the issuance of bonds shall be used only to finance the object or purpose for which the proceeds of the bonds may be used and such proceeds shall be applied, to the extent necessary, to pay and retire such notes.

(10) The full faith and credit of the County shall be deemed to be pledged for the punctual payment of the principal of and interest on every bond and note issued under this Chapter. The County Council shall annually levy and collect a tax ad valorem upon all property taxable by the County sufficient to pay the principal of and interest on each such bond or note as such principal and interest become due; provided, however, such tax may be reduced by the amount of other moneys appropriated and actually available for such purpose or provided for by local or special assessments or local service taxes. Nothing herein shall relieve the government of New Castle County from any requirement to levy any local or special assessment or local service tax.

Approved January 8, 1968.

CHAPTER 233

**AN ACT TO PERMIT MARSHALLTON CONSOLIDATED
SCHOOL DISTRICT NO. 77 TO TRANSFER CERTAIN
FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT
TO ITS MINOR CAPITAL IMPROVEMENTS PROGRAM.**

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 Board of School Trustees of the Marshallton Consolidated School District No. 77 is authorized to transfer the sum of \$12,000 from its local Debt Service Account to its Minor Capital Improvements Program for the purpose of providing the said District a share of the funds required for making miscellaneous minor capital improvements as authorized by Section 13 (e) of Chapter 121, Volume 56, Laws of Delaware.

Approved January 8, 1968.

CHAPTER 234

AN ACT TO AMEND CHAPTERS 41 AND 61, TITLE 9, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF PUBLIC DUMPING AREAS, BY AUTHORIZING THE COUNTY GOVERNMENTS TO NEGOTIATE WITH PRIVATE CONTRACTORS, CITIES AND TOWNS OF THE STATE OF DELAWARE, TO ESTABLISH PUBLIC DUMPING AREAS AND TO EACH EXPEND A SUM NOT EXCEEDING \$75,000.00 FOR SAID DISPOSAL.

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

Section 1. Chapter 41, Title 9, Delaware Code, is amended by inserting in and adding to sub-chapter III thereof a new section to be designated § 4135, to read as follows:

§ 4135. Cities and towns; aid for maintenance of public dumping areas

The Levy Court of Kent County shall have the power and authority to negotiate with the proper authorities of the various cities and towns, and with private individuals or contractors within the County as to the establishment of Public Dumping Areas open to the use of the general public, and further the said Levy Court shall have the right to expend a sum not to exceed \$75,000.00 as cost to the County in the purchase of land for said disposal or in the various contracts with the Towns, Cities and private individuals or contractors; and further that the Levy Court of Kent County shall have the right and authority to tax the general public of Kent County annually to defray the cost and expenses of the public dumping areas.

Section 2. Chapter 61, Title 9, Delaware Code, is amended by repealing Section 6133 and inserting in lieu thereof a new Section 6133 to read as follows:

§ 6133. Cities and towns; aid for maintenance of public dumping areas

The Levy Court of Sussex County shall have the power

and authority to negotiate with the proper authorities of the various cities and towns, and with private individuals or contractors within the County as to the establishment of Public Dumping Areas open to the use of the general public, and further the said Levy Court shall have the right to expend a sum not to exceed \$75,000.00 as cost to the County in the purchase of land for said disposal or in the various contracts with the towns, cities and private individuals or contractors; and further that the Levy Court of Sussex County shall have the right and authority to tax the general public of Sussex County annually to defray the cost and expenses of the public dumping areas.

Approved January 8, 1968.

CHAPTER 235

AN ACT AMENDING CHAPTER 40, VOLUME 56, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1968," AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR, IN THE AMOUNT OF \$15,000.00.

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

Section 1. Chapter 40, Volume 56, Laws of Delaware, is hereby amended by adding a new line under the heading "Legislative Reference Bureau" to read as follows:

Salaries of Lawyers (2)\$15,000.00
and by changing the totals accordingly.

Approved January 8, 1968.

CHAPTER 236

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR TO BE USED AS MATCHING
FUNDS FOR OPPORTUNITIES INDUSTRIALIZATION
CENTER, INCORPORATED.**

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 \$100,000 is appropriated to the Governor for the fiscal year ending June 30, 1968, to be transferred by the Governor to Opportunities Industrialization Center, Incorporated, a Delaware Corporation, upon the Governor's finding that \$100,000 in matching funds are available to Opportunities Industrialization Center, Incorporated, that the funds will be used to carry out the purposes of that Corporation in the training of the unskilled labor force of Delaware for available skilled employment and that the program shall be conducted in the best interest of all the people of this State.

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 money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1968.

Approved January 8, 1968.

CHAPTER 237

AN ACT TO AMEND SECTION 9617, CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO FEES FOR THE RECORDER OF DEEDS IN NEW CASTLE COUNTY.

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

Section 1. Section 9617, Chapter 96, Title 9, Delaware Code, is hereby amended by striking from the second subparagraph dealing with the recording, comparing, and indexing a private Act of Assembly, deed, mortgage, release, assignment, contract of marriage, certificate of incorporation and certificate of amendment of incorporation or other paper proper to be recorded, the phrase "\$1.75 for each page," and substituting in lieu thereof the phrase:

\$3.00 for each page.

Section 2. Section 9617, Chapter 96, Title 9, Delaware Code, is hereby amended by striking from the fourteenth subparagraph dealing with recording, comparing, and certifying a certificate of extension, restoration, renewal, or revival of the charter of a corporation or a certificate of change of location of the principal offices or change of resident agent or transfer of the location of any office of the agent of any corporation in any city or town of this State to another location in the same city or town or from any city or town in this State to any other town or city in this State, the figure "\$1.75," and substituting in lieu thereof the figure: "\$3.00."

Section 3. The effective date of this Act shall be 30 days after its approval by the Governor.

Became law on January 8, 1968, without the approval of the Governor, and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 238

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE CIVIC ASSOCIATION OF BELVEDERE AND VICINITY FROM ASSESSMENT AND TAXATION.

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

Section 1. Section 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 Civic Association of Belvedere and Vicinity.

Approved January 10, 1968.

CHAPTER 239

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE SALARY ACCOUNT OF THE DEPARTMENT
OF CIVIL DEFENSE FOR THE PURPOSE OF HIRING
A COMMUNICATIONS SPECIALIST.**

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

Section 1. The sum of \$3,000 is appropriated to the "Salaries and Wages of All Other Employees" account of the Department of Civil Defense for the fiscal year ending June 30, 1968, for the purpose of hiring a communications specialist.

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 January 10, 1968,

CHAPTER 240

AN ACT AMENDING CHAPTERS 13, 15 AND 16 OF TITLE 10, AND CHAPTER 53 OF TITLE 11, DELAWARE CODE OF 1953, RELATING TO THE JUDGES, JURISDICTION, POWERS AND PROCEDURES OF THE COURTS OF COMMON PLEAS FOR NEW CASTLE, KENT AND SUSSEX COUNTIES AND PROVIDING FOR THE TRANSFER OF CERTAIN CASES TO AND FROM SUPERIOR COURT.

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 1302 of Title 10, Delaware Code of 1953, is hereby repealed and the following new § 1302 is enacted in lieu thereof:

§ 1302. Appointment of judges; terms; eligibility; salary

(a) The Governor shall, with the approval of the Senate, appoint and commission two Judges, each for a term of twelve years and each of whom shall be qualified to hold and preside over the Court of Common Pleas for New Castle County. Both Judges shall not be appointed from the membership of the same political party.

(b) No person shall be eligible to hold the office of Judge of the Court of Common Pleas for New Castle County unless he is a person learned in the law, has been in good standing as a practicing attorney in the Supreme Court of the State of Delaware for at least five years preceding his appointment, and is a resident of New Castle County.

(c) The Judges of such Court shall each receive an annual salary of \$21,000 payable by the State.

(d) No Judge of such Court shall, after assuming his duties,
Section 2. Section 1305 of Title 10, Delaware Code of 1953, practice law during his term of office.

Section 2. Section 1305 of Title 10, Delaware Code of 1953,

is hereby repealed and the following new § 1305 is enacted in lieu thereof:

§ 1305. Temporary assignment of Judges

(a) In the event the Judges of the Court of Common Pleas for New Castle County are both disabled, disqualified or unable for any cause to preside over the Court, the President Judge of the Superior Court shall thereupon assign one of the Judges of the Superior Court of the State of Delaware, to sit in and hold the Court of Common Pleas for New Castle County during the absence, disability or disqualification of both Judges thereof.

(b) Upon written request therefor made by a Judge of the Court of Common Pleas for New Castle County, the President Judge of the Superior Court may designate and assign one of the Judges of the Superior Court, to sit in the Court of Common Pleas for New Castle County to hear and decide such causes therein and for such period of time as said President Judge may designate.

(c) In any of the cases provided for in this section, it shall be the duty of the Judge so designated to serve according to such designation as a Judge of the Court of Common Pleas for New Castle County.

Section 3. Section 1326 of Title 10, Delaware Code of 1953, is hereby amended by repealing subsection (a) thereof and inserting the following new subsection (a) in lieu thereof:

(a) The writs, rules and processes of the Court shall be served and executed by any constable or any county or state officer, in any county of Delaware, who is authorized by law to serve general process, and also, in criminal actions, by police officers of the City of Wilmington or New Castle County and officers of the State Police.

Section 4. Section 1341 of Title 10, Delaware Code of 1953, is hereby amended by striking the figure "\$1,000" from each place it appears in said section and inserting the figure "\$2,500" in lieu thereof in each place and subsection (d) of said § 1341 is further amended to read as follows:

(d) The Court shall have and may exercise the same jurisdiction and powers in all civil actions as is vested in Justices of the Peace of the State, including the jurisdiction and power to have its writs, rules, subpoenas and other processes served and enforced in any county of the State.

Section 5. Section 1342 of Title 10, Delaware Code of 1953, is amended by repealing subsections (a) and (c) thereof and the following new subsections (a) and (c) are enacted in lieu thereof:

(a) The Court shall have jurisdiction to receive, hear, try and dispose of all civil actions which by certificate of a Judge of the Superior Court for New Castle County may be transferred to it pursuant to rules of the Court and of Superior Court made for that purpose. Civil actions transferred to the Court shall include only those matters as to which the Court would have original jurisdiction under this chapter, but may include cases where the parties in interest are entitled to a jury trial if such jury trial has been waived.

(c) Upon transfer of an action to the Court pursuant to this section, the Prothonotary shall forthwith transmit all records in the matter and pay over to the Clerk of the Court the balance of any deposit held which exceeds the amount of Superior Court costs. Proceedings shall thereupon continue as though the action had been commenced in the Court of Common Pleas.

Section 6. Sections 1368 and 1372 of Title 10, Delaware Code of 1953, are hereby repealed and the following new sections 1361, 1362 and 1363 are enacted in lieu thereof:

§ 1361. Trial without jury or referees

(a) All cases tried before the Court shall be without a jury or referees.

(b) Every person who commences a civil action in this Court shall, by virtue of such commencement, be deemed to have waived any right to trial by jury of the issues to which such person's original pleading is directed.

§ 1362. Demand for jury trial; waiver; removal to Superior Court

(a) Except as otherwise provided in Section 1361, any party may demand a trial by jury of an issue triable of right by a jury serving upon the other parties a demand therefor in writing and depositing with the Clerk of the Court the amount necessary for the commencement of an action in Superior Court. Such demand shall be served and filed, and the necessary amount deposited with the Clerk, not later than 5 days after the service of the last pleading directed to such issue. The demand for jury trial may be endorsed upon a pleading of the party, provided it is typed or written on the first page of the pleading immediately following the caption of the case.

(b) The failure of a party to serve and file a demand for trial by jury or to deposit the necessary amount in accordance with the requirements of this section constitutes a waiver by him of trial by jury.

(c) Upon demand for trial by jury as provided in this section, the Clerk of the Court shall forthwith transmit all records in the matter and the amount necessary for commencement of an action in Superior Court to the Prothonotary of New Castle County. Following such removal, proceedings shall continue as though the action had been commenced in Superior Court.

§ 1363. Record

A stenographic record shall be kept of all evidence taken in the Court of Common Pleas.

Section 7. Section 1373 of Title 10, Delaware Code of 1953, is hereby repealed and the following new Section 1373 is enacted in lieu thereof:

§ 1373. Appeal in civil actions

From any order, rule, decision, or judgment of the Court in a civil action, the aggrieved party shall have the right of appeal to the Superior Court of New Castle County in the same manner as is provided by law as to causes tried before justices of the peace, except that appeals to the Superior Court shall be

reviewed on the record and shall not be tried de novo. The Superior Court shall have power to make rules to carry the provisions of this section into effect.

Section 8. Sections 1304, 1321, 1323, 1324, 1325 and 1343 of Title 10, Delaware Code of 1953, are hereby amended by substituting the word "Judges" for the word "Judge" wherever the latter word appears in said sections.

Section 9. Section 1506 of Title 10, Delaware Code of 1953, is hereby amended to read as follows:

§ 1506. Temporary assignment of Judges

(a) In the event the Judge of the Court of Common Pleas for Kent County shall be disabled, disqualified or unable for any other reason to preside over said Court at any time, the President Judge of the Superior Court, after notice thereof, shall thereupon designate and assign one of the Judges of the Superior Court, to sit in and hold said Court of Common Pleas during the disability, disqualification or absence of the Judge thereof.

(b) Upon written request therefor made by the Judge of the Court of Common Pleas for Kent County, the President Judge of the Superior Court may designate and assign one of the Judges of the Superior Court, to sit in said Court of Common Pleas to hear and decide such causes therein and for such period of time as said President Judge shall designate.

(c) In any of the cases provided for in this section, it shall be the duty of the Judge so designated to serve according to such designation as a Judge of the Court of Common Pleas for Kent County.

Section 10. Section 1541 of Title 10, Delaware Code of 1953, is hereby amended by repealing subsection (d) thereof and inserting the following subsection (d) therein:

(d) The Court shall have and may exercise the same jurisdiction and powers in all civil actions as is vested in Justices of the Peace of the State, including the jurisdiction and power

to have its writs, rules, subpoenas and other processes served and enforced in any county of the State.

Section 11. Section 1606 of Title 10, Delaware Code of 1953, is hereby amended to read as follows:

§ 1606. Temporary assignment of Judges

(a) In the event the Judge of the Court of Common Pleas for Sussex County shall be disabled, disqualified or unable for any other reason to preside over said Court at any time, the President Judge of the Superior Court, after notice thereof, shall thereupon designate and assign one of the Judges of the Superior Court, to sit in and hold said Court of Common Pleas during the disability, disqualification or absence of the Judge thereof.

(b) Upon written request therefor made by the Judge of the Court of Common Pleas for Sussex County, the President Judge of the Superior Court may designate and assign one of the Judges of the Superior Court, to sit in said Court of Common Pleas to hear and decide such causes therein and for such period of time as said President Judge shall designate.

(c) In any of the cases provided for in this section, it shall be the duty of the Judge so designated to serve according to such designation as a Judge of the Court of Common Pleas for Sussex County.

Section 12. Section 1641 of Title 10, Delaware Code of 1953, is hereby amended by repealing subsection (d) thereof and inserting the following new subsection (d) therein:

(d) The Court shall have and may exercise the same jurisdiction and powers in all civil actions as is vested in Justices of the Peace of the State, including the jurisdiction and power to have its writs, rules, subpoenas and other processes served and enforced in any county of the State.

Section 13. Section 5301 of Title 11, Delaware Code of 1953, is hereby repealed and the following new Section 5301 is enacted in lieu thereof:

§ 5301. Criminal procedure generally; transfers to Superior Court

(a) The proceedings in all criminal cases in the Court of Common Pleas for New Castle County shall be by information and without indictment by grand jury or trial by petit jury. From any order, rule, decision, judgment or sentence of the Court in a criminal action, the accused shall have the right of appeal to Superior Court of New Castle County. Such appeals to the Superior Court shall be reviewed on the record and shall not be tried de novo.

(b) The Court shall have, except as limited by subsection (c), the power to receive pleas of guilty from persons charged with misdemeanors and to impose sentence or probation according to law, as fully as is now done by the Superior Court.

(c) In all cases in which the sentence, in the event of conviction, may by law be imprisonment exceeding one month or a fine exceeding \$100, the Court shall upon arraignment and before accepting any plea advise the accused that he has a right to trial by jury in such case. If the accused, in writing, waives his right to jury trial in such case, his plea may be accepted by the Court. If the accused does not so waive his right to jury trial, his plea shall not be accepted, but the case and all records of the Court pertaining thereto shall be transferred to Superior Court and the case shall thereupon continue, upon information and without indictment, according to the same procedures applicable to cases originating in Superior Court.

(d) Superior Court shall have power to make appropriate rules to carry the provisions of this section into effect.

Section 14. This law shall take effect February 1, 1969, except as follows:

(a) The provisions of Sections 6 and 7 shall not apply with respect to civil actions commenced in the Court of Common Pleas for New Castle County prior to the effective date of this law.

(b) The provisions of Section 13 shall not apply with respect to cases in which the accused has been arraigned and en-

tered to plea prior to the effective date of this law.

(c) The provisions of Section 1 shall not apply with respect to the judges currently serving as Judges of the Court of Common Pleas for New Castle County until March 1, 1971, unless, after the effective date hereof, they elect to come under the terms of Section 1.

Approved January 10, 1968.

CHAPTER 241

**AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE
RELATING TO "HOME RULE" LEGISLATION FOR
KENT COUNTY.**

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

Section 1. Section 304 (c), Title 9, Delaware Code, is hereby amended by striking the last six words of said subsection which read: "to serve out his remaining term," and inserting in lieu thereof, the following:

"until the special election provided for in section 308 of this title and chapter shall have been completed"

Section 2. Section 4405, Title 9, Delaware Code, is hereby amended by striking the words "assessed valuation" as they appear in the fourth line of said section and inserting in lieu thereof, the words "actual property value."

Section 3. Section 4405, Title 9, Delaware Code, is hereby amended by striking the words "assessed valuations" as they appear as the last two words of said section, and inserting in lieu thereof, the following words: "actual property value."

Section 4. Section 4607, Title 9, Delaware Code, is hereby amended by inserting the following sentence after the eleventh sentence of said section which ends in the words "provisions of this chapter," but before the twelfth sentence of said section which begins with the words "The majority of votes," which said new sentence shall read as follows:

Each person or legal entity entitled to vote shall have one vote and shall have an additional vote for each \$1,000 of total assessed value of real property and buildings thereon owned by such person or legal entity, such valuation to be determined by the records of the Kent County Board of Assessment.

Section 5. Section 4801, Title 9, Delaware Code, is hereby

amended by adding a new definition after the definition of "Highway Department" and before the definition of "Levy Court," to read as follows:

"Land Development" means "any tract or parcel land upon which is proposed the construction or erection of one or more commercial, industrial, multi-family, or mobile home park use."

Section 6. Section 4801, Title 9, Delaware Code, is hereby amended by adding a new definition at the end of said section to read as follows:

"Subdivision" means "any tract or parcel of land divided or redivided into two or more lots or parcels and involving proposed roads, whether public or private, for the purpose of transfer of ownership."

Section 7. Section 4802, Title 9, Delaware Code, is hereby amended by adding the following words between the words "airport" and "water supplies," as they appear in the first sentence of said section, to read as follows:

"Commercial, industrial and residential developments."

Section 8. Section 4803 (c), Title 9, Delaware Code, is hereby amended by striking out the word "June" as it appears in the first sentence of said subsection, and inserting in lieu thereof, the word "September."

Section 9. Section 4803 (d), Title 9, Delaware Code, is hereby amended by striking the word "July" as it appears in the first sentence of said subsection, and inserting in lieu thereof, the word "September."

Section 10. Section 4810, Title 9, Delaware Code, is hereby amended by striking the caption of said section in its present form and inserting in lieu thereof the following caption:

§ 4810. Subdivision plans; land development plans; road plats; submission to commission; recording; fees; regulations

Section 11. Section 4810 (a), Title 9, Delaware Code, is

hereby amended to read as follows:

(a) Plans depicting the location, proposed grades and drainage of all roads intended to be dedicated by the owner thereof to the public use or for the use of owners of property abutting thereon or adjacent thereto and plans of all subdivisions and land developments within the limits of the District, shall be submitted to the Commission for its adoption and the approval of the Levy Court. No person shall record any plan or map showing the location of any new or proposed road, subdivision or land development in any public office in Kent County unless such plan or map shall show thereon by endorsement its adoption by the Commission and its approval by the Levy Court. The adoption of any road plan or map by the Commission and the approval thereof by the Levy Court endorsed upon such road plan or map shall, when recorded, be deemed and taken as an acceptance of the intended dedication of the road appearing thereon, but shall not impose any duty upon the Levy Court or upon the Highway Department respecting the maintenance or improvement thereof. Such road plan or map shall, when recorded, become a part of the official map.

Section 12. Section 4816, Title 9, Delaware Code, is hereby amended to read as follows:

§ 4816. Issuance of building and occupancy permits

(a) No building permit shall be issued by the County for the erection of any building or for the construction of any improvement, utility or structure on any part of any land which is required to be submitted to the Commission as provided in section 4810 of this Title after the adoption of regulations, 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 road, subdivision or land development plan in accordance with the provisions contained in this chapter.

(b) No occupancy permit shall be issued for such building, improvement, utility or structure, or land thereunder, except

upon a determination of full compliance with the road, subdivision or land development plan approval.

Section 13. Section 4904 (b), Title 9, Delaware Code, is hereby amended by striking the word "three" as it appears in the third sentence of said subsection between the words "remaining" and "for," and inserting in lieu thereof, the word "two."

Section 14. Section 4913 (a), Title 9, Delaware Code, is hereby amended by striking the word "four" as it appears in the second sentence of said subsection, and inserting in lieu thereof, the word "five."

Approved January 10, 1968.

CHAPTER 242

AN ACT TO AMEND ARTICLE IV, SECTION 404, AND ARTICLE V, SECTION 501.1, OF THE CITY CHARTER OF THE CITY OF NEWARK, DELAWARE, ENACTED ON APRIL 26, 1965, BY REFERENDUM PURSUANT TO CHAPTER 8, TITLE 22, DELAWARE CODE, RELATING TO POWER TO RAISE REVENUE AND REAL PROPERTY ASSESSMENT EXEMPTIONS.

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. Article IV, Section 404, of the City Charter for the City of Newark, Delaware, enacted on April 26, 1965, by referendum pursuant to Chapter 8, Title 22, Delaware Code, is hereby amended by adding to the fourth paragraph thereof the following sentence:

The Council shall have the power by ordinance to exempt from taxation not more than \$5,000 of assessed value of real property of persons over 65 years of age whose income does not exceed \$3,000 per annum, as defined by ordinance.

Section 2. Article V, Section 501.1, of the City Charter for the City of Newark, Delaware, enacted on April 26, 1965, by referendum pursuant to Chapter 8, Title 22, Delaware Code, is hereby amended by inserting after the word "law," on the fourth line of the first paragraph thereof, the words:

or provisions of this Chapter.

Approved January 10, 1968.

CHAPTER 243

**AN ACT TO AMEND TITLE 29, PART II, DELAWARE CODE,
RELATING TO THE GENERAL ASSEMBLY BY PRO-
VIDING FOR THE COMPOSITION AND REAPPORTION-
MENT THEREOF.**

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

Section 1. Chapter 6, Title 29, Delaware Code, is repealed and a new Chapter 6, Title 29, Delaware Code, is enacted to read:

**CHAPTER 6. COMPOSITION OF AND REAPPORTION-
MENT OF THE GENERAL ASSEMBLY****SUBCHAPTER I. GENERAL PROVISIONS****§ 601. Composition of the House of Representatives**

The House of Representatives shall be composed of 39 members who shall be chosen to hold office for 2 years. The State shall be divided into 39 Representative Districts, from each of which shall be chosen, by the qualified electors thereof, 1 representative.

§ 602. Composition of the Senate; staggered terms

The Senate shall be composed of 19 members, who shall be chosen to hold office for 4 years. The Senate shall be divided into 19 Senatorial Districts, from each of which shall be chosen by the qualified electors thereof, 1 Senator. The terms of office of the several Senators shall be staggered so that 10 Senators shall be elected at the first biennial General Election following the effective date of this chapter for a term of 4 years and 9 Senators shall be elected at such election for a term of 2 years.

§ 603. Allocation of Representative Districts

There shall be:

- (1) Six Representative Districts in the City of Wilmington

(2) Twenty-one Representative Districts in New Castle County outside the City of Wilmington

(3) Six Representative Districts in Kent County

(4) Six Representative Districts in Sussex County.

§ 604. Allocation of Senatorial Districts

There shall be:

(1) Three Senatorial Districts in the City of Wilmington

(2) Ten Senatorial Districts in New Castle County outside the City of Wilmington

(3) Three Senatorial Districts in Kent County

(4) Three Senatorial Districts in Sussex County.

§ 605. Numbering of Districts

(a) Each Representative District and each Senatorial District shall be designated by number. The numbers shall run consecutively throughout the State.

(b) The Representative Districts in the City of Wilmington shall be numbered from 1 through 6, and the Senatorial Districts therein shall be numbered from 1 through 3.

(c) The Representative Districts in New Castle County outside the City of Wilmington shall be numbered from 1 through 27, and the Senatorial Districts therein shall be numbered from 4 through 13.

(d) The Representative Districts in Kent County shall be numbered from 28 through 33, and the Senatorial Districts therein shall be numbered from 14 through 16.

(e) The Representative Districts in Sussex County shall be numbered from 34 through 39, and the Senatorial Districts therein shall be numbered from 17 through 19.

§ 606. Determining District Boundaries; criteria

In determining the boundaries of the several Representatives and Senatorial Districts within the City of Wilmington and

within the several Counties, the General Assembly shall use the following criteria: Each District shall, insofar as is possible:

- (1) Be formed of contiguous territory
- (2) Be nearly equal in population
- (3) Be bounded by major roads, streams, or other natural boundaries
- (4) Not be created so as to unduly favor any person or political party.

§ 607. Redistricting after Federal Decennial Census

The apportionment provided for by this chapter shall continue in effect until the official reporting by the President of the United States of the next Federal Decennial Census. After the official reporting of the 1970 Federal Decennial Census, by the President to Congress, the General Assembly shall, not later than June 30, 1971, reapportion and redistrict the State, wherever necessary, for the General Election of 1972 and thereafter in such a manner that the several Representative and Senatorial Districts shall comply, insofar as possible, with the criteria set forth in subparagraphs (1) through (4) of Section 606 of this title. Such apportionment shall thence continue in effect until the next succeeding Federal Decennial Census.

§ 608. Staggered Senatorial Districts

(a) The Senators from the 1st, 3rd, 5th, 6th, 7th, 8th, 13th, 15th, 17th and 19th Senatorial Districts shall be elected for a four-year term in 1968.

(b) The Senators from the 2nd, 4th, 9th, 10th, 11th, 12th, 14th, 16th, and 18th Senatorial Districts shall be elected for a two-year term in 1968 and for a two-year term in 1970.

SUBCHAPTER II. GENERAL ASSEMBLY DISTRICTS IN CITY OF WILMINGTON

§ 621. Boundaries of General Assembly Representative Districts in the City of Wilmington

The Boundaries of the General Assembly Representative

Districts in the City of Wilmington shall be as follows:

(a) First Representative District

The First Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows: Beginning at the intersection of the center line of Concord Avenue and the Northern City Boundary Line; thence northeast and east along the City Boundary Line by its various courses and distances to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence southwesterly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of Todds Lane, extended; thence northwesterly along the center line of Todds Lane to its intersection with the center line of Bowers Street; thence southwesterly along the center line of Bowers Street to its intersection with the center line of 27th Street; hence northwesterly along the center line of 27th Street to its intersection with the center line of Claymont Street; thence southwesterly along the center line of Claymont Street to its intersection with the center line of 26th Street; thence northwesterly along the center line of 26th Street to its intersection with the center line of Pine Street; thence southwesterly along the center line of Pine Street to its intersection with the center line of 23rd Street; thence northwesterly along the center line of 23rd Street to its intersection with the center line of Market Street; thence northeasterly along the center line of Market Street to its intersection with the center line of 24th Street; thence northwesterly along the center line of 24th Street to its intersection with the center line of Washington Street; thence northeasterly along the center line of Washington Street to its intersection with the center line of 26th Street; thence northwesterly along the center line of 26th Street to its intersection with the center line of Harrison Street; thence southwesterly along the center line of Harrison Street to its intersection with the center line of Concord Avenue; thence northerly along the center line of Concord Avenue to its intersection with the Northern City Boundary Line, the point and place of Beginning.

(b) Second Representative District

The Second Representative District shall comprise: All

that area within the boundary limits of the City of Wilmington, bounded as follows: Beginning at the intersection of the center line of Concord Avenue and the Northerly City Boundary Line; thence westerly along the City Boundary Line to its intersection with the center line of Brandywine Creek; thence southerly and southeasterly along the center line of Brandywine Creek to its intersection with the center line of Broom Street, if extended; thence southwesterly along the center line of Broom Street to its intersection with the center line of Delaware Avenue; thence southeasterly along the center line of Delaware Avenue to its intersection with the center line of Jackson Street; thence southwesterly along the center line of Jackson Street to its intersection with the center line of 10th Street; thence southeasterly along the center line of 10th Street to its intersection with the center line of Adams Street; thence southwesterly along the center line of Adams Street to its intersection with the center line of 9th Street; thence southeasterly along the center line of 9th Street to its intersection with the center line of Walnut Street; thence northeasterly along the center line of Walnut Street to its intersection with the center line of 13th Street; thence southeasterly along the center line of 13th Street and 13th Street, if extended, to its intersection with the center line of Brandywine Creek; thence northeasterly across Brandywine Creek along the center line of Church Street, if extended; thence continuing northeasterly along the center line of Church Street to its intersection with the center line of 23rd Street; thence southeasterly along the center line of 23rd Street to its intersection with the center line of North East Boulevard; thence northeasterly along the center line of North East Boulevard to its intersection with the center line of 26th Street; thence northwesterly along the center line of 26th Street to its intersection with the center line of Pine Street; thence southwesterly along the center line of Pine Street to its intersection with the center line of 23rd Street; thence northwesterly along the center line of 23rd Street to its intersection with the center line of Market Street; thence northeasterly along the center line of Market Street to its intersection with the center line of 24th Street; thence northwesterly along the center line of 24th Street to its intersection with the center line of Washington Street; thence northeasterly along the center line of

Washington Street to its intersection with the center line of 26th Street; thence northwesterly along the center line of 26th Street to its intersection with the center line of Harrison Street; thence southwesterly along the center line of Harrison Street to its intersection with the center line of Concord Avenue; thence northerly along the center line of Concord Avenue to its intersection with the Northerly City Boundary Line, the point and place of Beginning.

(c) Third Representative District

The Third Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows: Beginning at the intersection of the center line of the Pennsylvania Railroad right-of-way with the Northeasterly City Boundary Line; thence in a southwesterly direction along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of Todds Lane, extended; thence northwesterly along the center line of Todds Lane to its intersection with the center line of Bowers Street; thence southwesterly along the center line of Bowers Street to its intersection with the center line of 27th Street; thence northwesterly along the center line of 27th Street to its intersection with the center line of Claymont Street; thence southwesterly along the center line of Claymont Street to its intersection with the center line of 26th Street, thence northwesterly along the center line of 26th Street to its intersection with the center line of North East Boulevard; thence southwesterly along the center line of North East Boulevard to its intersection with the center line of 23rd Street; thence northwesterly along the center line of 23rd Street to its intersection with the center line of Church Street; thence southwesterly along the center line of Church Street and Church Street, if extended to its intersection with the center line of Brandywine Creek; thence northwesterly across Brandywine Creek along the center line of 13th Street, if extended; thence continuing northwesterly along the center line of 13th Street to its intersection with the center line of Walnut Street, thence southwesterly along the center line of Walnut Street to its intersection with the center line of 9th Street; thence northwesterly along the center line of 9th Street to its intersection with the center line of Orange Street; thence

southwesterly along the center line of Orange Street to its intersection with the center line of 6th Street; thence northwesterly along the center line of 6th Street to its intersection with the center line of West Street; thence southwesterly along the center line of West Street to its intersection with the center line of 4th Street; thence northwesterly along the center line of 4th Street to its intersection with the center line of Washington Street; thence southwesterly along the center line of Washington Street to its intersection with the center line of Front Street; thence southeasterly along the center line of Front Street to its intersection with the center line of Tatnall Street; thence southwesterly along the center line of Tatnall Street, extended, to its intersection with the center line of the Christina River; then continuing southwesterly along the center line of the Christina River to its intersection with the Southerly City Boundary Line; thence in an easterly, northerly and westerly direction by its various courses and distances along the City Boundary Line to its intersection with the center line of the Pennsylvania Railroad right-of-way along the Northeasterly City Boundary Line, the point and place of Beginning.

(d) Fourth Representative District

The Fourth Representative District shall comprise: All that area within the boundary limits of the City of Wilmington bounded as follows: Beginning at the intersection of the center line of 9th Street and the center line of Orange Street; thence northwesterly along the center line of 9th Street to its intersection with the center line of Adams Street; thence northeasterly along the center line of Adams Street to its intersection with the center line of 10th Street; thence northwesterly along the center line of 10th Street to its intersection with the center line of Van Buren Street; thence southwesterly along the center line of Van Buren Street to its intersection with the center line of 9th Street; thence northwesterly along the center line of 9th Street to its intersection with the center line of Broom Street; thence northeasterly along the center line of Broom Street to its intersection with the center line of 10th Street; thence northwesterly along the center line of 10th Street to its intersection with the center line of DuPont Street; thence southwesterly along the center line of DuPont Street to its intersection with

the center line of 2nd Street; thence southeasterly along the center line of 2nd Street to its intersection with the center line of Van Buren Street; thence southwesterly along the center line of Van Buren Street to its intersection with the center line of Lancaster Avenue; thence southeasterly along the center line of Lancaster Avenue until Lancaster Avenue becomes Front Street; thence continuing southeasterly along the center line of Front Street to its intersection with the center line of Washington Street; thence northeasterly along the center line of Washington Street to its intersection with the center line of 4th Street; thence southeasterly along the center line of 4th Street to its intersection with the center line of West Street; thence northeasterly along the center line of West Street to its intersection with the center line of 6th Street; thence southeasterly along the center line of 6th Street to its intersection with the center line of Orange Street; thence northeasterly along the center line of Orange Street to its intersection with the center line of 9th Street, the point and place of Beginning.

(e) Fifth Representative District

The Fifth Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows: Beginning at the intersection of the center line of Washington Street and the center line of Front Street; thence northwesterly along the center line of Front Street until Front Street becomes Lancaster Avenue; thence continuing northwesterly along the center line of Lancaster Avenue to its intersection with the center line of Van Buren Street; thence northeasterly along the center line of Van Buren Street to its intersection with the center line of 2nd Street; thence northwesterly along the center line of 2nd Street to its intersection with the center line of DuPont Street; thence northeasterly along the center line of DuPont Street to its intersection with the center line of 9th Street; thence northwesterly along the center line of 9th Street to its intersection with the center line of Union Street; thence southwesterly and westerly along the center line of Union Street to its intersection with the Southwesterly City Boundary Line; thence southwesterly and southeasterly along the City Boundary Line by its various courses and distances to its intersection with the center line of the

Christina River; thence northerly and northeasterly along the center line of the Christine River to its intersection with the center line of Tatnall Street, if extended; thence northeasterly along the center line of Tatnall Street, extended, and Tatnall Street, to its intersection with the center line of Front Street; thence northwesterly along the center line of Front Street to its intersection with the center line of Washington Street, the point and place of Beginning.

(f) Sixth Representative District

The Sixth Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows: Beginning at the intersection of the Northerly City Boundary Line and the center line of Brandywine Creek; thence southerly and southeasterly along the center line of Brandywine Creek to its intersection with the center line of Broom Street, if extended; thence southwesterly along the center line of Broom Street, extended, and Broom Street, to its intersection with the center line of Delaware Avenue; thence southeasterly along the center line of Delaware Avenue to its intersection with the center line of Jackson Street; thence southwesterly along the center line of Jackson Street to its intersection with the center line of 10th Street; thence northwesterly along the center line of 10th Street to its intersection with the center line of Van Buren Street; thence southwesterly along the center line of Van Buren Street to its intersection with the center line of 9th Street; thence northwesterly along the center line of 9th Street to its intersection with the center line of Broom Street; thence northeasterly along the center line of Broom Street to its intersection with the center line of 10th Street; thence northwesterly along the center line of 10th Street to its intersection with the center line of DuPont Street; thence southwesterly along the center line of DuPont Street to its intersection with the center line of 9th Street; thence northwesterly along the center line of 9th Street to its intersection with the center line of Union Street; thence southwesterly and westerly along the center line of Union Street to its intersection with the Southwesterly City Boundary Line; thence northeasterly and northerly along the City Boundary Line by its various courses and distances to its intersection with the center line of Brandy-

wine Creek, along the Northerly City Boundary Line, the point and place of Beginning.

§ 622. Boundaries of the General Assembly Senatorial Districts in the City of Wilmington

The boundaries of the General Assembly Senatorial Districts in the City of Wilmington shall be as follows:

(a) First Senatorial District

The First Senatorial District shall comprise: All that portion of the City of Wilmington contained in the First and Second Representative Districts created in section § 621 of this title.

(b) Second Senatorial District

The Second Senatorial District shall comprise: All that portion of the City of Wilmington contained in the Third and Fourth Representative Districts, created in section § 621 of this title.

(c) Third Senatorial District

The Third Senatorial District shall comprise: All that portion of the City of Wilmington contained in the Fifth and Sixth Representative Districts created in section § 621 of this title.

SUBCHAPTER III. GENERAL ASSEMBLY DISTRICTS IN NEW CASTLE COUNTY OUTSIDE THE CITY OF WILMINGTON

§ 631. Boundaries of the General Assembly Representative Districts in New Castle County outside the City of Wilmington

The boundaries of the several General Assembly Representative Districts in New Castle County outside the City of Wilmington shall be as follows:

(a) Seventh Representative District

The Seventh Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line Beginning at the intersection of the Delaware River in the Northern Boundary of the City of Wilmington: thence Northwesterly along

the Northern Boundary of City of Wilmington until its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence, Easterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Marsh Road; thence Northerly along the center line of Marsh Road to its intersection with the center line of Baynard Blvd. (Carrcroft); thence, Easterly along the center line of Baynard Blvd. (Carrcroft) with its intersection of the Baltimore and Ohio Railroad right-of-way; thence, Northeasterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Stoney Run Creek; thence, Southeasterly along the center line of Stoney Run Creek to its intersection with the center line of Carr Road; thence, Easterly along the center line of Carr Road to its intersection with the center line of Silverside Road; thence, Southeasterly along the center line of Silverside Road to its intersection with the center line of the Philadelphia Pike; thence, Southwesterly along the center line of the Philadelphia Pike to its intersection with the center line of Stoney Run Creek; thence, Southeasterly along the center line of Stoney Run Creek to its intersection with the Delaware River; thence Southwesterly along the Delaware River to its intersection with the northern boundary of the City of Wilmington.

(b) Eighth Representative District

The Eighth Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the Delaware River and the Stoney Run Creek; thence Northwesterly along the center line of Stoney Run Creek to its intersection with the center line of the Philadelphia Pike, thence, Northeasterly along the center line of the Philadelphia Pike to its intersection with the centerline of Silverside Road, thence, Northwesterly along the center line of Silverside Road to its intersection with the center line of Carr Road, thence, Westerly along the centerline of Carr Road to its intersection with the center line of Stoney Run Creek, thence, Northerly along the center line of Stoney Run Creek to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence, Northeasterly along the center line of Baltimore and Ohio Railroad right-of-way to its intersection

wine Creek, along the Northerly City Boundary Line, the point and place of Beginning.

§ 622. Boundaries of the General Assembly Senatorial Districts in the City of Wilmington

The boundaries of the General Assembly Senatorial Districts in the City of Wilmington shall be as follows:

(a) First Senatorial District

The First Senatorial District shall comprise: All that portion of the City of Wilmington contained in the First and Second Representative Districts created in section § 621 of this title.

(b) Second Senatorial District

The Second Senatorial District shall comprise: All that portion of the City of Wilmington contained in the Third and Fourth Representative Districts, created in section § 621 of this title.

(c) Third Senatorial District

The Third Senatorial District shall comprise: All that portion of the City of Wilmington contained in the Fifth and Sixth Representative Districts created in section § 621 of this title.

SUBCHAPTER III. GENERAL ASSEMBLY DISTRICTS IN NEW CASTLE COUNTY OUTSIDE THE CITY OF WILMINGTON

§ 631. Boundaries of the General Assembly Representative Districts in New Castle County outside the City of Wilmington

The boundaries of the several General Assembly Representative Districts in New Castle County outside the City of Wilmington shall be as follows:

(a) Seventh Representative District

The Seventh Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line Beginning at the intersection of the Delaware River in the Northern Boundary of the City of Wilmington: thence Northwesterly along

the Northern Boundary of City of Wilmington until its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence, Easterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Marsh Road; thence Northerly along the center line of Marsh Road to its intersection with the center line of Baynard Blvd. (Carrcroft); thence, Easterly along the center line of Baynard Blvd. (Carrcroft) with its intersection of the Baltimore and Ohio Railroad right-of-way; thence, Northeasterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Stoney Run Creek; thence, Southeasterly along the center line of Stoney Run Creek to its intersection with the center line of Carr Road; thence, Easterly along the center line of Carr Road to its intersection with the center line of Silverside Road; thence, Southeasterly along the center line of Silverside Road to its intersection with the center line of the Philadelphia Pike; thence, Southwesterly along the center line of the Philadelphia Pike to its intersection with the center line of Stoney Run Creek; thence, Southeasterly along the center line of Stoney Run Creek to its intersection with the Delaware River; thence Southwesterly along the Delaware River to its intersection with the northern boundary of the City of Wilmington.

(b) Eighth Representative District

The Eighth Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the Delaware River and the Stoney Run Creek; thence Northwesterly along the center line of Stoney Run Creek to its intersection with the center line of the Philadelphia Pike, thence, Northeasterly along the center line of the Philadelphia Pike to its intersection with the centerline of Silverside Road, thence, Northwesterly along the center line of Silverside Road to its intersection with the center line of Carr Road, thence, Westerly along the centerline of Carr Road to its intersection with the center line of Stoney Run Creek, thence, Northerly along the center line of Stoney Run Creek to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence, Northeasterly along the center line of Baltimore and Ohio Railroad right-of-way to its intersection

with the center line of Silverside Road; thence Northwesterly along the center line of Silverside Road to its intersection with the center line of Marsh Road; thence Northeasterly along the center line of Marsh Road to its intersection with the center line of Harvey Road, thence, Southeasterly along the center line of Harvey Road to its intersection with the center line of Glen Rock Drive; thence, Easterly along the center line of Glen Rock Drive to its intersection with the center line of Pennsylvania Avenue (Claymont); thence, Southeasterly along the center line of Pennsylvania Avenue to its intersection with the center line of Ridge Avenue; thence Northeasterly along the center line of Ridge Avenue to its intersection with the center line of Commonwealth Avenue; thence, Southeasterly along the center line of Commonwealth Avenue to its intersection with the center line of Philadelphia Pike; thence, Northeasterly along the center line of Philadelphia Pike to its intersection with the center line of Governor Printz Blvd.; thence in a South and Southwesterly direction along the center line of Governor Printz Blvd. to its intersection with the center line of Grubbs Landing Road; thence, Southeasterly along the center line of Grubbs Landing Road (extended) to its intersection with the Delaware River; thence Southwesterly along the Delaware River to its intersection with the center line of Stoney Run Creek.

(c) Ninth Representative District

The Ninth Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the Delaware River and the center line of Grubbs Landing Road (extended); thence Northwesterly along the center line of Grubbs Landing Road to its intersection with the center line of the Governor Printz Blvd.; thence Northeasterly and Northerly along the center line of Governor Printz Blvd. to its intersection with the center line of Philadelphia Pike; thence Southwesterly along the center line of Philadelphia Pike to its intersection with the center line of Commonwealth Avenue; thence Northwesterly along the center line of Commonwealth Avenue to its intersection with the center line of Ridge Avenue; thence, Southwesterly along the center line of Ridge Avenue to its intersection with the center line of Pennsylvania Avenue (Claymont); thence Northwesterly along the center line

of Pennsylvania Avenue to its intersection with the center line of Glen Rock Drive; thence Westerly along the center line of Glen Rock Drive to its intersection with the center line of Harvey Road; thence, Northwesterly along the center line of Harvey Road to its intersection with the center line of Marsh Road; thence generally in a Northerly direction along the center line of Marsh Road to its intersection with the center line of Zebley Road; thence along the center line of Zebley Road to its intersection with the Delaware-Pennsylvania border; thence Northeasterly along the Delaware-Pennsylvania border to its intersection with the Delaware River; thence, Southwesterly along the Delaware River to its intersection with Grubbs Landing Road (extended).

(d) Tenth Representative District

The Tenth Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the Delaware-Pennsylvania border with a center line of Zebley Road; thence generally in a Southerly direction along the center line of Zebley Road to its intersection with the center line of Marsh Road; then Southerly along the center line of Marsh Road to its intersection with the center line of Silverside Road; thence Northwesterly along the center line of Silverside Road to its intersection with the center line of Graylyn Road; thence Southwesterly along the center line of Graylyn Road to its intersection with the center line of Graywell Road; thence Southeasterly along the center line of Graywell Road to its intersection with the center line of Wilson Road; thence, Westerly along the center line of Wilson Road to its intersection with the center line of Faulk Road; thence Northeasterly along the center line of Faulk Road; thence Northeasterly along the center line of Faulk Road to its intersection with the center line of Shipley Road; thence Northerly along the center line of Shipley Road to its intersection with the center line of Silverside Road; thence Northeasterly along the center line of Silverside Road to its intersection with the center line of Kingman Drive; thence generally Northerly along the center line of Kingman Drive to its intersection with a center line of Raven Road; thence Northeasterly along the center line of Raven Road to its intersection with the center line of Weatherton Drive; thence

Northeasterly along the center line of Weatherton Drive to its intersection with the center line of Grubb Road; thence Northwesterly along the center line of Grubb Road to its intersection with the center line of Naamans Road; thence Easterly along the center line of Naamans Road to its intersection with the center line of Dartmouth Woods Road; thence Northeasterly along the center line of Dartmouth Woods Road (extended) to its intersection with the Delaware-Pennsylvania boundary; thence Southeasterly along the Delaware-Pennsylvania boundary to its intersection with the center line of Zebley Road.

(e) Eleventh Representative District

The Eleventh Representative District shall comprise: all that portion of Brandywine Hundred bounded by a line beginning at the center line of the Baltimore and Ohio Railroad right-of-way and its intersection with the center line of Concord Pike; thence Northerly along the center line of Concord Pike to its intersection with the center line of Median Drive; thence Easterly along the center line of Median Drive to its intersection with the center line of Carr Drive; thence Southerly along the center line of Carr Drive to its intersection with the center line of Alders Drive; thence Easterly along the center line of Alders Drive to its intersection with the center line of Shipley Road; thence Southeasterly along the center line of Shipley Road to its intersection with the center line of Faulk Road; thence Southwesterly along the center line of Faulk Road to its intersection with the center line of Wilson Road; thence Easterly along the center line of Wilson Road to its intersection with the center line of Graywell Road; thence Northwesterly along the center line of Graywell Road to its intersection with the center line of Graylyn Road; thence Northeasterly along the center line of Graylyn Road to its intersection with the center line of Silverside Road; thence Southeasterly along the center line of Silverside Road to its intersection with the center line of the Baltimore and Ohio right-of-way; thence Southwesterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Baynard Blvd. (Carrcroft); thence Westerly along the center line of Baynard Blvd. (Carrcroft) to its intersection with the center line of Marsh Road; thence Southerly along the center line of Marsh Road to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence Southwesterly

along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of the Concord Pike.

(f) Twelfth Representative District

The Twelfth Representative District shall comprise: all that portion of Brandywine Hundred and Christiana Hundred bounded by a line beginning at the intersection of the Brandywine Creek with the Delaware-Pennsylvania border; thence southerly along the center line of the Brandywine Creek to its intersection with the center line of Adams Dam Road; thence northwesterly along the center line of Adams Dam Road to its intersection with the center line of Montchanin Road; thence southerly along the center line of Montchanin Road to its intersection with the center line of Kirk Road; thence westerly along the center line of Kirk Road, Campbell Road, State Route 82, Dean Road and Walnut Green Road to its intersection with the center line of the Red Clay Creek; thence southerly along the center line of the Red Clay Creek to its second intersection with the center line of Barley Mill Road; thence easterly along the center line of Barley Mill Road to its intersection with the center line of the Reading Railroad right-of-way; thence northerly along the center line of the Reading Railroad right-of-way to its intersection with the center line of Kennett Pike; thence southeasterly along the center line of Kennett Pike to its intersection with the center line of Barley Mill Road; thence easterly along the center line of Barley Mill Road to its intersection with the center line of Brandywine Creek; thence southerly along the center line of the Brandywine Creek to its intersection with the northern boundary of the City of Wilmington; thence easterly along the center line of the Brandywine Creek (northerly boundary of the City of Wilmington) to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence easterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Concord Pike; thence northerly along the center line of Concord Pike to its intersection with the center line of Median Drive; thence easterly along the center line of Median Drive to its intersection with the center line of Carr Drive; thence southerly along the center line of Carr Drive to its intersection with the center line of Alders Drive; thence easterly along the center line of Alders Drive to its intersection with the center line of Shipley Road; thence northerly along the

center line of Shipley Road to its intersection with the center line of Silverside Road; thence easterly along the center line of Silverside Road to its intersection with the center line of Kingman Drive; thence northerly along the center line of Kingman Drive to its intersection with the center line of Raven Drive; thence easterly along the center line of Raven Drive to its intersection with the center line of Weatherton Drive; thence northeasterly along the center line of Weatherton Drive to its intersection with the center line of Grubb Road; thence northwesttrly along the center line of Grubb Road to its intersection with the center line of Naamans Road; thence southeasterly along the center line of Naamans Road to its intersection with the center line of Dartmouth Woods Road; thence northeasterly along the center line of Dartmouth Woods Road (extended) to the Delaware-Pennsylvania border; thence northwesterly along the Delaware-Pennsylvania border to its intersection with the center line of Brandywine Creek.

(g) Thirteenth Representative District

The Thirteenth Representative District shall comprise: all that portion of Christiana and Mill Creek Hundreds bounded by a line beginning at the intersection of the Delaware-Pennsylvania border and the center line of Brandywine Creek; thence southerly along the center line of the Brandywine Creek to its intersection with the center line of Adams Dam Road; thence northwesterly along the center line of Adams Dam Road to its intersection with the center line of Montchanin Road; thence southerly along the center line of Montchanin Road to its intersection with the center line of Kirk Road; thence westerly along the center line of Kirk Road, Campbell Road, State Route 82, Dean Road and Walnut Green Road to its intersection with the center line of the Red Clay Creek; thence southerly along the center line of the Red Clay Creek to its intersection with the center line of Lancaster Pike (near Rolling Mill Road); thence easterly along the center line of Lancaster Pike to its intersection with the center line of Centerville Road; thence southerly along the center line of Centerville Road to its intersection with the center line of Faulkland Road; thence westerly along the center line of Faulkland Road to its intersection with the center line of Duncan Road; thence southerly along the center line of Dun-

can Road to its intersection with the center line of Milltown Road; thence southwesterly along the center line of Milltown Road to its intersection with the center line of the west branch of Calf Run; thence northerly and westerly along the center line of the west branch of Calf Run to its intersection with the center line of McKennans Church Road; thence southwesterly along the center line of McKennans Church Road to its intersection of the center line of Milltown Road; thence southwesterly along the center line of Milltown Road to its intersection with the center line of Limestone Road; thence northwesterly along the center line of Limestone Road (Route 7) to its intersection with the center line of Curtis Mill Road; thence westerly along the center line of Curtis Mill Road to its intersection with the center line of Pike Creek; thence northerly along the center line of Pike Creek to its intersection with the center line of Corner Ketch Road; thence westerly along the center line of Corner Ketch Road to its intersection with the center line of the Landenberg-Wilmington Road; thence northerly along the center line of the Landenberg-Wilmington Road to its intersection with the center line of Henderson Road; thence westerly along the center line of Henderson Road to its intersection with the Delaware-Pennsylvania border; thence northeasterly along the Delaware-Pennsylvania border to its intersection with the center line of Brandywine Creek.

(h) Fourteenth Representative District

The Fourteenth Representative District shall comprise: All that portion of Mill Creek Hundred bounded by a line beginning at the intersection of the center line of Kirkwood Highway and the center line of Ball Run; thence northeasterly along the center line of Ball Run to its intersection at the center line of Milltown Road; thence northeasterly along the center line of Milltown Road to its intersection with the center line of McKennans Church Road; thence northeasterly along the center line of McKennans Church Road to the center line of the Western Branch of Calf Run; thence southeasterly and southerly along the Western Branch of Calf Run to its intersection with the center line of Milltown Road; thence northeasterly along the center line of Milltown Road to its intersection with the center line of Calf Run; thence southerly along the center line of Calf

Run to its intersection with the center line of Hammond Place; thence northeasterly along the center line of Hammond Place to its intersection with the center line of Ferrand Drive; thence southeasterly along the center line of Ferrand Drive to its intersection with the center line of the Kirkwood Highway; thence southwesterly along the center line of the Kirkwood Highway to its intersection with the center line of Calf Run; thence southerly along the center line of Calf Run to its intersection with the center line of Old Capitol Trail; thence easterly along the center line of Old Capitol Trail to its intersection with the center line of Kiamensi Road; thence southerly along the center line of Kiamensi Road to its intersection with the center line of Henlopen Avenue; thence southwesterly along the center line of Henlopen Avenue to its intersection with the center line of Binstead Avenue; thence southerly along the center line of Binstead Avenue to its intersection with the center line of Norris Street; thence southwesterly along the center line of Norris Street to its intersection with the center line of Redwood Avenue; thence southerly along the center line of Redwood Avenue to its intersection with the center line of the Wilmington and Christiana Turnpike; thence easterly along the center line of the Wilmington and Christiana Turnpike to its intersection with the center line of the Red Clay Creek; thence southerly along the center line of the Red Clay Creek to its intersection with the center line of the White Clay Creek; thence southwesterly along the center line of White Clay Creek to its intersection with the center line of a stream connecting White Clay Creek with Marta Drive; thence northwesterly along the center line of said stream to its intersection with the center line of Marta Drive; thence northeasterly and northerly along the center line of Marta Drive to its intersection with the center line of Oak Street; thence northeasterly and northwesterly along the center line of Oak Street to its intersection with the center line of Old Telegraph Road; thence easterly along the center line of Old Telegraph Road to its intersection with the center line of the entrance road to Delaware Park; thence northwesterly along the center line of the entrance road to Delaware Park to its intersection with the center line of the Kirkwood Highway; thence northeasterly along the center line of the Kirkwood Highway to its intersection with the center line of Ball Run.

(i) Fifteenth Representative District

The Fifteenth Representative District shall comprise: All that portion of Christiana Hundred and Mill Creek Hundred bounded by a line beginning at the intersection of the center line of Faulkland Road and the center line of Centerville Road; thence easterly along the center line of Faulkland Road to its intersection with the center line of Kendall Road; thence southwesterly along the center line of Kendall Road to its intersection with the center line of Wagoner Drive; thence southeasterly along the center line of Wagoner Drive to its intersection with the center line of Morton Avenue; thence southerly along the center line of Morton Avenue to its intersection with the center line of Center Road; thence northeasterly along the center line of Center Road to its intersection with the center line of West Gilpin Drive; thence southeasterly along the center line of West Gilpin Drive to its intersection with the center line of Brook Lane; thence southerly along the center line of Brook Lane to its intersection with the center line of the northern branch of Little Mill Creek; thence southerly along the center line of the northern branch of Little Mill Creek to its intersection with the center line of Little Mill Creek; thence southerly along the center line of Little Mill Creek to its intersection with the center line of New Road (State Highway No. 2); thence easterly along the center line of New Road (State Highway No. 2) to its intersection with the center line of Little Mill Creek; thence southwesterly along the center line of Little Mill Creek to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence westerly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Red Clay Creek; thence southerly along the center line of Red Clay Creek to its intersection with the center line of the Wilmington and Christiana Turnpike; thence westerly along the center line of the Wilmington and Christiana Turnpike to its intersection with the center line of Redwood Avenue; thence northwesterly along the center line of Redwood Avenue to its intersection with the center line of Norris Street; thence northeasterly along the center line of Norris Street to its intersection with the center line of Binstead Avenue; thence northerly along the center line of Binstead Avenue to its intersection with the center line of Henlopen Avenue; thence northeasterly along the center line of

Henlopen Avenue to its intersection with the center line of the Kiamensi Road; thence northeasterly along the center line of the Kiamensi Road to its intersection with the center line of Old Capitol Trail thence northwesterly along the center line of Old Capitol Trail to its intersection with the center line of Calf Run; thence northerly along the center line of Calf Run to its intersection with the center line of Kirkwood Highway; thence northeasterly along the center line of Kirkwood Highway to its intersection with the center line of Ferrand Drive; thence northwesterly along the center line of Ferrand Drive to its intersection with the center line of Hammond Place; thence westerly along the center line of Hammond Place to its intersection with the center line of Calf Run; thence northerly along the center line of Calf Run to its intersection with the center line of Milltown Road; thence northeasterly along the center line of Milltown Road to its intersection with the center line of Duncan Road; thence northwesterly along the center line of Duncan Road to its intersection with the center line of Faulkland Road; thence easterly along the center line of Faulkland Road to its intersection with the center line of the Centerville Road.

(j) Sixteenth Representative District

The Sixteenth Representative District shall comprise: All that portion of Christiana Hundred bounded by a line beginning at the intersection of the Brandywine Creek and the northern boundary of the City of Wilmington; thence southwesterly along the northwestern side of the City of Wilmington to its intersection with the center line of the northern boundary of the town of Elsmere; thence northwesterly along the northern boundary of the town of Elsmere to its intersection with the center line of DuPont Road; thence in a southerly direction along the center line of DuPont Road to its intersection with the center line of New Road; thence westerly along the center line of New Road to its intersection with the center line of Ohio Avenue; thence southerly along the center line of Ohio Avenue to its intersection with the center line of Wilmington Avenue; thence northwesterly along the center line of Wilmington Avenue to its intersection with the center line of New Road; thence westerly along the center line of New Road to its intersection with the center line of Tamarack Avenue; thence southerly along the center line of Tamarack Avenue to its

intersection with the center line of Bungalow Avenue; thence southwesterly along the center line of Bungalow Avenue to its intersection with the center line of Cypress Avenue; thence westerly along the center line of Cypress Avenue to its intersection with the center line of Beech Street (extended); thence northwesterly along the center line of Beech Street (extended) to its intersection with the center line of Oak Street; thence northerly along the center line of Oak Street to its intersection with the center line of 2nd Avenue; thence westerly along the center line of 2nd Avenue to its intersection with the center line of Little Mill Creek; thence northerly along the center line of Little Mill Creek to its intersection with the center line of New Road (State Highway No. 2); thence westerly along the center line of New Road (State Highway No. 2) to its intersection with the center line of Little Mill Creek; thence northerly along the center line of Little Mill Creek to its intersection with the center line of the Northern Branch of Little Mill Creek; thence northerly along the center line of the Northern Branch of Little Mill Creek to its intersection with the center line of Brook Lane; thence northerly along the center line of Brook Lane to its intersection with the center line of West Gilpin Drive; thence northwesterly along the center line of West Gilpin Drive to its intersection with the center line of Center Road; thence southwesterly along the center line of Center Road to its intersection with the center line of Morton Avenue; thence northwesterly along the center line of Morton Avenue to its intersection with the center line of Wagoner Drive; thence westerly along the center line of Wagoner Drive to its intersection with the center line of Kendall Road; thence northerly along the center line of Kendall Road to its intersection with the center line of Faulkland Road; thence westerly along the center line of Faulkland Road to its intersection with the center line of Centerville Road; thence northerly along the center line of Centerville Road to its intersection with the center line of Lancaster Pike; thence northwesterly along the center line of Lancaster Pike to its intersection with the center line of Red Clay Creek (just past Rolling Mill Road); thence northerly along the center line of Red Clay Creek to its intersection with the center line of Barley Mill Road; thence easterly along the center line of Barley Mill Road to its intersection with the center line of the Reading Railroad right-of-way; thence northerly along the center line of the Reading Railroad right-of-way

to its intersection with the center line of Kennett Pike; thence southeasterly along the center line of Kennett Pike to its intersection with the center line of Barley Mill Road; thence easterly along the center line of Barley Mill Road to its intersection with the center line of the Brandywine Creek; thence southerly along the center line of Brandywine Creek to its intersection with the northern boundary of the City of Wilmington.

(k) Seventeenth Representative District

The Seventeenth Representative District shall comprise: All that portion of Christiana Hundred bounded by a line beginning at the intersection of the southern boundary of the City of Wilmington and the center line of the Christina River; thence southwesterly along the center line of Christina River to its intersection with the Pennsylvania Railroad right-of-way extended; thence northeasterly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of Middleborough Road (extended); thence northwesterly along the center line of Middleborough Road (extended) to its intersection with Maryland Avenue; thence northeasterly along the center line of Maryland Avenue to its intersection with the center line of Summit Road; thence northwesterly along the center line of Summit Road to its intersection with the center line of North Avenue; thence northerly along the center line of North Avenue to its intersection with the center line of Little Mill Creek; thence northwesterly along the center line of Little Mill Creek to its intersection with the center line of 2nd Avenue; thence northeasterly along the center line of 2nd Avenue to its intersection with the center line of Oak Street; thence southerly along the center line of Oak Street to its intersection with the center line of Beech Street (extended); thence southeasterly along the center line of Beech Street (extended) to its intersection with the center line of Cypress Avenue; thence easterly along the center line of Cypress Avenue to its intersection with the center line of Bungalow Avenue; thence northeasterly along the center line of Bungalow Avenue to its intersection with the center line of Tamarack Avenue; thence northerly along the center line of Tamarack Avenue to its intersection with the center line of New Road (State Highway No. 2); thence easterly along the center line of New Road (State Highway No. 2) to its inter-

section with the center line of Wilmington Avenue; thence southeasterly along the center line of Wilmington Avenue to its intersection with the center line of Ohio Avenue; thence northerly along the center line of Ohio Avenue to its intersection with the center line of New Road; thence easterly along the center line of New Road to its intersection with the center line of DuPont Road; thence northerly along the center line of DuPont Road to its intersection with the northern boundary of the Town of Elsmere; thence southeasterly along the northern boundary of the Town of Elsmere to its intersection with the western boundary of the City of Wilmington; thence in a generally southerly direction along the western boundary of the City of Wilmington to its intersection with the center line of the Christina River.

(1) Eighteenth Representative District

The Eighteenth Representative District shall comprise: All that portion of Christiana Hundred bounded by a line beginning at the intersection of the center line of Christina River and the center line of White Clay Creek; thence northwesterly along the center line of White Clay Creek to its intersection with the center line of Red Clay Creek; thence northerly along the center line of Red Clay Creek to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence easterly along the center line of the Baltimore and Ohio right-of-way to its intersection with the center line of Little Mill Creek; thence easterly along the center line of Little Mill Creek to its intersection with the center line of North Avenue; thence southerly along the center line of North Avenue to its intersection with the center line of Summit Road; thence easterly along the center line of Summit Road to its intersection with the center line of Maryland Avenue; thence southwesterly along the center line of Maryland Avenue to its intersection with the center line of Middleborough Road; thence easterly along the center line of Middleborough Road (extended) to its intersection with the center line of the Pennsylvania Railroad right-of-way extended; thence southwesterly along the center line of the Pennsylvania Railroad right-of-way extended to its intersection with the center line of the Christina River; thence southwesterly along the center line of the Christina River to its closest point with Water Street; thence northerly by a line perpendicular to Water Street

to the center line of the Pennsylvania Railroad right-of-way; thence easterly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the eastern boundary of the Town of Newport; thence northerly along the eastern boundary of the Town of Newport to its intersection with the center line of Market Street (Maryland Avenue); thence southwesterly along the center line of Market Street (Maryland Avenue) to its intersection with the center line of Harding Avenue; thence southerly along the center line of Harding Avenue (extended) to its intersection with the center line of the Christina River; thence westerly along the center line of the Christina River to its intersection with the center line of White Clay Creek.

(m) Nineteenth Representative District

The Nineteenth Representative District shall comprise: All that portion of New Castle Hundred bounded by a line beginning at the intersection of the center line of the Christina River with the southern boundary of the City of Wilmington; thence southeasterly along the center line of the southern boundary of the City of Wilmington to its intersection with the center line of New Castle Avenue; thence southwesterly along the center line of New Castle Avenue to its intersection with the center line of Rogers Road; thence northwesterly along the center line of Rogers Road to its intersection with the center line of South Heald Street; thence westerly along the center line of South Heald Street to its intersection with the center line of DuPont Parkway; thence southwesterly along the center line of DuPont Parkway to its intersection with the center line of Jefferson Avenue; thence southeasterly along the center line of Jefferson Avenue to its intersection with the center line of Stahl Avenue; thence southwesterly along the center line of Stahl Avenue to its intersection with the center line of Roosevelt Avenue; thence southerly along the center line of Roosevelt Avenue to its intersection with the center line of Finney Drive; thence easterly along the center line of Finney Drive to its intersection with the center line of Booth Drive; thence southeasterly along the center line of Booth Drive to its intersection with the center line of Fithian Drive; thence southwesterly along the center line of Fithian Drive to its intersection with the center line of Crippen Drive; thence southwesterly along the center line of Crippen Drive to

its intersection with the center line of Basin Road; thence southeasterly along the center line of Basin Road and Washington Avenue (extended) to its intersection with the Delaware River; thence southwesterly along the Delaware River to its intersection with the center line of the southern boundary of the Town of New Castle; thence northwesterly along the center of the line of the boundary of the Town of New Castle to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence westerly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of the DuPont Parkway; thence northeasterly along the center line of the DuPont Parkway to its intersection with the center line of Christiana Road (Hares Corner); thence westerly along the center line of Christiana Road to its intersection with the center line of Airport Road (Hogswamp Road); thence northeasterly along the center line of Airport Road (Hogswamp Road) to its intersection with the center line of Allegretto Road (extended); thence northwesterly along the center line of Allegretto Road (extended) to its intersection with the center line of King Avenue; thence southwesterly along King Avenue to its intersection with the center line of Prosperity Road; thence northwesterly along the center line of Prosperity Road to its intersection with the center line of Betts Avenue; thence southwesterly along the center line of Betts Avenue to its intersection with the center line of Churchman Road; thence northwesterly along the center line of Churchman Road to its intersection with the center line of Don Avenue; thence southwesterly along the center line of Don Avenue to its intersection with the center line of New Churchman Road; thence northwesterly along the center line of the New Churchman Road to its intersection with the center line of the Christina River; thence northeasterly along the center line of the Christina River to its intersection with the center line of Harding Avenue (extended); thence northerly along the center line of Harding Avenue extended to its intersection with the center line of the Wilmington and Christiana Turnpike (Market Street); thence easterly along the Wilmington and Christiana Turnpike (Market Street) to the eastern boundary of the Town of Newport; thence southerly along the eastern boundary of the Town of Newport to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence westerly along the center line of the Pennsylvania Railroad

right-of-way to its intersection with a line running perpendicular to Water Street at the point at which Water Street is closest to the Christina River; thence southerly along said line running perpendicular to Water Street to its intersection with the center line of the Christina River; thence northeasterly along the center line of the Christina River to its intersection with the southern boundary of the City of Wilmington.

(n) Twentieth Representative District

The Twentieth Representative District shall comprise: All that portion of New Castle Hundred bounded by a line beginning at the intersection of the center line of New Castle Avenue with the center line of the southern boundary of the City of Wilmington; thence southeasterly along the southern boundary of the City of Wilmington to its intersection with the Delaware River; thence southwesterly along the Delaware River to its intersection with the center line of Blue Hen Road (extended); thence northwesterly along the center line of Blue Hen Road extended to its intersection with the center line of Rodney Drive; thence northeasterly along the center line of Rodney Drive to its intersection with the center line of Buck Lane; thence northeasterly along the center line of Buck Lane to its intersection with the center line of Delaware Drive; thence northwesterly along the center line of Delaware Drive to its intersection with the center line of New Castle Avenue; thence southwesterly along the center line of New Castle Avenue to its intersection with the center line of Landers Lane; thence northwesterly along the center line of Landers Lane to its intersection with the center line of U.S. Highway 40 (Interstate 295); thence southwesterly along the center line of U.S. Highway 40 (Interstate 295) to its intersection with the center line of DuPont Parkway; thence northeasterly along the center line of DuPont Parkway to its intersection with the center line of South Heald Street; thence easterly along the center line of South Heald Street to its intersection with the center line of Rogers Road; thence southeasterly along the center line of Rogers Road to its intersection with the center line of New Castle Avenue; thence northeasterly along the center line of New Castle Avenue to its intersection with the southern boundary of the City of Wilmington.

(o) Twenty-first Representative District

The Twenty-first Representative District shall comprise: All that portion of New Castle Hundred bounded by a line beginning at the intersection of the center line of DuPont Parkway and the center line of U.S. Highway 40 (Interstate 295); thence southwesterly along the center line of DuPont Parkway to its intersection with the center line of Jefferson Avenue; thence southeasterly along the center line of Jefferson Avenue to its intersection with the center line of Stahl Avenue; thence southwesterly along the center line of Stahl Avenue to its intersection with the center line of Roosevelt Avenue; thence southerly along the center line of Roosevelt Avenue to its intersection with the center line of Finney Drive; thence easterly along the center line of Finney Drive to its intersection with the center line of Booth Drive; thence southerly along the center line of Booth Drive to its intersection with the center line of Fithian Drive; thence southwesterly along the center line of Fithian Drive to its intersection with the center line of Crippen Drive; thence southwesterly along the center line of Crippen Drive to its intersection with the center line of Basin Road; thence southeasterly along the center line of Basin Road (Washington Avenue extended) to its intersection with the Delaware River; thence northeasterly along the Delaware River to its intersection with the center line of Blue Hen Road Extended; thence northwesterly along the center line of Blue Hen Road Extended to its intersection with the center line of Rodney Drive; thence northeasterly along the center line of Rodney Drive to its intersection with the center line of Buck Lane; thence northeasterly along the center line of Buck Lane to its intersection with the center line of Delaware Drive; thence northwesterly along the center line of Delaware Drive to its intersection with the center line of New Castle Avenue; thence southwesterly along the center line of New Castle Avenue to its intersection with the center line of Landers Lane; thence northwesterly along the center line of Landers Lane to its intersection with the center line of U.S. Highway 40 (Interstate 295); thence southwesterly along the center line of U.S. Highway 40 (Interstate 295) to its intersection with the center line of DuPont Parkway.

(p) Twenty-second Representative District

The Twenty-second Representative District shall comprise: All those portions of Pencader, New Castle, and Red Lion Hundreds not included in Districts Number one to twenty-one inclusive and Number twenty-three to twenty-seven inclusive.

(q) Twenty-third Representative District

The Twenty-third Representative District shall comprise: All that portion of Mill Creek Hundred and White Clay Creek Hundred bounded by a line beginning at the intersection of the center line of North Chapel Street and the center line of White Clay Creek; thence easterly along the center line of White Clay Creek to its intersection with the center line of Red Mill Road; thence northerly along the center line of Red Mill Road to its intersection with the center line of the Kirkwood Highway; thence northeasterly along the center line of the Kirkwood Highway to its intersection with the center line of Harmony Road; thence southerly along the center line of Harmony Road to its intersection with the center line of Ogletown Road; thence northeasterly along the center line of Ogletown Road to its intersection with the center line of the Wilmington and Christiana Turnpike (Route No. 7); thence northerly along the center line of the Wilmington and Christiana Turnpike (Route No. 7) to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence northeasterly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of White Clay Creek; thence northerly and westerly along the center line of White Clay Creek to its intersection with the center line of a stream connecting White Clay Creek with Marta Drive; thence northerly along said stream to its intersection with the center line of Marta Drive; thence northeasterly along the center line of Marta Drive to its intersection with the center line of Oak Street; thence northeasterly and northwesterly along the center line of Oak Street to its intersection with the center line of Old Telegraph Road; thence northeasterly along the center line of Old Telegraph Road to its intersection with the center line of the entrance road to Delaware Park; thence northwesterly along the center line of entrance road to Delaware Park to its intersection with the center line of the Kirkwood Highway; thence northeasterly along the center line of the Kirk-

wood Highway to its intersection with the center line of Ball Run; thence northerly along the center line of Ball Run to its intersection with the center line of Milltown Road; thence northeasterly along the center line of Milltown Road to its intersection with the center line of Limestone Road; thence northwesterly along the center line of Limestone Road to its intersection with the center line of Curtis Mill Road; thence westerly along the center line of Curtis Mill Road to its intersection with the center line of Pike Creek; thence northerly along the center line of Pike Creek to its intersection with the center line of Corner Ketch Road; thence northwesterly along the center line of Corner Ketch Road to its intersection with the center line of Landenberg-Wilmington Road; thence northerly along the center line of Landenberg-Wilmington Road to its intersection with the center line of Henderson Road; thence westerly along the center line of Henderson Road to its intersection with the center line of the Delaware-Pennsylvania Border; thence southwesterly along the center line of the Delaware-Pennsylvania Border to its intersection with the center line of White Clay Creek; thence southerly along the center line of White Clay Creek to its intersection with the northern boundary of the Town of Newark; thence southeasterly, northerly, and southerly along the northern boundary of the Town of Newark crossing over Curtis Mill Road and Paper Mill Road to the intersection of said boundary with the center line of the White Clay Creek at North Chapel Street.

(r) Twenty-fourth Representative District

The Twenty-fourth Representative District shall comprise: All that portion of Mill Creek Hundred and White Clay Creek Hundred bounded by a line beginning at the intersection of the center line of North Chapel Street and the center line of White Clay Creek; thence easterly along the center line of White Clay Creek to its intersection with the center line of Red Mill Road; thence northerly along the center line of Red Mill Road to its intersection with the center line of Kirkwood Highway; thence northeasterly along the center line of the Kirkwood Highway to its intersection with the center line of Harmony Road; thence southerly along the center line of Harmony Road to its intersection with the center line of Route No. 273 (Main Street, Christiana); thence in a northwesterly direction along the center line

of Route 273 (Main Street, Christiana) to its intersection with the center line of Route 273 (Chestnut Hill Road); thence southwesterly along the center line of Route 273 (Chestnut Hill Road) to its intersection with the center line of Marrows Road; thence northerly along center line of Marrows Road to its intersection with Main Street extended (Newark); thence westerly along the center line of Route 273 (Main Street, Newark) to its intersection with the center line of North Chapel Street; thence northerly along the center line of North Chapel Street to its intersection with the center line of White Clay Creek.

(s) Twenty-fifth Representative District

The Twenty-fifth Representative District shall comprise: All that portion of White Clay Creek Hundred bounded by a line beginning at the intersection of the northern boundary of the existing Pencader Hundred and the Delaware-Maryland border; thence easterly along the northern boundary line of Pencader Hundred extended to its intersection with the center line of Academy Street; thence northerly along the center line of Academy Street to its intersection with the center line of Main Street; thence easterly along the center line of Main Street to its intersection with the center line of North Chapel Street; thence northwesterly along the center line of North Chapel Street to its intersection with the center line of Race Street and the northern boundary of the Town of Newark; thence northerly and north-easterly along the northern boundary of the Town of Newark crossing over Paper Mill Road and Curtis Mill Road to its intersection with the center line of White Clay Creek; thence in a northerly direction along the center line of White Clay Creek to its intersection with the Delaware-Pennsylvania border; thence southwesterly and westerly along the Delaware-Pennsylvania border to its intersection with the Delaware-Maryland border; thence southerly along the center line of the Delaware-Maryland border to its intersection with the northern boundary of Pencader Hundred.

(t) Twenty-sixth Representative District

The Twenty-sixth Representative District shall comprise: All that portion of Pencader Hundred and White Clay Creek Hundred bounded by a line beginning at the intersection of the

northern boundary of Pencader Hundred with the Delaware-Maryland border; thence in an easterly direction along the northern boundary line of Pencader Hundred extended to its intersection with the center line of Academy Street; thence northerly along the center line of Academy Street to its intersection with the center line of Main Street; thence easterly along the center line of Main Street to the center line of Marrows Road; thence southerly along the center line of Marrows Road to its intersection with the center line of Chestnut Hill Road; thence northeasterly along the center line of Chestnut Hill Road to its intersection with the center line of Salem Church Road; thence southerly along the center line of Salem Church Road to its intersection with the center line of Old Baltimore Pike; thence westerly along the center line of the Old Baltimore Pike to its intersection with the center line of Salem Church Road; thence southerly along the center line of the Salem Church Road to its intersection with the center line of U.S. Highway No. 40; thence westerly along the center line of U.S. Highway No. 40 to its intersection with the Delaware-Maryland border; thence northerly along the Delaware-Maryland border to its intersection with the northern boundary of Pencader Hundred.

(u) Twenty-seventh Representative District

The 27th Representative District shall comprise: All that portion of Pencader, Red Lion, St. Georges, Appoquinimink, and Black Bird Hundreds bounded by a line beginning at the intersection of U.S. Route 40 and the Delaware-Maryland border; thence easterly along the center line of Route 40 to its intersection with the center line of Salem Church Road; thence southerly along the center line of Salem Church Road to its intersection with the center line of the Porter Station Road; thence easterly along the center line of Porter Station Road to its intersection with the center line of a public road that leads from Porter Station Road to U.S. Route 301; thence southeasterly along the center line of said public road to its intersection with the center line of Red Lion Creek; thence northeasterly along the center line of Red Lion Creek to its intersection with U.S. Route 301; thence southwesterly along the center line of U.S. Route 301 to its intersection with State Route 9 (Wrangle Hill Road); thence southeasterly along the center line of State Route 9 (Wran-

gle Hill Road) to its intersection with the center line of U.S. Route 13 (DuPont Parkway); thence southerly along the center line of U.S. Route 13 (DuPont Parkway) to its intersection with the center line of Birds Corner Road (also known as Coxs Neck Lane); thence easterly along the center line of Birds Corner Road to its intersection with the corporate limits of Delaware City; thence southeasterly along the corporate limits of Delaware City to its intersection with the center line of Canal Street; thence northeasterly along the center line of Canal Street to its intersection with the center line of State Route 9 and Clinton Street; thence easterly along the center line of Clinton Street and Clinton Street if extended to its intersection with the Delaware River; thence southerly along the Delaware River to its intersection with the northern boundary of Kent County; thence west-erly along the northern boundary of Kent County to its inter-section with the Delaware-Maryland border; thence northerly along the Delaware-Maryland border to its intersection with the center line of U.S. Route 40.

§ 632. Boundaries of the General Assembly Senatorial Districts in New Castle County outside the City of Wilmington

The boundaries of the several Senatorial Districts in New Castle County outside the City of Wilmington shall be as follows:

(a) Fourth Senatorial District

The Fourth Senatorial District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the center line of Stoney Run Creek with the Delaware River; thence northwesterly along the center line of Stoney Run Creek to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence northeasterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Silverside Road; thence northwesterly along the center line of Silverside Road to its intersection with the center line of Shipley Road; thence southerly along the center line of Shipley Road to its intersection with the center line of Alders Drive; thence westerly along the center line of Alders Drive to its intersection with the center line of Hearn Road; thence southerly along the center line of Hearn Road to its intersection with the center line of Fairfax

Boulevard; thence easterly along Fairfax Boulevard and continuing southerly along Fairfax Boulevard to its intersection with the center line of Sandra Road; thence westerly along the center line of Sandra Road to its intersection with the center line of Fairfax Boulevard; thence northerly and westerly along the center line of Fairfax Boulevard to its intersection with the center line of the Concord Pike; thence southerly along the center line of the Concord Pike to its intersection with the northern boundary of the City of Wilmington; thence in an easterly direction around the northern and eastern boundary of the City of Wilmington to its intersection with the Delaware River; thence northeasterly along the Delaware River to its intersection with the center line of Stoney Run Creek.

(b) Fifth Senatorial District

The Fifth Senatorial District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the center line of Faulk Road with the Delaware-Pennsylvania border; thence southeasterly along the center line of the Delaware-Pennsylvania border to its intersection with the Delaware River; thence southwesterly along the Delaware River to its intersection with the center line of Stoney Run Creek; thence northwesterly along the center line of Stoney Run Creek to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence northeasterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Silverside Road; thence northwesterly along the center line of Silverside Road to its intersection with the center line of Marsh Road; thence northeasterly along the center line of Marsh Road to its intersection with the center line of Naamans Road; thence northwesterly along the center line of Naamans Road to its intersection with the center line of Faulk Road; thence northeasterly along the center line of Faulk Road to its intersection with the Delaware-Pennsylvania border.

(c) Sixth Senatorial District

The Sixth Senatorial District shall comprise: All that portion of Brandywine Hundred and Christiana Hundred bounded by a line beginning at the intersection of the center line of Faulk

Road and the Delaware-Pennsylvania border; thence southwesterly along the center line of Faulk Road to its intersection with the center line of Naamans Road; thence southeasterly along the center line of Naamans Road to its intersection with the center line of Marsh Road; thence southwesterly along the center line of Marsh Road to its intersection with the center line of Silver-side Road; thence northwesterly along the center line of Silver-side Road to its intersection with the center line of Shipley Road; thence southerly along the center line of Shipley Road to its intersection with the center line of Alders Drive; thence westerly along the center line of Alders Drive to its intersection with the center line of Hearn Road; thence southerly along the center line of Hearn Road to its intersection with the center line of Fairfax Boulevard; thence easterly along the center line of Fairfax Boulevard and continuing south along Fairfax Boulevard to its intersection with the center line of Sandra Road; thence westerly along the center line of Sandra Road to its intersection with the center line of Fairfax Boulevard; thence northerly and westerly along the center line of Fairfax Boulevard to its intersection with the center line of Concord Pike; thence southerly along the center line of Concord Pike to its intersection with the northern boundary of the City of Wilmington; thence westerly along the northern boundary of the City of Wilmington to its intersection with the center line of Brandywine Creek; thence northerly along the center line of Brandywine Creek to its intersection with the center line of Barley Mill Road; thence westerly along the center line of Barley Mill Road to its intersection with the center line of Red Clay Creek; thence northwesterly along the center line of Red Clay Creek to its intersection with the Delaware-Pennsylvania border; thence northeasterly along the Delaware-Pennsylvania border to its intersection with the center line of Faulk Road.

(d) Seventh Senatorial District

The Seventh Senatorial District shall comprise: All that portion of Millcreek Hundred and Christiana Hundred bounded by a line beginning at the intersection of the center line of Mill-Creek and the Delaware-Pennsylvania border; thence southeasterly along the center line of Mill Creek to its intersection with the center line of Brackenville Road; thence southwesterly

along the center line of Brackenville Road to its intersection with the center line of Limestone Road; thence southerly along the center line of Limestone Road to its intersection with the Baltimore and Ohio Railroad right-of-way; thence northeasterly along the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Calf Run; thence southerly along the center line of Calf Run to its intersection with the center line of Red Clay Creek; thence southwesterly along the center line of Red Clay Creek to its intersection with the western boundary of Christiana Hundred; thence easterly along the western boundary of Christiana Hundred to its intersection with the center line of Hershey Run; thence northerly along the center line of Hershey Run to its intersection with the center line of the Wilmington and Christiana Turnpike; thence northwesterly along the Wilmington and Christiana Turnpike to its intersection with the center line of Rothwell Drive; thence northerly along the center line of Rothwell Drive to its intersection with the center line of Kiamensi Road; thence westerly along the center line of Kiamensi Road to its intersection with the center line of Red Clay Creek; thence northerly along the center line of Red Clay Creek to its intersection with the center line of Faulkland Road; thence easterly along the center line of Faulkland Road to its intersection with the western boundary of the City of Wilmington; thence northerly along the western boundary of the City of Wilmington to its intersection with the center line of Brandywine Creek; thence northwesterly along the center line of Brandywine Creek to its intersection with the center line of Barley Mill Road; thence westerly along the center line of Barley Mill Road to its intersection with the center line of Red Clay Creek; thence northwesterly along the center line of Red Clay Creek to its intersection with the Delaware-Pennsylvania border; thence southwesterly along the Delaware-Pennsylvania border to its intersection with the center line of Mill Creek.

(e) Eighth Senatorial District

The Eighth Senatorial District shall comprise: All that portion of Christiana Hundred bounded by a line beginning at the intersection of Faulkland Road and the western boundary of the City of Wilmington; thence southerly along the western boundary of the City of Wilmington to its intersection with the

southern boundary of the Town of Elsmere; thence westerly along the southern boundary of the Town of Elsmere to its intersection with the center line of North Avenue; thence southerly along the center line of North Avenue to its intersection with the center line of Boxwood Road; thence northwesterly along the center line of Boxwood Road to its intersection with the center line of Centerville Road (State Highway 141); thence southerly along the center line of Centerville Road (State Highway 141) to its intersection with the center line of State Highway 41; thence southeasterly along the center line of State Highways 141 and 41 to their intersection with the northerly boundary of the Town of Newport; thence in an easterly and southerly direction along the eastern boundary of the Town of Newport to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence westerly along the center line of the Pennsylvania Railroad right-of-way to its intersection with a line running perpendicular to Water Street at the point at which Water Street is closest to the Christina River; thence southerly along said line running perpendicular to Water Street to its intersection with the center line of the Christina River; thence southwesterly along the center line of the Christina River to its intersection with the White Clay Creek; thence northwesterly along the center line of the White Clay Creek to its intersection with the center line of Hershey Run; thence northerly along the center line of Hershey Run to its intersection with the center line of the Wilmington-Christiana Turnpike; thence northwesterly along the center line of the Wilmington-Christiana Turnpike to its intersection with the center line of Rothwell Drive; thence northerly along the center line of Rothwell Drive to its intersection with the center line of Kiamensi Road; thence westerly along the center line of Kiamensi Road to its intersection with the center line of Red Clay Creek; thence northerly along the center line of Red Clay Creek to its intersection with the center line of Faulkland Road; thence easterly along the center line of Faulkland Road to its intersection with the western boundary of the City of Wilmington.

(f) Ninth Senatorial District

The Ninth Senatorial District shall comprise: All that portion of Millcreek Hundred and White Clay Hundred bounded by a line beginning at the intersection of the center line of Mill

Creek and the Delaware-Pennsylvania border; thence southeasterly along the center line of Mill Creek to its intersection with the center line of Brackenville Road; thence southwesterly along the center line of Brackenville Road to its intersection with the center line of Limestone Road; thence southerly along the center line of Limestone Road to its intersection with the Baltimore and Ohio Railroad right-of-way; thence northeasterly along the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Calf Run; thence southerly along the center line of Calf Run to its intersection with the center line of Red Clay Creek; thence southwesterly along the center line of Red Clay Creek to its intersection with the western boundary of Christiana Hundred; thence easterly along the western boundary of Christiana Hundred to its intersection with the center line of Hershey Run; thence southerly along the center line of Hershey Run to its intersection with the center line of White Clay Creek; thence southeasterly along the center line of White Clay Creek to its intersection with the center line of the Christina River; thence southwesterly along the center line of the Christina River to its intersection with the center line of State Highway No. 273; thence northwesterly along State Highway No. 273 to its intersection with the center line of Brennen Drive; thence northwesterly along the center line of Brennen Drive to its intersection with the center line of Isle Drive; thence northeasterly along the center line of Isle Drive to its intersection with the center line of Shue Drive; thence northwesterly along the center line of Shue Drive to its intersection with the center line of Brennan Drive; thence northeasterly along the center line of Brennan Drive to its intersection with the center line of Cool Run Creek; thence northeasterly along the center line of Cool Run Creek to its intersection with the center line of White Clay Creek; thence northwesterly along the center line of White Clay Creek to its intersection with the Delaware-Pennsylvania border; thence northeasterly along the Delaware-Pennsylvania border to its intersection with the center line of Mill Creek.

(g) Tenth Senatorial District

The Tenth Senatorial District shall comprise: All that portion of Christiana Hundred and New Castle Hundred bounded by a line beginning at a point with the intersection of New Castle

Avenue and the southern boundary of the City of Wilmington; thence northwesterly along the southern boundary of the City of Wilmington to its intersection with the eastern boundary of the Town of Elsmere; thence westerly along the southern boundary of the Town of Elsmere to its intersection with the center line of North Avenue; thence southerly along the center line of North Avenue to its intersection with the center line of Boxwood Road; thence northwesterly along the center line of Boxwood Road to its intersection with the center line of Centerville Road (State Highway 141); thence southerly along the center line of Centerville Road (State Highway 141) to its intersection with the center line of State Highway 41; thence southeasterly along the center line of State Highways 141 and 41 to their intersection with the northerly boundary of the Town of Newport; thence in an easterly and southerly direction along the eastern boundary of the Town of Newport to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence westerly along the center line of the Pennsylvania Railroad right-of-way to its intersection with a line running perpendicular to Water Street at the point at which Water Street is closest to the Christina River; thence southerly along said line running perpendicular to Water Street to its intersection with the center line of the Christina River; thence southwesterly along the center line of the Christina River to its intersection with the center line of State Highway 273; thence southeasterly along the center line of State Highway 273 to its intersection with the center line of New Castle-Frenchtown Road; thence easterly along the center line of the New Castle-Frenchtown Road to its intersection with the center line of Rambleton Drive; thence southerly along the center line of Rambleton Drive to its intersection with the center line of Terra Drive; thence easterly along the center line of Terra Drive to its intersection with the center line of Balbach Drive; thence southeasterly along the center line of Balbach Drive to its intersection with the center line of Abson Lane; thence southeasterly along the center line of Abson Lane to its intersection with the center line of Prangs Lane; thence in a northeasterly and northwesterly direction along the center line of Prangs Lane to its intersection with the center line of Hares Corner-Christiana Road; thence easterly along the center line of the Hares Corner-Christiana Road to its intersection with the center line of DuPont Parkway; thence northeasterly along

the center line of the DuPont Parkway to its intersection with the center line of Memorial Drive; thence southeasterly along the center line of Memorial Drive to its intersection with the center line of Bunche Blvd.; thence northeasterly along the center line of Bunche Blvd. to its intersection with the center line of Talledega Drive; thence northwesterly along the center line of Talledega Drive to its intersection with the center line of Hastle Drive; thence northeasterly along the center line of Hastle Drive to its intersection with the center line of Rogers Road; thence southeasterly along the center line of Rogers Road to its intersection with the center line of New Castle Avenue; thence northeasterly along the center line of New Castle Avenue to its intersection with the southern boundary of the City of Wilmington.

(h) Eleventh Senatorial District

The Eleventh Senatorial District shall comprise: All that portion of New Castle Hundred bounded by a line beginning at the intersection of New Castle Avenue with the southern boundary of the City of Wilmington; thence southerly along the southern boundary of the City of Wilmington to its intersection with the Delaware River; thence in a southwesterly direction along the Delaware River to its intersection with the western boundary of the Town of New Castle; thence northwesterly along the western boundary of the Town of New Castle to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence westerly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the DuPont Parkway; thence northeasterly along the center line of the DuPont Parkway to its intersection with the center line of Memorial Drive; thence southeasterly along the center line of Memorial Drive to its intersection with the center line of Bunche Boulevard; thence northeasterly along the center line of Bunche Boulevard to its intersection with the center line of Talledega Drive; thence northwesterly along the center line of Talledega Drive to its intersection with the center line of Hastle Drive; thence northeasterly along the center line of Hastle Drive to its intersection with the center line of Rogers Road; thence southeasterly along the center line of Rogers Road to its intersection with the center line of New Castle Avenue; thence northeasterly along the center line of New Castle Avenue to its intersection with the southern boundary of the City of Wilmington.

(i) Twelfth Senatorial District

The Twelfth Senatorial District shall comprise: All that portion of White Clay Creek Hundred and Pencader Hundred bounded by a line beginning at the intersection of the center line of Chestnut Hill Road with the intersection of the Delaware-Maryland border; thence along the center line of Chestnut Hill Road to the southern boundary of the Town of Newark; thence easterly along the southern boundary of the Town of Newark to its intersection with the Christiana Creek; thence northwesterly along the center line of the Christiana Creek to its intersection with the center line of Chestnut Hill Road; thence in a north-easterly direction along the center line of Chestnut Hill Road to its intersection with the center line of Brennen Drive; thence northwesterly along the center line of Brennen Drive to its intersection with the center line of Isle Drive; thence northeasterly along the center line of Isle Drive to its intersection with the center line of Shue Drive; thence northwesterly along the center line of Shue Drive to its intersection with the center line of Brennen Drive; thence northeasterly along the center line of Brennen Drive to its intersection with the center line of Cool Run Creek; thence northeasterly along the center line of Cool Run Creek to its intersection with the center line of White Clay Creek; thence northwesterly along the center line of White Clay Creek to its intersection with the Delaware-Pennsylvania border; thence southerly and westerly along the Delaware-Pennsylvania border and the Delaware-Maryland border to the intersection of the center line of Chestnut Hill Road.

(j) Thirteenth Senatorial District

The Thirteenth Senatorial District shall comprise: All those portions of Blackbird, Appoquinimink, St. Georges, Red Lion, Pencader, White Clay Creek, and New Castle Hundreds not included in Districts Number one to twelve inclusive.

**SUBCHAPTER IV. GENERAL ASSEMBLY DISTRICTS
IN KENT COUNTY****§ 641. Boundaries of the General Assembly Representative Districts in Kent County**

The boundaries of the several General Assembly Representative Districts in Kent County shall be as follows:

(a) The 28th Representative District

The 28th Representative District shall comprise all of Kenton Hundred, all of Duck Creek Hundred, and portions of West Dover Hundred, East Dover Hundred, and Little Creek Hundred, more particularly described by reference to the General Highway map of Kent County, Delaware, prepared by the Delaware State Highway Department Planning Section, dated 1963, as follows, to-wit:

BEGINNING at a point on the Delaware-Maryland state line at the intersection of the Kent County line and the New Castle County line with said Delaware-Maryland state line; thence in an easterly direction along the boundary line separating New Castle County and Kent County, with the various meanderings of same, and continuing into the Delaware Bay to a point where said boundary line, separating New Castle County and Kent County, intersects with the Delaware-New Jersey state line; thence binding with the New Jersey state line in a southeasterly direction to a point in said Bay due east of the mouth of Simons River, which river separates Kent Island and Kelly Island; thence due west to the mouth of Simons River; thence in a westerly direction with the various meanderings of Simons River to a fork in said river which is the mouth of Herr Branch and Green Creek; thence with the various meanderings of Herr Branch in a westerly direction to a point where said branch intersects State Route No. 9 which leads from Little Creek to Leipsic; thence with the center line of State Route No. 9 in a northwesterly direction to a point of the intersection of the center line of State Route No. 9 with the center line of Main Street just south of the Town limits of Leipsic; thence in a northerly direction with the center line of Main Street to its intersection with the Town line of the Town of Leipsic; thence turning westerly with the Town line of Leipsic and following the same in a westerly direction; thence turning and continuing to follow the Town line in a northwesterly direction; thence turning again and continuing to follow the Town line in a northerly direction to the intersection of said Town line and the center of Dyke Branch; thence continuing in a northeasterly direction and binding with the Town line to the intersection of said Town line with the center of Leipsic River; thence with the center of Leipsic River, also being known as Little Duck Creek,

with its various meanderings, in a westerly direction to a point in the middle of the Pennsylvania Railroad tracks; thence in a southeasterly direction with the center of the Pennsylvania Railroad tracks to a point where the center of said tracks intersect with the center line of County Road No. 153; thence in a southwesterly direction with the center line of County Road No. 153 to its intersection with the center line of County Road No. 156; thence continuing in a southwesterly direction with the center line of County Road No. 156 to its intersection with the center of Fisher Branch Fork, also known as Fork Branch; thence in a westerly direction with the center of Fork Branch to its intersection with the center line of County Road No. 104; thence in a southerly and southeasterly direction with the center line of County Road No. 104 to its intersection with the center line of State Route No. 8; thence with the center line of State Route No. 8 in a westerly direction to its intersection with the Delaware-Maryland state line; thence with the Delaware-Maryland state line in a northerly direction to the intersection of the boundary line between New Castle County and Kent County, being the point and place of beginning.

(b) The 29th Representative District

The 29th Representative District shall comprise portions of Little Creek Hundred, East Dover Hundred, and North Murderkill Hundred, and including a portion of the City of Dover, more particularly described by reference to the General Highway map of Kent County, Delaware, prepared by the Delaware State Highway Department Planning Section, dated 1963, as follows, to-wit:

BEGINNING at a point in the center line of the Pennsylvania Railroad tracks at its intersection with Little Duck Creek, said point of beginning being approximately two miles northwest of the Town of Cheswold; thence in a southeasterly direction with the center of the Pennsylvania Railroad tracks to a point where the center of said tracks intersect with the center line of County Road No. 153; thence in a southwesterly direction with the center line of County Road No. 153 to its intersection with the center line of County Road No. 156; thence continuing in a southwesterly direction with the center line of County Road No. 156 to its intersection with the center of Fisher Branch Fork,

also known as Fork Branch; thence in a westerly direction with the center of Fork Branch to its intersection with the center line of County Road No. 104; thence in a southerly and southeasterly direction with the center line of County Road No. 104 to its intersection with the center line of State Route No. 8; thence with the center line of State Route No. 8 in a westerly direction to its intersection with the center line of County Road No. 196, also known as Mifflin Road; thence with the center line of Mifflin Road in a southeasterly direction to the intersection of said Road with the City Limits of the City of Dover as shown on the City Map of Dover prepared by the State Highway Department, dated 1966; thence binding with the 1966 City Limits of the City of Dover in an easterly direction to a corner in said City Limits south of Saulsbury Road; thence in a southerly direction by a line which would be an extension of Saulsbury Road in a southerly direction to the center line of the Hazletville Road (County Road No. 73), being situate just west of Simon Circle; thence with the center line of the Hazletville Road in an easterly direction to its intersection with the center of the Pennsylvania Railroad tracks; thence with the center of the Pennsylvania Railroad tracks in a northerly direction to the intersection of said Railroad tracks with the center line of Forest Street; thence in an easterly direction with the center line of Forest Street to its intersection with the center line of West Street; thence with the center line of West Street in a southerly direction to the intersection of West Street with the center line of Loockerman Street; thence with the center line of Loockerman Street in an easterly direction to its intersection with the center line of New Street; thence with the center line of New Street, which becomes Monroe Terrace, in a southerly direction to its intersection with the center line of Wyoming Avenue; thence with the center line of Wyoming Avenue in an easterly direction to its intersection with the center line of State Street; thence with the center line of State Street in a northerly direction to a point south of Lotus Street which is a westerly extension of the center line of the alley south of and parallel to Lotus Street which separates the properties fronting on Lotus Street from the properties fronting on Morris Drive; thence in an easterly direction by a line which is an extension of the center line of said alley south of and parallel to Lotus Street to the center of said alley, and thence continuing with the center line of said alley in an easterly direction to its

intersection with U.S. Route No. 13; thence continuing by line which is in part the center line of said alley and in part an extension of the center line of said alley in an easterly direction to a point in the center of the main branch of the St. Jones River; thence with the center of the main branch of the St. Jones River in a southerly direction to the center of the mouth of Puncheon Run; thence with the center of Puncheon Run in a westerly direction to its intersection with the center line of U.S. Route No. 113 A; thence with the center line of U.S. Route No. 113 A in a southerly direction to its intersection with County Road No. 26; thence with the center line of County Road No. 26 to its intersection with the center line of County Road No. 357; thence with the center line of County Road No. 357 in an easterly direction to a point where the westerly boundary line of the Dover Air Force Base Housing intersects said center line on the north side; thence with the westerly boundary line of said Dover Air Force Base Housing in a northerly direction to the center of the main branch of the St. Jones River; thence with the center of the main branch of the St. Jones River in a northerly direction to its intersection with the center line of County Road No. 356 (a new road); thence with the center line of County Road No. 356 in a northeasterly direction to its intersection with the center line of U.S. Route No. 113; thence with the center line of U.S. Route No. 113 in a northerly direction to its intersection with the center line of U.S. Route No. 13; thence with the center line of U.S. Route No. 13 in a northerly direction to its intersection with the center line of County Road No. 88; thence with the center line of County Road No. 88 in a northerly direction to its intersection with the center line of County Road No. 334; thence with the center line of County Road No. 334 in a northeasterly direction to its intersection with the center line of State Route No. 9; thence with the center line of State Route No. 9 in a northerly direction to its intersection with Main Street just south of the Town limits of Leipsic; thence in a northerly direction with the center line of Main Street to its intersection with the Town line of the Town of Leipsic; thence turning westerly with the Town line of Leipsic and following the same in a westerly direction; thence turning and continuing to follow the Town line in a northwesterly direction; thence turning again and continuing to follow the Town line in a northerly direction to the intersection of said Town line and the center of Dyke Branch;

thence continuing in a northeasterly direction and binding with the Town line to the intersection of said Town line with the center of Leipsic River; thence with the center of Leipsic River, also being known as Little Duck Creek, with its various meanderings, in a westerly direction to a point in the middle of the Pennsylvania Railroad tracks, being the point and place of beginning.

(c) The 30th Representative District

The 30th Representative District shall comprise portions of Little Creek Hundred and East Dover Hundred, and including a portion of the City of Dover, more particularly described by reference to the General Highway map of Kent County, Delaware, prepared by the Delaware State Highway Department Planning Section, dated 1963, as follows, to-wit:

BEGINNING at a point in the center line of State Route No. 9 at its intersection with the center line of County Road No. 334, said point being approximately one mile south of the Town of Leipsic; thence with the center line of State Route No. 9 in a southeasterly direction to its intersection with the center of Herr Branch; thence with the center of Herr Branch, with its various meanderings, in an easterly direction to its intersection with the center of Simons River; thence with the center of Simons River in an easterly direction to the Delaware Bay; thence by a line due east to the Delaware-New Jersey state line in the Delaware Bay; thence with the Delaware-New Jersey state line in the Delaware Bay in a southeasterly direction to a point due east of the mouth of the St. Jones River; thence by a line due west to the mouth of the St. Jones River; thence in a northwesterly direction with the center of the main branch of the St. Jones River, by its various meanderings, to its intersection with the center line of U.S. Route No. 113; thence with the center line of U.S. Route No. 113 in a northerly and northwesterly direction to its intersection with the center line of County Road No. 357; thence with the center line of County Road No. 357 in a southwesterly direction to its intersection with the west line of the Dover Air Force Base Housing boundary line on the north side of said center line; thence with the westerly boundary line of said Dover Air Force Base Housing in a northerly direction to the center of the main branch of the St. Jones River; thence with the center of the main branch of the St. Jones River in a northerly

direction to its intersection with the center line of County Road No. 356 (a new road) ; thence with the center line of County Road No. 356 in a northeasterly direction to its intersection with the center line of U.S. Route No. 113; thence with the center line of U.S. Route No. 113 in a northerly direction to its intersection with the center line of U.S. Route No. 13; thence with the center line of U.S. Route No. 13 in a northerly direction to its intersection with the center line of County Road No. 88; thence with the center line of County Road No. 88 in a northerly direction to its intersection with the center line of County Road No. 334; thence with the center line of County Road No. 334 in a northeasterly direction to its intersection with the center line of State Route No. 9, being the point and place of beginning.

(d) The 31st Representative District

The 31st Representative District shall comprise portions of West Dover Hundred, East Dover Hundred, and North Murderkill Hundred, and including a portion of the City of Dover, more particularly described by reference to the General Highway map of Kent County, Delaware, prepared by the Delaware State Highway Department Planning Section, dated 1963, as follows, to-wit:

BEGINNING at a point in the center line of State Route No. 8 at its intersection with the center line of County Road No. 101, said point being just east of Pearsons Corner; thence with the center line of State Route No. 8 in an easterly direction to its intersection with the center line of County Road No. 196, also known as Mifflin Road; thence with the center line of Mifflin Road in a southeasterly direction to the intersection of said Road with the City Limits of the City of Dover as shown on the City Map of Dover prepared by the State Highway Department, dated 1966; thence binding with the 1966 City Limits of the City of Dover in an easterly direction to a corner in said City Limits south of Saulsbury Road; thence in a southerly direction by a line which would be an extension of Saulsbury Road in a southerly direction to the center line of the Hazletville Road (County Road No. 73), being situate just west of Simon Circle; thence with the center line of the Hazletville Road in an easterly direction to its intersection with the center of the Pennsylvania Railroad tracks; thence with the center of the Pennsylvania

Railroad tracks in a northerly direction to the intersection of said Railroad tracks with the center line of Forest Street; thence in an easterly direction with the center line of Forest Street to its intersection with the center line of West Street; thence with the center line of West Street in a southerly direction to the intersection of West Street with the center line of Loockerman Street; thence with the center line of Loockerman Street in an easterly direction to its intersection with the center line of New Street; thence with the center line of New Street, which becomes Monroe Terrace, in a southerly direction to its intersection with the center line of Wyoming Avenue; thence with the center line of Wyoming Avenue in an easterly direction to its intersection with the center line of State Street; thence with the center line of State Street in a northerly direction to a point south of Lotus Street which is a westerly extension of the center line of the alley south of and parallel to Lotus Street which separates the properties fronting on Lotus Street from the properties fronting on Morris Drive; thence in an easterly direction by a line which is an extension of the center line of said alley south of and parallel to Lotus Street to the center of said alley, and thence continuing with the center line of said alley in an easterly direction to its intersection with U.S. Route No. 13; thence continuing by line which is in part the center line of said alley and in part an extension of the center line of said alley in an easterly direction to a point in the center of the main branch of the St. Jones River; thence with the center of the main branch of the St. Jones River in a southerly direction to the center of the mouth of Puncheon Run; thence with the center of Puncheon Run in a westerly direction to its intersection with the center line of U.S. Route No. 113 A; thence with the center line of U.S. Route No. 113 A in a southerly direction to its intersection with County Road No. 26; thence with the center line of County Road No. 26 in a southwesterly direction to its intersection with the center line of State Route No. 10; thence with the center line of State Route No. 10 in a northwesterly direction to its intersection with the easterly boundary line of the Town of Camden; thence with the easterly boundary line of the Town of Camden in a southerly direction to a corner for said Town boundary; thence and continuing with said Town boundary line in a southwesterly direction to a point in the center line of U.S. Route No. 13; thence with the center line of U.S. Route No. 13 in a southerly

direction to its intersection with the center line of County Road No. 361; thence with the center line of County Road No. 361 in a westerly direction to its intersection with the center line of U.S. Route No. 13-A; thence with the center line of U.S. Route No. 13-A in a southerly direction to its intersection with the center line of County Road No. 234; thence with the center line of County Road No. 234 in a westerly direction to its intersection with the center line of County Road No. 125; thence with the center line of County Road No. 125 in a northerly direction to its intersection with the center line of State Route No. 10; thence with the center line of State Route No. 10 in a southwesterly direction to its intersection with County Road No. 233; thence with the center line of County Road No. 233 in a southwesterly direction to its intersection with the center line of County Road No. 232; thence with the center line of County Road No. 232 in a northerly direction to its intersection with the center line of County Road No. 227; thence with the center line of County Road No. 227 in a westerly direction to its intersection with the center line of County Road No. 230; thence with the center line of County Road No. 230 to its intersection with center line of County Road No. 52; thence with the center line of County Road No. 52 in a westerly direction to its intersection with the center line of County Road No. 205; thence with the center line of County Road No. 205 in a northwesterly direction to its intersection with the center line of County Road No. 73; thence with the center line of County Road No. 73 in a northeasterly direction to its intersection with the center line of County Road No. 101; thence with the center line of County Road No. 101 in a northerly direction to its intersection with the center line of State Route No. 8, being the point and place of beginning.

(e) The 32nd Representative District

The 32nd Representative District shall comprise portions of North Murderkill Hundred, East Dover Hundred, South Murderkill Hundred, and Milford Hundred, more particularly described by reference to the General Highway map of Kent County, Delaware, prepared by the Delaware State Highway Department Planning Section, dated 1963, as follows, to-wit:

BEGINNING at a point in the boundary line which sepa-

rates Kent County and Sussex County in the center line of County Road No. 451 between Griffith Lake and Haven Lake approximately one mile west of the City of Milford; thence with the center line of County Road No. 451 in a northeasterly direction to its intersection with the center line of County Road No. 443; thence with the center line of County Road No. 443 in a westerly direction to its intersection with the center line of County Road No. 447; thence with the center line of County Road No. 447 in a northerly and easterly direction to its intersection with the center line of State Route No. 14; thence with the center line of State Route No. 14 in a southeasterly direction to its intersection with the center line of County Road No. 388; thence with the center line of County Road No. 388 in a northwesterly direction to its intersection with the center line of County Road No. 387; thence with the center line of County Road No. 387 in a westerly direction to its intersection with the center line of County Road No. 386; thence with the center line of County Road No. 386 in a northerly direction to its intersection with the center line of County Road No. 33; thence with the center line of County Road No. 33 in a northwesterly direction to its intersection with the center line of U.S. Route No. 13; thence crossing U.S. Route No. 13 to the center line of U.S. Route No. 13 A in a northerly direction; thence with the center line of U.S. Route No. 13 A in a northerly direction, to the southerly boundary line of the Town of Woodside; thence with the southerly boundary line of the Town of Woodside in an easterly direction to a corner in said boundary line; thence continuing with said boundary line in a northerly direction to another corner in said boundary line; thence continuing with said boundary line in a westerly direction to another corner in said boundary line, said corner being also in the center line of County Road No. 125; thence with the center line of County Road No. 125 in a southerly direction to its intersection with the center line of County Road No. 54; thence with the center line of County Road No. 54 in a westerly direction to its intersection with the center line of County Road No. 232; thence with the center line of County Road No. 232 in a northwesterly direction to its intersection with the center line of County Road No. 233; thence with the center line of County Road No. 233 in a northeasterly direction to its intersection with the center line of State Route No. 10; thence with the center line of State Route No. 10 in a northeast-

erly direction to its intersection with the center line of County Road No. 125; thence with the center line of County Road No. 125 in a southerly direction to its intersection with the center line of County Road No. 234; thence with the center line of County Road No. 234 in a northeasterly direction to its intersection with the center line of U.S. Route No. 13 A; thence with the center line of U.S. Route No. 13 A in a northerly direction to its intersection with the center line of County Road No. 361; thence with the center line of County Road No. 361 in an easterly direction to its intersection with the center line of U.S. Route No. 13; thence with the center line of U.S. Route No. 13 in a northerly direction to the southerly boundary line of the Town of Camden; thence in an easterly direction with the southerly boundary line of the Town of Camden to a corner in said boundary line; thence with the easterly boundary line of the Town of Camden in a northerly direction to its intersection with the center line of State Route No. 10; thence with the center line of State Route No. 10 in a southeasterly direction to its intersection with the center line of County Road No. 26; thence with the center line of County Road No. 26 in a northeasterly direction to its intersection with the center line of County Road No. 357; thence with the center line of County Road No. 357 in an easterly direction to its intersection with the center line of U.S. Route No. 113; thence with the center line of U.S. Route No. 113 in a southeasterly direction and in a southerly direction to its intersection with the center of the main branch of the St. Jones River; thence with the center of the main branch of the St. Jones River in a southeasterly direction to the Delaware Bay; thence by a line due east to the Delaware-New Jersey state line in the Delaware Bay; thence in a southeasterly direction with the Delaware-New Jersey state line to a point which is the intersection of the line between Kent County and Sussex County; thence in a southwesterly direction with the boundary line between Kent County and Sussex County to its point at the edge of the Delaware Bay near the mouth of the Mispillion River; thence continuing with the boundary line between Kent County and Sussex County in a westerly and southwesterly direction to a point in the center line of County Road No. 451 between Griffith Lake and Haven Lake, being the point and place of beginning.

(f) The 33rd Representative District

The 33rd Representative District shall comprise all of Missillion Hundred, and portions of South Murderkill Hundred, North Murderkill Hundred, West Dover Hundred, and Milford Hundred, more particularly described by reference to the General Highway map of Kent County, Delaware, prepared by the Delaware State Highway Department Planning Section, dated 1963, as follows, to-wit:

BEGINNING at a point in the boundary line which separates Kent County and Sussex County in the center line of County Road No. 451 between Griffith Lake and Haven Lake approximately one mile west of the City of Milford; thence with the center line of County Road No. 451 in a northeasterly direction to its intersection with the center line of County Road No. 443; thence with the center line of County Road No. 443 in a westerly direction to its intersection with the center line of County Road No. 447; thence with the center line of County Road No. 447 in a northerly and easterly direction to its intersection with the center line of State Route No. 14; thence with the center line of State Route No. 14 in a southeasterly direction to its intersection with the center line of County Road No. 388; thence with the center line of County Road No. 388 in a northwesterly direction to its intersection with the center line of County Road No. 387; thence with the center line of County Road No. 387 in a westerly direction to its intersection with the center line of County Road No. 386; thence with the center line of County Road No. 386 in a northerly direction to its intersection with the center line of County Road No. 33; thence with the center line of County Road No. 33 in a northwesterly direction to its intersection with the center line of U.S. Route No. 13; thence crossing U.S. Route No. 13 to the center line of U.S. Route No. 13A in a northerly direction; thence with the center line of U.S. Route No. 13A in a northerly direction to the southerly boundary line of the Town of Woodside; thence with the southerly boundary line of the Town of Woodside in an easterly direction to a corner in said boundary line; thence continuing with said boundary line in a northerly direction to another corner in said boundary line; thence continuing with said boundary line in a westerly direction to another corner in said boundary line, said corner being also in the center line of County Road No. 125; thence with the center line

of County Road No. 125 in a southerly direction to its intersection with the center line of County Road No. 54; thence with the center line of County Road No. 54 in a westerly direction to its intersection with the center line of County Road No. 232; thence with the center line of County Road No. 232 in a northwesterly direction to its intersection with the center line of County Road No. 233; thence continuing with the center line of County Road No. 232 in a northerly direction to its intersection with the center line of County Road No. 227; thence with the center line of County Road No. 227 in a westerly direction to its intersection with the center line of County Road No. 230; thence with the center line of County Road No. 230 in a northerly direction to its intersection with the center line of County Road No. 52; thence with the center line of County Road No. 52 in a westerly direction to its intersection with the center line of County Road No. 205; thence with the center line of County Road No. 205 in a northwesterly direction to its intersection with the center line of County Road No. 73; thence with the center line of County Road No. 73 in a northeasterly direction to its intersection with the center line of County Road No. 101; thence with the center line of County Road No. 101 in a northerly direction to its intersection with the center line of State Route No. 8; thence with the center line of State Route No. 8 in a southwestly direction to its intersection with the Delaware-Maryland state line; thence with the Delaware-Maryland state line in a southerly direction to the intersection of the boundary line between Kent County and Sussex County; thence along the boundary line between Kent County and Sussex County in an easterly and northeasterly direction back to its intersection with the center line of County Road No. 451 between Griffith Lake and Haven Lake, being the point and place of beginning.

§ 642. Boundaries of the General Assembly Senatorial Districts in Kent County

The boundaries of the several General Assembly Senatorial Districts in Kent County shall be as follows:

(a) Fourteenth Senatorial District

The 14th Senatorial District shall comprise all that portion

of Kent County contained in the 28th and 33rd Representative Districts, created in section 641 of this title.

(b) Fifteenth Senatorial District

The 15th Senatorial District shall comprise all that portion of Kent County contained in the 29th and 31st Representative Districts, created in section 641 of this title.

(c) Sixteenth Senatorial District

The 16th Senatorial District shall comprise all that portion of Kent County contained in the 30th and 32nd Representative Districts, created in section 641 of this title.

**SUBCHAPTER V. GENERAL ASSEMBLY DISTRICTS
IN SUSSEX COUNTY**

§ 651. Boundaries of the General Assembly Representative Districts in Sussex County

(a) Thirty-fourth Representative District

The 34th Representative District in Sussex County shall comprise: BEGINNING at the intersection of the boundary between Kent and Sussex Counties and the Delaware Bay; thence proceeding in a southeasterly direction along and with said Delaware Bay to a point on Delaware Bay where Prime Hook Creek formerly emptied into said Delaware Bay, approximately .85 of a mile north of the easterly termination of County Road 16; thence in a westerly direction to Prime Hook Creek to its intersection with State Route 14; thence along and with said State Route 14 in a southeasterly direction to an intersection with Broadkill River; thence along and with Broadkill River in a westerly direction to the corporate limits of the Town of Milton in Broadkill Hundred; thence along the southeasterly and southerly boundary of the corporate limits of the said Town of Milton to the stream joining Diamond Pond and Wagamon's Pond; thence in a southerly direction to County Road 319; thence in a westerly and southerly direction along and with said County Road 319 to an intersection with County Road 565; thence along and with said County Road 565 in a westerly direction to its intersection with County Road 239; thence in a

northerly direction with said County Road 239 to its intersection with County Road 238; thence in a westerly direction along and with County Road 238 to its intersection with County Road 579; thence in a westerly direction with County Road 579 to its intersection with the westerly right-of-way line of the Pennsylvania Railroad; thence along and with the westerly right-of-way line of the Pennsylvania Railroad in a northerly direction to the intersection of said westerly right-of-way line and the northeastern corner of Ellendale State Forest; thence in a southwesterly direction to the intersection of County Road 593 and Maple Branch; thence along and with said Maple Branch and the most westerly tributary thereof, in a northwesterly direction to an intersection with County Road 595; thence along and with County Road 595 in a westerly direction to an intersection with County Road 42; thence along and with said County Road 42 in a northerly direction to an intersection with County Road 610; thence along and with said County Road 610 in a northerly direction to State Route 16; thence along and with said State Route 16 in a westerly direction to an intersection with County Road 630; thence along and with said County Road 630 in a northwesterly direction to an intersection with County Road 44; thence along and with said County Road 44 in a northerly direction to an intersection with County Road 224; thence along and with said County Road 224 in a northwesterly direction, crossing State Route 36, to an intersection with County Roads 629 and 613; thence in a northerly direction along said County Road 613 to the Kent County line; thence along and with said Kent County line in a northeasterly direction home to the point and place of beginning.

(b) Thirty-fifth Representative District

The 35th Representative District shall comprise: BEGINNING at the intersection of the Kent County line and the westerly boundary of the 34th Representative District previously described; thence along and with the boundary of the said 34th Representative District in a southerly and easterly direction to an intersection of the easterly boundary of the corporate limits of the Town of Milton, Broadkill Hundred, and County Road 88; thence along and with said County Road 88 in an easterly direction to an intersection with County Road 256; thence along and with said County Road 256 in a southerly

direction to an intersection with State Route 5; thence along and with said State Route 5 in a southeasterly direction to an intersection with County Road 259; thence along and with said County Road 259 in an easterly direction to an intersection with County Road 258; thence along and with said County Road 258 in a southerly direction to an intersection with State Route 18 and County Road 262; thence along and with said County Road 262 in a southeasterly direction to an intersection of said County Road 262 and the boundary line between Broadkill Hundred and Lewes and Rehoboth Hundred; thence along and with said boundary line between Broadkill Hundred and Lewes and Rehoboth Hundred in a southwesterly direction to the intersection of said boundary line and State Route 5; thence along and with the boundary line between Georgetown Hundred and Indian River Hundred in a southwesterly direction to an intersection between said boundary line and State Route 30; thence along and with said State Route 30 in a southerly direction to an intersection of said road and Deep Branch; thence along and with said Deep Branch in a southwesterly direction to Morris' Mill Pond; thence along and with the northerly boundary of said Morris' Mill Pond to its juncture with Woods Branch; thence along and with said Woods Branch and Eli Walls' Ditch in a northwesterly direction to the point where said Eli Walls' Ditch crosses County Road 318 which said point also marks a dividing line between Georgetown Hundred and Dagsboro Hundred; thence along and with said boundary line of Georgetown Hundred and Dagsboro Hundred in a westerly direction, crossing County Road 62, to the intersection with the boundary line of Nanticoke Hundred; thence along and with the boundary line between Nanticoke Hundred and Dagsboro Hundred in a southerly direction to an intersection with State Route 20; thence along and with said State Route 20 in a northwesterly direction to an intersection with County Road 473; thence along and with said County Road 473, crossing State Route 28, to the point where said County Road 473 rejoins State Route 20; thence along and with said State Route 20 in a westerly direction to an intersection with County Road 20A; thence along and with said County Road 20A in a northwesterly direction to an intersection with County Road 524; thence in a northeasterly direction along and with said County Road 524 to an intersection with County Road 46; thence along and with said County

Road 46 in a westerly direction to an intersection with County Road 516; thence along and with said County Road 516 in a northerly direction to an intersection of County Roads 516 and 526 and 527; thence along and with said County Road 527 to an intersection with State Route 18; thence along and with said State Route 18 in a northwesterly direction to the point where said State Route 18 crosses Gravelly Fork at Collins Pond; thence following the meanderings of Gravelly Fork in a southwesterly direction to its juncture with the Nanticoke River; thence along and with said Nanticoke River in a northerly direction to said State Route 18; thence along and with said State Route 18 in a westerly direction, crossing U.S. Route 13, to a juncture with County Road 17; thence along and with said County Road 17 in a northeasterly direction to the corporate limits of the Town of Bridgeville; thence along and with the corporate limits of said Town of Bridgeville in a northerly and easterly direction to its intersection with County Road 40; thence along and with said County Road 40 in an easterly direction to an intersection with the Nanticoke River; thence along and with said Nanticoke River in a northerly direction to an intersection with County Road 600; thence along and with said County Road 600 in a southwesterly direction to an intersection with County Road 584; thence along and with said County Road 584 in a northwesterly direction, crossing U.S. Route 13, to an intersection with County Road 583; thence along and with said County Road 583 in a northerly direction to County Road 582; thence along and with said County Road 582 in a southwesterly direction to State Route 404; thence along and with State Route 404 in a northwesterly direction to the Maryland State Line; thence along and with the said Maryland State Line in a northerly direction to the Kent County line; thence along the said Kent County line home to the point and place of beginning.

(c) Thirty-sixth Representative District

The 36th Representative District in Sussex County shall comprise: BEGINNING on the Maryland line at a point where the southern line of the 35th Representative District intersects the Maryland line; thence southerly along the Maryland line to its intersection with the Nanticoke River; thence following the Nanticoke River northeasterly to its intersection with the lands and track of the Pennsylvania Railroad; thence southerly

along the eastern right-of-way line of the Pennsylvania Railroad land and the western limits of the Town of Blades to the southerly limits of the Town of Blades; thence northeasterly along the corporate limits of the Town of Blades to the Nanticoke River; thence continuing northeasterly along the Nanticoke River to U.S. Route 13; thence southerly along U.S. Route 13 to its intersection with County Road 470; thence easterly along County Road 470 to County Road 468; thence northeasterly along County Road 468 to its intersection with County Road 467; thence southeasterly along County Road 467 to State Route 28; thence northeasterly along State Route 28 to the southerly line of the 35th Representative District; thence continuing northwesterly along the 35th Representative District as hereinbefore described, to the Maryland State Line and the place of beginning.

(d) Thirty-seventh Representative District

The 37th Representative District in Sussex County shall comprise: BEGINNING at the intersection of the Nanticoke River and the Maryland State Line, being also the southern line of the 36th Representative District; thence southerly along the Maryland State Line to the southwest corner of the State of Delaware; thence turning and continuing along the Maryland State Line easterly across U.S. Route 13 and State Route 26 to County Road 418; thence northerly along County Road 418 to its intersection with County Road 60; thence continuing northerly along County Road 60 to its intersection with County Road 417 to Pocomoke River; thence westerly along County Road 417 to its intersection with New Found Branch; thence northerly along New Found Branch to Grays Prong; thence continuing along the meanderings of Grays Prong to County Road 413A; thence northerly along County Road 413A to State Route 26; thence continuing westerly and southerly along State Route 26 to its intersection with the Pocomoke River; thence northwesterly along the meanderings of the Pocomoke River across State Route 24, continuing until reaching the division line between Dagsboro and Gumboro Hundreds; thence northwesterly along the division lines of Dagsboro, Gumboro and Broad Creek Hundreds to its juncture with the 35th Representative District; thence continuing westerly along the southerly lines of Representative Districts 35 and 36 back to the Maryland State Line and the place of beginning.

(e) Thirty-eighth Representative District

The 38th Representative District in Sussex County shall comprise: BEGINNING at the southeasterly limits of the Town of Bethany Beach and the Atlantic Ocean, continuing in a westerly direction along said southerly limits of the Town of Bethany Beach to the Assawoman Canal; thence in a northwesterly direction along and with said Assawoman Canal to White Creek; thence in a southwesterly direction along and with said White Creek and the northerly limits of the Town of Millville to State Route 26; thence along and with said State Route 26 in a westerly direction to an intersection with County Road 54; thence along and with said County Road 54 in a southwesterly direction to an intersection with County Road 382; thence along and with said County Road 382 in a northwesterly direction to its intersection with Vines Creek; thence along and with said Vines Creek in a northerly direction to Pepper Creek; thence along and with said Pepper Creek and the boundary between Baltimore Hundred and Dagsboro Hundred in a northeasterly direction to a point marked by the juncture between said boundary line and an extension of State Route 5; thence along and with said extension of State Route 5, and State Route 5, in a northwesterly direction to an intersection with State Route 24; thence along and with said Route 24 in a southwesterly direction to County Road 310A; thence along and with said County Road 310A in a southeasterly direction to the Indian River; thence along and with the meanderings of said Indian River in a westerly direction to Millsboro Pond; thence from the northerly point of said Millsboro Pond along and with Cow Bridge Branch to Morris' Mill Pond; thence westerly along and with the boundary of the 35th Representative District to the point of its intersection with the northeasterly boundary of the 37th Representative District; thence along and with the easterly boundary of said 37th Representative District in a southerly direction to the Maryland State Line; thence along and with said Maryland State Line in an easterly direction to the Atlantic Ocean; thence along and with the Atlantic Ocean in a northerly direction to the place of beginning.

(f) Thirty-ninth Representative District

The 39th Representative District shall comprise: BEGIN-

NING on the Delaware Bay at a point where the southerly line of the 34th Representative District intersects the Delaware Bay; thence continuing southeasterly along Delaware Bay to the Atlantic Ocean; thence southerly along the Atlantic Ocean to a point where the northerly line of the 38th Representative District intersects the Atlantic Ocean; thence northwesterly along the northerly boundary line of the 38th Representative District and continuing along the easterly line of the 35th Representative District and the southerly line of the 34th Representative District back to the Delaware Bay and the place of beginning.

§ 652. Boundaries of the General Assembly Senatorial Districts in Sussex County

The boundaries of the several General Assembly Senatorial Districts in Sussex County shall be as follows:

(a) Seventeenth Senatorial District

The 17th Senatorial District shall comprise: All that portion of Sussex County contained in the 34th and 35th Representative Districts created in Sections 651 (a) and 651 (b) of this title.

(b) Eighteenth Senatorial District

The 18th Senatorial District shall comprise: All that portion of Sussex County contained in the 38th and 39th Representative Districts created in Sections 651 (e) and 651 (f) of this title.

(c) Nineteenth Senatorial District

The 19th Senatorial District shall comprise: All that portion of Sussex County contained in the 36th and 37th Representative Districts created in Sections 651 (c) and 651 (d) of this title.

SUBCHAPTER VI. EFFECTUATION

§ 661. Filing of maps

Maps of the several Representative and Senatorial Districts shall be prepared by the respective Departments of Elections of each County. The maps shall be certified as to correctness by the

President and Secretary of the respective Departments of Elections, and recorded in the offices of the Recorder of Deeds for the respective Counties. Two true and correct copies of these maps shall also be filed, not later than June 1, 1968, in the respective County Departments of Elections, with the State Election Commissioner, the respective state chairmen of the two major political parties, and the State Archivist.

§ 662. Evidence

When the maps referred to in this chapter are so recorded in the respective Recorder of Deeds' offices, they shall be prima facie evidence in all judicial proceedings as to the correctness of the boundaries shown thereon.

§ 663. Copies of maps

The State Election Commissioner and the several Departments of Elections shall cause such additional copies of the maps to be prepared and distributed as they deem necessary to properly advise the public.

Approved January 10, 1968.

NOTE

See Chapters 259 and 279 which amended this chapter.

CHAPTER 244

AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE CODE, RELATING TO RETIREMENT AND DISABILITY PENSION BENEFITS.

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

Section 1. Section 1705 (a), Title 9, Delaware Code, is amended by striking the following in lines 2 and 3 thereof:

shall not exceed \$250 nor be less than \$150 per month.

And inserting in lieu thereof the following:

shall not exceed \$300 nor be less than \$200 per month.

Section 2. Section 1716 (a), Title 9, Delaware Code, is amended by striking the following in lines 10, 11, 12, and 13 thereof:

\$150 or more than \$250 then in lieu of such payment as calculated in this section the employee shall receive under this chapter not less than \$75 and not more than \$125.

And inserting in lieu thereof the following:

\$200 or more than \$300 then in lieu of such payment as calculated in this section the employee shall receive under this chapter not less than \$100 and not more than \$150.

Section 3. Chapter 17, Title 9, Delaware Code, is amended by adding the following new section to read as follows:

§ 1719. Effect of Amendments

Any amendment to this Chapter shall apply to all persons eligible for benefits under this Chapter who had retired prior to the effective date of the amendment and also to those employees retiring after the effective date of the amendment, unless the bill containing the amendment specifically provides otherwise, but nothing contained in this section shall be construed so as to reduce the pension payments already properly awarded a former employee.

Approved January 10, 1968.

CHAPTER 245

AN ACT TO AMEND VOLUME 56, CHAPTER 119, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE, BY ADDING THERETO A NEW CHAPTER PROVIDING FOR THE GRANTING OF LICENSES TO CONDUCT HORSE RACING MEETS IN KENT COUNTY DURING EITHER DAYLIGHT OR EVENING HOURS, OR BOTH, ON A TRACK NO LESS THAN FIVE-EIGHTHS OF A MILE IN CIRCUMFERENCE, PROVIDING FOR THE PAYMENT OF TAXES THEREON, PROVIDING CERTAIN REGULATORY PROVISIONS AND PENALTIES THEREFOR, AUTHORIZING WAGERING OR BETTING BY PARI-MUTUEL MACHINES OR TOTALIZATORS, AND PLACING THE ISSUANCE AND CONTROL OF SUCH LICENSES WITHIN THE AUTHORITY AND JURISDICTION OF THE DELAWARE RACING COMMISSION."

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

Section 1. Volume 56, Chapter 119, Laws of Delaware, is hereby amended by striking "February, March and April" after "during the months of" in line 5 of Section 403 (c) of Section 1 thereof and inserting in lieu thereof the following:

March, April and up to and including the 10th day of May.

Approved January 10, 1968.

CHAPTER 246

AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO THE INDEXING OF RECORDS IN THE OFFICE OF THE RECORDER OF SUSSEX COUNTY.

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

Section 1. Chapter 96, Title 9, Delaware Code, is amended by adding thereto a new section to read as follows:

§ 9620. Indexing of Records in the Office of the Recorder of Sussex County

(a) The Recorder of Sussex County is hereby authorized, empowered, and directed, from time to time hereafter, under the supervision and subject to the approval of the Resident Associate Judge of the Superior Court residing in Sussex County, to change and revise any and all systems of indexing of, and to consolidate any and all indices to, any and all records heretofore or hereafter kept, filed, or maintained in his office, and to index and re-index the same, according to some modern and accurate system which may be authorized and approved by such Resident Associate Judge, as well as to continue such system of indexing with regard to the ongoing, current volume of work resulting from the usual course of business of his office until such further time as any such system may thereafter be changed or revised under the supervision and subject to the approval of the Resident Associate Judge, aforementioned.

(b) For any such purpose, the Recorder of Sussex County is hereby authorized and empowered to contract for the work of compiling any and all indices, and for the installation of any such modern system of indexing, and the verification of said indices when made, all under the supervision, direction, and approval of the Resident Associate Judge, aforementioned.

(c) For any such purpose, the Recorder of Sussex County is hereby authorized and empowered to purchase any and all books, racks, shelves, supplies, and other equipment necessary

CHAPTER 245

AN ACT TO AMEND VOLUME 56, CHAPTER 119, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE, BY ADDING THERETO A NEW CHAPTER PROVIDING FOR THE GRANTING OF LICENSES TO CONDUCT HORSE RACING MEETS IN KENT COUNTY DURING EITHER DAYLIGHT OR EVENING HOURS, OR BOTH, ON A TRACK NO LESS THAN FIVE-EIGHTHS OF A MILE IN CIRCUMFERENCE, PROVIDING FOR THE PAYMENT OF TAXES THEREON, PROVIDING CERTAIN REGULATORY PROVISIONS AND PENALTIES THEREFOR, AUTHORIZING WAGERING OR BETTING BY PARI-MUTUEL MACHINES OR TOTALIZATORS, AND PLACING THE ISSUANCE AND CONTROL OF SUCH LICENSES WITHIN THE AUTHORITY AND JURISDICTION OF THE DELAWARE RACING COMMISSION."

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

Section 1. Volume 56, Chapter 119, Laws of Delaware, is hereby amended by striking "February, March and April" after "during the months of" in line 5 of Section 403 (c) of Section 1 thereof and inserting in lieu thereof the following:

March, April and up to and including the 10th day of May.

Approved January 10, 1968.

CHAPTER 246

AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO THE INDEXING OF RECORDS IN THE OFFICE OF THE RECORDER OF SUSSEX COUNTY.

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

Section 1. Chapter 96, Title 9, Delaware Code, is amended by adding thereto a new section to read as follows:

§ 9620. Indexing of Records in the Office of the Recorder of Sussex County

(a) The Recorder of Sussex County is hereby authorized, empowered, and directed, from time to time hereafter, under the supervision and subject to the approval of the Resident Associate Judge of the Superior Court residing in Sussex County, to change and revise any and all systems of indexing of, and to consolidate any and all indices to, any and all records heretofore or hereafter kept, filed, or maintained in his office, and to index and re-index the same, according to some modern and accurate system which may be authorized and approved by such Resident Associate Judge, as well as to continue such system of indexing with regard to the ongoing, current volume of work resulting from the usual course of business of his office until such further time as any such system may thereafter be changed or revised under the supervision and subject to the approval of the Resident Associate Judge, aforementioned.

(b) For any such purpose, the Recorder of Sussex County is hereby authorized and empowered to contract for the work of compiling any and all indices, and for the installation of any such modern system of indexing, and the verification of said indices when made, all under the supervision, direction, and approval of the Resident Associate Judge, aforementioned.

(c) For any such purpose, the Recorder of Sussex County is hereby authorized and empowered to purchase any and all books, racks, shelves, supplies, and other equipment necessary

for such purpose, and from time to time thereafter to purchase the necessary books, racks, shelves, supplies, and other equipment to provide for the continuation of any such indexing of the records which may result from the ongoing, current volume of work resulting from the usual course of business of his office.

(d) The total cost of all such indexing of any and all such records, as aforesaid, and the cost of the necessary books, racks, shelves, supplies, and other equipment therefor, as well as all additions thereto as may be necessary from time to time by reason of the ongoing, current volume of work resulting from the usual course of business of his office, shall be paid by the Levy Court of Sussex County.

(e) Whenever the several, separate indices of any of the several records heretofore or hereafter kept, filed or maintained in the Office of the Recorder of Sussex County shall have been consolidated into a single system of indexing thereof in pursuance of the power and authority hereby vested in the Recorder of Sussex County, under the supervision and subject to the approval of the Resident Associate Judge, aforementioned, thereupon and thereafter the Recorder of Sussex County may discontinue the keeping, compiling, and maintaining of the several, separate indices thereto, and all Acts, or parts of Acts, requiring the keeping, compiling, and maintaining of separate indices thereto shall thereupon and thereby be repeal.

Approved January 10, 1968.

CHAPTER 247

**AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES
OF THE CLAYMONT SPECIAL SCHOOL DISTRICT TO
TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT
SERVICE ACCOUNT TO ITS CAPITAL IMPROVE-
MENTS PROGRAM.**

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 Board of School Trustees of the Claymont Special School District is authorized to transfer the sum of \$136,600 from its local debt service account to its capital improvements program, to be expended as follows:

(a) The sum of \$89,000 to be used as the Claymont Special School District's local share of the major capital improvements program authorized by Section 8 (e), Chapter 121, Volume 56, Laws of Delaware.

(b) The sum of \$47,600 to be used as the Claymont Special School District's local share of the minor capital improvements program authorized by Section 13 (e), Chapter 121, Volume 56, Laws of Delaware.

Approved January 11, 1968.

CHAPTER 248

AN ACT TO AMEND CHAPTER 25, TITLE 14, DELAWARE CODE, RELATING TO NEW HIGH SCHOOL DISTRICTS.

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

Section 1. Section 2507(a), Title 14, Delaware Code, is amended by striking "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." after "; provided," in line 6 thereof and inserting in lieu thereof "however, that the State Board of Education shall establish a Vocational High School District in New Castle County including the City of Wilmington without the aforementioned written consent."

Section 2. The provisions of this act shall be effective on the first day of July next preceding the opening of the new New Castle County Vocational High School.

Approved January 11, 1968.

CHAPTER 249

AN ACT CHANGING THE NAME OF THE "TOWN OF MIDDLETOWN" TO THE "CITY OF MIDDLETOWN" AND ESTABLISHING A NEW CHARTER THEREFOR.

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

MUNICIPAL CORPORATE NAME AND GENERAL POWERS THEREOF

Section 1. (a) The municipal corporation of the State of Delaware, now known as "The Mayor and Council of Middletown," shall hereafter be known as the "City of Middletown," sometimes referred to herein as the "City," and the inhabitants thereof within the corporate limits as defined in Section 3 of this Act or subsequently altered by annexation procedures shall, under the name of the "City of Middletown," continue to be a municipal body politics and corporate in perpetuity and under such name may have and use a common seal and may sue and be sued.

(b) The City shall have all powers possible for a municipal corporation to have under the Constitution and laws of the State of Delaware as fully and completely as though they were specifically enumerated in this charter. The City 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 repealed by enactment of this charter. The City of Middletown, as a body politic and corporate, shall succeed to, own or possess all property whether real, personal or mixed, and all the rights, privileges, franchises, powers and immunities now belonging to, possessed by, or enjoyed by the former corporation known as "The Mayor and Council of Middletown."

The City may have and use a common seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise, lease or condemnation, for the purpose of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas

or electrical system, or other municipal purposes, and may sell, lease, mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware or restricted by this charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

(c) The powers of the City under this charter shall be construed liberally; and the enumeration of specific powers by this charter shall not be held to be exclusive, or to restrict in any way, the general power stated in this section. All powers of the City shall be exercised in the manner prescribed in this charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Council.

INTERGOVERNMENTAL RELATIONS

Section 2. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or agency thereof; and without limiting the foregoing, the City shall have the power to transfer to New Castle County any local service function pursuant to the terms and provisions of Title 9, Chapter 11, Subchapter I, Delaware Code of 1953.

TERRITORIAL LIMITS

Section 3. (a) The limits and bounds of the City of Middletown are hereby established and declared to be as follows:

BEGINNING at a point in the center of the public road leading from the City of Middletown to Summit Bridge known as Delaware Route No. 896 and the center of a stream known as Saw Mill Branch; thence from said point of Beginning along the center line of the aforesaid stream in an easterly direction approximately 2615 feet to a point, a corner for lands now or late of George Cooper; thence by the same in a northeasterly direction approximately 169 feet to a point in line of lands now or late of Oscar Goodland; thence by the same in a southeasterly

direction approximately 1293 feet to the center of the aforesaid stream; thence by the center line of the aforesaid stream in an easterly direction approximately 1475 feet to a point, a corner for lands now or late of J. Cowgill Allston; thence by the same in a southwesterly direction approximately 2510 feet to a point; thence through lands now or late of the aforesaid J. Cowgill Allston in a southerly direction parallel to and approximately 150 feet from the easterly side of New Street approximately 250 feet to a point in line of the northerly side of East Lake Street extended; thence by the same in a westerly direction approximately 150 feet to a point on the northerly side of the aforesaid East Lake Street and the easterly side of New Street; thence along the easterly side of the aforesaid New Street in a southerly direction approximately 450 feet to a point, a corner for lands now or late of Lone Manor Farms; thence by the line of lands of the aforesaid Lone Manor Farms (1) in an easterly direction approximately 1444 feet to a point, (2) in a southerly direction approximately 1004 feet to a point in the center line of East Main Street, and (3) along said center line of East Main Street in a westerly direction approximately 1555 feet to a point, said point being an original corner for the City of Middletown; thence along the original boundary line of the City of Middletown in a southwesterly direction to a point on line of lands now or late of John Green; thence by the same in a southerly direction approximately 560 feet to a point; thence continuing along said line of lands now or late of John Green in a westerly direction approximately 85 feet to a point; thence through lands now or late of the said John Green in a southerly direction approximately 1075 feet to a point; thence continuing through the said lands now or late of John Green in a westerly direction approximately 536 feet to a point, said point being on the westerly side of said Delaware Route No. 896, also known as South Broad Street; thence along the westerly side of the aforesaid South Broad Street in a southerly direction approximately 870 feet to a point, said point being in the center line of a stream known as Church Branch or Deep Creek; thence along the center line of the aforesaid stream in a northwesterly direction approximately 4450 feet to a point, said point being a corner for lands now or late of Middletown Building Co.; thence by the line of lands now or late of the aforesaid Middletown Building Co. (1) in a northerly direction approximately 1799 feet to a point, (2)

in an easterly direction approximately 63 feet to a point, and (3) in a northerly direction approximately 240 feet to a point, said point being on the original boundary line of the City of Middletown; thence along the original boundary line as aforesaid in a northeasterly direction to a point, said point being an original corner for the City of Middletown; thence along the original boundary line of the City of Middletown in a northeasterly direction to a point, said point being in the center of the right-of-way for the Delaware Branch of the Pennsylvania Railroad; thence along the center of the aforesaid right-of-way in a northerly direction approximately 1190 feet to a point in line of lands now or late of Globe Union, Inc., said line being the southerly property line of said lands now or late of Globe Union, Inc.; thence by the same in an easterly direction approximately 1000 feet to a point in the center line of said Delaware Route No. 896, also known as North Broad Street; thence along said center line in a northerly direction approximately 2240 feet to the point and place of Beginning.

(b) The City of Middletown shall have the power to annex any additional territory contiguous to its present limits and bounds and extend and apply to such additional territory all laws, ordinances and resolutions in force within said City, so far as they may be applicable.

(c) Additional territory contiguous to the City of Middletown may be annexed by any of the following methods:

(1) Upon presentation to Council of a petition signed by a majority of the qualified voters and real estate owners of the contiguous territory, Council may, by ordinance, proceed to annex such territory. The petition shall have attached thereto a survey of the territory proposed to be annexed and shall contain a request as to the zoning classification or classifications to be applied to such territory.

(2) Upon resolution of Council, a special election shall be called wherein the question of annexation shall be submitted to vote of the qualified voters and real estate owners of territory proposed to be annexed. The resolution of Council shall have attached, as part thereof, a survey of the territory proposed to be annexed and shall contain a recommendation as to the zoning classification or classifications to be applied to such territory.

The special election shall be held by the proper election officer of the district or districts embracing the territory proposed to be annexed. Each real estate owner shall be entitled to one vote for each \$100 of real estate assessed to him on the assessment records of New Castle County. Each qualified voter, not being the owner of real estate within the territory, shall be entitled to one vote. After a majority of the qualified voters and real estate owners shall have voted their approval to be annexed, then Council may, by ordinance, proceed to annex such territory.

(3) By ordinance duly passed by Council, the City may annex lands which it wholly owns, without an election.

(d) Prior to adoption by Council of an ordinance annexing contiguous territory, the request or recommendation as to zoning contained in the petition or resolution calling for annexation must first be processed in accordance with applicable laws and City zoning ordinances. An ordinance providing for zoning of the territory shall be adopted at the same time as that providing for annexation by the City.

STRUCTURE OF THE GOVERNMENT

Section 4. The Mayor and the City Council shall constitute the legislative body of the City of Middletown and together shall be designated the Council. All powers of the City shall be vested in the Council, except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

CITY COUNCIL

Section 5. (a) There shall be a City Council of seven members elected by the qualified voters of the City at large.

(b) Any qualified voter of the City, who has not been convicted of a crime involving moral turpitude, and who owns real estate in the City, and who has resided in the City for at least two years next preceding his election shall be eligible for the office of councilman.

(c) The regular election of councilmen shall be held on the

first Monday in March of every year in the manner provided in Section 38. At the first election under this charter five councilmen shall be elected; the one candidate receiving the greatest number of votes shall serve for a term of four years, the two candidates receiving the next greatest number of votes shall serve for terms of three years, and the two candidates receiving the next greatest number of votes shall serve for terms of two years. The councilmen presently in office shall serve until their terms expire. Commencing at the next regular City election under this charter and at all subsequent regular City elections, councilmen equal in number to those whose terms expire shall be elected, each to serve for a three-year term.

THE MAYOR

Section 6. (a) The Mayor shall be executive of the City and shall be ex-officio a member of Council. He shall have the following powers and duties:

(1) He shall preside at meetings of the Council but shall have no vote unless the City Council be equally divided;

(2) He shall execute on behalf of the City, when authorized by Council, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed;

(3) He shall appoint all committees, and shall be a member, ex-officio, of the same;

(4) He shall countersign all orders, checks and warrants authorized by Council and calling for payment of City monies;

(5) He shall have the power to administer oath and affirmation; and

(6) He shall have all and every power conferred, and perform the duties imposed upon him by this charter or the ordinances of the City.

(b) Any qualified voter of the City, who has not been convicted of a crime involving moral turpitude, and who owns real estate in the City, and who has resided in the City for at least five years next preceding his election shall be eligible for the office of Mayor.

(c) The Mayor shall be elected at the regular City election

every three years beginning in 1969 by the qualified voters of the City for a term of three years to begin on the date of his election, but the incumbent Mayor shall continue until his successor has been elected and has taken office.

COMPENSATION AND EXPENSES OF MAYOR AND COUNCILMEN

Section 7. The Council may determine the annual salary of councilmen and the Mayor by ordinance, but no ordinance increasing the salary of councilmen and no ordinance increasing the salary of the Mayor shall become effective until the date of commencement of the terms of councilmen elected at the next regular election or until the date of commencement of the term of the Mayor next elected, provided that such election, in either case, follows the adoption of such ordinance by at least six months. Council shall not decrease the salary of the Mayor during his term of office. Councilmen and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

VACANCIES AND FORFEITURE OF OFFICE

Section 8. (a) The office of a councilman or the office of the Mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

(b) A councilman shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

(c) A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to do so within 30 days following

the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of Section 38. Notwithstanding the requirement in Section 13 that a quorum of the Council consists of five members, if at any time the membership of the City Council is reduced to less than four, the remaining members of the Council may by majority action appoint additional members to raise the membership to four.

(d) In the case of temporary service by a councilman as Mayor or as president pro tempore, such person shall not be deemed to have vacated or forfeited his office as elected councilman. The councilman serving as president pro tempore shall be counted in ascertaining a quorum of Council but shall not vote as Mayor.

(e) The Mayor shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law or (2) violates any express prohibition of this charter, or (3) is convicted of a crime involving moral turpitude.

(f) A vacancy in the office of Mayor shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the City Council by a majority vote of its members shall appoint one of its members to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the City Council fails to do so within 30 days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of Section 38.

(g) In the case of the temporary absence or inability to act of the Mayor, the City Council shall appoint a president pro tempore from among its members to act in such temporary absence or inability of the Mayor.

JUDGE OF QUALIFICATIONS

Section 9. The Council shall be the judge of the election

and qualifications of councilmen and the Mayor and of the grounds for forfeiture of their offices and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member of the City Council or the Mayor charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the Superior Court of the State of Delaware.

CITY CLERK

Section 10. The Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him by this charter or by the Council.

INVESTIGATIONS

Section 11. The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for that purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by Council shall be guilty of a misdemeanor and punishable by a fine of not more than \$25, or by imprisonment for not more than 30 days, or both.

INDEPENDENT AUDIT

Section 12. The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall

be made no later than 30 days after the beginning of such fiscal year. If the State of Delaware makes such an audit, the Council may accept it as satisfying the requirements of this section.

PROCEDURE

Section 13. (a) The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of four or more councilmen and, whenever practicable, upon no less than two hours' notice to each member. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own elected membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action shall not be taken by the Council until the matter is placed on the agenda.

(b) The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record, subject to inspection by residents of the City.

(c) Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Five of the members elected to the 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 Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 8, shall be valid or binding unless adopted by the affirmative vote of a majority of the persons present and entitled to vote.

ORDINANCES

Section 14. (a) In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the City shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish,

alter or abolish any City department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Section 23 with respect to taxes levied by the adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by a public utility of the City;

(6) Authorize the borrowing of money, except as otherwise provided in Section 27;

(7) Convey or lease or authorize the conveyance or lease of any lands of the City;

(8) Adopt with or without amendment ordinances proposed under the initiative power; and

(9) Amend or repeal any ordinance previously adopted, except as otherwise provided in Section 39 with respect to repeal of ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentences may be done either by ordinance or resolution.

(b) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Middletown hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance, section or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(c) An ordinance may be introduced by any elected councilman at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council member, shall file a reasonable number of copies in the office of the City clerk and such other public places

as the Council may designate, and shall publish the proposed ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by Council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance.

(d) Except as otherwise provided in this charter, every ordinance adopted by the Council shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

(e) All ordinances adopted by Council shall be published by the clerk with a notice of adoption, as soon as practicable after adoption.

(f) As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the City: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

(g) To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 24 (b). 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 members of Council shall be required for adoption.

The ordinance shall be come effective upon adoption or at such later time as it may specify. Immediately after its adoption, the ordinance shall be published and printed as prescribed for other ordinances. Every emergency ordinance except one made pursuant to subsection 24 (b) shall automatically stand repealed as of the sixty-first day following its adoption by Council, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. Any emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner as specified in this section for the adoption of emergency ordinances.

CODES OF TECHNICAL REGULATIONS

Section 15. The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of Section 14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City clerk pursuant to subsection 16 (a).

Copies of any adopted code of technical regulations shall be made available by the City clerk for distribution or for purchase at a reasonable price.

AUTHENTICATION, RECORDING, PRINTING AND CODIFICATION OF ORDINANCES AND RESOLUTIONS

Section 16. (a) The City clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all duly enacted ordinances and resolutions.

(b) Within two years after the adoption of this charter and at least every five years thereafter, the Council shall provide for the preparation of a general codification of all City ordinances

and resolutions having the force and effect of law. The general codification shall be enacted by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware and such codes of technical regulations as the Council may specify. This compilation shall be known and cited officially as the Middletown City Code. Copies of the code shall be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

(c) The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its enactment, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Middletown City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The 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 and other rules and regulations included in the code.

CITY MANAGER

Section 17. (a) The Council shall appoint a City Manager for an indeterminate term and fix his compensation. The Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the City or State of Delaware at the time of his appointment but may reside outside the City while in office only with the approval of the Council. No elected councilman or the Mayor shall, during the time for which elected, be appointed City Manager.

(b) The Council may remove the Manager from office in accordance with the following procedures:

(1) The Council shall adopt by affirmative vote of a majority

of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

(2) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days and not later than 30 days after the request is filed. The Manager may file with the Council a written reply not later than five days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The Manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency.

(c) By letter led with the City clerk the Manager shall designate, subject to approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint some qualified person to serve until the Manager shall return or his disability shall cease.

(d) The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the administration of all City affairs placed in his charge by or under this charter. He shall have the following powers and duties.

(1) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all City employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(2) He shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this charter or by law.

(3) He shall attend all Council meetings and have the right to take part in discussion but may not vote.

(4) He shall see that all laws, provisions of this charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget and capital program to the Council.

(6) He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(7) He shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

(9) In conjunction with the Mayor, he shall sign all orders, checks and warrants authorized by Council and calling for payment of City monies.

(10) He shall perform such other duties as are specified in this charter or may be required by the Council.

ADMINISTRATIVE DEPARTMENTS

Section 18. (a) By ordinance, the Council may establish City departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. All appointments hereunder shall be subject to approval of Council. With the consent of Council, the Manager may serve as the head of one or more of such departments, offices or agencies or may appoint one person as the head of two or more of them.

PERSONNEL SYSTEM

Section 19. (a) All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(b) There shall be a personnel director, appointed by the Manager and approved by Council, who shall administer the personnel system of the City.

(c) There shall be a personnel board consisting of three members appointed by the Council for terms of three years from among the qualified voters of the City. Members of the board shall hold no other City office. The personnel director shall provide necessary staff assistance for the personnel board.

(d) The personnel director shall prepare personnel rules. The Manager shall refer such proposed rules to the personnel board which shall report to the Manager its recommendations thereon. When approved by the Manager, the rules shall be proposed to the Council, and thereafter, the Council may by ordinance enact them with or without amendment. These rules shall provide for:

(1) The classification of all City positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whatever warranted by changed circumstances;

(2) A pay plan for all City positions;

(3) Methods for determining the merit and fitness of candidates for appointment or position;

(4) The policies and procedures regulating reduction in

force and removal of employees;

(5) The hours of work, attendance regulations and provisions for sick and vacation leave;

(6) The policies and procedures governing persons holding provisional appointments;

(7) The policies and procedures governing relationships with employee organizations;

(8) Policies regarding in-service training programs;

(9) Grievance procedures, including procedures for the hearing of grievances by the personnel board, which may render advisory opinions based on its findings to the Mayor with a copy to the aggrieved employee; and

(10) Other practices and procedures necessary to the administration of the City personnel system.

LEGAL OFFICER

Section 20. There shall be a legal officer of the City, appointed by Council, to serve at its pleasure, who shall serve as chief legal advisor to the City Council, the Mayor and all City departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.

FISCAL YEAR

Section 21. The fiscal year of the City shall begin on the first day of June and end on the last day of May.

SUBMISSION OF BUDGET AND CAPITAL PROGRAM

Section 22. (a) On or before the first day of April of each year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

(b) The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate

any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the Manager deems desirable.

(c) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, including and indicating the proposed rate of tax on real estate and the amount of personal or per-capita tax and shall show all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate section:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The budget shall be balanced so that the total of proposed expenditures shall not exceed the total of estimated income.

(d) The Manager shall prepare and submit to the Council a five-year capital program at least two months prior to the final date for submission of the budget.

(e) The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

COUNCIL ACTION ON BUDGET AND CAPITAL PROGRAM

Section 23. (a) The Council shall publish in one or more newspapers of general circulation in the City a general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than 10 days after such publication, for a public hearing on the budget.

(b) After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

(c) The budget shall be adopted by the Council on or before the first day of the last month of the fiscal year currently ending. If the Council fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until

such time as the Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the tax on real estate and the personal or per capita tax at the rate and in the amount therein proposed. If the budget has not been adopted by the above date, Council may thereafter separately levy said taxes at a rate and in an amount it deems appropriate.

(d) The Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public; and

(2) The time and place, not less than 10 days after such publication, for a public hearing on the capital program.

(e) The Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the first day of the last month of the current fiscal year.

(f) The Council may, in its discretion, provide for a single public hearing on the budget and capital program.

(g) Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at a suitable place in the city.

AMENDMENTS TO BUDGET AFTER ADOPTION

Section 24. (a) If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excesses.

(b) To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 14. (g). To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emer-

agency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. No more than \$30,000 may be borrowed pursuant to the provisions of this subsection.

(c) If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the manager, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

LAPSE OF APPROPRIATIONS

Section 25. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

ADMINISTRATION OF BUDGET

Section 26 (a). At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 24.

(b) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved as otherwise provided in this charter.

BORROWING OF MONEY AND ISSUANCE OF BONDS

Section 27. (a) The City of Middletown under the restrictions hereinafter provided may borrow for municipal purposes on the credit of the city such sum or sums of money at such time or times as it may deem proper and issue bonds or other certificate or certificates of indebtedness for the payment of the same.

(b) All bonds or other kinds of forms of certificate or certificates of indebtedness issued by the city in pursuance hereof shall be exempt from all State, County or municipal taxes.

(c) In those cases where the borrowing power is sought to be exercised for the purpose of refunding any or all outstanding bonds or other indebtedness of the city at a rate of interest equal to or less than the indebtedness thereby sought to be refunded or in accordance with the provisions of Sections 24. (b), 28 and 29, it shall not be necessary for a special election to be held to secure approval of such borrowing.

In all other instances the power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness shall be exercised in the following manner:

(1) The Council shall enact a resolution proposing that money be borrowed by the city. The resolution shall plainly set forth: (a) the amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed, (b) the rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid, (c) the manner in which it is proposed to be secured, (d) the manner in which it is proposed that it shall be paid, or funded, or both, (e) a short and clear description of the purpose or purposes for which the money or monies shall be used, which shall include the estimated cost of carrying out the purpose or purposes, (f) a statement as to the aggregate of all municipal indebtedness in the event the borrowing is approved, and (g) a statement of the time and place for a public hearing upon the resolution.

(2) The city clerk shall give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper published in the city at least one week before the time fixed for said hearing and by posting copies thereof in ten public places throughout the city at least one week before the time fixed for said public hearing.

(3) At the time and place mentioned in the notice, the Council shall sit in public session and conduct a hearing upon the resolution.

(4) Immediately following the public hearing upon the resolution, the Council shall vote upon a resolution giving its final authorization for the loan. If such a resolution shall be adopted by Council, then a second resolution shall be enacted ordering and directing that a special election be held in the City of Middletown not less than 30 days nor more than 60 days (as may be determined by Council) after the passage of the resolution authorizing the loan.

(5) The purpose of the special election shall be to vote for or against the proposed loan.

(6) The city clerk shall give notice of the time and place for holding the special election to all the taxables of the city by posting notices thereof in ten public places in said city at least two weeks prior to the day fixed for the holding of such special election, and by publishing a copy of such notice in a newspaper of the city at least ten days before the election. Such notice of the special election shall contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, except that information relating to the public hearing.

(7) The special election shall be conducted by Judges of Election who shall be appointed in the same manner, and shall have the same qualifications, as provided in this charter for the regular city election.

(8) At least five days prior to the date of the special election, the city clerk shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots upon one-half of which ballot shall be printed the words "FOR THE PROPOSED BORROWING," and upon the other half of said ballot shall be printed the words "AGAINST THE PROPOSED BORROWING," and a box shall be provided after each and the voter instructed to place an "X" in the box provided after the choice for which he wishes to cast his vote.

(9) At such special election every person who would be entitled to vote at a regular city election if held on that day shall be entitled to one vote, and also the owner or owners of real estate whether individual or partnership, shall have one vote for every dollar or part of a dollar of tax paid upon such property, during the fiscal year ending on the last day of May

next preceding said special election. Votes at said election may be cast either in person or by proxy and where a given property is owned by more than one person, each parcener shall be entitled to cast as many votes as his, her, or its interest in the property is related to the total number of votes which may be cast in the name of all owners of such property, excepting in cases where property is held by husband and wife as tenants by the entireties. In such latter cases either the husband or wife or the proxy of either of them may cast the entire votes representative of the tax paid upon such property, depending upon which shall first present himself or herself at the polling place.

No proxy shall be voted or counted unless the same shall have been signed in the presence of at least two witnesses and sworn before a notary public.

(10) One of the Judges of Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot, he, the Judge, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting said ballot.

(11) Immediately upon the closing of the polls the Judges of Election shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such certificate, in duplicate, to the city clerk. One copy of the certificate shall be entered in the minutes of the next meeting of Council and the other copy thereof shall be filed with the papers of the city. If a majority of the votes cast be "FOR THE PROPOSED BORROWING," the Council shall have the authority to borrow the sum or sums of money and issue the bonds therefor.

(d) The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity and provisions pertaining to registration shall be determined by the Council. The bonds shall be sold to the best and most responsible bidder therefor.

All bonds or certificates of indebtedness forming a single issue need not be offered for sale but any given issue of bonds

or certificates of indebtedness authorized as hereinbefore provided may be sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the Council may deem most advisable.

The Council shall provide, in its budget, for revenues sufficient to pay the interest and principal on the said bonds or certificates of indebtedness at the maturity or maturities therefor. The faith and credit of the City of Middletown shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued hereunder, within the debt limitation prescribed hereinafter, when the same have been properly executed and delivered for value.

BORROWING FOR CURRENT EXPENSES

Section 28. Whenever the needs of the city shall require more money than is, at the time, in the city treasury from current receipts, the Council 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 \$15,000.00.

To exercise the power aforesaid, the Council 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 Council. The indebtedness created under this provision shall be evidenced by notes of the city, and the faith and credit of the city shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the debt of the city when limitations upon indebtedness, as set forth elsewhere in this charter, are computed.

INTERIM BORROWING FOLLOWING BOND ELECTION

Section 29. Subsequent to any bond election conducted in accordance with the provisions of Section 27 at which a majority of the votes cast be "FOR THE PROPOSED BORROWING," the Council shall be authorized and empowered to anticipate the funds to be obtained by the sale of bonds by borrowing such amounts as may be needed. Provided, however, the amount or amounts borrowed hereunder shall not exceed the amount of

money, or the amount of money not exceeding which, the city has been authorized to borrow at the bond election; nor shall the rate or rates of interest exceed the rate of interest, or the rate of interest not exceeding which, the city has been authorized to pay at the bond election.

To exercise the power aforesaid the Council 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 Council. The indebtedness created under this provision shall be evidenced by notes of the city, and the faith and credit of the city shall be deemed to be pledged thereby. Such interim debt shall be considered as part of the debt of the city when limitations upon indebtedness, as set forth elsewhere in this charter, are computed.

LIMITATION UPON INDEBTEDNESS

Section 30. Except as otherwise provided in this charter, the indebtedness of the City of Middletown, for any and all purposes and at any one time, shall not exceed, in the aggregate, fifteen per centum (15%) of the assessed value of all real property situate within the confines of the city limits and subject to assessment for the purpose of levying the property tax as provided in Sections 31 and 32.

REVENUE AND SPECIAL ASSESSMENTS

Section 31. (a) The Council shall have the power to levy and collect taxes on real property within the limits of the city, except that which is not assessable and taxable by virtue of any law of the State of Delaware, and shall have the power to levy and collect a personal or per-capita tax.

(b) The Council shall have the power to levy and collect taxes upon all telephone, telegraph, power poles, pipe lines, rail lines or other constructions or erections of a like character erected within the limits of the city, together with the wire or other appliances thereto or thereon attached. In case the owner or lessee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to all other remedies for the collection thereof, the Council shall have

power and authority to cause the same to be removed.

(c) The Council shall have the power and right to grant or refuse, and to tax and collect fees for licenses or permits for businesses of any description carried on within the limits of the city, and to control their use of any property within the city. The Council shall also have the power to grant franchises for such periods of time, upon such terms, restrictions, stipulations and conditions, and for such purposes and considerations as it shall deem wise and shall have the power to levy and collect franchise fees.

(d) The Council shall have the power by ordinance to fix the rates for general utility services sold or operated by the city and to collect and utilize revenues from such utility services for the benefit of the city.

(e) The City of Middletown is 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 payment of all or any part of the cost of the work, service or improvement out of the proceeds of such special assessments.

(f) The Council may allow discounts for early payment of taxes, and impose penalties and forfeitures for tax delinquencies. The Council may also provide for the payment of special assessments, for whatever purpose levied, by installments.

BOARD OF ASSESSMENT

Section 32. (a) There shall be a Board of Assessment of three members.

(b) Any qualified voter of the city, who has not been convicted of a crime involving moral turpitude, and who has resided in the city for at least two years next preceding his appointment, shall be eligible for the office of member of the Board of Assessment.

(c) Council shall appoint the three members of the Board of Assessment. One such member shall be appointed for a term of three years, another member for a term of two years, and the

third member for a term of one year. Upon expiration of the term of office of each member of the Board of Assessment, and yearly thereafter, Council shall appoint one member of the Board of Assessment to serve for a term of three years.

(d) The office of a member of the Board of Assessment shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

(e) A member of the Board of Assessment shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by-laws, (2) violates any express prohibition of this charter, or (3) is convicted of a crime involving moral turpitude.

(f) A vacancy in the office of member of the Board of Assessment shall be filled by Council appointing a qualified person to serve the remainder of the unexpired term.

(g) The compensation to be received by members of the Board of Assessment for the performance of their duties shall be fixed by Council. Members of the Board of Assessment shall receive their actual and necessary expenses incurred in the performance of their duties of office.

(h) It shall be the duty of the Board of Assessment to make, cause to be made or adopt an assessment of real estate and persons subject to taxation situated within the city and to perform such other duties in reference thereto as may be prescribed by this charter or, from time to time, by Council.

ASSESSMENT OF TAXES

Section 33. (a) The Board of Assessment shall, prior to March 15 of each year, either (1) make or have made a valuation and assessment of all real estate within the city, or (2) adopt the assessment of real estate within the city as contained in the assessment rolls for New Castle County. In making, causing to be made or adopting any such assessment, the rules and exemptions now, and hereinafter from time to time, applicable by law to the making of the New Castle County assessment of real properties shall be applicable insofar as consistent with the provisions of this charter. All real estate shall be described with sufficient particularity to be identified. Real estate shall be as-

sessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be ascertained, it may be assessed to "Owner Unknown." A mistake in the name of the owner or owners, or a wrong name, or an assessment to "Owner Unknown," shall not affect the validity of the assessment of any city tax or other assessment based thereon.

(b) The Board of Assessment shall also, prior to March 15 of each year, make a personal assessment of all citizens residing in the city, above the age of twenty-one years, including those not owning, as well as those owning, real estate within its limits.

(c) The Board of Assessment, after making such annual assessments, shall, prior to March 15 of each year, deliver to the Council a list containing the names of all persons assessed and the amount of the assessment against each.

(d) The annual assessment list shall be in such form as Council may, from time to time, by resolution direct; provided, the list shall distinguish the real and personal assessment of each person and be so arranged that the land, the improvements thereon, and the per-capita assessment shall appear separately. In making its assessment, the Board of Assessment shall make its valuation accordingly.

(e) The real estate of the several members of the Board of Assessment shall be assessed by the Council.

(f) Immediately upon receiving the annual assessment list from the Board of Assessment, the Council shall cause full and complete duplicates or copies of the same to be hung up or otherwise made available at the city offices, and such other places in the City of Middletown as they may designate, there to remain for a period of not less than three days for public inspection and information. Appended thereto and also in five or more public places in said city shall be posted notices advising all concerned that, on a certain day or days and at certain times designated there, the Council will hold a Court of Appeals to hear and determine appeals from said annual assessments, make corrections and add omissions. The decision of the Council, sitting as a Court of Appeals, shall be final and conclusive, and the Council shall revise and complete said assessment at such sitting. No councilman or the Mayor shall sit upon his own appeal, but the same

shall be heard and determined by the other members of Council.

(g) All the members of the Board of Assessment shall be present while the Council is sitting as a Court of Appeals and shall furnish the Council such information and answer such questions as the Council may require with respect to any assessment from which an appeal has been taken. The Council shall have authority to enforce their attendance by appropriate process.

LEVY OF TAXES

Section 34. (a) The taxes on real estate and the per-capita or personal taxes shall be levied by Council pursuant to Section 23.

(b) Immediately after the taxes have been levied, the Council shall make or cause to be made, a full, true and correct annual tax list showing the amount of tax levied against all real estate and persons appropriate to be taxed hereunder. This list shall be known as the Annual Tax List of the City of Middletown, and shall be in addition to the assessment list. It shall contain information as to the rate of tax upon real estate.

(c) The Council shall cause to be delivered to the City Manager a duplicate of said annual tax list, and the City Manager shall immediately proceed to collect the taxes.

COLLECTION OF TAXES

Section 35. (a) It shall be the duty of the City Manager and his authorized delegates to proceed forthwith to collect the taxes on the duplicate of said annual tax list.

(b) The provisions of Title 25, Chapter 29, Delaware Code of 1953, as amended, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed by Council under the provisions of this charter.

(c) From time to time, Council shall direct when and where the City Manager and his authorized delegates shall sit for the purpose of receiving taxes. Notices of such time and place shall be posted in at least five (5) of the most public places in the City

of Middletown and shall be published in one or more newspapers of general circulation in the city.

**REMEDIES, POWERS AND METHODS FOR
COLLECTION OF TAXES, ASSESSMENTS AND
OTHER CHARGES DUE THE CITY**

Section 36. (a) The City Manager may recover the amount of any tax, assessment or other charge in an action of debt before the Alderman of the City of Middletown, or Justice of the Peace in New Castle County, or before the Court of Common Pleas of New Castle County or Superior Court of New Castle County; and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax, assessment or other charge 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 City Manager, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, not in excess of five percentum of the amount of taxes, assessments or other charges plus penalties and accrued interest, to be taxed by the court in costs, and execution shall issue as in case of other judgments recovered.

(b) At any time after the tax, assessment or other charge becomes due the city, the City Manager may notify, in writing, the person, firm or corporation by whom any taxable is employed that the tax, assessment or other charge of said employee is due and unpaid. The notice shall be signed by the City Manager, shall contain the name of the taxable, the amount of the tax, assessment or other charge due with penalties and interest added, if any, and shall be accompanied by a copy of this subsection. Thereupon it shall be the duty of the employer to take from the wage, salary or other money then due the taxable the amount owing the city, charge the same against him, and pay the same to the City Manager within thirty (30) days. The City Manager shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If the employer be notified as aforesaid and, having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provision hereof, such employer shall become personally liable for the amount of the tax, assessment or other charge, together with penalties and interest thereon, if any, of

the persons as to whom notice was given, and the amount thereof may be recovered from such employer in an action of debt before the persons and courts specified in subsection (a). This collection process shall be deemed in the nature of a garnishment proceeding.

(c) In addition to all existing methods and authority for the collection of taxes or assessments due to the City of Middletown, the following methods and authority are hereby established:

The City of Middletown may file, or cause to be filed, a praecipe in the Office of the Prothonotary of the Superior Court, in and for New Castle County, which shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, or if said persons are unknown, the words "Owner Unknown," and a copy of the bill or bills showing the amount of taxes or assessments due and the property against which the assessment was laid. The description of the property, as the same appears on the assessment rolls of New Castle County, shall be a sufficient identification and description of the property. Thereupon the Prothonotary shall make a record of the same on a Judgment Docket of the Superior Court against the property mentioned or described in the praecipe, which record shall consist of the following:

(1) The name of the person in whose name the assessment was made, and if unknown the words "Owner Unknown."

(2) The description of the property as the same shall appear upon the assessment rolls as aforesaid.

(3) The year or years for which the taxes or assessments are due and payable.

(4) The date of the filing of such praecipe.

(5) The amount of the judgment, the same being the amount set forth in the praecipe.

Thereafter upon a praecipe for monition filed in the office of the Prothonotary by the City of Middletown through the City Manager or the city legal officer, a monition shall be issued by the Prothonotary to the Sheriff of New Castle County, which monition shall briefly state the amount of the judgment for the taxes

or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien and the last-known name and address of the person or persons who are the owners of said property as reflected on the assessment rolls as aforesaid. A description of such property as the same shall appear on the assessment rolls as aforesaid shall be a sufficient description.

The monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessments stated herein is paid within 20 days after the date hereof or within such period of 20 days, evidence of the payment of taxes or assessments herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for New Castle County, the City of Middletown may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessment herein stated.

Name of person in whose name property is assessed and person's last-known address	Description of Property	Year or Years	Amount of Judgment
---	-------------------------------	---------------------	--------------------------

The monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for taxes or assessments is a lien, and the monition, or a copy thereof, shall be sent by registered or certified mail to the owner or owners thereof at his or their last-known address or addresses. The Sheriff shall make due and proper return of his proceedings under the monition to the Prothonotary, within 10 days after the posting of the monition and the mailing thereof.

Alias or pluries monition may issue upon like praecipe. The posting and mailing of such notice as herein required shall constitute notice to the owner or owners and all persons having any interest in said property.

....., A.D. 19...., and a copy of the said Monition was mailed by certified or registered mail to, being the person known to be the owner of said real estate, at, being the last-known address of said owner, on the day of, A.D. 19....

We, therefore, now command you to expose to public sale, the real estate mentioned and described in said Monition as follows:

And that you should cause to be made as well a certain debt ofDollars (\$) lawful money of the United States, which to the said City of Middletown, a municipal corporation of the State of Delaware, is due and owing, as also the sum ofDollars (\$) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said..... was convicted as it appears of record and against which said property it is a lien:

And have you that money before the Judges of our Superior Court at Wilmington, on Monday, the day of, next, to render to the said City of Middletown, a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable
at Wilmington, the day of, A. D. 19....

.....
Prothonotary

Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, or such "Unknown Owner," and/or all the right, title and interest of the person or persons who are the owners thereof, and likewise freed and discharged from any liens and encumbrances, dower or curtesy or statutory right, in the nature of a dower or curtesy, whether absolute or inchoate, in or to the real estate.

The owner or such unknown owner of any such real estate sold pursuant to the provisions hereof or his legal representatives may redeem the same at any time within one year from

the date 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 and fifteen per cent in addition thereto, 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 Middletown, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns.

In the event the owner of said property or his legal representatives fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a petition to the Superior Court setting forth the appropriate facts in conformity with this subsection and pray that the Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying title to the property to the petitioner; and thereupon the Superior Court shall have power, after a hearing upon the petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in the petition. A description of the property as the same shall appear upon the assessment rolls, as aforesaid, and a description by metes and bounds where obtainable shall be a sufficient description in any such deed.

If the owner of any real estate sold under an order of sale or his legal representative shall redeem the real estate, he may present to the Superior Court a petition setting forth that fact and thereupon the Superior Court, after hearing and determining the facts set forth in the petition, shall have power to cause to be entered upon the record of the judgment, under which the real estate was sold, a memorandum that the real estate described in the proceedings upon which the judgment was entered has been redeemed. Thereafter the owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, excepting so far as the liens have been discharged or reduced by the application of the proceeds by the Sheriff from the sale.

Upon the return of the proceedings under a writ of venditioni exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or

set it aside.

No proceedings shall be brought hereunder unless the tax or assessment sought to be collected shall at the time of filing of the praecipe in the office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid.

Wherever the Superior Court is mentioned in this subsection, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done hereunder may be done by the said Superior Court or any Judge thereof in vacation thereof, as well as in term time.

The fees and costs to be taxed in all proceedings under this subsection where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

Filing Praecipe	\$1.10
Issuing Monition and copies	3.00
Issuing Alias or Pluries, Monition and copy	3.00
Writ of Venditioni Exponas	2.25
Filing any Petition in Superior Court under this Subsection	1.00
Costs of paying money into Superior Court	1.00
Costs of paying money out of Superior Court for each check drawn	1.00
The following fees shall be charged the Sheriff:	
Posting Monition or copy thereof75
Posting each Alias or Pluries Monition or copy thereof75
Mailing Monition or copy thereof	1.00
plus postage	

All other charges by the Prothonotary and the Sheriff which are not covered by this subsection shall be the same as are now provided by law. In addition, the City of Middletown shall be entitled to receive a sum corresponding to fifteen per centum of the amount of the judgment for its services in preparing, or causing to be prepared, such papers as are necessary in the premises, which sum shall be a part of the costs to be charged the purchaser in connection with the sale of said real estate sold for taxes or assessments.

PLANNING

Section 37. (a) There shall be a Planning Commission consisting of five members, to be appointed by the Mayor, subject to confirmation by the City Council. The members shall be appointed for terms of such length and so arranged as are consistent with the laws of the State of Delaware. The commission shall elect annually, a chairman and a secretary from among its members, and may employ experts, clerical and other assistants.

(b) The powers and duties of the Planning Commission shall be coextensive with, and correspond to, those provided by the laws of the State of Delaware for planning commissions of incorporated cities and towns.

(c) To the extent permitted under the laws of the State of Delaware, the City may enact, by ordinance, appropriate subdivision regulations to be administered and applied by the Planning Commission.

NOMINATIONS AND ELECTIONS

Section 38. (a) The regular City election shall be held on the first Monday in March in each year between the hours of 1:00 P.M. and 8:00 P.M.

(b) Every person who shall have reached the age of twenty-one years, who is a citizen of the United States, who for at least 12 months preceding the day of election has been a resident of the City of Middletown, and who has satisfied requirements for registration prescribed in this section shall be entitled to vote at the regular city election and shall be deemed a qualified voter of the City of Middletown within the meaning of this charter.

(c) The Council shall by ordinance provide for the registration of voters and may prescribe registration and voting places, provided there shall be at least three registration days per year, one not more than 21 days prior to the regular City election. The hours of registration shall be as provided by ordinance, and the ordinance may provide for permanent registration lists.

(d) At least 10 days previous to the regular City election, three qualified voters of the City shall be appointed Judges of Election by Council. The Judges of Election shall conduct the

election, shall decide on the legality of the votes offered and shall ascertain the results of the election. Upon the close of the election, the votes shall be read and counted, and the persons having the highest number of votes, subject to the provisions of subsection 1 shall be declared elected.

Immediately after the 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 the Council. Said book shall be evidence in any Court of Law or Equity. The Judges of Election shall also give to the persons so elected certificates of their election.

For the conduct of City elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the City shall enact by ordinance all regulations which it considers desirable, consistent with law and this charter.

(e) Any qualified voter of the City may, upon his own application, become a candidate for the City Council or Mayor, upon filing with the City clerk written notice of his candidacy not earlier than 90 days or later than 30 days before the election.

(f) Within seven days after filing written notice of candidacy the City clerk shall notify the person whether or not he is qualified to become a candidate for the City Council or Mayor. If a person is found qualified, the City clerk shall so advise him in writing with a statement certifying wherein he is unqualified. The City clerk shall keep on file all written notices of candidacy and copies of replies thereto.

(g) The full name of all candidates for membership in the City Council and for the office of Mayor except those who have withdrawn within 21 days prior to the election, died or become ineligible, shall be printed on the official ballot without party designation or symbol. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence address shall be printed with their names on the ballot.

(h) The names of the candidates shall be arranged in the alphabetical order of their surnames.

(i) A candidate shall be entitled, upon written application to the City clerk at least five days before the election, to appoint two persons to represent him as watchers and challengers at each polling place where voters may cast their ballots for him. A person so appointed shall have all the rights and privileges prescribed for watchers and challengers by or under the general election laws of the State of Delaware. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.

(j) Every voter shall be entitled to vote for as many candidates for the City Council as there are members to be elected to the Council. Every voter shall be entitled to one vote for Mayor.

(k) The candidate for Mayor receiving the highest number of votes shall be declared elected. Candidates for election as councilmen shall be declared elected pursuant to the provisions of Section 5.

(l) Any ordinance or charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such question shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

(m) If for any purpose relating to a general or City election or to candidates or issues involved in such an election, any organization, group or person requests a list of qualified voters of the City, the department, office or agency which has custody of that list shall either permit the organization, group or person to copy the voters' names and addresses from the list or furnish a copy of the list.

INITIATIVE AND REFERENDUM

Section 39. (a) The qualified voters of the City shall have

power to propose ordinances to the Council, and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

(b) The qualified voters of the City shall also have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

(c) Any 10 qualified voters may commence initiative or referendum proceedings by filing with the City clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

(d) Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least ten per centum (10%) of the total number of qualified voters registered to vote at the last regular City election.

(e) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(f) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that

he believed them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(g) Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

(h) Within 20 days after the petition is filed, the City clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars where in it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (e) and (f) of this section, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (i) of this section within the time required, the clerk shall promptly present his certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(i) If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(j) A final determination as to the sufficiency of a petition shall be subject to review by the Superior Court. A final determination of insufficiency, even if sustained upon Court review, shall not prejudice the filing of a new petition for the same purpose.

(k) When a referendum petition is led with the City clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) There is a final determination of insufficiency of the petition, or

(2) The petitioners' committee withdraws the petition, or

(3) The Council repeals the ordinance, or

(4) Thirty days have elapsed after a vote of the City on the ordinance.

(l) When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Section 14 or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

(m) The vote of the City on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(n) An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the City by filing with the City clerk a request for withdrawal signed by at least four members of the petition-

ers' committee. Upon filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(o) If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(p) If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ALDERMAN

Section 40. (a) The Mayor shall appoint, with the consent of Council, a person from among the qualified voters of the City to the office of Alderman. The term of office of the Alderman shall be three years. He shall not be a member of Council.

(b) The Alderman is hereby constituted a conservator of the peace within the City and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within said City so far as to arrest and hold for bail, or fine and imprison offenders. He shall also have jurisdiction and cognizance of all fines and penalties prescribed by this charter, ordinances enacted hereunder, or any law of the State of Delaware; of all neglects, omissions or defaults of any officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said City or to execute or obey any law or ordinance thereof. 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 period longer than 30 days a person who is in default in the payment of a fine imposed for violation of a City ordinance.

As Alderman, he shall also have jurisdiction in suits of a civil nature for the collection of taxes, assessments, and other

charges due the City, and all other matters which may be conferred upon him under the provisions of this charter.

It shall be the duty of the Alderman to keep a book of record, or docket, to be provided by the Council, in which all his official acts shall be entered, and he shall upon the expiration of his term of office, deliver to his successor all the books and papers pertaining to his office within 10 days after the appointment of his successor and shall pay over to the City all moneys in his hands belonging to the City 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 City within the time aforesaid all moneys belonging to the City, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 nor more than \$500.00.

(c) The Alderman's compensation shall be such as may be set by ordinance duly enacted by Council; provided, however, that Council shall not change the amount of an Alderman's compensation or its manner of payment during the term of his office.

(d) The Alderman shall be subject to removal from office at any time by a majority vote of Council.

(e) All fines, forfeitures and taxes collected by the Alderman shall belong to the City and its use. The Alderman at every regular meeting of Council shall report to it all fines and penalties imposed by him since the last meeting and pay to the City all such fines, penalties and taxes received by him during such time and in default of making such report or paying such fines, penalties and taxes for a period of 20 days after such report should be made and such fines, penalties and taxes should be paid as aforesaid, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$20.00 nor more than \$50.00.

(f) If any vacancy shall occur in the office of Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by Council at any meeting thereafter for the residue of the term.

POLICE DEPARTMENT

Section 41. (a) There shall be a Police Department consist-

ing of a Chief appointed pursuant to Section 18 (b), and such number of subordinates as may be deemed wise.

(b) The members of the Police Department shall preserve peace and order and shall compel obedience within the City limits to the ordinances of the City and the laws of the State, and they shall have such other duties as the Council shall from time to time prescribe.

(c) Each member of the Police Department shall be vested with all the powers and authority of a Constable of New Castle County within the City limits and within one mile outside said limits, and in case of pursuit of an offender his powers and authority shall be without territorial limitation.

ACQUISITION OF PROPERTY

Section 42. The City of Middletown 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 City and to obtain legal title to said property by appropriate conveyances. If the City 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, New Castle County or any agency thereof.

BUSINESS OPERATIONS

Section 43. (a) The City of Middletown shall have the right to engage in any business or enterprise in which a person, firm or corporation might engage by virtue of a franchise, and shall have the right and power to acquire, own, maintain and operate, within or without the corporate limits of the City, all real estate for municipal purposes for sites and rights of ways for public utility and general welfare purposes and for the location, erection, maintenance and operation thereon of municipal utility plants and public facilities.

(b) In any case where the Council may deem it to be to the

best interests of the people of the City to acquire the properties of any privately owned utility or to grant franchises in accordance with Section 31(c) within the present or future boundaries of the City, the question shall be submitted to the qualified voters and property owners of the City who would be entitled to vote in a special election pursuant to Section 27, such persons having the same number of votes as they would have in such special election. The time and procedure for the election shall be determined by Council; provided, however, that a public hearing upon the question of acquisition shall be held by Council not less than two weeks prior to the election and Council shall provide at least 30 days' notice of the public hearing and election. In acquiring said utility property, the City shall respect the franchise rights of the owners and in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility properties by municipalities. The Council shall be authorized to negotiate the aforementioned purchase only after a majority of votes at the special election have been cast in favor of the acquisition.

EXTENSION OF UTILITY SERVICES OUTSIDE CITY LIMITS

Section 44. The City of Middletown shall have the right and power to furnish, or refuse to furnish, utilities from any City system to places and properties outside the City limits and shall have the right and power to distribute, or refuse to distribute, to users without the City limits any utility services which have been contracted for and purchased by the City, with the same full powers as though the subjects of such services had been initially reduced to usefulness, or provided by the facilities therefor, of the municipal corporation itself.

CONTROL OF STREETS AND OTHER PUBLIC WAYS

Section 45. (a) The Council shall have the power and authority to locate, lay out and open new streets and other public ways and to widen, alter, vacate or abandon streets or other public ways, or parts thereof, whenever it is deemed in the best interest of the City.

(b) The procedure in every case as aforesaid shall be as

follows:

(1) The Council shall adopt a resolution favorable to the opening of a new street or other public way or to the widening, altering, vacating or abandoning of a street or other public way, or any part thereof, as the case may be. The resolution shall give a general description of the street or other public way to be opened, widened or altered, or of the street or other public way, or part thereof, to be vacated or abandoned, as the case may be. The resolution shall also state the day, hour and place where the Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of his property by reason thereof.

(2) Copies of such resolution shall be posted in at least five public places in the City and at least five days prior to the date fixed by Council for the hearings as aforesaid.

(3) At the time and place fixed in the resolution, the Council shall hear such residents of the City or owners of the property affected as shall attend, and the Council shall at said hearing, or at a subsequent day as Council shall deem proper, adopt a resolution to proceed with or to abandon, as shall be deemed for the best interest of the City, the opening of the street or other public way or the widening, altering, vacating or abandoning of the street or other public way, or part thereof, as the case may be, as contemplated in the prior resolution.

(4) In every case where the Council shall determine to proceed with the plan contemplated by the resolution first aforesaid, Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof pursuant to Section 42.

IMPROVEMENTS AND REPAIRS TO STREETS, OTHER PUBLIC WAYS, CURBS AND GUTTERS

Section 46. (a) Whenever Council shall deem it advisable that any street, other public way, curb or gutter be paved, repaved, graveled, laid, reset or repaired, Council shall have the power to cause the same to be done with such materials and according to such specifications as it shall determine.

(b) Before the exercise of said power in any particular in-

stance, Council shall adopt a resolution stating that on a named day and at a named hour and place the Council will conduct hearing to consider the questions of effecting the improvements or repairs in front of the properties of named owners and of assessing the cost thereof, in whole or in part, against the owners. The resolution shall be published in a newspaper of general circulation in the City at least one week prior to the hearing and shall be mailed or delivered to the property owner or owners.

(c) The Council shall hold a hearing in accordance with the resolution and there shall hear the aforesaid owners of property and other residents of the City on the questions referred to in the resolution.

(d) Thereafter, Council shall decide whether or not to proceed with the improvements or repairs referred to in the resolution.

(e) If the Council shall decide to proceed, it shall determine by resolution whether the whole or some specified portion of the cost of the improvements or repairs shall be assessed to and borne by the property owner or owners in front of whose property the improvements or repairs are to be affected; provided, however, that Council shall not decide to assess the cost against such property owner or owners if he or they owning a majority of the entire lineal frontage of property in front of which the improvements or repairs are proposed sign a written petition which is filed with the Council at or before the hearing prescribed in subsection (c). If Council shall determine that the whole or a specified proportion of the costs aforesaid shall be assessed to and borne by said property owner or owners, then he or they shall be compelled to pay the same, the proportionate amount of the cost to be paid by the owner or owners of each parcel of property affected being determined according to that lineal frontage of the parcel in front of which the improvements or repairs are proposed to be effected.

(f) When such improvements or repairs have been completed and the costs thereof ascertained, Council shall ascertain and propose by resolution that amount which the owner or owners of each parcel of property aforesaid shall pay and shall propose the time and manner for such payment. The resolution

shall contain a complete list of all properties to be assessed, setting forth that number of lineal feet of each parcel of property in front of which the improvements or repairs were effected, the owner or owners thereof, and the amount proposed to be finally assessed against such parcel and the owner or owners thereof.

(g) A copy of the resolution fixing the amounts to be assessed against the affected properties and the owner or owners thereof shall be posted in the City hall of the City for one week for public inspection. An advertisement stating the fact of such posting and the time and place where Council shall sit to hear objections to the proposed assessment shall be published in two successive issues of a newspaper of general circulation in the City prior to the day fixed for hearing; and the hearing shall not be less than 10 days nor more than 20 days after the last publication of such advertisement. The hearing shall be in public, and Council shall hear and determine all objections to such proposed assessment as shall have been made by any party in interest in writing and filed with the Council at any time prior to the hour of such public hearing as fixed in the advertisement. The hearing may be adjourned from time to time until all objections have been heard and determined.

(h) Upon determination of all objections, the Council shall by resolution finally determine the several amounts assessed against the affected properties and the owner or owners thereof and the time and manner for payment thereof.

(i) Any assessment made hereunder shall be a lien upon the respective properties upon which any such assessment is levied and assessed as of the date of the final assessment resolution; and such lien shall have priority over all other liens, encumbrances or conveyances excepting only tax liens and prior assessment of like nature for public improvements.

(j) Immediately after the final assessment resolution has been passed by council, a duplicate thereof shall be delivered to the City Manager, who shall immediately prepare statements of such assessments against each property so assessed, and shall mail, deliver or cause to be delivered to the person or persons whose names appear therein as the owner or owners of such property, or properties, respectively. Such statements of assess-

ment shall contain or be accompanied by appropriate information in regard to the required time and manner of payment. The mailing of a statement to the last-known post office address of any person shall be a sufficient notice of such assessment.

(k) The City Manager or his duly authorized delegate shall forthwith proceed to collect the assessments, penalties and interest thereon, if any be due. If any owner shall refuse or neglect to pay any assessment or part thereof when due, the City Manager shall proceed to collect the same in any of the manners provided for the collection of taxes, assessments and other charges due the City as set forth in Section 36.

(l) Assessments hereunder shall bear interest after such date as the Council may specify in the final assessment resolution.

(m) The cost of improvements or repairs to any street or other public way, excepting a sidewalk, shall, if assessed to properties and owners hereunder, be assessed to properties and owners on both sides of such street or such other public way. The cost of improvements or repairs to gutters, curbs or sidewalks shall, if assessed to properties and owners hereunder, be assessed only to properties and owners abutting, adjacent to or directly fronting upon such gutters, curbs or sidewalks.

INSTALLATION AND CONNECTION OF SEWERS, MAINS, PIPES, LINES, WIRES AND OTHER CONVEYANCES

Section 47. The Council may cause any private property in the City to be connected with sewers, mains, pipes, lines, wires and other conveyances for the passage and disposal of sewerage or the transmission and distribution of water, gas or electric current and may recover the costs of installing and connecting the same in the like proceedings as provided in Section 46 for improvements and repairs to streets, other public ways, curbs and gutters.

REFERRAL TO PLANNING COMMISSION

Section 48. The Council shall not enact any ordinance or resolution which shall in any manner affect any comprehensive development plan, official map or land subdivision plans or any ordinance or resolution which would authorize the acquisition

or sale of real estate by the City without first receiving the recommendation thereon of the Planning Commission.

LIMITATION OF ACTION FOR DAMAGES

Section 49. No action, suit, or proceedings shall be brought, commenced or maintained against the City of Middletown for damages on account of physical injuries, death or injury to property by reason of the negligence of the said City or any of its elected or appointed officials, departments, officers, agents, servants or employees, unless the person by or on behalf of whom such claim or demand is asserted shall notify the City Council in writing of the time, place, cause and character of the injuries sustained within 90 days thereof.

PERSONAL FINANCIAL INTEREST

Section 50. Any City 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 City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. Any City officer or employee who willfully conceals such a substantial financial interest or willfully 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 City shall render the contract or sale voidable by Council.

OTHER PROHIBITIONS

Section 51. (a) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, political or religious opinions or affiliations.

(b) No person shall willfully make any false statement,

certification, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(c) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(d) No person shall orally, by letter, or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive City position.

(e) No person who holds any compensated appointive City position shall make, solicit or receive any contribution to the campaign funds of any political party or any candidate for public office or take part in the management, affairs or political campaign of any political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

(f) Any person who by himself or with others willfully violates any of the provisions of subsections (a) through (d) 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 30 days, or both. Any person who by himself or with others willfully violates any of the provisions of subsection (e) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than \$100. Any person convicted under this section shall be ineligible for a period of five years thereafter to hold any City office or position, and, if an officer or employee of the City, shall immediately forfeit his office or position.

SEVERABILITY

Section 52. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the

charter and its provisions to other persons and circumstances shall not be affected thereby.

PUBLIC ACT

Section 53. This Act shall be deemed and taken to be a Public Act of the State of Delaware.

TRANSITIONAL PROVISIONS

Section 54. (a) The Mayor and Councilmen of Middletown presently in office shall continue in office until their successors are elected and qualify as provided for in this charter, but with the rights, powers, duties and obligations as set forth in this charter.

(b) Any person holding any non-elective office or employment under the Town of Middletown at the time this charter goes into effect shall continue in such office or employment and shall draw the same rate of compensation as during the month preceding the adoption of this charter until removed or until the compensation is changed. Any person holding such office or employment at the time this charter goes into effect, who continues in a comparable position thereafter, shall not be subject to competitive tests as a condition of continuance but in all other respects shall be subject to the personnel system provided for in Section 19.

(c) All ordinances, resolutions, orders, rules or regulations in force in the City of Middletown at the time this charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Council otherwise provides by ordinance, notwithstanding any change in organization effected by this charter.

(d) All rights, claims, actions, orders, contracts and legal and administrative proceedings at the time this charter takes effect, except as modified pursuant to the provisions of this charter, shall continue and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this charter.

EFFECTIVE DATE

Section 55 (a) This charter of the City of Middletown or any section or provision thereof 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 approved by the electors residing within the metes and bounds of the City of Middletown as described in Section 3.

(b) No later than 21 days following the approval of this Act by the Governor, the Mayor and Councilmen of Middletown now in office shall by resolution propose to the electors of the City of Middletown the approval of this charter. The resolution as passed 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 ten public places within the City at least two weeks prior to the date of the public hearing and shall be published in one or more newspapers of general circulation in the City once a week for two successive weeks.

(d) After the public hearing, a second resolution shall then be passed by the Mayor and Councilmen, as aforesaid, ordering a special election to be held not less than 30 days nor more than 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 special election shall be posted in at least ten public places within the City at least two weeks prior to the date of the election and shall be published in one or more newspapers of general circulation in the City once a week for two successive weeks.

(f) The special election shall be held by an Election Board consisting of three citizens residing in the City, not Councilmen or the Mayor, appointed by the Mayor and approved by Council.

(g) At the special election, every citizen residing within the limits of the City of Middletown as described in Section 3 who was eligible to vote at the last general municipal election shall be entitled to vote. In addition, every citizen who has become eligible to vote in a general municipal election since the time of the last such election shall be entitled to vote at the special elec-

tion unless the fact of such eligibility occurs within less than 10 days prior to the special election. Each voter shall be entitled to one vote.

(h) The polls for the said special election shall be open between the hours of 8:00 a.m. and 7:30 p.m. on the day advertised.

(i) The vote shall be by ballot on which is printed or written the following:

☐ FOR APPROVAL OF THE NEW CHARTER

☐ AGAINST APPROVAL OF THE NEW CHARTER

(j) Any eligible voter who for any reason cannot appear to vote in person at the special election shall be permitted to cast an absentee ballot by mail. The Mayor and Council shall make fair and adequate provision for the casting of such ballots, and notice thereof shall be included in the posted and published notice pursuant to subsection (e).

(k) If the majority of the votes cast at the special election shall be in favor of approval of this charter, the Election Board shall so certify and thereupon declare this charter to be in full force and effect. If less than the majority of votes cast at the special election shall be in favor of approval of this charter, the Election Board shall so certify and declare that this charter is rejected.

Approved January 12, 1968.

CHAPTER 250

AN ACT TO PROVIDE FOR PAYMENTS TO PERSONS WHO SERVED OR WILL SERVE IN THE ARMED FORCES OF THE UNITED STATES DURING THE PERIOD BEGINNING AUGUST 5, 1964, AND ENDING WITH THE CESSATION OF HOSTILITIES IN THE VIETNAM CONFLICT, AND TO DESIGNATED BENEFICIARIES OF SUCH PERSONS; TO RECREATE AND REESTABLISH THE DELAWARE VETERANS' MILITARY PAY COMMISSION TO CARRY OUT CERTAIN PROVISIONS OF THIS ACT; TO AUTHORIZE THE SELECTION OF ASSISTANTS TO SAID COMMISSION; TO PROVIDE FOR A REVIEW OF DECISIONS AFFECTING CLAIMS MADE UNDER THE ACT; TO MAKE APPROPRIATIONS AND TO AUTHORIZE THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE OF DELAWARE TO CARRY OUT THE PROVISIONS OF THIS ACT; TO ACCEPT FEDERAL SUPPLEMENTARY FUNDS FOR SAID PURPOSE; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT.

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. This Act shall be known as the "Veterans' Military Pay Act No. III."

Section 2. As used in this Act:

(a) "Veteran" means any person, male or female, who served honorably for 90 or more consecutive days on active duty in the armed forces of the United States, or if less than 90 days, died or was discharged or released by reason of an actual service-incurred injury or disability, and who was a resident of the State of Delaware as defined in this Act, and who has not received a similar payment from another state, provided that active duty for training purposes only shall not be counted as service in the armed forces under this Act.

(b) "Armed Forces" means the United States Army, Army of the United States, United States Air Force, United States Air Force Reserve, United States Navy, United States Naval Reserve, United States Marine Corps, United States Marine Corps Reserve, United States Coast Guard, United States Coast Guard Reserve, Women's Army Corps, Women's Auxiliary—Navy, Women in the Air Force, Women's Auxiliary—United States Marine Corps, Women's Auxiliary—United States Coast Guard, Army Nurse Corps, Navy Nurse Corps and Air Force Nurse Corps.

(c) "Beneficiary" means, in relation to a deceased veteran: (1) surviving husband or wife; (2) surviving child or children, share and share alike; (3) surviving mother and surviving father in equal shares, or if only one parent be living, all to such parent; (4) surviving person standing in loco parentis; in order named and none other.

(d) "Served honorably" includes only such service as is evidenced as follows:

(i) an honorable discharge or separation from service in a manner other than dishonorable through no fault or misconduct of such person; or

(ii) in the case of an officer, a certificate of service; or

(iii) in the case of a veteran who has not been discharged or who died in service, a certificate from the appropriate service authority of the armed forces stating either that his or her service was honorable or that he or she was separated from the armed forces under conditions other than dishonorable.

(e) "Resident" means a person who:

(i) was born in and lived in the State of Delaware until entrance into the armed forces of the United States or was inducted into service from the State of Delaware; or

(ii) was born elsewhere but had been a legal resident of the State of Delaware for at least twelve (12) months immediately prior to entrance into military service.

(f) "Commission" means the Delaware Military Pay Commission reestablished by this Act.

Section 3. (a) Each veteran, who during the period from August 5, 1964 to the cessation of hostilities in the Vietnam Conflict as declared by the Secretary of Defense or the President of the United States, served on active duty within any of the States of the United States or the District of Columbia shall be paid the sum of \$15 for each month of service or major fraction thereof; provided, however, the maximum amount payable under this subsection shall not exceed the sum of \$225.

(b) Each veteran, who during the period from August 5, 1964 to the cessation of hostilities in the Vietnam Conflict as declared by the Secretary of Defense or the President of the United States, served on active duty outside the limits of the States of the United States or the District of Columbia shall be paid the sum of \$20 for each month of service or major fraction thereof; provided, however, that the amount payable under this subsection shall not exceed the sum of \$300.

(c) In the event the veteran is deceased, the payment to which he would have been entitled under the provisions of this Act had he survived shall be paid to his or her beneficiary.

(d) In addition to the benefits otherwise provided by this section, in the event the veteran died during his service and while in the course of or as a direct result of the performance of his duty, his or her beneficiary shall be paid the added sum of \$300.

(e) In the event the veteran has a 60% or greater service-connected disability as determined by the Veteran Administration records at time of application for payment, the veteran shall be entitled to a payment of \$300 regardless of the length of his or her service.

(f) No payments made under this Act to any veteran or to his or her beneficiary shall exceed \$300 except pursuant to the provisions of subsection (d).

(g) No claim for payment under this Act shall be assigned, or subject to garnishment, attachment, or levy or execution.

(h) The payments herein provided for are declared by the General Assembly to be gifts or gratuities and shall not be deemed to be pay for services rendered, nor shall said payments be taxable in the State of Delaware as income.

Section 4. (a) The Delaware Veterans' Military Pay Commission is hereby reestablished. It shall now be composed of 5 members, who shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, and to serve at the Governor's pleasure. One member shall be designated as Chairman by the Governor. No more than 3 members shall be members of the same political party. Two members shall be members of the other major political party.

(b) The Executive Director of the Commission shall be the State Archivist, who, with the advice and approval of the said Commission, shall have the power and the duty of carrying out the provisions of this Act relating to payments to veterans and beneficiaries and shall have charge and control of the complete scheme of payments authorized in this Act, and for this purpose the said Commission may adopt general rules for the making of such payments, for the ascertainment of veterans and beneficiaries in accordance with Section 3 (a) and Section 3 (c), and for determining the amounts to which such veterans or beneficiaries are entitled under this Act and, in general, shall establish methods and procedure and do whatever is necessary to carry out the provisions of this Act relating to payments to veterans and beneficiaries.

(c) The members of the said Commission shall receive compensation at the rate of \$20 for each day that the Commission shall sit, and they shall be allowed ten cents per mile travel allowance to and from their home and the place designated for the meetings of the Commission. The members of the Commission shall not receive such compensation or travel allowance for more than 24 days in any calendar year.

(d) The Commission may select one of its members to be its Secretary or it may direct the Executive Director, herein provided for, to act in that capacity.

Section 5. (a) Each veteran or his or her beneficiary entitled to payments under this Act shall make application to the Executive Director upon such forms as may be prescribed; provided that, if the veteran is incompetent or his or her beneficiary is incompetent, application shall be made by his or her guardian or trustee.

(b) No payments authorized by this Act shall be made after the lapse of one year after the cessation of hostilities in the Vietnam Conflict as declared by the Secretary of Defense or the President of the United States.

Section 6. The State Archivist serving as Executive Director may add temporary clerical employees to his staff and may fix their compensation as he may deem necessary for carrying out the provisions of this Act relating to payments to veterans and beneficiaries, giving preference in making such appointments to veterans having a service-connected disability.

Section 7. (a) There shall be a right of review to every veteran or beneficiary under this Act.

(b) Any person aggrieved by the decisions affecting him or her in the matter of payments provided for in this Act may appeal for a review of such decisions within 90 days after final notice thereof to the Commission and shall be entitled to a hearing before said Commission. The decision of said Commission shall be final.

(c) Whoever intentionally makes or aids and abets another in making a false statement, oral or written, relating to a material fact concerning or affecting a claim for payment under the provisions of this Act or who demands, accepts or receives any compensation for his services in prosecuting any claim under the provisions of this Act shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Section 8. The expenses of the administration of this Act shall be paid from state funds, appropriated through the Budget Appropriation Bill upon warrants duly approved by the State Archivist. The Commission shall take office on July 1, 1968 and thereafter implement the intent of this Act.

Section 9. There is appropriated to the Delaware Veterans' Military Pay Commission created by this Act the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000), or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used to carry out the provisions of this Act.

Section 10. 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 11. The said sum of \$3,500,000 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 "Delaware Veterans" Bonus Bonds of 1967."

Section 12. 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 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 13. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly 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 14. Should the Congress of the United States adopt measures providing for financial aid or other assistance available to the State of Delaware for carrying out the provisions of this Act, the Commission or the State Treasurer is authorized on behalf of the State of Delaware to accept any such financial aid or other assistance, and should there be such financial aid, the Commission shall deposit with the State Treasurer any funds received and to expend the same for carrying out the provisions of this Act in accordance with whatever conditions are imposed by the law of the United States providing such aid or other assistance, upon warrants signed by proper officers of the Commission and approved by the Auditor of Accounts.

Section 15. If any clause, sentence, section, provision or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, invalidate or affect the remainder of this Act, which shall remain in full effect.

Section 16. The Commission shall make a complete report of its administration of this Act to the Governor and to each House of the General Assembly on January 31, 1969. Thereafter, the Commission shall submit to the Governor and to each House of the General Assembly an annual report on or before January 31 of each year commencing with January 31, 1970. A final report shall be made by the Commission to the Governor and to the Executive Director of the Legislative Reference Bureau for transmission to each House of the General Assembly within one year after the termination of this Act as provided in Section 5 (b) above.

Approved January 15, 1968.

CHAPTER 251

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE TREASURER FOR THE FISCAL YEAR
ENDING JUNE 30, 1968.**

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

Section 1. There is hereby appropriated to the State Treasurer the sum of \$18,926.84 to be allocated as follows:

Salaries of Employees	\$14,756.00
Contractural Services (IBM Verifier)	720.84
Capital Outlay (Check reconditioner)	3,450.00
Total.....	\$18,926.84

Section 2. This Act shall be known as a supplementary appropriation act and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund of the State of Delaware from funds not otherwise appropriated. Any of such funds remaining unexpended upon July 1, 1968, shall revert to the General Fund.

Approved February 21, 1968.

CHAPTER 252

AN ACT TO REPEAL CHAPTER 5, TITLE 30, DELAWARE CODE, RELATING TO COLLECTOR OF STATE REVENUE.

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

Section 1. Chapter 5, Title 30, Delaware Code, is hereby repealed in its entirety.

Section 2. This Act shall be effective upon the death or resignation of the incumbent Collector of State Revenue, or on September 7, 1970, whichever first occurs.

Approved March 4, 1968.

CHAPTER 253

AN ACT TO AMEND TITLE 17, DELAWARE CODE, RELATING TO THE REGULATION OF JUNKYARDS, REQUIRING THE SCREENING OF CERTAIN JUNKYARDS, AUTHORIZING THE REMOVAL OF CERTAIN JUNKYARDS, PROVIDING AUTHORITY TO PURCHASE OR CONDEMN JUNKYARDS IN CERTAIN SITUATIONS AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT.

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

Section 1. Section 515, Title 17, Delaware Code, is hereby repealed.

Section 2. Title 17, Delaware Code, is hereby amended by adding thereto a Chapter 12 to read as follows:

CHAPTER 12. REGULATION OF JUNKYARDS

§ 1201. Purposes

The establishment, operation and maintenance of junkyards in areas adjacent to the public highways of this State should be controlled in order to promote the safety and recreational value of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering such highways.

The people of this State would suffer economically if the State failed to participate fully in the allocation and apportionment of federal-aid highway funds since a reduction in federal-aid highway funds would necessitate increased taxation to support and maintain the State road program system. It is, consequently, the intention of this Act, among other things, to provide a statutory basis for the establishment, operation and maintenance of junkyards consistent with the public policy relating to areas adjacent to federal-aid Interstate and Primary highways declared by the Congress of the United States, in Title 23, United States Code.

§ 1202. Scope and definitions

(a) The powers and authority granted in this chapter are in derogation of no other powers or authority granted or created or exercised under any other statute, by a planning or zoning board or authority, or other public officer, but shall be construed to be in addition to any such power or authority, which shall remain unaffected.

(b) As used in this chapter:

(1) The term "junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) The term "automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated, for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) The term "junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(4) "Interstate System" means that portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated, by the Department, and approved by the Secretary of Transportation pursuant to the provisions of Title 23, United States Code, "Highways."

(5) "Primary System" means that portion of connected main highways of this State officially designated as such, or as may hereafter be designated as such, by the Department, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways."

(6) "A controlled area" shall mean, and "controlled areas" shall include, any area inside the boundaries of this State which is adjacent to and within 1,000 feet of the nearest edge of the right-of-way of a highway of the Interstate System or the Primary System.

(7) "The laws of this State" includes a provision of the Constitution or statutes of this State, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this State pursuant to the Constitution or statutes.

(8) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

§ 1203. Enforcement of chapter; rules and regulations; examinations; territorial jurisdiction

(a) The Department shall:

(1) Enforce the provisions of this chapter, and

(2) Make, publish and enforce such regulations governing the establishment, maintenance and operation of junkyards as may be necessary or advisable to implement the policy and accomplish the purposes of this chapter.

Such regulations may include provisions governing the location, planting, construction (including materials used) and maintenance of the screening required by this Act. Regulations pertaining to controlled areas shall be consistent with any National Standards for junkyard control promulgated by the Secretary of Transportation of the United States pursuant to Title 23, United States Code.

(b) All employees of the Department, or any peace officer of this State, when so directed by the Department or its officers, may enter into and upon any land or building to make any examination or survey which the Department deems necessary to the effective administration of the provisions of this chapter, or to enforce the provisions of this chapter.

(c) The territory under the jurisdiction of the Department for the purposes of this chapter shall include all of this State outside the corporate limits of any incorporated municipality and all controlled areas within such corporate limits.

(d) The provisions of this chapter shall apply only to junkyards situate, in whole or in part, outside the corporate limits of any incorporated municipality in this State and to those junkyards situate, in whole or in part, in controlled areas within such corporate limits.

§ 1204. Application and issuance of licenses

(a) No person, whether or not engaged in the junk business, shall establish, operate or maintain a junkyard within the jurisdiction of the Department under this chapter any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any public highway of this State without obtaining a license from the Department.

(b) The Department, in accordance with the provisions of this chapter, shall issue and renew permits for a period of one year for the establishment, maintenance and operation of junkyards within its jurisdiction; provided, however, no permit shall be issued for the erection or construction of any junkyard which would be in violation of local law or ordinance at the time the application is filed.

(c) The Department may establish and collect fees for the issuance of licenses and renewals thereof. The amount of such charge shall be so fixed as to provide the funds deemed necessary by it to defray the cost of the administration of this chapter.

§ 1205. Restrictions as to locations

(a) No license shall be granted for the establishment, maintenance or operation of a junkyard, any portion of which is within a controlled area except the following:

(1) Junkyards which are lawfully in existence on the effective date of this Act.

(2) Junkyards which are screened by natural objects, plantings, fences or other means found appropriate by the Department so as not to be visible from the main-traveled way of the highway of the Interstate or Primary Systems.

(3) Junkyards located within areas which are zoned for industrial use under the laws of this State.

(4) Junkyards located within unzoned areas which the Department shall find are used for industrial activities. No such license shall be granted for a junkyard which is permitted in a controlled area hereunder solely because of the provisions of paragraphs (3) and (4) of this subsection unless such junkyard is fenced in the manner provided in paragraph (3) of subsection (b) hereof.

(b) No license shall be granted for a junkyard which is not located within the limits of an incorporated municipality and which is within 1,000 feet of the nearest edge of the right-of-way of a public highway of this State other than a highway of the Interstate or Primary Systems except the following:

(1) Junkyards lawfully in existence on the effective date of this Act.

(2) Junkyards which are screened by natural objects, plantings, fences, or other means found appropriate by the Department so as not to be visible from the main-traveled way of public highway.

(3) Junkyards which have a fence parallel to the public highway for the full length of the yard along the highway and a further fence extending back from the parallel fence the full length of the junkyard or for a distance of 1,000 feet, whichever distance shall be shorter, which fence or fences shall be at least seven feet in height and shall to the extent of such height substantially shield the junkyard from the view of persons traveling on the main-traveled way of the public highway.

§ 1206. Screening, relocation, removal or disposal of junkyards lawfully in existence on the date of this Act

Any junkyards lawfully in existence on the effective date of this Act, any portion of which is within a controlled area and which is not in any of the classes specified in paragraphs (2), (3) and (4) of Section 1205 (a), shall be screened, if physically and economically feasible, by the Department at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way, so as not to be visible from the main-traveled way of the highway of the Interstate or Primary Systems. Any such junkyard which the Department determines cannot, as a practical matter, be screened pursuant to this Section shall be relocated, removed or disposed of by the owner thereof on or before July 1, 1970.

§ 1207. Compensation to owners on relocation; removal or disposal of their facilities

Just compensation shall be paid by the Department to the owners of junkyards in controlled areas which must be relocated,

removed or disposed of pursuant to the provisions of this chapter and which fall into the following categories:

(a) Those lawfully in existence on the effective date of this Act; and

(b) Those lawfully established on or after the effective date of this Act.

§ 1208. The Department is authorized to acquire real property interest to effectuate screening, relocation, etc.

The Department is authorized to acquire by gift, purchase or the power of eminent domain, such interest in real property as may be necessary to secure the screening, relocation, removal or disposal of junkyards required by the provisions of this chapter.

§ 1209. Public nuisance, Department's authority to screen, relocate, etc., non-complying junkyards; action to recover expenses

Any junkyard which is established, maintained or operated in violation of this chapter is declared to be a public nuisance. The Department may screen, relocate, remove or dispose of any junkyard or portion thereof which is established or maintained in violation of the provisions of this chapter or the regulations prescribed thereunder after a written notice has been posted on such property for a period of thirty days and a copy thereof has been forwarded by mail to the owner of such junkyard at his last known address. All costs incurred under this section in screening, relocating, removing or disposing of such junkyards shall be the responsibility of the owner thereof and the Department shall have an action at law to recover such costs as well as the expenses of suit.

§ 1210. Injunction

The Department may apply to the Court of Chancery for an injunction to restrain any violation or threatened violation of this Act.

§ 1211. Violations and penalties

Whoever violates the provisions of this chapter or any regu-

lation lawfully adopted pursuant to this chapter shall be fined not less than \$25 nor more than \$200.

Each day that a violation is allowed to continue, after notice of its existence, shall constitute a separate offense.

§ 1212. Agreements with the United States Government

The Department is hereby authorized to enter into agreements with the United States Secretary of Transportation provided by Title 23, United States Code, relating to the control of junkyards in areas adjacent to the Interstate and Primary Systems and to take action in the name of the State to comply with the terms of such agreement.

§ 1213. Separability

The provisions of this chapter are declared to be separable; and should any word, phrase, sentence, section or particular application thereof be declared unconstitutional or otherwise invalid, the remainder of such provisions and the other applications thereof shall not thereby be affected, but shall remain in full force and effect.

Section 3. The provisions of this Act shall not apply to occurrences prior to its effective date and all violations, offenses, prosecutions and criminal appeals under the prior law are saved and preserved. Any junkyard which, immediately prior to the effective date of this Act, was being operated or maintained in violation of such prior law shall not be considered "lawfully in existence on the effective date of this Act" as that phrase is used in this Act.

Section 4. The effective date of this Act shall be thirty days after the date of its enactment.

Approved March 4, 1968.

CHAPTER 254

AN ACT TO AMEND SECTION 5501, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN AND COVERED EMPLOYMENT QUALIFICATIONS.

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

Section 1. Section 5501, Title 29, Delaware Code, is hereby amended by inserting the following words in the fifth paragraph of said section after the word, "inclusive;" and before the word "Librarian", to read as follows:

"Newark Visiting Nurses Association up to and including the year 1957;"

Approved March 4, 1968.

CHAPTER 255

AN ACT TO AMEND AN ACT BEING CHAPTER 1, VOLUME 56, 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 FOR MENTAL HEALTH IN THE AMOUNT OF \$2,750,000, AND FOR DELAWARE INSTITUTE OF TECHNOLOGY IN THE AMOUNT OF \$1,540,000 AND TO ISSUE BONDS AND NOTES 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. Section 7(b), Chapter 1, Volume 56, Laws of Delaware, is hereby amended by adding the following: "and to establish in New Castle County a Northern Branch of the Delaware Technical and Community College."

Section 2. Section 10, Chapter 1, Volume 56, Laws of Delaware, is amended by adding a new sentence at the end to read as follows: "Provided, however, that Delaware Technical and Community College shall have until June 30, 1969, to enter into contracts for expenditures of funds authorized pursuant to Section 7 (b)."

Approved March 4, 1968.

CHAPTER 256

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE COMMISSION OF SHELL FISHERIES
FOR THE PURPOSE OF PROVIDING ADDITIONAL
OPERATING FUNDS FOR THE FISCAL YEAR
ENDING JUNE 30, 1968.**

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

Section 1. The sum of \$13,363.15 is hereby appropriated to the Delaware Commission of Shell Fisheries for the purpose of providing additional operating funds for the fiscal year ending June 30, 1968, for the following items:

Salaries and Wages	\$ 7,763.15
Travel	500.00
Contractual Services	1,500.00
Boat Repair	1,000.00
Supplies and Materials	2,000.00
Capital Outlay	600.00
TOTAL	\$13,363.15

Section 2. This Act is a Supplementary Appropriation Act and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved March 4, 1968.

CHAPTER 257

AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO THE ISSUANCE OF A PERMIT FOR THE TRAINING OF DOGS.

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

Section 1. § 1704, Title 7, Delaware Code, is hereby amended to include subsection (c) to read as follows:

The Board of Game and Fish Commissioners may issue an annual permit to the owner or custodian of any retriever dog, upon submission to the Board of satisfactory evidence that said owner or custodian is a trainer of retriever dogs, authorizing the holder of said permit to train retriever dogs at any time of the year provided that no wild game is used for training purposes.

Persons with a permit to train retriever dogs may, with shotgun, shoot at, kill and legally possess any artificially reared game. Said game must be only hand liberated during dog training.

Approved March 4, 1968.

CHAPTER 258

AN ACT TO AMEND CHAPTER 35, TITLE 3, DELAWARE CODE, RELATING TO THE SALE AND GRADING OF EGGS; RESTRICTING THE ADVERTISEMENT THEREOF: PROVIDING FOR ENFORCEMENT BY THE STATE BOARD OF AGRICULTURE; ESTABLISHING CERTAIN PENALTIES AND MAKING A SUPPLEMENTARY APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1968.

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 35, Title 3, Delaware Code, is amended by repealing the same and enacting a new chapter 35 in lieu thereof as follows:

CHAPTER 35. EGGS

§ 3501. Definitions

As used in this act, unless the context clearly requires a different construction;

(a) "Eggs" means eggs in the shell that are the product of domesticated chickens;

(b) "Consumer" means any person who acquires eggs for consumption in his own household and not for resale;

(c) "Institutional consumer" means a restaurant, hotel, boarding house, or any other business, facility, or place in which eggs are prepared or offered as food for use by its patrons, residents, inmates or patients;

(d) "Retailer" means any person who markets eggs to ultimate consumers;

(e) "Market" means sell, offer for sale, give in the channels of commerce, barter, exchange, or distribute in any manner;

(f) "Person" means any individual, producer, firm, partnership, exchange, association, trustee, receiver, corporation, or

any other entity and any member, officer, employee or agent thereof;

(g) "Grade" means specifications defining the limits of variation in quality of eggs in such a manner as to differentiate among classes of eggs, and the letter, number, or other symbol by which reference thereto may be made;

(h) "Standard" means specifications of the physical characteristics of any or all of the component parts of individual eggs.

§ 3502. Standards; grades; and size-weight classes

The State Board of Agriculture shall establish, and from time to time, may amend or revise standards, grades, and size-weight classes for eggs marketed in Delaware. In administering this section, the State Board of Agriculture shall have due regard for the desirability of uniformity in the standards, grades, and size-weight classes for eggs moving in intrastate and interstate commerce and may employ standards, grades, or size-weight classes developed by the United States Department of Agriculture.

§ 3503. Official quality grades and weight classes

The standards, grades, weight classes and tolerance for individual shell eggs adopted by the United States Department of Agriculture, Poultry Division of the Agricultural Marketing Service are hereby adopted as the official standards, grades and weight classes and tolerance for the State of Delaware. Such standards as adopted apply to consumer grades only. Supplements to, and revisions of the United States Department of Agriculture's standards, grades, weight classes and tolerance shall serve to effect similar changes in the standards, grades, weight classes and tolerance for Delaware.

Official standards for quality for individual shell eggs are:

Grade AA

Grade A

Grade B

Unclassified

§ 3504. Labeling

(a) The container in which any eggs are marketed in Delaware shall bear prominently on the outside portion thereof:

- (1) The grade of the eggs;
- (2) The size-weight class of the eggs;
- (3) The word "eggs";
- (4) The numerical count of the contents;
- (5) The name and address of the packer or distributor.

(b) Eggs marketed in any manner other than in containers labeled in accordance with § 3504 (a) shall be kept in full view of prospective purchaser and shall have adjacent thereto, and prominently displayed, a sign or similar device bearing the grade and size-weight class of the eggs. Eggs not graded for quality shall be marked, "UNCLASSIFIED." Eggs not sorted into official size classes, shall be marked "UNCLASSIFIED." Any such sign or device shall bear letters and numbers of such character as shall be clearly visible to prospective purchasers, such letter and number shall be at least $\frac{1}{2}$ inch in height.

(c) The term "fresh eggs," or any legend, symbol, picture, representation of device declaring or tending to convey the impression that the eggs are fresh may be applied only to eggs meeting the requirements of grade A or AA.

(d) No label container, display, or advertisement of eggs shall contain incorrect, fraudulent, or misleading representations. No person shall advertise eggs for sale unless the unabbreviated grade and size-weight class are conspicuously designated in block letters at least half as high as the tallest letter in the word "eggs" or the tallest figure in the price, whichever is larger.

(e) Letters and numerals used to designate the grade and size-weight class of eggs marketed in containers shall be clearly legible at least $\frac{3}{8}$ inch in height. Cartons, cases or other containers holding two or more containers of eggs shall also be lettered and numbered in accordance with the provisions of this paragraph. Any carton, case, or other container which is reused shall upon such reuse have obliterated or removed therefrom any labels, lettering, numerals, or other symbols or representations not applicable to the contents upon such reuse.

§ 3505. Advertising of eggs

Advertising of eggs by the roadside, newspaper, magazine, handbills, radio, television, window signs, store displays, or in any manner shall include quality and size designations if the price is shown or stated. Such quality and size designations shall be prominent and conspicuous and the advertising shall be in no way deceptive or dishonest.

§ 3506. Limitation in use of descriptive terms

It shall be unlawful for any person to use such descriptive terms as, fresh, new laid, hennery, direct from farm, farm fresh, best, number one, fancy, special, extra, select, or any other word, figures, symbols, which imply or modify the quality designation in describing eggs of lesser quality than Grade A as defined in the grade specifications.

§ 3507. Invoice requirements

Every person selling eggs to retailers, restaurants, hotels, public and private eating places and institutions shall furnish a dated invoice showing the exact size and quality of such eggs, or shall be invoiced as "UNCLASSIFIED."

§ 3508. Sanitation and related matters

(a) Any person assembling, transporting, marketing, or processing graded eggs for marketing shall keep the eggs at a temperature not higher than sixty degrees Fahrenheit. In addition, any container, including the packaging material therein or associated therewith, shall be clean, unbroken and free from foreign odor.

(b) The State Board of Agriculture shall by rules and regulations, provide for the keeping, processing, transporting, and the sale of eggs under sanitary conditions.

(c) Nothing in this Act or in any rules or regulations of the State Board of Agriculture shall be construed to exempt any persons or premises from the application thereto of any laws otherwise applicable and relating to the operation of establishments or facilities for the storing, transporting, sale, distribution, preparation, or serving of food.

§ 3509. Sale of eggs unfit for human food

No person shall offer for sale, sell, trade or otherwise exchange eggs for human consumption which are classified inedible or loss eggs as defined by the United States Department of Agriculture rules and regulations on eggs.

§ 3510. Exemptions

Producers are exempt from Sections 3503 and 3504 if they sell eggs produced by their own flocks provided such eggs are not sold at an established place of business detached from the premises of the production and provided they are not advertised or displayed to the public with price, or size, or quality designations or any descriptive terms as stated in Section 3505.

Newspapers or any other advertising media shall not be liable, pursuant to the provisions of this chapter, for publishing advertisements furnished by a vendor or distributor of eggs or anyone acting on their behalf.

§ 3511. Enforcement

This Act together with the rules and regulations as promulgated by the State Board of Agriculture shall be enforced by the State Board of Agriculture or its authorized agents. Any additional rules and regulations shall be determined by a public hearing after due notice.

§ 3512. Power of enforcement officers

In order to carry out the provisions of this act, the State Board of Agriculture, or its representatives, may enter, during the usual hour of business any warehouse, store, building, market carrier or vehicle at, in, or from which eggs are sold, offered or exposed for sale and to examine any or all such eggs for the purpose of determining whether the provisions of the Act have been violated.

§ 3513. Violations and penalties

Whoever violates any of the provisions of this Act, or willfully, interferes with the State Board of Agriculture or its duly authorized agents in the performance of its or their duties shall

be fined not less than \$25.00 nor more than \$100.00 for every such violation. Justices of the Peace shall have jurisdiction over such violation.

§ 3514. Severability

If any of the provisions of this Act or parts thereof shall be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining section or part of this Act.

Section 2. All acts or parts of any Act inconsistent with this Act are repealed to the extent of such inconsistency.

Section 3. The sum of \$7,600 is hereby appropriated to the State Board of Agriculture for the fiscal year ending June 30, 1968, for the following purposes in connection with this Act:

Salary and Wages	\$1,800.00
Travel	1,900.00
Contractual Services	1,200.00
Supplies and Materials	400.00
Capital Outlay	2,300.00
<hr/>	
TOTAL COST	\$7,600.00

Section 4. This Act is a supplementary appropriation act and the funds appropriated shall be paid from the General Fund of the State of Delaware. Any amount so appropriated and remaining unexpended as of June 30, 1968 shall revert to the General Fund of the State of Delaware.

Section 5. This Act shall become effective July 1, 1968.

Approved March 4, 1968.

CHAPTER 259

AN ACT TO AMEND CHAPTER 243, VOLUME 56, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND TITLE 29, PART II, DELAWARE CODE, RELATING TO THE GENERAL ASSEMBLY BY PROVIDING FOR THE COMPOSITION AND REAPPORTIONMENT THEREOF "BY CLARIFYING CERTAIN BOUNDARIES OF REPRESENTATIVE AND SENATORIAL DISTRICTS CONTAINED THEREIN.

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

Section 1. Amend Section 1 of Chapter 243, Volume 56, Laws of Delaware by:

(a) Inserting after the words "Ridge Avenue" where they appear in § 631 (b) and § 631 (c) the following:

" , also known as Green Street,".

(b) Inserting after the words "Curtis Mill Road" where they appear in § 631 (g) and § 631 (q) the following:

"(Route 72)".

(c) Inserting after the words "Pike Creek" where they appear in § 631 (g) and § 631 (q) the following word:

"Road".

(d) Striking the words "Old Telegraph Road" where they appear in § 631 (h) and § 631 (q) and inserting in lieu thereof the words "Old Capitol Trail".

(e) Striking the words "thence northwesterly along the center line of Beech Street (extended) to its intersection with the center line of Oak Street;" where they appear following the words "the center line of Beech Street (extended) ;" in § 631 (j) and inserting in lieu thereof the following:

"thence northwesterly along the center line of Beech Street (extended) approximately 110 feet to its intersection with the center line of a service alley; thence easterly along the center line of the said service alley one (1) block to its intersection with the center line of Oak Street;".

(f) Striking the words "North Avenue; thence northerly along the center line of North Avenue to its intersection with the center line of Little Mill Creek;" where they appear following the words "along the center line of Summit Road to its intersection with the center line of" in § 631 (k) and inserting in lieu thereof the following:

"Winston Place; thence northerly along the center line of Winston Place (extended) to its intersection with the center line of Little Mill Creek;"

(g) Striking the words "thence southerly along the center line of Oak Street to its intersection with the center line of Beech Street (extended);" where they appear following the words "with the center line of Oak Street;" in § 631 (k) and inserting in lieu thereof the following:

"thence southerly along the center line of Oak Street to its intersection with the center line of a service alley (approximately 110 feet north of and parallel to Cypress Avenue); thence westerly along the center line of said service alley one (1) block to its intersection with the center line of Beech Street (extended);".

(h) Inserting after the words "Christiana Hundred" where they appear in § 631 (l) the following:

"and Mill Creek Hundred."

(i) Striking the words "intersection with the center line of Red Clay Creek;" where they appear following the words "along the center line of White Clay Creek to its" in § 631 (l) and inserting in lieu thereof the following:

"second junction with the center line of Red Clay Creek, so as to include Bread and Cheese Island in this district;"

(j) Striking the words "North Avenue; thence southerly along the center line of North Avenue to its intersection with the center line of Summit Road;" where they appear following the words "Little Mill Creek to its intersection with the center line of" in § 631 (l) and inserting in lieu thereof the following:

"Winston Place (extended); thence southerly along the center line of Winston Place to its intersection with the center line of Summit Road;"

(k) Inserting after the word "Pencader," where it appears in § 631 (p) the following:

"White Clay Creek,".

(l) Inserting after the words "Red Mill Road" where they appear in § 631 (q) and § 631 (r) the following:

" , also known as Ruthby Road."

(m) Striking the words "thence southwesterly along the center line of Route 273 (Chestnut Hill Road)" where they appear following the words "Route 273 (Chestnut Hill Road) ;" in § 631 (r) and inserting in lieu thereof the following:

"thence southwesterly along the center line of Chestnut Hill Road."

(n) Striking the words "with the western boundary of the City of Wilmington" where they appear in § 632 (d) and § 632 (e) and inserting in lieu thereof the following:

"with the center line of duPont Road ; thence northeasterly along the center line of duPont Road to its intersection with the western boundary of the City of Wilmington at Silverbrook Cemetery"

(o) Striking the words "Faulkland Road and the western boundary of the City of Wilmington;" where they appear following the words "beginning at the intersection of" in § 632 (e) and inserting in lieu thereof the following:

"duPont Road and the western boundary of the City of Wilmington at Silverbrook Cemetery;".

(p) Striking the words "North Avenue" where they appear following the words "the Town of Elsmere to its intersection with the center line of" in § 632 (e) and § 632 (g) and inserting in lieu thereof the following:

"Winston Place (extended) ; thence southerly along the center line of Winston Place to its intersection with the center line of North Avenue;".

(q) Striking the words "Hershey Run" where they appear following the words "White Clay Creek to its intersection with the center line of" in § 632 (e) and inserting in lieu thereof the following:

"Red Clay Creek; thence northerly along the center line of Red Clay Creek to its intersection with the center line of Hershey Run."

(r) Striking the words "the center line of Red Clay Creek; thence southwesterly along the center line of Red Clay Creek to its intersection with the western boundary of Christiana Hundred; thence easterly along the western boundary of Christiana Hundred to its intersection with the center line of Hershey Run; thence southerly along the center line of Hershey Run to its intersection with the center line of White Clay Creek;" where they appear following the words "thence southerly along the center line of Calf Run to its intersection with" in § 632 (f) and inserting in lieu thereof the following:

"the western boundary of Christiana Hundred; thence southerly along the western boundary of Christiana Hundred to its intersection with the center line of White Clay Creek;"

(s) Inserting after the words "Bunch Blvd." and "Bunch Boulevard" where they appear in § 632 (g) and § 632 (h) respectively the following:

"(extended)".

Section 2. Further amend Chapter 243, Volume 56, Laws of Delaware, by adding the following new section thereto:

§ 664. Designation of roadways

Hereafter the terms: Avenue, Boulevard, Drive, Highway, Lane, Parkway, Place, Road, Route, Street, Turnpike or any abbreviations thereof shall be used interchangeably so as to make the descriptions used in this chapter to conform to maps currently in existence.

Approved March 4, 1968.

CHAPTER 260

AN ACT TO APPROPRIATE MONEY TO THE DELAWARE JAYCEES, INC. FOR USE IN THE NATIONAL JUNIOR MISS PAGEANT.

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. The sum of \$500.00 is appropriated to the Delaware Jaycees, Inc. to be used to defray part of the wardrobe and other expenses of Delaware's entrant in the National Junior Miss Pageant to be held at Mobile, Alabama during the period of March 7 to March 16, 1968.

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 March 4, 1968.

CHAPTER 261

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE CUSTODIAN OF THE STATE HOUSE.**

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

Section 1. The sum of \$33,600 is appropriated to the Custodian of the State House to be expended for rental of office space, moving, and custodial services for the State agencies to be moved from the Old State House.

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 money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1969.

Approved March 4, 1968.

CHAPTER 262

AN ACT TO AMEND § 5103, (b), TITLE 16, DELAWARE CODE, RELATING TO THE COMMISSIONER OF THE DEPARTMENT OF MENTAL HEALTH.

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

Section 1. Section 5103 (b), Title 16, Delaware Code, is hereby amended by striking the last sentence thereof and substituting the following:

The Board may delegate such powers and responsibilities to the Commissioner as they see fit, and shall set the compensation to the Commissioner at a figure not less than \$30,000 nor more than \$35,000 per annum. Any new appointee may not be paid the maximum rate of compensation until such appointee has completed one year of service as Commissioner. The Commissioner shall devote full time to his duties and shall not engage in private medical practice.

Section 2. The sum of \$3,600 is appropriated to the Department of Mental Health for the fiscal year ending June 30, 1968, for salary of Commissioner.

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.

Section 4. Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1968.

Approved March 5, 1968.

CHAPTER 263

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF PUBLIC WELFARE FOR
THE FISCAL YEAR ENDING JUNE 30, 1968.**

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 \$386,900 is appropriated to the Department of Public Welfare for assistance grant payments in the Old Age Assistance, Aid to Disabled, Aid to Families with Dependent Children, and General Assistance Program, for the fiscal year ending June 30, 1968, with the general purposes of maintaining levels of assistance payments in the programs administered by the Department.

Section 2. The funds appropriated hereby shall be used only for the purpose specified and any unexpended funds shall revert to the General Fund of the State of Delaware on June 30, 1968.

Section 3. This 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.

Section 4. The payments required to be made by the respective county governments for the programs set forth in Section 1 hereof for the fiscal year ending June 30, 1968, shall not be increased as a result of this Supplementary Appropriation Act and such payments shall be computed and paid as if this Act had not been enacted. For purposes of this Act only, the county financial participation provisions of Section 513, Title 31, Delaware Code, are waived.

Approved April 4, 1968.

CHAPTER 264

AN ACT TO AMEND TITLE 21, SECTION 701, DELAWARE CODE, EMPOWERING SPECIFIED LAW ENFORCEMENT OFFICERS TO MAKE ARRESTS WITHOUT WARRANTS FOR VIOLATION OF THE MOTOR VEHICLE CODE IN CERTAIN RADAR, AIRCRAFT AND ACCIDENT CASES.

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

Section 1. Section 701, Title 21, Delaware Code, is stricken and a new Section 701 is inserted in lieu thereof as follows:

§ 701. Arrest without warrant for motor vehicle violations

(a) The Commissioner, his deputies, motor vehicle inspectors, state police, state detectives, and other police officers authorized by law to make arrests for violation of the motor vehicle and traffic laws of this State, provided such officers are in uniform, or displaying a badge of office or an official police identification folder, may arrest without a warrant a person—

- (1) for violations of any of the provisions of this title committed in their presence; or
- (2) for violations of any of the provisions of section 4169 of this Title, relating to speed violations, when the speed is determined by radar or aerial spotting, even though the officer making the arrest did not actually observe the radar speed meter, or observe the violation from the aircraft, provided such arresting officer is in a position to observe the vehicle being detected and provided that the officer is working in conjunction with the reading or observing officer and is immediately advised of the violation and that the vehicle being apprehended is the vehicle detected.

(b) Any police officer authorized to arrest without warrant under subsection (a), is further authorized at the scene of a motor vehicle accident, upon reasonable and probable cause to believe, based upon personal investigation, which may include

information obtained from eyewitnesses, that a violation has been committed by any person then and there present, to arrest such person without a warrant of arrest.

Approved April 19, 1968.

CHAPTER 265

AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE, RELATING TO THE SALE OF ALCOHOLIC LIQUOR BY PERMITTING SALES OF ALCOHOLIC LIQUORS ON THANKSGIVING DAY 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 "Thanksgiving Day" after "Good Friday," in line 3 thereof and inserting in lieu thereof the following:

"Thanksgiving Day, except as permitted by Section 717A of this Title,"

Section 2. § 717A (a), Title 4, Delaware Code, is amended by inserting after "Sundays", in line 2 thereof the following:

"and on Thanksgiving Day,"

Section 3. § 717A (c) (1), Title 4, Delaware Code, is amended by inserting after "Sundays" in line 2 thereof the following:

"and on Thanksgiving Day"

Section 4. § 717A (c) (2), Title 4, Delaware Code, is amended by inserting after "Sundays" in line 3 thereof the following:

"and on Thanksgiving Day"

Section 5. Any holder of a license issued under § 717A of this Title shall not be required to obtain an additional license permitting them to sell alcoholic liquors on Thanksgiving Day.

Approved April 19, 1968.

CHAPTER 266

AN ACT RELATING TO THE CONTROL OF RADIATION.

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

Section 1. Title 16, Delaware Code, is amended by adding thereto a new chapter to read:

CHAPTER 74. RADIATION CONTROL**§ 7401. Declaration of policy**

It is the policy of the State in furtherance of its responsibilities to protect the public health and safety to:

(1) institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (i) compatibility with the standards and regulatory programs of the federal government, (ii) a single, effective system of regulation within the state, and (iii) a system consonant insofar as possible with those of other states; and

(2) institute and maintain a program to permit development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public.

§ 7402. Purpose

It is the purpose of this chapter to effectuate the policies set forth in section 7401 of this title by providing a program to:

(1) effectively regulate sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;

(3) establish regulatory responsibilities with respect to by-product, source and special nuclear materials; and

(4) permit maximum utilization of sources of ionizing

radiation consistent with the health and safety of the public.

§ 7403. Definitions

As used in this chapter—

(a) "Authority" means the Authority on Radiation Protection created by section 7404 of this title;

(b) "By-product material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(c) "Ionizing radiation" means gamma rays and x-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light;

(d) "General license" means a license or registration effective pursuant to regulations promulgated by the Authority without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices, or equipment utilizing by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially;

(e) "Specific license" means a license or registration issued by the Authority, after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially;

(f) "Person" in addition to the definitions contained in section 302 of title 1, means any public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by United States Atomic Energy Commission or any successor thereto;

(g) "Source material" means (1) uranium, thorium or any other material which the Authority declares to be source material in concurrence with the United States Atomic Energy

Commission or any successor thereto who has determined the material to be such; or (2) ores containing one or more of the foregoing materials in such concentration as the Authority declares by order to be source material in concurrence with the United States Atomic Energy Commission, or any successor thereto, who has determined the material in such concentration to be source material.

(h) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Authority declares by order to be special nuclear material in concurrence with the United States Atomic Energy Commission, or any successor thereto, who has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include any of the source material.

§ 7404. Authority on radiation protection

(a) There is created an Authority on Radiation Protection which shall consist of the Director of the Water Pollution Commission, the State Sanitary Engineer, the Executive Secretary of the State Board of Health, and four other persons to be appointed by the Governor. Two appointees shall be from the Radiation Advisory Board of the Medical Society of Delaware; one appointee shall be a qualified member from the professional staff of the University of Delaware or Delaware State College; and the other appointee shall be a nonmedical member from industry. The Authority members shall have scientific training in one or more of the following fields: radiology, nuclear medicine, radiation or health physics or related sciences, with specialization in ionizing radiation; provided that not more than two persons shall be specialists in any one of the above named fields.

(b) Authority members appointed by the Governor shall be appointed for a term of 3 years. Two shall be initially appointed for terms of 1 year, 1 for a term of 2 years and 1 for a term of 3 years. The terms shall commence on July 1st in the year of appointment. Each Authority member shall hold over after the expiration of his term until his successor has been appointed and has taken office. Vacancies shall be filled for the unexpired term.

(c) The Executive Secretary of the State Board of Health shall be Secretary of the Authority. The State Board of Health shall be the Administrative Agent for the Authority. The Board shall make such inspections, conduct such investigations, and do such other acts as may be necessary to carry out the provisions of this chapter within the limits of the appropriation made for this purpose. The Administrative Agent shall have all of the powers conferred by law upon the Authority except adopting the rules and regulations provided for in this chapter, subject, however, to the general direction of the Authority.

(d) The Authority members when attending Authority meetings or when doing work for the Authority, shall be paid necessary traveling and other expenses connected with such meetings or work.

(e) The Authority shall elect a chairman to serve for 1 year from those members appointed by the Governor. A majority of the Authority shall constitute a quorum to transact its business.

(f) The Authority shall hold at least 4 regular meetings each calendar year and such special meetings as it deems necessary.

(g) The Authority shall review policies and programs relating to control of ionizing radiation and make recommendations thereon to the agencies of the state.

(h) The Authority may aid the State Board of Health in the employment, training of and prescribing of the power and duties of such individuals as may be necessary to carry out the provisions of this chapter.

§ 7405. Rules and regulations; adoption; notice; hearing

The Authority shall adopt rules and regulations, as may be necessary for control of sources of ionizing radiation. Prior to adoption of any rule or regulation, the Authority shall publish or otherwise circulate notice of its intended action and afford interested parties an opportunity, at a public hearing, to submit data and views orally or in writing. No code, rule, reg-

ulation or amendment or repeal thereof shall be effective until 60 days after adoption thereof.

§ 7406. Licensing and registration of sources of ionizing radiation

(a) The Authority shall provide for general or specific licensing or registering or exemption of by-product, source, special nuclear materials, or devices or equipment utilizing such materials. Such rule or regulation shall provide for amendment, suspension or revocation of licenses or registrations.

(b) The Authority may require registration or licensing of other sources of ionizing radiation as it may deem necessary.

(c) The Authority may provide for recognition of other state or federal licenses or registrations.

§ 7407. Inspection

The Authority or its duly authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violations of the provisions of this chapter and rules and regulations issued thereunder, except that entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly authorized designated representative.

§ 7408. Records

(a) The Authority shall require each person who possesses or uses a source of ionizing radiation to maintain records relating to its receipt, storage, transfer or disposal and such other records as the Authority may require subject to such exemptions as may be provided by rules or regulations.

(b) The Authority shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by the rules and regulations of the Authority. Copies of these records and those re-

quired to be kept by this section shall be submitted to the Administrative Agent or Authority on request. Any person possessing or using a source of ionizing radiation shall notify each employee for whom personnel monitoring is required of such employee's personal exposure record annually, at any time such employee has received excessive exposure, and upon termination of employment.

§ 7409. Federal-state agreements

(a) The Governor, upon the recommendation of the Authority may enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this state.

(b) In the event that the Governor enters into an agreement with the federal government all federal licenses which are valid on the effective date of such agreement shall have the force and effect of a state license or registration issued by the Authority. Such licenses shall be deemed to expire on a date which shall be the earlier of (1) the date of expiration specified in the federal license or (2) 90 days from receipt from the Authority of notice that the federal license will no longer be recognized by the Authority.

§ 7410. Inspection agreements and training programs

(a) Subject to the approval of the Governor, the Authority may enter into agreements with the federal government, other states or interstate agencies for inspections or other functions relating to control of sources of ionizing radiation.

(b) The Authority may institute training programs for the purpose of qualifying personnel to carry out the provisions of this chapter, and may make personnel available for participation in any program or programs of the federal government, other states or interstate agencies.

§ 7411. Conflicting laws

Ordinances, resolutions or regulations of a governing body or of any other governmental unit relating to by-product, source

and special nuclear materials shall not be superseded by this chapter, if they are consistent with the provisions of this chapter, and rules and regulations thereunder.

§ 7412. Administrative procedure and judicial review; emergency rules

(a) In any proceeding under this chapter (1) for the issuance or modification of rules and regulations relating to control of sources of ionizing radiation; or (2) for granting, suspending, revoking, or amending any license or registration; or (3) for determining compliance with (or granting exceptions from) rules and regulations of the Authority, the Authority shall afford an opportunity for a hearing on the record upon the request of any person who may be affected by the action of the Authority and shall admit any such person as a party to such proceeding.

(b) Whenever the Administrative Agent finds that an emergency exists requiring immediate action to protect the public health and safety, the Administrative Agent may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Such regulation or order may be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately but on application to the Authority shall be afforded a hearing within 30 days. On the basis of such hearing, the emergency regulation or order shall be continued, modified or revoked within 30 days after such hearing.

(c) Any final order entered in any proceeding by the Authority or the Administrative Agent shall be subject to judicial review by the Superior Court of this state.

§ 7413. Injunctions

Whenever, in the judgment of the Authority, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any rule, regulation or order issued thereunder, the Authority may request the Attorney General to make

application to the Court of Chancery for an order enjoining such acts or practices, or for an order directing compliance and upon a showing by the Authority, that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

§ 7414. Prohibited uses

It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own or possess any source of ionizing radiation unless licensed by, registered with, or specifically exempted by the Authority in accordance with this chapter.

§ 7415. Impounding of materials

The Authority shall have the authority in the event of an emergency to impound or order the impounding of sources of ionizing radiation, with the approval of the Atomic Energy Commission when deemed necessary, in the possession of any person who is not equipped to observe or fails to observe the provisions of this chapter or any rules or regulations issued thereunder.

§ 7416. Penalties; jurisdiction of Superior Court

Any person who wilfully violates any of the provisions of this chapter or rules, regulations or orders of the Authority, shall upon conviction thereof, be punished by a fine (not in excess of \$500) or by imprisonment for not more than 1 year, or both. Each violation shall be considered a separate offense. The Superior Court shall have jurisdiction of offenses under this chapter.

Section 2. Any provisions of this act relating to the control of by-product, source, and special nuclear materials presently regulated by the Atomic Energy Commission shall not become effective until the effective date of the agreement between the federal government and this State as provided in §7409 of Section 1 of this act.

Section 3. There is hereby appropriated from the General Fund to the State Board of Health the sum of \$5,000 for carrying out the purposes of this act.

Approved April 26, 1968.

CHAPTER 267

AN ACT TO AMEND CHAPTER 22, VOLUME 55, LAWS OF DELAWARE, RELATING TO USE OF MONIES FROM THE CAPITAL INVESTMENT FUND FOR MOSQUITO CONTROL AND SPRAYING.

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

Section 1. Chapter 22, Volume 55, Volume 55, Laws of Delaware, is amended by adding a new section to read as follows:

Section 6. The sum of \$100,000 of the monies herein appropriated for a permanent mosquito control program shall be utilized by the State Highway Department for spraying and larvicide treatment of mosquitoes.

Became Law on April 26, 1968, without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 268

AN ACT ESTABLISHING AND CONCERNING A DEPARTMENT OF TRANSPORTATION, CONFERRING UPON IT CERTAIN DUTIES AND POWERS IN THE FIELD OF TRANSPORTATION, PROVIDING FOR THE CREATION OF LOCAL TRANSPORTATION AUTHORITIES AND CONFERRING UPON THEM CERTAIN POWERS AND DUTIES IN THE FIELD OF TRANSPORTATION: AND TRANSFERRING TO THE DEPARTMENT THE AERONAUTICAL COMMISSION AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. The designation of Title 2, Delaware Code, is changed from "Aeronautics" to "Transportation."

Section 2. Chapters 1 to 9, inclusive, Title 2, Delaware Code, are designated as Part I, Title 2, Delaware Code, with the caption "Aeronautics."

Section 3. §102, Title 2, Delaware Code, is amended by striking out the word "title" as it appears in the first line of §102 and inserting in lieu thereof the word "part."

Section 4. Subchapter II, Title 2, Delaware Code, is repealed.

Section 5. Title 2, Delaware Code, is amended by adding thereto a new section to read:

§ 130. Delaware Aeronautics Commission; Director of Aeronautics

(a) The Delaware Aeronautics Commission shall consist of 1 member who shall be the Secretary of Transportation.

(b) In addition to the powers conferred upon the Commission by this Part, the Secretary of Transportation, when acting as the Commission, shall also have all the powers conferred upon him by Part II of this title.

(c) The Secretary of Transportation may appoint a Director of Aeronautics who shall have such duties and powers as the Secretary may delegate to him.

Section 6. The words "each of its members" or "each Commissioner" or "any Commissioner" as they appear in Title 2, Delaware Code, are hereby stricken out of Title 2.

Section 7. Any members of the Delaware Aeronautics Commission whose term has not expired on the effective date of this Act shall continue to hold office until his term expires.

Section 8. Title 2, Delaware Code, entitled "Transportation" is amended by adding thereto a new Part to read:

PART II
TRANSPORTATION DEPARTMENT
CHAPTER 15. DEPARTMENT OF TRANSPORTATION
SUBCHAPTER I. DEFINITIONS, PURPOSE AND
CONSTRUCTION

§ 1501. Definitions

As used in this Part:

"Area" or "area of operation" means that part of this state for which a Local Transportation Authority shall be created.

"Department" means the Department of Transportation established herein.

"Issuing Officers" means the Chairman of the issuing Authority and the Secretary of State.

"Authority" means a local Transportation Authority organized in accordance with the provisions of chapter 16 of this title.

"Public Utility" means any person (as defined in Section 301 of Title 1) or his lessee, trustee, or receiver who operates within this State any railroad, railway, street railway, traction railway, motor bus, bus, electric trackless trolley coach, trolley or monorail for public mass transportation.

"Commissioner" means a Commissioner of a local Transportation Authority appointed pursuant to Chapter 16 of this title.

"Issuing Authority" means a local Transportation Authority organized in accordance with Chapter 16 of this title which has

decided to issue the bonds authorized by Chapter 16 of this title.

"Secretary" means the Secretary of the Department of Transportation.

§ 1502. Purpose; construction

(a) It shall be the purpose and intent of this part to establish the means whereby the full resources of this State can be used and applied in a coordinated and integrated manner to solve or assist in the solution of the problems of mass transportation; to promote and supply an economical, efficient, integrated and balanced mass transportation system for all of the people in accordance with the need in various parts of the State; to prepare and implement comprehensive plans and programs for mass transportation development and improvement in this State; and to coordinate the mass transportation activities of State agencies, and other public agencies with mass transportation responsibilities within this State.

(b) The Department shall be responsible for the coordination of all mass transportation facilities within this State so as to obtain for the citizens of this State an economical, efficient and coordinated mass transportation system in accordance with the need in various parts of the State.

(c) Whenever the Department determines that a need for transportation services exists in a part of the State which is not being met, or which will not be met in the future because of a projected reduction or termination of services, the Department shall undertake to provide such services as soon as possible in the manner provided in this part.

(d) This part shall be construed according to the fair import of its terms and shall be liberally construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

SUBCHAPTER II. ORGANIZATION & ADMINISTRATION

§ 1512. Establishment of Department of Transportation

There shall be a Department of Transportation within the government of this State which shall consist of the Secretary of

Transportation and such other employees as may be appointed by him.

§ 1513. Secretary of Department

The administrator and head of the Department shall be a Secretary of Transportation, who shall be known as the Secretary of Transportation, and who shall be a person qualified by training and experience to perform the duties of his office. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor and until the appointment and qualification of the Secretary's successor. The Secretary shall receive a salary not to exceed \$25,000 per annum.

§ 1514. Director of Aeronautics

The Secretary may appoint a Director of Aeronautics in accordance with Part I of this title.

SUBCHAPTER III. JURISDICTION, POWERS AND DUTIES

§ 1521. Powers and duties

(a) The Secretary may:

(1) Develop, revise, and maintain a state comprehensive plan for the coordination, development and improvement of mass transportation. This shall be done in cooperation with the State Highway Department, any local or regional mass transportation agencies, including local Transportation Authorities created pursuant to this part, and in cooperation with and with the consent of the State Planning Office;

(2) Develop programs designed to foster efficient and economical public mass transportation services in this State;

(3) Prepare plans for the preservation and improvement of commuter railroad and bus systems;

(4) Develop plans for more efficient public transportation service by bus operators; develop statistics, analyses, and other data of use to bus operators in the improvement of public transportation service; and facilitate more effective coordination be-

tween bus service and other forms of public transportation, particularly the commuter railroads;

(5) Coordinate the mass transportation activities of the department and the local Transportation Authorities with those of public utilities, and public agencies;

(6) Cooperate with intra or interstate commissions and authorities, county governing bodies, state departments, councils, bureaus, commissions and other state agencies, appropriate Federal agencies, municipalities and with interested private individuals and organizations in the coordination of plans and policies for the development of airport facilities or other mass transportation facilities;

(7) Conduct public hearings on the need and economic feasibility of public mass transportation services in various parts of the State.

(8) Employ, in his discretion, planning, architectural and engineering consultants, attorneys, accountants, construction, financial, transportation and traffic experts and consultants, superintendents, managers, and such other officers, employees and agents as may be necessary in his judgment, and to fix their compensation.

(9) Make grants of funds upon such terms and conditions as the Secretary deems best to public utilities operating within this State to enable the utilities to furnish or continue or expand mass transportation service to the citizens of this State in an economical manner;

(10) Make payments to any local Transportation Authority out of funds appropriated to the Department by the General Assembly for any purpose consistent with providing public mass transportation services within the Authority's area of operations;

(11) Investigate any matters concerning any public utility operating a public mass transportation system, and in aid of such investigation the Department shall have access to and the public utility shall make available its property, books, records, or documents;

(12) Call to his assistance and avail himself of the serv-

ices of such employees of any Federal or State agency as he may require and as may be available to him for said purpose.

(13) Delegate any of his powers and duties to committees and commissions, authorities or employees of the Department;

(14) Create advisory boards; and

(15) Enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the implementation of the purposes of this chapter or to carry out any power or duty given in this Part.

(b) The Secretary shall:

(1) Make an annual report to the Governor and the General Assembly of the Department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law;

(2) Organize the Department and establish therein such divisions as he may deem necessary and expedient. He may formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work and general administration of the Department, its officers and employees. In addition, the Secretary may delegate to subordinate division officers or employees in the Department such of his powers and duties as he may deem desirable, to be exercised under his supervision and direction; and

(3) Approve and join in on behalf of the State applications of local Transportation Authorities for grants from the Federal Government or any agency thereof, or from any county, municipality, foundation, or person, and comply with the terms, conditions and limitations thereof, for any of the purposes of the Department. Any money so received may be expended by the local Transportation Authorities, subject to any limitations imposed in such grants, to effect any of the purposes of this chapter, as the case may be; and

(4) Receive and expend such sums of money as may be appropriated to the Department by an appropriation act or bond authorization act of the General Assembly.

**CHAPTER 16. LOCAL TRANSPORTATION AUTHORITIES
SUBCHAPTER I. GENERAL PROVISIONS**

§ 1601. Creation of a Local Transportation Authority; Appointment of Commissioners; officers

(a) Whenever the Secretary shall have determined that there is a need for mass transportation in any part of this State, he shall issue to each appointing officer named in this section a certificate of such determination, describing the area of operation of the proposed authority, and as soon as possible thereafter a Local Transportation Authority shall be created by the appointment of 5 Commissioners who shall constitute the Authority.

(b) The Commissioners shall be residents of the area in which the Authority operates, and shall be appointed as follows:

(i) three by the Governor for terms of 1, 2 and 3 years, respectively;

(ii) one by the County Government of the County in which the total or major area of operations of the mass transit system is to be located for a period of 2 years; and

(iii) one by the Mayor of the most populous incorporated city or town in the area of operation as shown by the last Federal decennial census, for a term of 1 year.

(c) Appointments by the New Castle County Government shall be made by the County Executive of New Castle County and appointments by the Kent and Sussex County Governments shall be made by the respective Levy Courts thereof.

(d) Three Commissioners shall be members of one of the 2 major political parties and 2 Commissioners shall be members of the other major political party. Of the three Commissioners appointed by the Governor, no more than 2 shall belong to the same major political party.

(e) The Governor shall designate one of his appointees as chairman. The Authority shall select its other officers.

§ 1602. Filing of certificate of appointment; vacancy

(a) Forthwith upon the appointment of the original Commissioners, the Secretary and the appointing officers shall ex-

ecute and file or cause to be filed in the office of the Secretary of State a certificate stating that such appointments have been duly made and setting forth the area of operation of the Authority and the names and term of office of each Commissioner. Such certificate shall be conclusive evidence of the due and proper creation of the Local Transportation Authority.

(b) Each appointing officer shall execute and file or cause to be filed in the office of the Secretary of State a certificate with respect to each appointment of a successor Commissioner stating the fact of such appointment and setting forth the name of the successor Commissioner and his term of office.

(c) The Governor, the County Government and the Mayor, respectively, shall appoint successors to Commissioners appointed by them or by their respective predecessors in office. Each successor Commissioner shall be appointed to hold office in the case of a vacancy for the unexpired term, or in the case of expiration for a term of 3 years or until his successor shall have been appointed and qualified.

§ 1603. Removal of Commissioner

The Governor may remove a Commissioner of an Authority for official misconduct, neglect of duty or incompetence, but only after the Commissioner shall have been given a copy of the charges against him and an opportunity to be heard in person or by counsel in his own defense. Pending the determination of the charges against the Commissioner, the Governor may suspend him from office. A copy of the charges and the result of the hearing shall be forwarded to the Secretary.

§ 1604. Oath; quorum; compensation of Commissioners

(a) Before entering upon the duties of the office, each Commissioner of an Authority shall take and subscribe the oath or affirmation prescribed in the Constitution. Such oath or affirmation shall become one of the records of the Authority.

(b) A majority of the Commissioners of an Authority shall constitute a quorum. A majority of the Commissioners present at any meeting constituting a quorum shall be sufficient for any action by the Authority.

(c) The Commissioners of an Authority shall receive their actual expenses incurred while engaged in the affairs of the Authority but shall receive no other remuneration.

§ 1605. Extension of area

Whenever the Secretary determines that there is need for additional mass public transportation in any part of this state he may, in order to meet this need, extend the area of operations of an existing Local Transportation Authority beyond its existing limits, or direct the creation of a new Authority.

§ 1606. Powers of a Local Transportation Authority

A Local Transportation Authority shall be a subdivision of the State exercising public powers and having all powers necessary or convenient to carry out and effectuate the provisions of this Chapter for providing a public mass transportation system within its area of operations. It may:

(1) develop plans and programs designed to foster efficient and economical public mass transportation services;

(2) acquire, purchase, hold, use and dispose of any property, real and personal, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this part, and lease as lessor or lessee any property, real or personal, or any interest therein for such terms and at such rental as the Authority may deem fair and reasonable;

(3) employ, in its discretion, planning, architectural, and engineering consultants, attorneys, accountants, construction, financial, transportation and traffic experts and consultants, superintendents, managers and other such officers, employees and agents as may be necessary in its judgment, and fix their compensation;

(4) acquire in the name of the Authority, by negotiated purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with Chapter 61, Title 10, such private lands, rights-of-way, equipment, real estate, property rights, easements, franchises and interests as it may deem necessary for carrying out the provisions of this Part;

(5) contract with any county, municipality, authority, public or private company or person, whereby the Authority will receive a subsidy to expand or avoid discontinuance of service;

(6) avail itself of the services of employees of any Federal or State agencies as it may require;

(7) construct, acquire, maintain and operate such public mass transportation systems as it deems to be in the public interest;

(8) contract with any governmental body, unit or subdivision, county municipality, authority, or person whereby the Authority will operate or aid in the operation, development or improvement of any transit system;

(9) organize, own or purchase stock in any corporation created to operate mass transportation systems in the area of public mass transportation;

(10) apply for and accept and use grants or other assistance from the Federal government or any agency thereof, this State or any other source and comply with any terms and conditions of such grant or assistance;

(11) receive and expend such sums of money as it may receive from the Department, from private persons and corporations, from municipalities and political subdivisions of this State, from fares generated by any public mass transportation system which it may operate, or from any other source;

(12) adopt a seal; and

(13) fix from time to time, after a public hearing, and without approval of the Public Service Commission or any other State agency, schedules, routes, rates of fares and charges for services furnished or operated by the Authority pursuant to this Part.

§ 1607. Veto power of Secretary

The powers set forth in paragraphs 10 and 13 of section 1606 of this title shall be exercised by an Authority only with the prior consent of the Secretary.

§ 1608. Conflict of interest prohibited

No Commissioner or employee of an Authority shall be in the employ of, or own any stock in, or be in any way directly or indirectly pecuniarily interested in any public utility, nor shall any Commissioner personally or through a partner or agent render any professional service or make or perform any business contact with or for any such public utility; nor shall any Commissioner, directly or indirectly, receive a commission, bonus, discount, present or reward from any such public utility.

§ 1609. Exemption from certain laws

The provisions of Part V and VI, Title 29, and Chapter 1, Title 26, shall not apply to a Local Transportation Authority.

§ 1610. Audit

(a) The books, records and accounts of a Local Transportation Authority shall be audited annually by a certified public accountant licensed to practice in this State.

(b) The Auditor of Accounts may also audit the books, records and accounts of an Authority.

§ 1611. Exemption from taxation

All facilities owned or operated by a Local Transportation Authority and all property acquired or used by an Authority in connection therewith shall at all times be free from all taxation within this State.

§ 1612. Budget; request for aid; appropriation

(a) Each Authority created pursuant to this chapter shall prepare before September 1 of each year, a budget for the next fiscal year (which shall commence on the following July first).

(b) In the event that an Authority seeks any grant or subsidy from the State for operational expenses for the next fiscal year, or to make up operating deficits for prior fiscal years, it shall submit its proposed budget and request for financial aid to the Secretary prior to September 1. The Secretary shall then review the request for financial aid and shall submit to the Budget

Director of the State, for inclusion in the Budget Appropriation Bill, a request for State financial aid in the amount that the Secretary deems desirable and necessary.

(c) All sums appropriated by the General Assembly as aid to an Authority shall be appropriated to the Secretary who shall then allocate the sums to the Authorities.

§ 1613. Collective bargaining; arbitration

(a) A Local Transportation Authority shall have authority to bargain collectively with labor organizations representing employees and may enter into agreements with such organizations relative to wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances of such employees.

(b) In the case of any labor dispute between an Authority and its employees where collective bargaining does not result in a settlement, the same may be submitted at the written request of either party to final and binding arbitration pursuant to the provisions of any agreement entered into between the Authority and the employees so providing, or in the absence of such provisions, with the written consent of both parties, to an Arbitration Board composed of 3 persons, one appointed by the Authority, one appointed by the labor organization representing the employees and a third member to be agreed upon by the Authority and the labor organization or, if no such third member is mutually acceptable, selected from a list of 5 persons, to be furnished by the American Arbitration Association at the request of either party, by alternately striking one name until only one name remains.

(c) The determination of the majority of the Board of Arbitration thus established shall be final and binding on all matters in dispute.

(d) No employee of a Local Transportation Authority shall strike while in the performance of his official duties.

§ 1614. Take over of existing facilities; other employee protective arrangements

A Local Transportation Authority may enter into an agree-

ment specifying fair and equitable arrangements to protect the interests of employees who may be affected if the Authority should acquire any interest in or purchase any facilities or other property of a private mass transportation company, or construct, improve or reconstruct any such facilities or other such property acquired from any such company, or provided by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to the service provided by an existing mass transportation company. Such agreement may specify that the terms and conditions of the protective arrangements shall comply with any applicable requirements of Chapter 8, Title 19, or with the requirements of any Federal law or regulation if Federal aid is involved. Such an agreement may provide for arbitration of disputes pursuant to Section 1613 of this title.

SUBCHAPTER II. BORROWING

§ 1631. Revenue bonds

The Issuing Officers may issue, in the name of the State of Delaware, revenue bonds of the State, payable solely from the revenues of the Issuing Authority for the purpose of paying the cost of acquisition and operation of any facility which the Issuing Authority may acquire or commence under the provisions of this Part.

§ 1632. Form and terms of bonds; disposition of proceeds

(a) All bonds issued under the authority of this subchapter shall be dated, shall bear interest at such rate or rates, not exceeding 6 percentum per annum, payable semi-annually, shall mature at such time or times and may be made redeemable before maturity at such times and at such price or prices and under such terms and conditions as may be fixed by the Issuing Officers prior to the issuance of the bonds. The principal of and the interest upon such bonds may be made payable in any lawful medium. The Issuing Officers shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds. Both principal of and interest on the bonds shall be payable at the Farmers Bank of the State of Delaware, at Dover.

(b) The bonds shall be signed by the Chairman of the Issuing Authority and the Great Seal of the State or a facsimile thereof shall be affixed thereto, and shall be attested by the Secretary of State. The facsimile signature of the Secretary of State may be engraved or printed on such bonds. Any coupons attached thereto shall bear the facsimile signature of the Chairman of the Issuing Authority. In case any officer whose signature or facsimile thereof shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall, nevertheless, be valid for all purposes, the same as if he had remained in office until delivery.

(c) All bonds issued under the provisions of this subchapter shall have, and are declared to have, all the qualities and incidents of negotiable instruments under the Uniform Commercial Code.

(d) Such bonds and the income therefrom shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or authority thereof.

(e) The bonds may be issued in coupon or registered form, or both, as the Issuing Officers may determine, and provision may be made for the registration of any coupon bond as to principal alone or as to both principal and interest, and for the re-conversion of any bonds registered both as to principal and interest into coupon bonds.

(f) The Issuing Officers may sell such bonds either at public or private sale in such manner and for such price as they may determine to be for the best interests of the State, but no such sale may be at a price so low as to require the payment of interest on money received therefor at more than 6 percentum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values.

(g) The proceeds of such bonds, exclusive of accrued interest, shall be used solely for the purposes specified in the resolution of the Issuing Officers authorizing the issuance thereof, or as set forth in the indenture securing their payment, which purposes may include redemption premiums, interest on bonds to be refunded to the redemption date or date of maturity thereof

and all legal and other expenses of their issuance, and shall be disbursed under such restrictions, if any, as said resolution or trust indenture may provide.

(h) The proceeds of such bonds shall at no time revert to the General Fund of the State Treasury but shall at all times be available to the Issuing Authority for the aforesaid purposes; provided, however, that if the proceeds of the bonds of any issue shall exceed the amount required for the purpose or purposes for which such bonds are authorized to be issued, the surplus may be used for any purpose of the Issuing Authority authorized in this subchapter or for the payment of the principal of or interest on its outstanding bonds.

(i) Prior to the preparation of definitive bonds the Issuing Officers may issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The Issuing Officers may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this subchapter.

§ 1633. Bonds as legal investments for institutions and fiduciaries, and as legal deposit

Bonds issued under the authority of this subchapter are made securities in which all State and municipal officers and administrative departments, boards and commissions of the State, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees, and other fiduciaries, and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control; and such bonds are made securities which may properly and legally be deposited with and received by any State, county

or municipal officer or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

§ 1634. Credit of state not pledged

Bonds issued under the provisions of this subchapter shall be payable exclusively from the revenues of the Issuing Authority and shall contain a statement on their face that this State shall not be obligated to pay the bonds or the interest thereon except from such revenues, and that the faith and credit of this State are not pledged to the payment of the principal or interest on such bonds. The issuance of bonds under the provisions of this subchapter shall not directly or indirectly or contingently obligate this State to levy or pledge any form of taxation whatever therefor or to make any appropriation for their payment.

§ 1635. Trust indenture

(a) In the discretion of the Issuing Officers, each and any issue of such bonds may be secured by a trust indenture by and between the Issuing Officers and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State.

(b) Such trust indenture may pledge or assign the revenues of the Issuing Authority but shall not create a security interest in or convey or mortgage any property owned, operated or maintained by the Issuing Authority. Either the resolution providing for the issuance of the bonds or such trust indenture may contain such provisions specifying, defining, protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Issuing Authority in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of any facilities or additions thereto, and the custody, safeguarding the application of all moneys.

(c) It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or to pledge such securi-

ties as may be required by the Issuing Authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations.

(d) In addition to the foregoing, such trust indenture may contain such other provisions as Issuing Officers may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust indenture may be treated as part of the cost of maintenance, operation and repairs of any facility to which such indenture is related or may be paid out of the revenues of the Issuing Authority.

§ 1636. Remedies of bondholders and trustees

(a) Any holder of bonds issued under the provisions of this subchapter or any of the coupons attached thereto, and the trustee under the trust indenture, if any, except to the extent the rights given by this subchapter may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity by suit, action, mandamus, or other proceedings protect and enforce any and all rights under the laws of the United States or of the State of Delaware or granted under this subchapter or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this subchapter, or by such resolution or trust indenture, to be performed by the Issuing Authority or any officer thereof, including the fixing, charging and collecting of fares or charges for the use of any facility operated by the Issuing Authority.

(b) Such resolution or trust indenture may contain provisions under which any holder of such bonds or the trustee under such trust indenture shall be entitled to the appointment of a receiver in the event of a default, and any receiver so appointed shall have and be entitled to exercise all the rights and powers of the Issuing Authority with respect to the facilities operated or maintained by the Issuing Authority and all of the appropriate rights and powers of a receiver in equity.

§ 1637. Power to collect and pledge fares and revenues; fixation of fares, rates or charges

(a) The Issuing Officers may make and enforce such rules and regulations and establish, levy and collect (or authorize by contract, franchise, lease or otherwise, the establishment, levy and collection of) such fares, rents, rates and other charges for the use of any facility operated by the Issuing Authority or any improvements or extensions thereof as it may deem necessary, proper, desirable and reasonable, and the Issuing Officers pledge such fares, rates, rents and other revenue, or any part thereof, either presently received or to be received in the future, or both, as security for the repayment with interest of any moneys borrowed by them or advanced to them and as security for the satisfaction of any other obligation assumed by them under the authority of this subchapter.

(b) Such fares, rates, rents and other charges shall be so fixed and adjusted so as to provide funds at least sufficient, together with any other revenues of the Issuing Authority to pay the cost of maintaining, repairing and operating the facilities operated and maintained by the Issuing Authority, and the principal of and the interest upon the outstanding revenue bonds of the Department, subject however, to any applicable law or regulation of the United States of America now in force or enacted or made hereafter. Such fares and all other revenues of the Issuing Authority shall not revert to the General Fund of this State but shall at all times be available to the Issuing Authority for the purpose set forth in this Part. Such fares, rates, rents or other charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State.

§ 1638. Moneys as trust funds

All moneys received pursuant to the authority of this subchapter, whether as proceeds from the sale of bonds, or grants or other contributions, or as fares and revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this subchapter. The Issuing Officers shall, in the resolution authorizing the issuance of bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds and the fares and revenues to be received, to any officer, agency, bank or

trust company, who shall act as trustee of such funds, and shall hold and apply the same to the purposes of this subchapter, subject to such regulations as this subchapter and such resolution or trust indenture may provide.

§ 1639. Short term financing

The Issuing Officers may, without the issue of bonds as authorized by this subchapter, pledge, encumber, mortgage or create a security interest in any assets of the Issuing Authority as security for loans to the Issuing Authority in order to enable it to acquire, initiate, operate and improve transportation facilities.

Section 9. The sum of \$50,000 is appropriated to the Department of Transportation established herein for the fiscal year ending June 30, 1968, for the purposes of this Act.

Section 10. 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 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall 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.

Section 12. The appropriation made to the Department of Transportatin herein shall not revert to the General Fund of this State until June 30, 1969.

Section 13. The General Assembly determines that there is reasonable grounds to believe that the public mass transportation service now supplied by the Delaware Coach Company in New Castle County may soon cease to be furnished or may be drastically reduced and that adequate public mass transportation is an economic and social necessity for the people of this State. The General Assembly therefore finds and declares that this Act deals with an acute emergency.

Approved May 1, 1968.

CHAPTER 269

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE BOARD OF NURSING FOR CON-
VERSION TO A COMPUTER SYSTEM AND FOR EX-
PANSION OF THE NURSE TESTING PROGRAM.**

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

Section 1. In addition to any sums heretofore otherwise appropriated, the sum of \$1,000 is hereby appropriated to the Delaware Board of Nursing for the following purposes: \$800 for conversion to a computerized file and address system, and \$200 for expansion of the nurse testing program.

Section 2. The funds appropriated hereby shall be used only for the purpose specified and any unexpended funds shall revert to the General Fund of the State of Delaware.

Section 3. This Act shall be known as 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 May 2, 1968.

CHAPTER 270

AN ACT TO AMEND TITLE 14, CHAPTER 29, DELAWARE CODE, RELATING TO TRANSPORTATION OF PUPILS IN NONPUBLIC, NONPROFIT ELEMENTARY AND HIGH SCHOOLS.

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

Section 1. Title 14, Chapter 29, Delaware Code, is amended by inserting therein a new §2905 to read as follows:

§ 2905. Transportation of students of nonpublic, nonprofit elementary and high schools

The State Board of Education shall make rules and regulations concerning the transportation of pupils in non-public, nonprofit elementary and secondary (high) schools in the State of Delaware. Such rules and regulations shall provide for at least the following:

(a) All rules and regulations relative to pupil transportation to nonpublic, nonprofit schools shall be the same as those applicable to public schools.

(b) Such rules and regulations shall limit transportation of pupils in nonpublic, nonprofit schools to the elementary and secondary schools, except as provisions of this title may assign such transportation responsibility to the State Board of Education in behalf of pupils enrolled at other levels in a public school system.

(c) It shall not be the obligation of the State of Delaware to transport pupils enrolled in nonpublic, nonprofit schools as herein described across public school district lines. Transportation of these pupils shall be restricted to transportation within the described boundaries of a public school district.

Section 2. This Act shall become effective July 1, 1968.

Approved May 2, 1968.

CHAPTER 271

AN ACT TO AMEND CHAPTER 19, TITLE 10, DELAWARE CODE, RELATING TO COURTS AND JUDGES BY PROVIDING FOR THE TEMPORARY ASSIGNMENT OF STATE JUDGES TO STATUTORY COURTS OF THIS STATE.

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

Section 1. Title 10, Delaware Code, is amended by adding thereto a new section to read:

§ 1907. Temporary assignment of judges to statutory courts

(a) In case of need, the Chief Justice of the Supreme Court, or in case of his absence from the State, or incapacity the Senior Associate Justice of the Supreme Court, or in case of his absence from the State or incapacity, the remaining Associate Justice of the Supreme Court, may designate one or more of the State Judges (including the Justices of the Supreme Court and the Judges of the Superior, Chancery and Common Pleas Courts) to sit in any Court of this State not created by the Constitution.

(b) It shall be the duty of the State Judge so designated to serve according to such designation as a Judge of the Court designated and to hear and determine such causes in such Court and for such period of time as shall be designated.

Approved May 2, 1968.

CHAPTER 272

AN ACT TRANSFERRING MONEY FROM THE CAPITAL INVESTMENT FUND TO BE USED FOR THE EXPANSION OF LEGISLATIVE HALL.

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

Section 1. There is transferred and appropriated out of the Capital Investment Fund, existing pursuant to Chapter 62, Title 29, Delaware Code, the sum of \$500,000, to supplement the sum of \$1,320,000, heretofor appropriated in H.S. 1 for H.B. 29, or so much thereof as may from time to time be needed, to the Legislative Building Committee, established herein, for constructing and equipping an addition to Legislative Hall.

Section 2. Any monies which remain unexpended upon completion of this project or on June 30, 1970, whichever first occurs, shall revert to the Capital Investment Fund.

Approved May 2, 1968.

CHAPTER 273

AN ACT TO AMEND CHAPTER 60, TITLE 7, SECTION 6003, DELAWARE CODE BY ADDING A NEW SUBSECTION TO BE DESIGNATED (c) AND GIVING THE WATER AND AIR RESOURCES COMMISSION THE POWER TO DELEGATE TO THE EXECUTIVE DIRECTOR THE POWER TO GRANT PERMITS IN ROUTINE CASES EXCEPT WHERE EXPRESSLY FORBIDDEN.

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

Section 1. Chapter 60, Title 7, Section 6003, Delaware Code, is amended by adding the following new subsection to read as follows:

(c) The Commission may delegate to the Executive Director the power to grant permits or Certificates of approval in routine cases except where expressly forbidden by this part. The Commission shall by resolution designate which types of applications for permits or Certificates of approval shall be deemed routine.

Approved May 2, 1968.

CHAPTER 274

**AN ACT MAKING A SUPPLMENTARY APPROPRIATION
TO THE GOVERNOR FOR THE GOVERNOR'S COM-
MISSION ON LAW ENFORCEMENT AND ADMINIS-
TRATION OF JUSTICE.**

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

Section 1. The sum of \$25,000 or so much thereof as is necessary is appropriated to the Governor to be expended for a study by the Governor's Commission on Law Enforcement and Administration of Justice of the report of the Presidential Commission on "The Challenge of Crime in a Free Society" and to recommend for adoption in Delaware such of its recommendations as are desirable.

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 unexpended portion of the appropriation herein shall revert to the General Fund of the State of Delaware on June 30, 1969.

Approved May 2, 1968.

CHAPTER 275

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DE-
PARTMENT.**

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

Section 1. The sum of \$4,000.00 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1968, to be expended for the following:

Travel	\$3,000.00
Supplies and Materials	\$1,000.00

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.

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1968.

Approved May 2, 1968.

CHAPTER 276

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE DEPARTMENT OF PUBLIC WELFARE
FOR THE PURPOSE OF INCREASING THE SCOPE
OF ITS FAMILY PLANNING PROGRAM.**

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

Section 1. In addition to any sums heretofore appropriated to the Department of Public Welfare for the fiscal year ending June 30, 1968, the sum of \$15,000 is hereby appropriated to the Department of Public Welfare in order that it may increase the scope of its family planning program.

Section 2. The funds hereby appropriated are to be used for the purpose specified and any unexpended funds shall revert to the General Fund of the State of Delaware on July 1, 1968. This Act shall be known as 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 May 13, 1968.

CHAPTER 277

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR DRIVER
EDUCATION DURING THE SUMMER MONTHS OF
1968.**

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

Section 1. The sum of \$112,300 is hereby appropriated as a supplementary appropriation to the State Board of Education for allocation to the several school districts that will conduct programs in Driver Education during the summer months of 1968, and said funds shall be encumbered and available for this purpose for the period beginning June 1, 1968, and ending September 30, 1968.

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 such funds, hereby appropriated, which remain unexpended on October 1, 1968, shall revert to the General Fund of the State Treasury.

Approved May 13, 1968.

CHAPTER 278

AN ACT APPROPRIATING MONIES TO THE STATE DEVELOPMENT DEPARTMENT TO INSURE APPROPRIATE REPRESENTATION OF THE STATE OF DELAWARE IN THE MISS AMERICA PAGEANT.

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

Section 1. There is hereby appropriated to the State Development Department the sum of \$1,000 to be employed by that Department to assist the person selected as Miss Delaware and who is to represent the State in the Miss America contest, such funds to be utilized in a manner consistent with the requirement that the representative of the State of Delaware possess the necessary scholastic, aesthetic and cultural attributes.

Section 2. This act shall be known as a supplementary appropriation act and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 13, 1968.

CHAPTER 279

**AN ACT TO AMEND TITLE 29, PART I, CHAPTER 6,
DELAWARE CODE, RELATING TO THE GENERAL
ASSEMBLY BY MAKING CERTAIN TECHNICAL COR-
RECTIONS IN THE BOUNDARIES OF THE THIRD,
FIFTH, TWENTY-SIXTH AND TWENTY-SEVENTH
REPRESENTATIVE DISTRICTS.**

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

Section 1. Delaware Code, Title 29, Chapter 6, Subchapter II, Section 621 (c) (Third Representative District) is hereby amended by deleting therefrom the following language: "thence southeasterly along the center line of Front Street to its intersection with the center line of Tatnall Street; thence southwesterly along the center line of Tatnall Street, extended, to its intersection with the center line of the Christina River; then continuing southwesterly along the center line of the Christina River to its intersection with the Southerly City Boundary Line;" and inserting in lieu thereof the following: "thence northwesterly along the center line of Front Street to its intersection with the center line of Madison Street; thence southerly along the center line of South Madison Street extended to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence southerly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of Beech Street and the Southerly City Boundary Line;"

Section 2. Delaware Code, Title 29, Chapter 6, Subchapter II, Section 621 (e) (Fifth Representative District) is hereby amended by deleting therefrom the following language: "the Christina River; thence northerly and northeasterly along the center line of the Christina River to its intersection with the center line of Tatnall Street, if extended; thence northeasterly along the center line of Tatnall Street, extended, and Tatnall Street, to its intersection with the center line of Front Street; thence northwesterly along the center line of Front Street to its intersection with the center line of Washington Street, the point and place of Beginning.", and inserting in lieu thereof the

following: "of Beech Street extended at the point of its intersection with the center line of the Pennsylvania Railroad right-of-way; thence northerly along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of South Madison Street if extended; thence northerly along the center line of South Madison Street to its intersection with the center line of Front Street; thence southeasterly along the center line of Front Street to its intersection with the center line of Washington Street, the point and place of Beginning."

Section 3. Delaware Code, Title 29, Chapter 6, Subchapter III, Section 631 (t) (Twenty-Sixth Representative District), is hereby amended by inserting after the phrase "U. S. Highway No. 40", wherever it appears, the following: "(old U. S. Highway No. 40 — now west bound lane thereof)".

Section 4. Delaware Code, Title 29, Chapter 6, Subchapter III, Section 631 (u) (Twenty-Seventh Representative District), hereby amended by inserting after the phrase "Route 40" the following: "(old U. S. Highway No. 40 — now west bound lane thereof)".

Approved May 13, 1968.

CHAPTER 280

AN ACT TO AMEND SECTION 1703, TITLE 14, DELAWARE CODE, RELATING TO VOCATIONAL-TECHNICAL EDUCATION FOR PUPILS FOURTEEN YEARS OF AGE OR OLDER.

WHEREAS, a number of boys and girls in our schools would benefit from vocational-technical type education at an earlier grade level and age than is now sometimes possible; and

WHEREAS, Section 1703, Title 14, Delaware Code, currently restricts the enrollment in vocational-technical programs to children in grades ten to twelve;

NOW THEREFORE,

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

Section 1. Section 1703, Title 14, Delaware Code, is hereby amended on the third line of the last paragraph of said section by striking the words: "pupils enrolled in grades ten to twelve", and inserting in lieu thereof the following words: "pupils who are fourteen years of age or older, without regard to grade level placement, and who are enrolled".

Approved May 24, 1968.

CHAPTER 281

AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER I, SUBCHAPTER II, SECTION 122 RELATING TO SUMMER DRIVER EDUCATION PROGRAMS.

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

Section 1. Delaware Code, Title 14, Chapter I, Subchapter II, Section 122, subsection (19) (b), is amended by striking the period at the end of the paragraph and adding the following: "or who has reached his fifteenth birthday on or before July 15."

Section 2. The funds to carry out the provisions of this Act shall be appropriated to the State Board of Education for allocation to the several school districts that will conduct programs in Driver Education during the summer months.

Approved May 24, 1968.

CHAPTER 282

AN ACT TO AMEND CHAPTER 60, TITLE 7, SECTION 6006, DELAWARE CODE, BY SUBSTITUTING "CERTIFIED" FOR "REGISTERED" MAIL AS THE MEANS BY WHICH NOTICES OF COMPLAINTS SHALL BE SERVED BY THE WATER AND AIR RESOURCES COMMISSION ON PERSONS.

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

Section 1. Chapter 60, Title 7, Section 6006, Delaware Code, is amended by substituting the words "certified mail" for "registered mail" in said Section 6006 at line 13 thereof.

Approved May 24, 1968.

CHAPTER 283

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO THE APPLICATION, ISSUANCE AND FEES FOR SPECIAL LICENSE PLATES TO THE OWNERS OF MOTOR VEHICLES.

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

Section 1. Section 2121 (g), Title 21, Delaware Code, is amended by striking the figure "\$5.50" on line 18 thereof and inserting in lieu thereof the figure "\$10.00."

Section 2. Section 2121, Title 21, Delaware Code, is amended by adding a new paragraph thereto to read as follows:

(h) Any other provisions of this Chapter, notwithstanding, upon written application, the Department shall furnish to any owner of a motor vehicle otherwise entitled to license plates who is a resident of the State of Delaware, a set of special license plates for each motor vehicle owned by him and on which the required registration fee has been paid, but not to exceed two sets of plates for each individual, which plates shall have displayed thereon:

- (1) Any single letter or combination of letters, not to exceed five in number; and
- (2) the word "Delaware"; and
- (3) the words "The First State"; and
- (4) the expiration date of the license plates; and
- (5) gold letters on a blue background, except for those license plates as provided for in Section 2123 of this title, in which case they shall be blue letters on a gold background.

Upon making application for such special license plates, the owner shall pay in addition to the regular registration fee, the sum of \$25.00 annually for each set of plates. Application shall be made on such forms as shall be prescribed by the Department. The Department shall issue said plates in the order the applications are received for any letter or combination thereof. Said

license plates shall be the personal property of the owner so long as the owner shall comply with the provisions of this section. No reasonable facsimile of any license plate as provided for in this chapter, shall be displayed on the front of any motor vehicle registered in this State. The provisions of subsection (b) above, relating to the display of the letters "P/C" for combination vehicles, shall not be applicable to this subsection.

Section 3. The provisions of this Act shall become effective on July 1, 1968.

Approved May 24, 1968.

CHAPTER 284

AN ACT TO AMEND SECTION 122, TITLE 16, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF HEALTH BY ADDING THE RESPONSIBILITY TO REGULATE FLUORIDATION OF WATER SUPPLIES.

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

Section 1. Subsection (3), subparagraph (C), of Section 122, title 16, Delaware Code, is hereby amended by striking the semicolon at the end of said paragraph (C) of subsection (3) and inserting in lieu thereof a comma and the following additional language:

“and further provide for the fluoridation of all water supplies which are furnished to and used by the public, excepting, however, such water supplies sold by bottle or similar container.”

Became law on May 25, 1968, without approval of the Governor, and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 285

AN ACT TO AMEND TITLE 14, SECTION 1912, DELAWARE CODE, BY PROVIDING FOR EXEMPTIONS TO THE SCHOOL CAPITATION TAX.

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

Section 1. Section 1912, Title 14, Delaware Code, is amended by adding a new sentence thereto to read as follows:

Every person who would be entitled to any exemption from taxation, if such person owned real estate, pursuant to Subchapter II, Chapter 81, Title 9, Delaware Code, shall be entitled to an exemption from the school capitation tax, whether such person owns real estate or not.

Approved May 28, 1968

CHAPTER 286

AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO STATE TAXES BY REPEALING SECTION 1195 THEREOF.

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

Section 1. §1195, title 30, Delaware Code, is hereby repealed.

Section 2. This act shall become effective July 1, 1968.

Approved May 28, 1968.

CHAPTER 287

AN ACT TO AMEND SECTION 1318 (a), TITLE 14, DELAWARE CODE, RELATING TO SCHOOL EMPLOYEE SICK LEAVE BY ALLOWING AN ADDITIONAL CREDIT OF SICK LEAVE DAYS FOR THOSE SCHOOL EMPLOYEES EMPLOYED MORE THAN TEN MONTHS PER YEAR.

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

Section 1. Section 1318 (a), Title 14, Delaware Code, is amended to read as follows:

§ 1318. Sick leave and absence for other reasons

(a) Teachers and other school employees shall be allowed 10 days of sick leave per year with full pay; those teachers and other school employees employed eleven months a year shall be allowed 11 days of sick leave per year with full pay; and those teachers and other school employees employed twelve months a year shall be allowed 12 days of sick leave per year with full pay. Any unused days of such leave shall be accumulated to the employees' credit up to a limit of 120 such days."

Approved May 28, 1968.

CHAPTER 288

AN ACT TO AMEND TITLE 6, DELAWARE CODE, ENTITLED "COMMERCE AND TRADE" BY PROVIDING FOR A RATE OF INTEREST NOT IN EXCESS OF 8 PER CENT PER ANNUM.

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

Section 1. § 2301(a), title 6, Delaware Code, is amended to read:

(a) The legal rate of interest for the loan or use of money, in all cases where no express contract has been made for a less rate, shall be 6 per cent per annum, except that any borrower may agree to pay, and any lender may charge and collect from such borrower, interest at any rate agreed upon in writing in excess of 6 per cent per annum but not in excess of 8 per cent per annum on the unpaid principal balance where such loan is secured by a mortgage deed of trust, or other lien upon real property.

Section 2. § 2301(b), title 6, Delaware Code, is amended by striking out the figure and words "6% legal" as they appear in lines 4 and 5 thereof and inserting in lieu thereof the word "lawful".

Section 3. Sections 1 and 2 of this Act shall become effective immediately upon passage of this Act and shall terminate on October 1, 1969, whereupon the provisions of § 2301, title 6, Delaware Code, in effect prior to passage of this Act shall become reinstated. Provided, however, such reinstatement shall not affect the validity or collectability of interest at rates contained in contracts entered into prior thereto.

Section 4. Nothing contained in this Act shall be construed as authorizing or permitting any lender without the express written agreement of the Borrower, to increase the rate of interest contracted for in notes, bonds or other evidence of indebtedness secured by a mortgage deed of trust on real property existing and unliquidated at the effective date of this Act; it being the intent of this Act that the lawful rate of interest provided for herein shall apply on or after the effective date of this Act.

Approved May 28, 1968.

CHAPTER 289

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DEPART-
MENT FOR PROMOTION OF THE STATE OF DELA-
WARE AT THE 48TH ANNUAL NATIONAL CONVEN-
TION OF U. S. JAYCEES IN PHOENIX, ARIZONA.**

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

Section 1. The sum of \$2,000 is hereby appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1968 for the purpose of promoting the State of Delaware at the 48th Annual National Convention of U. S. Jaycees to be held in June, 1968, in Phoenix, Arizona.

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 funds hereby appropriated are to be used only for the purposes specified and any unexpended funds shall revert to the General Fund of the State of Delaware on June 30, 1968.

Approved May 29, 1968.

CHAPTER 290

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE RESPECTIVE DEPARTMENTS OF ELEC-
TIONS FOR NEW CASTLE, KENT AND SUSSEX COUN-
TIES AND TO THE STATE ELECTION COMMISSIONER
FOR IMPLEMENTATION OF THE 1968 REAPPORTION-
MENT ACT.**

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

Section 1. In addition to any sums heretofore appropriated to the Departments of Elections for each county of this State and to the State Election Commissioner, there is appropriated to the Departments of Elections for New Castle, Kent, and Sussex Counties and to the State Election Commissioner the following sums for the purpose of implementing Chapter 243, Volume 56, Laws of Delaware:

Department of Elections for New Castle County	\$50,000
Department of Elections for Kent County	13,000
Department of Elections for Sussex County . .	15,000
State Election Commissioner	4,000

Section 2. The funds appropriated herein are to be used only for the purposes specified and any unexpended funds shall revert to the General Fund of the State of Delaware on June 30, 1968.

Section 3. This Act shall be known as a supplementary appropriation act and funds hereby appropriated shall be paid out of the General Fund of the State of Delaware from funds not otherwise appropriated.

Approved May 29, 1968.

CHAPTER 291

AN ACT TO AMEND SECTION 2832, TITLE 31, DELAWARE CODE, BY PROVIDING THAT THE STATE OF DELAWARE SHALL PAY THE COST OF THE OPERATION AND MAINTENANCE OF THE DELAWARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AND THE CARE AND SUPPORT OF ITS INMATES.

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

Section 1. Section 2832, Title 31, Delaware Code, is amended to read as follows:

§ 2832. Financing of Home maintenance; other expenses

The cost of the operation and maintenance of the Home and the care and support of its inmates shall be paid by the State Treasurer.

Section 2. This Act shall become effective on July 1, 1968.

Became law on May 14, 1968, when the Over-ride of the Governor's veto became complete.

CHAPTER 292

AN ACT TO AMEND PART I, TITLE 14 OF THE DELAWARE CODE ENTITLED "FREE PUBLIC SCHOOLS" TO PROVIDE FOR THE REORGANIZATION OF SCHOOL DISTRICTS TO BE EFFECTED BY AMENDING AND REPEALING EXISTING LAWS PERTAINING THERETO.

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

Section 1. Section 122, Subchapter II, Chapter 1, Title 14, Delaware Code, is hereby amended by repealing the present subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The Board shall adopt rules and regulations, consistent with the laws of this State for the maintenance, administration, and supervision throughout the State of a general and efficient system of free public schools in accordance with the provisions of this title, including the rules and regulations specified in subsection (b) of this section. Such rules and regulations, when prescribed and published, shall be binding throughout the State.

Section 2. Sections 124 and 125, Subchapter II, Chapter 1, Title 14, Delaware Code, are hereby repealed effective July 1, 1969.

Section 3. Subchapter III, Chapter 1, Title 14, Delaware Code, is hereby repealed in its entirety.

Section 4. Part I, Title 14, Delaware Code, is hereby amended by adding thereto a new Chapter 2 to read as follows:

CHAPTER 2. THE PUBLIC SCHOOL SYSTEM

§ 201. System of free public schools

The system of free public schools throughout this State shall be general and efficient.

§ 202. Free schools; ages; attendance within school district; non-residents of Delaware

(a) The public schools of this State shall be free to persons who are residents of this State and who are between the ages of six and twenty-one years when they are attending grades one through twelve.

(b) The public schools of any school district which maintains schools established under sections 203 or 204 of this Chapter for persons below the age of six years shall be free to persons who are residents of such school district and who have attained the specified age below the age of six years for which such schools are established.

(c) Persons attending the public schools of this State shall attend the public schools in the school district within which they reside, except as otherwise provided in Chapter 6 of this title and in Chapter 92, Volume 23, Laws of Delaware, as amended by Chapter 172, Volume 55, Laws of Delaware.

(d) Persons who are nonresidents of this State may attend the public schools of this State under such terms and conditions as may be otherwise provided by law.

(e) For purposes of this section, a person shall be considered a resident of the school district in which his parents or the legal guardian of his person resides.

§ 203. Special schools

The State Board of Education and the school board of any local school district, either separately or jointly, may establish special schools for children who are in need of education not provided for in regular classes or schools. Such schools may include, but are not limited to, schools for persons who are orthopedically handicapped, socially or emotionally maladjusted, or mentally handicapped educable or trainable, or for persons who suffer hearing or speech impairment, or for persons who are truant or insubordinate.

§ 204. Kindergartens and playgrounds and other schools

The State Board of Education may establish kindergartens and playgrounds and such other types of schools as in its judgment will promote the educational interests of the State.

§ 205. Vocational-technical centers, or schools

The State Board of Education may establish such vocational-technical centers, or schools as in its judgment will promote the educational interests of the State.

§ 206. Establishment of full-time programs

Every public high school acquired, or on which construction was initiated, after December 31, 1964, including those established pursuant to section 205 of this Chapter, 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.

Section 5. Sections 2508 and 2509, Chapter 25, Title 14, Delaware Code, are hereby repealed.

Section 6. Part I, Title 14, Delaware Code, is hereby amended by inserting therein a new Chapter 10 to read as follows:

**CHAPTER 10. REORGANIZATION OF
SCHOOL DISTRICTS****SUBCHAPTER I. REORGANIZATION****§ 1001. Purpose**

The purpose of this chapter is to provide the framework for an effective and orderly reorganization of the existing school districts of this State through the retention of certain existing school districts and the combination of other existing school districts. It is declared to be the purpose and intent of the General Assembly to establish the policies, procedures, standards and criteria under which the State Board of Education is hereby authorized to determine and establish the appropriate reorganized school districts and to implement the reorganization thereof.

§ 1002. Definitions

Unless otherwise defined in this chapter:

"School district" means a clearly defined geographic subdivision of the State organized for the purposes of administering public education in that area.

"Reorganized school district" means a school district which is constituted and established in accordance with the provisions of this chapter, including a vocational-technical school district and including, where applicable, a school district resulting from a consolidation or division in accordance with the provisions of this chapter.

"School board" means the board of education of a reorganized school district consisting of members duly elected or appointed in accordance with the provisions of this chapter.

"Component former school district" means a school district, as constituted prior to July 1, 1969, which comprises in whole or in part a reorganized school district on or after July 1, 1969.

§ 1003. Specific criteria

The State Board of Education on or before September 1, 1968, shall adopt specific criteria for the implementation of the requirements of a plan of reorganization of school districts as those requirements are set out in this chapter and in accordance with the purposes of this chapter taking into consideration the following factors: topography, pupil population, community characteristics, transportation of pupils, use of existing school facilities, existing school districts, potential population changes and the capability of providing a comprehensive program of efficient and effective education.

§ 1004. Plan of reorganization of school districts; petitions by local school boards and hearings; adoption of final plan; requirements of plan

(a) The State Board of Education on or before October 24, 1968 shall prepare a plan of reorganization of school districts conforming to the specific criteria adopted by the State Board of Education in accordance with section 1003 of this chapter.

(b) The plan of reorganization of school districts prepared by the State Board of Education shall be submitted to the school board of each existing school district not more than ten days after its preparation. Any existing school district which considers itself aggrieved by the plan may set forth its specific objections in a petition which shall be served by registered or certified mail upon the secretary of the State Board of Education, or other

person designated by the State Board of Education as its representative for purposes of such services, on or before December 1, 1968; and the State Board of Education during the period December 1, 1968 through January 31, 1969, shall provide appropriate administrative procedures for the hearing of any such petitions. The State Board of Education shall fix a day, time, and place for each hearing, shall give written notice to all interested parties, and may hear and consider such testimony as the State Board of Education may deem advisable to enable it to make a decision. The decision of the State Board of Education with respect to any petition shall be final.

(c) On or before March 1, 1969, the State Board of Education shall meet and adopt a final plan of reorganization of school districts which it deems wise and in the best interests of the educational system of this State; provided, that no plan of reorganization of school districts shall be adopted which fails to meet the following requirements:

(1) Each proposed school district shall offer a complete instructional program grades one through twelve.

(2) Each proposed school district including more than one component former school district shall have a pupil enrollment of not less than 1900 nor more than 12,000 in grades one through twelve. "Pupil enrollment" as used in this subsection means enrollment as of September 30, 1968. Excluding vocational-technical districts there shall be no fewer than 20 nor more than 25 reorganized school districts.

(3) Each proposed school district which is composed of more than one existing school district shall be composed of only whole existing school districts except as herein defined and only to the extent that those whole existing school districts are contiguous as reorganized. No existing school district shall be subdivided in order to form any proposed school district except a superimposed high school district, which may be subdivided.

(4) The proposed school district for the City of Wilmington shall be the City of Wilmington with the territory within its limits.

(5) In addition to other proposed school districts there shall be a number of proposed school districts for vocational-technical centers, or schools which shall be superimposed upon

proposed school districts, which shall not overlap one another, and which taken together shall include the entire geographical area of the State. Requirements (1) and (2) of this subsection shall not apply with respect to proposed school districts for vocational-technical centers, or schools which districts shall contain such instructional programs, numbers of grades, and pupil enrollments which, as determined by the State Board of Education subject to section 202 and 207 of this title, are in the best educational interests of the proposed vocational-technical school districts.

(6) Each proposed school district shall have a name designated by the State Board of Education after consultation with the school board of the school district or districts composing the proposed school district.

(7) Any one-to-twelve existing school district, as constituted March 15, 1968, shall not be required by the State Board of Education to consolidate with any other one-to-twelve existing school district which comprises over 100 square miles and has a pupil enrollment of more than 1900 in grades one through twelve. Any such school district shall be a reorganized school district for the purpose of this Act.

(8) Any existing school district which operates cooperatively with a school district from another state shall continue to do so as long as the State of Delaware is not required to appropriate any special funds as a result of the existing school districts' unique positions. Any such school district shall be a reorganized school district for the purposes of this Act.

§ 1005. Establishment of reorganized school districts

On July 1, 1969, all proposed school districts contained in the plan as adopted by the State Board of Education in accordance with section 1004 of this title shall be constituted and established as reorganized school districts.

§ 1006. Property, indebtedness, and obligation of former school districts

(a) Except as otherwise provided in this section, all real and personal property of a former school district or districts composing any reorganized school district constituted and established pursuant to sections 1004 and 1005 of this chapter shall

become the property of and vested in such reorganized school district; and all indebtedness and obligations of a component former school district shall become the indebtedness and obligations of such reorganized school district. All rights of creditors against any component former school district or districts shall be preserved against the reorganized school district. All indebtedness and obligations owed to a component former school district, and all indebtedness, obligations, and taxes owing to or for the account or accounts of the component former school district or districts, uncollected in the component former school district or districts, and all monies deposited to or for the account or accounts of component former school districts shall be paid to or for, as the case may be, the account or accounts of the reorganized school district.

(b) All obligations of any component former school district evidenced by bonds, serial or otherwise, if any, shall become the common obligation of all of the residents of the reorganized school district and the principal and interest on the outstanding bonds shall be paid according to the original terms for principal and interest by means of a common tax levied uniformly throughout the reorganized school district.

(c) In the case of a subdivided, superimposed high school district, the provisions of subsections (a) and (b) of this section shall apply as in the appropriate subsections (c), (d), (e), (f), (g), and (i) of § 128.

§ 1007. Property held by State Board of Education at time of reorganization

After July 1, 1969 but not later than December 31, 1969, the State Board of Education shall transfer and convey all property that, as determined by the State Board of Education, naturally belongs to any reorganized school district to such reorganized school district and shall make and execute such deed or deeds of conveyance as are necessary to pass to the reorganized school district the legal title to all such property.

§ 1008. Deployment of school employees in reorganized school districts; transfer of certified school employees; salary upon transfer or reassignment; effect

(a) All school employees of any component former school

district or districts shall be deployed throughout the reorganized school district according to the staffing plan of the State Board of Education in force at the time the reorganized school district is established under the provisions of this chapter and as it may be in force thereafter.

(b) In the necessary event of the transfer or reassignment against the will of any school employee, who is certified under the provisions of this title in any component former school district or districts, to a position in the reorganized school district for which such employee is not qualified for certification by the State Board of Education or other certifying authority, as the case may be, such school employee so reassigned shall remain in a fully certified status for so long as he holds any assigned position in the reorganized school district.

(c) No school employee of any component former school district who may be transferred or reassigned to new duties or a new position with a different salary schedule in the reorganized school district shall after the establishment of the reorganized school district receive a lower gross salary than that paid to such school employee immediately prior to the reorganization. Any adjustment in gross salary shall remain in effect for so long as such employee remains in the new assignment in the reorganized school district but only until such time as the salary schedule for the new assignment in the reorganized school district becomes equal to or exceeds such adjusted gross salary. That portion of any adjustment in gross salary which is paid by any reorganized school district under the provisions of this subsection to any such school employee by reason of the salary schedules set forth in Chapter 13 of this title immediately prior to the establishment of the reorganized school district shall be maintained and paid from the funds of the State and the remaining portion of any adjustment in gross salary shall be paid by taxes levied and collected in the reorganized school district.

(d) Nothing in this section shall be deemed to alter or affect in any way either the provisions of Chapter 14 of this title or the right to terminate the employment of any school employee, to whom the provisions of Chapter 14 of this title do not apply, for cause or for any other reason not inconsistent with the purpose of this section, except that, for purposes of section 1403 of this title, a teacher, as defined in section 1401 of this title, shall

be deemed employed by the school board of the reorganized school district for the period of time such teacher was employed by the school board of the component former school district which employed such teacher at the time the reorganized school district is established under the provisions of this chapter.

§ 1009. Salary schedules in reorganized school districts

In each reorganized school district established under the provisions of this chapter, the salary schedule, including local fund authorization for salaries, shall reflect the highest salary for each position, in effect in the component former school districts composing that reorganized school district. Nothing contained in this section shall be deemed to alter or affect in any way either the State salary schedules and classifications contained in Chapter 13 of this title or the extent to which such State salary schedules and classifications are supported by State appropriations.

§ 1010. Adjusted tax rate; taxes for first fiscal year of operation; taxes after first fiscal year of operation; other taxes; tax considered as authorized by election in reorganized school district

(a) In each reorganized school district established under the provisions of this chapter, there shall be established by the school board of the reorganized school district in the first year of operation, notwithstanding the provisions of section 1903 of this title or any other election or referendum, an adjusted tax rate for school purposes as authorized by the provisions of sections 1902, 1912, 1913, 1914 and 1917 of this title, which may be sufficient to maintain in and throughout the reorganized school district a per pupil expenditure level equivalent to that of the highest per pupil expenditure level of any of its component former school districts for fiscal year July 1, 1968 to June 30, 1969, and which shall be sufficient to implement the provisions of sections 1008 and 1009 of this chapter. The adjusted tax rate under this subsection shall be uniform throughout the reorganized school district.

(b) Notwithstanding the provisions of section 1903 of this title, each of the school boards of the component former school districts shall, if necessary for the first fiscal year of operation of the reorganized district, levy a tax prior to July 1, 1969 in

its district in addition to all other taxes authorized by this title which additional tax may be sufficient to raise its proportionate share of monies for school purposes of the first fiscal year of operation of the reorganized school district so as to enable the reorganized school district to maintain, in and throughout such reorganized school district, a per pupil expenditure level equivalent to that of the highest per pupil expenditure level of any of its component former school districts but which shall be sufficient to implement the provisions of sections 1008 and 1009 of this chapter.

(c) Notwithstanding the provisions of section 1903 of this title, the school board of the reorganized school district may, after the first fiscal year of operation, levy and collect a uniform tax, throughout the reorganized district and in the manner provided in Chapter 19 of this title, on the basis of the adjusted rate of taxation specified in subsection (a) of this section, and any additional tax if so authorized by the provisions of Chapter 19 of this title.

(d) Any tax levied and collected pursuant to this section shall be in addition to the taxes specified in subsection (b) of section 1006 of this chapter, relating to bonded indebtedness.

(e) In order to carry out the provisions of this section the existing school boards of the component former school districts shall establish not later than April 1, 1969, a uniform tax rate for the reorganized school district, which rate shall not be less than that necessary to meet all legal obligations of the reorganized school district and its former component school districts.

(f) For purposes of section 1915 of this title, the taxes which are based upon the adjusted rate of taxation in subsection (a) of this section and which are levied pursuant to subsections (b) and (c) of this section shall be considered as having been originally authorized by an election in the reorganized school district.

SUBCHAPTER II. REORGANIZED SCHOOL DISTRICTS

§ 1021. Types of reorganized school districts

On and after July 1, 1969, all school districts in this State shall be known as reorganized school districts.

§ 1022. Property; legal title

Any reorganized school district constituted and established under the provisions of this chapter shall have, subject to the laws of this State, the power to purchase, receive, take, lease, or otherwise acquire, own, hold, improve, and otherwise use real or personal property, or any interest therein and to sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein. Legal title to property, real and personal, of a reorganized school district shall be held in the name of the reorganized school district.

§ 1023. School year

The school year in each reorganized school district shall begin on the first Tuesday after the first Monday in September unless otherwise provided by the school board of the reorganized school district, but in no event shall the schools in any reorganized school district be in session for less than 180 full school days of pupil instruction.

§ 1024. Fiscal year

The fiscal year in each reorganized school district shall begin on the first day of July and end on the thirtieth day of June of the succeeding year.

§ 1025. Fixing doubtful or disputed boundaries of reorganized school districts

(a) In case of doubt or controversy as to the correct location of the existing boundary or boundaries of any reorganized school district, the State Board of Education shall fix and establish the boundaries after examining the available records and after due hearing of the owners of the property that may be involved. This section applies where there is uncertainty as to the existing boundaries of a district. The power to change or alter deliberately the boundaries of a reorganized school district is governed by section 1026 of this chapter.

(b) The State Board of Education shall make and preserve a record of its decisions fixing the boundaries of a reorganized school district in a special book to be kept by it for that purpose and shall file a copy of such record with the Board of Assessment of the county in which the property involved is located.

(c) If the State Board of Education deems it necessary to employ technical assistance in fixing and establishing a doubtful or disputed boundary, it may pay the cost of such technical assistance out of any fund that it may have to its credit that is not specially designated for another purpose.

§ 1026. Changing boundaries; vocational-technical school districts; City of Wilmington

(a) The State Board of Education may, in accordance with this section, change or alter the boundaries of any reorganized school district except the reorganized district of the City of Wilmington, the boundaries of which shall at all times be the same as the boundaries of the City of Wilmington.

(b) Before making changes in the boundaries of a reorganized school district, the State Board of Education shall consult with the school boards of the districts affected by the proposed change. Thereafter, the State Board of Education shall submit for approval or rejection the question of the change of boundary to the qualified voters of the district or districts affected at a special referendum, to be held for that purpose, after two weeks' notice of the referendum and proposed change has been posted at the school or schools of the district or districts affected. The referendum shall be conducted in each district by the school board of the district. Any person may vote at the referendum who possesses the qualifications prescribed in section 1077 of this chapter. The question shall be determined by a majority of the total vote cast in each district affected. Each school board shall immediately certify to the State Board of Education the result of the referendum in the district.

(c) Subject to the provisions of subsection (a) of this section, the State Board of Education may change or alter the boundaries of any reorganized school district without a referendum of the voters if the written consent of the owners of the real property to be transferred has been obtained and if also the school boards of the districts affected by such change or alteration have adopted resolutions favoring such change or alteration.

(d) Notwithstanding subsection (b) of this section, the State Board of Education may change or alter the boundaries of any reorganized vocational-technical school district if the school

boards of the districts affected by such change or alteration have adopted resolutions favoring such change or alteration.

§ 1027. Consolidation of reorganized school districts; referendum; consolidation of vocational-technical school districts; notice of referendum; qualified voters; list of taxable property; bonds of vocational-technical school districts; school boards of consolidated school districts

(a) The State Board of Education may, when in its judgment it is practicable and desirable, consolidate two or more reorganized school districts, which are contiguous, in accordance with the provisions of this section.

(b) In cases other than consolidation of reorganized vocational-technical school districts, the State Board of Education shall, by means of referendum conducted by the school board of the reorganized school districts affected, submit the question of consolidation to the voters of the reorganized school districts affected. The State Board of Education shall specify in advance the effective date of consolidation. The question of consolidation shall be determined by the majority of the total vote in each of the reorganized school districts affected, and the result shall be immediately certified to the State Board of Education in accordance with other provisions of this chapter. If approved by referendum in each of the reorganized school districts affected, the consolidated school district shall be constituted and established as of the effective date of consolidation.

(c) In the case of any consolidation of reorganized vocational-technical school districts, the State Board of Education shall, provided the school boards of the vocational-technical districts affected by such consolidation have adopted resolutions favoring such consolidation constitute, and establish such consolidated vocational-technical school district as of the effective date of consolidation.

(d) If consolidation is by referendum, the State Board of Education shall post a notice of the proposed referendum for consolidation at the school or schools in the reorganized districts affected and in at least ten other prominent and conspicuous places in each of the reorganized districts affected at least twenty days prior to the date of the referendum. The notice of referendum shall distinctly state the following:

(1) That in case the consolidation is effected, the obligations evidenced by bonds of each of the consolidating districts shall become the common obligation of all of the residents of the consolidated district and the principal and interest on the outstanding bonds shall be paid according to the original terms as to principal and interest by means of a common tax levied uniformly throughout the consolidated district.

(2) That the rate of tax for current expenditures not including Division III in the consolidated district shall not be in excess of the highest rate that was authorized in any of the reorganized school districts to be consolidated, without a new referendum to authorize such taxation.

(3) That in the event of consolidation, all obligations evidenced by bonds issued by the consolidated district after consolidation shall become the common obligation of the residents of the consolidated district.

(e) If consolidation is by referendum, every person qualified to vote under section 1077 of this chapter may vote, and the provisions of sections 1078, 1079 and 1085 of this chapter shall apply to such referendums.

(f) If consolidation is by referendum, the school board for the consolidated school district shall be responsible for preparing and maintaining the list of taxable property and capitations for each of the respective school districts in accordance with subsection (d) (1) of this section, as each was constituted prior to consolidation and at the time the obligations evidenced by bonds were issued and shall continue to levy the taxes to pay for the principal and interest on the bonded indebtedness of each such school district, and the Receiver of Taxes and County Treasurer or their successors shall deposit such tax monies in the approved manner provided elsewhere in this title for the account of the consolidated district. The school board of the consolidated district shall keep such records and accounts as are necessary showing the receipts from such taxes and payments made on bonded indebtedness of each such school district as was constituted prior to consolidation.

(g) In the case of any consolidation of reorganized vocational-technical school districts where any of the school districts so consolidating have outstanding obligations evidenced by bonds,

such obligations after consolidation shall become the common obligation of all the residents of the consolidated vocational-technical school district and the principal and interest on the bonds shall be paid according to the original terms as to principal and interest by means of a common tax levied uniformly throughout the consolidated vocational-technical school district.

(h) All property, real and personal, of the school districts consolidating shall upon consolidation become the property of any vested, by operation of law, in the consolidated school district, and all indebtedness and obligations of the districts consolidating shall become the indebtedness and obligations of the consolidated district. The rights of any bondholders shall not be impaired by reason of anything contained in this section.

(i) The school board of any consolidated school district consolidated under the provisions of this section shall be created and constituted in accordance with section 1065 of this chapter.

(j) Any consolidated school district created under this section shall be operated and maintained as other school districts reorganized under the provisions of this chapter and all laws in this State relating to school districts reorganized under the provisions of this section shall apply to such consolidated school districts.

(k) This section shall apply only with respect to reorganized school districts constituted and established in accordance with the provisions of this chapter and shall not be deemed to alter or affect in any way the provisions of section 1108 of this title with respect to school districts consolidating on or before June 30, 1969.

§ 1028. Division of reorganized school districts; names; bonded indebtedness; levy of taxes without referendum; real property; personal property; school boards; school districts conducted and maintained as other reorganized school districts; applicability of section

(a) A reorganized school district may be divided by the State Board of Education into two or more school districts in accordance with the provisions of this section.

(b) A division, except in the case of the division of a reorganized vocational-technical school district, shall be by refer-

endum which referendum shall be conducted in the same manner as a referendum for the consolidation of reorganized school districts under section 1026 of this chapter. If division is by referendum, the question of division shall be determined by a majority of the total vote of the reorganized school district to be divided. A division of a reorganized vocational-technical school district shall be by resolution of the State Board of Education, and by resolution of the board of the reorganized vocational-technical school district affected. In the case of any division of any reorganized school district, the State Board of Education shall specify in advance the effective date of the division.

(c) One of the school districts resulting from a division shall retain the name of the reorganized school district being divided, unless otherwise specified by the State Board of Education. The school board of the reorganized school district being divided shall specify in advance and with the approval of the State Board of Education the proposed names for the school districts resulting from any division and the boundaries of the school districts so named. If division is by referendum, the proposed names and the boundaries of the school districts so named shall be distinctly stated in the notice of referendum.

(d) In the event any reorganized school district has, at the time of division, any outstanding obligations evidenced by bonds or bond obligations resulting from a division in a previous high school district, such obligations shall remain the obligations of the residents of the school district then obligated upon such bonds to pay the principal and interest when due until paid according to the original authorization with respect to principal and interest. The rights of any bondholder shall not be impaired by reason of a division of any reorganized school district. If division is by referendum, the notice of the referendum shall distinctly state the provisions of this subsection.

(e) Each school district resulting from a division of a reorganized school district shall levy taxes sufficient (1) to maintain the level of current expenditures including Division III as established in the divided reorganized school district and (2) to provide for payment of principal and interest on any bonded indebtedness as provided in this section. Such taxes shall be levied by the school boards of the school districts resulting from any such division without a further referendum. If division is by

referendum, the notice of referendum shall distinctly state the provisions of this subsection.

(f) All real property of the divided reorganized school district shall, by operation of law, become vested in the respective school district resulting from such division in which such real property is located.

(g) All personal property of the divided reorganized school district shall be apportioned between or among the school districts resulting from such division upon the basis of enrollments in such resulting school districts as of September 30, immediately preceding the division. In the event the school boards of the resulting school districts cannot agree as to such apportionment, the State Board of Education shall make the apportionment which shall be final.

(h) School boards for school districts resulting from any division under this section shall be created and constituted in accordance with section 1066 of this chapter.

(i) All school districts resulting from any division under this section shall be operated and maintained as other school districts reorganized under the provisions of this chapter, and all laws in this State relating to school districts reorganized under the provisions of this chapter generally and not inconsistent with the provisions of this section shall apply to such school districts resulting from such division.

(j) This section shall apply only with respect to a division of a reorganized school district constituted and established in accordance with the provisions of this chapter.

§ 1029. Vocational-technical school districts

Vocational-technical school districts superimposed on other reorganized school districts shall be operated and maintained as other reorganized school districts under the control of the State Board of Education.

SUBCHAPTER III. SCHOOL BOARDS OF REORGANIZED SCHOOL DISTRICTS

§ 1041. Definitions

"School board" as used in this subchapter means the board of education of a school district which is constituted and estab-

lished under the provisions of this chapter whether by reorganization, consolidation or division.

"School board member" as used in this subchapter means a person duly elected or appointed to a school board in accordance with the provisions for such election or appointment as provided elsewhere in this chapter.

"Reorganized school district" as used in this subchapter means a school district constituted and established under the provisions of this chapter whether by reorganization, consolidation or division.

§ 1042. School boards to which this subchapter applies

This subchapter applies to school boards of all reorganized school districts in this State, except where otherwise provided in this subchapter.

§ 1043. Authority

In each reorganized school district there shall be a school board which shall have the authority to administer and to supervise the free public schools of the reorganized school district and which shall have the authority to determine policy and adopt rules and regulations for the general administration and supervision of the free public schools of the reorganized school district. Such administration, supervision and policy shall be conducted and formulated in accordance with Delaware law and the policies, rules, and regulations of the State Board of Education.

§ 1044. Designation of official office

The official office of the school board shall be at the location of the office of the chief school officer, or superintendent of the reorganized school district, except as otherwise adequately provided for and publicly advertised.

§ 1045. Annual meeting — election of officers

(a) Each school board shall hold an annual meeting at its office in July of each year.

(b) At each annual meeting the school board shall elect one of its members as president and another of its members as vice-

president, who in the absence or disability of the president, shall act in his stead.

(c) At each annual meeting, the school board shall designate the chief school officer, or superintendent as the executive secretary of the school board.

§ 1046. Compensation of school board members

A school board member shall receive no compensation for his services.

§ 1047. Treasurer

The State Treasurer shall serve as treasurer of each reorganized school district in the State and shall receive all monies to which the reorganized school districts are entitled by law and all those monies collected for school purposes by the Receiver of Taxes and County Treasurer or their successors of each County, who shall deposit all such monies in the legal depository for State monies in the custody of the State Treasurer.

Where any provision of this section is inconsistent with the provisions of Chapter 92, Volume 23, Laws of Delaware, as amended, relating to the school district of the City of Wilmington and the Board of Public Education in Wilmington, the provisions of Chapter 92, Volume 23, Laws of Delaware, as amended, shall control.

§ 1048. Regular and special meetings; notice and location; quorum; emergency meetings

(a) Regular meetings of the school board shall be held each month during the year at the regular meeting place designated by the school board.

(b) Special meetings of the school board may be held whenever the duties and business of the school board may require.

(c) No business shall be transacted at any meeting of the school board without a quorum, such quorum to consist of at least three school board members or, in the case of a vocational-technical school board, at least four school board members. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole school board.

§ 1049. Policy making

The school board of each reorganized school district, subject to the provisions of this title and in accordance with the policies, rules, and regulations of the State Board of Education, shall, in addition to other duties:

(1) Determine the educational policies of the reorganized school district and prescribe rules and regulations for the conduct and management of the schools;

(2) Enforce the provisions of this title relating to school attendance;

(3) Grade and standardize all the public schools under its jurisdiction and may establish kindergartens and playgrounds and such other types of schools, as in its judgment will promote the educational interest of the reorganized school district;

(4) Adopt courses of study;

(5) Select, purchase, and distribute free of charge such textbooks, and other materials of instruction, stationery, furniture, equipment, apparatus and supplies as are necessary to the work of the schools;

(6) Provide forms on which regular school employees shall make such reports as may be required by the school board;

(7) Make all reports required by the State Superintendent of Public Instruction, at such time, upon such items and in such form as may be prescribed by the State Superintendent.

(8) Appoint personnel.

§ 1050. Annual report

The school board of each reorganized school district shall cause to be prepared and published annually, in sufficient quantities for distribution among the citizens of the school district a report addressed to the people of the reorganized school district, covering the current conditions, accomplishments, and need for the improvement and advancement of the schools, as well as a statement of the business and financial transactions of the school board. Such report shall be available upon request, shall encompass the period designated as the fiscal year, and shall be ap-

proved by the school board not later than December 31, following the close of the fiscal year.

§ 1051. Election of school board members; exceptions

(a) School board members shall be elected by the qualified voters of the respective reorganized school districts, except as may otherwise be provided by sections 1061, 1062, 1063, 1064, 1065, and 1066 of this subchapter.

(b) No person shall be elected or serve as a school board member who holds a paid position which is subject to the rules and regulations of such school board.

§ 1052. Number; qualifications of members; one member elected each year; term of members

(a) Unless otherwise provided in this chapter, each school board shall be composed of five members.

(b) Each member shall be a citizen of the State and resident of the school district in which elected or appointed and shall be qualified to vote at a school election in that district at the time of such election or appointment.

(c) Unless otherwise provided in this chapter, one school board member shall be elected each year except where an unexpired term of a former member is also to be filled.

(d) Unless otherwise provided in this chapter each school board member shall be elected for a term of five years except when such election is to fill an unexpired term, said term commencing on the first day of July following his election.

§ 1053. Oath of office of the school board member

(a) Each school board member shall, before entering upon the duties of the office, take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of school board member according to the best of my ability; and I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised

to pay, contributed, or offered to or promised to contribute, any money or other valuable thing as consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, so help me God (or I so affirm)."

(b) The oath or affirmation shall be administered by the president or vice president of the school board of the school district or in the case of a newly constituted board by a person appointed by the State Superintendent of Public Instruction to administer said oath.

§ 1054. Vacancy on school board

(a) If any school board member ceases to be a resident of the reorganized school district, he shall cease to be a member of its school board.

(b) Unless otherwise provided in this chapter, a vacancy on a school board for any cause other than the expiration of term, shall be filled by the remaining members of the school board for the remainder of the fiscal year, and a new member shall be elected at the next regular school board election to serve for the unexpired term.

(c) In the event that a majority of, or the whole membership of a school board shall become vacant at the same time for any reason whatsoever, the State Board of Education shall immediately appoint an interim school board to conduct the business of the district. If the school board is elected, the State Board of Education shall call a special school board election to be held in the reorganized school district, within 60 calendar days, to elect members to fill the unexpired terms. If the school board is appointed, the appointing authority shall appoint the required number of school board members to fill the unexpired terms. Nominations and elections held or appointments made pursuant to this section shall be held or made in accordance with the provisions of this chapter. The interim board members shall be dismissed upon qualification of the newly elected or appointed members.

§ 1055. Maintenance of school property

The school board of each reorganized school district shall provide for the care of the buildings, grounds, equipment, apparatus, and other school property, and shall maintain the same in

accordance with the standards adopted by the State Board of Education. The school board shall make all repairs to school property, purchase all necessary furniture, and provide for adequate heating and proper ventilation of the buildings.

§ 1056. School property; use, control and management

(a) As used in this section :

"School property or school facilities" means buildings and land.

"School equipment" as used in this section shall be deemed to mean, and to include, but not be limited to: kitchen equipment, projection equipment, office machines, laboratory equipment, industrial arts equipment, art equipment, home economics equipment, playground equipment, and scoreboards.

(b) All property, estate, effects, money, funds, claims, and State donations heretofore vested by law in the public school authorities of any public school district, for the benefit of the public schools of such district, shall be under the control, management, and custody of the school board of such district subject to the provisions of section 1047 of this Chapter. Any real and personal estate granted, conveyed, devised or bequeathed, or which may hereinafter be granted, conveyed, devised or bequeathed, for the use of any public school district, shall be held in trust by the school board for the benefit of the public schools of the respective district. Such grants, bequests or money invested in trust for the use of any public school district, shall be exempt from all State, county, and local taxes.

(c) The control, management, and custody of school property in all public school districts shall be subject to the Laws of Delaware, the rules and regulations of the State Board of Education, and the rules and regulations of the school boards of the respective school districts. Each school board shall adopt a set of rules and regulations governing the use of school property within the respective district subject to the provisions hereinafter set forth, and subject to approval by the State Board of Education.

The primary purpose for the use of school property is the education of children and youth. The use of such property for purposes other than the primary purpose shall not be permitted

whenever such use would interfere with the primary purpose. Any scheduled public school activity, whether taking place during the school day or otherwise, shall have precedence over any other activity for the use of such property. However, in order to encourage the citizens of any community to participate in worthwhile community activities, a school board shall consider any written request by ten citizens of the respective district, or a recognized community organization, for the use of school property in such district for purposes other than the primary purpose. The decision of such school board regarding the granting of such requests shall be based upon a consideration of the following conditions, (1) through (4), listed in order of importance:

(1) The facility requested for use has not been scheduled for use at the time requested;

(2) The use of the facility requested will be beneficial to children and youth and consistent with the program of education of the school district;

(3) The use of the facility requested will serve a purpose that is educational, cultural, civic, political, or recreational;

(4) The use of the facility requested will not afford personal monetary gain to the individuals participating in the activity.

(d) A school board shall permit the use of property under its jurisdiction free of charge, except, however, for the expense of custodial salaries, heating and lighting in excess of the school's normal operations, whenever the purpose is educational, cultural, civic, political, or recreational provided there is no monetary gain to the individuals or organization using such property as a result of such use. It shall be deemed that there was no monetary gain if all charges or admission in excess of the costs of such purpose are donated to a charitable purpose (as defined for State of Delaware Personal Income Tax purposes). The use of school equipment and school property for all other purposes shall be based upon a fee schedule to be determined by a school board, subject to the approval of the State Board of Education. All such fees collected by a school board shall be placed on deposit with the State Treasurer to be distributed as follows:

(1) That portion of the fee which is equal to the cost to the school district for providing such facilities shall be placed in a

clearly designated special fund account to be used exclusively for the purpose of paying custodial salaries, heating, and electrical costs.

(2) That portion of the fee which is in excess of the cost to the school district for providing such facilities shall be deposited in the General Fund of the State.

(e) Any school board may refuse to permit the use of any school property under its jurisdiction for any purpose, which, in its discretion, would tend to interfere with the program of the public schools or would not be in harmony with the purposes of public education in such matters as character building, the development of unprejudiced social attitudes, and the training of pupils for responsible citizenship. Any dispute which may arise because of the refusal of any school board to permit the use of any school property under its jurisdiction to any organization or group of citizens, shall be received by appeal, in writing, to the State Board of Education.

(f) Any group of citizens permitted to use school property, shall be responsible for any damages done to such property over and above the ordinary wear. The extent of such damage shall be determined by the school board having control over such property, subject to approval by the State Board of Education.

(g) Any school board which permits the use of public school property for any use other than for public school use, shall not be liable in tort for any damages by reason of negligence in the construction or maintenance of such property.

(h) All public schools receiving an appropriation of state funds shall be governed by the provisions of this section as a condition for the receipt of such State funds.

§ 1057. Sale of property and disposition of proceeds; not applicable to school district of the City of Wilmington

(a) When any property, real or personal, of any reorganized school district is no longer needed for school purposes by such district, the school board thereof may, subject to written approval by the Director of State Planning and the State Board of Education, sell such property and transfer or convey to the purchaser thereof a good and sufficient title thereto. The proceeds

of such sale or sales shall be deposited to the account of the reorganized school district and shall be used by the school board for school purposes if there has been no financial participation by the State in the original cost of purchase or construction and any additions or alterations thereto; otherwise, the proceeds of the sale or sales shall be returned to the State in the same proportion as the share of the State in the original cost of purchase or construction and any additions or alterations thereof.

(b) This section shall not apply with regard to the disposition of property of the school district of the City of Wilmington which shall be governed by the provisions of Chapter 163, Volume 23, Laws of Delaware, as amended.

§ 1058. Controversies concerning rules and regulations of the school board

The school board of each reorganized school district shall decide on all controversies involving the rules and regulations of the school board. Any party to such controversy who feels aggrieved by a decision of a school board may appeal to the State Board of Education by setting forth such grievance in a petition which shall be served by certified or registered mail within 30 days after receiving notice of the decision upon the State Superintendent of Public Instruction. The State Board of Education shall by rules and regulations provide for adequate procedures for the hearing of any such petitions and shall decide the controversy. The decision of the State Board of Education shall be final.

§ 1059. Hearings

A school board may administer oaths, examine persons under oath, in any part of the reorganized school district.

§ 1060. Penalty for false testimony

Whoever, being a witness in any manner pertaining to the public schools of the reorganized school district and having been duly sworn or affirmed by the school board to tell the truth, willfully gives false testimony is guilty of false swearing and shall be punished as perjury is punished.

§ 1061. School boards upon reorganization July 1, 1969

Previously elected or appointed school board members of component former school districts and all members of the board of a subdivided high school district board who reside within the reorganized school district, including those members elected at the regular election in May, 1969, shall continue to serve out their respective terms on the school board of the reorganized school district constituted and established on July 1, 1969, notwithstanding any other provisions of this title to the contrary, except that in the case where a reorganized school district is composed of one or more non-one-through-twelve grade component former school districts and one or more component former school districts previously providing grades one through twelve, only the member elected in May, 1969, in each of the non-one-through-twelve grade districts will serve out his term as an interim member of the school board of the reorganized school district along with all of the school board members of the previously one-through-twelve grade district or districts. Subsequent elections or appointments in the reorganized school districts shall be for one member at large in the reorganized school districts until the school board meets the criteria of this subchapter.

§ 1062. School board for the reorganized school district which includes the former school district of Alexis I. duPont Special School District

(a) The members of the school board for the reorganized school district which includes the former component school district of Alexis I. duPont Special School District shall be appointed by the Resident Judge of the Superior Court for New Castle County.

(b) The school board shall be composed of five members each of whom shall be a citizen of the State and a resident of the reorganized school district and shall be qualified to vote at a school election in the reorganized school district at the time of his appointment. No more than three members of the school board shall be of the same political party, and no member shall fail to state his political affiliation.

(c) Each school board member shall be appointed for a term of five years commencing on the first day of July following

his appointment, and he shall serve until his successor shall qualify.

(d) A vacancy on the school board at a time other than the normal expiration of a term shall be filled by the Resident Judge of the Superior Court for New Castle County for the unexpired term.

§ 1063. The Board of Public Education in Wilmington

The Board of Public Education in Wilmington shall be constituted and appointed in accordance with the provisions of Chapter 92, Volume 23, Laws of Delaware, as amended by Chapter 172, Volume 55, Laws of Delaware.

§ 1064. Reorganized vocational-technical school districts

(a) The members of the school board of any reorganized vocational-technical school district shall be appointed by the Governor from the residents of such district. The school board shall be composed of seven members. Annually, the Governor shall appoint one member for the term of seven years to fill the vacancy caused by the expiration of the term of the member whose term expires at such time. Any vacancy in the office of any such member, caused by death, resignation, removal from the district, or any other cause whatever, shall be filled by the Governor for the unexpired term. Every member, at all times, shall be a resident of the reorganized vocational-technical school district, or his office shall be considered vacant and a successor shall be appointed for the unexpired term as provided in this section. After the expiration of the terms of the present members, not more than four members of the school board shall be of the same political party, and no member shall fail to state his political affiliation.

(b) In the case of any reorganized vocational-technical school district which will not have, after reorganization, at least seven school board members serving pursuant to section 1061 of this chapter, the Governor shall appoint such members as are necessary to bring the total number of school board members to seven and shall designate the terms of such appointed members so that the term of one member shall expire each year thereafter

for the succeeding seven years. Not more than four members of the school board shall be of the same political party, and no member shall fail to state his political affiliation.

(c) The terms of the school board members shall begin July 1 following their appointments and shall continue until their successors qualify.

§ 1065. Dissolution of school boards upon consolidation of reorganized school districts; appointments by State Board of Education; members elected annually after consolidation; appointment by Governor

(a) Upon the consolidation of reorganized school districts under section 1027 of this chapter, the school boards of such consolidating reorganized school districts shall be dissolved as of the effective date of consolidation.

(b) Except as provided in subsection (c) of this section, the State Board of Education shall, upon consolidation, appoint five members of the previously existing school boards of the consolidating districts to the school board of the consolidated district and shall designate one member each to serve for a term of five years, four years, three years, two years and one year, respectively. The qualified voters of the consolidated district shall, at each annual election after consolidation, elect one member for a term of five years who shall serve from the first day of July next succeeding his election and until his successor qualifies.

(c) In the case of any consolidation of vocational-technical school districts under section 1027 of this chapter, the Governor shall appoint seven members of the previously existing school boards of the consolidating vocational-technical districts to the school board of the consolidated vocational-technical district and shall designate one member each to serve for a term of seven years, six years, five years, four years, three years, two years, and one year, respectively. Annually thereafter, the Governor shall appoint one member for a term of seven years who shall serve from the first day of July next succeeding his appointment and until his successor qualifies.

§ 1066. Dissolution of school board upon division of a reorganized school district; members of school board continue to serve terms in districts resulting from division; appointments by State Board of Education and annual election thereafter; appointments by Governor in vocational-technical districts

(a) Upon the division of a reorganized school district into two or more school districts under section 1028 of this chapter, the school board of the divided reorganized school district shall be dissolved as of the effective date of division.

(b) Any member of the previously existing school board, including a vocational-technical school board, shall continue to serve out his term, for which he was elected or appointed in the divided school district, as a member of the school board of the school district resulting from such division in which he resides.

(c) Except as provided in subsection (d) of this section, the State Board of Education shall appoint such additional members of the school boards of the school districts resulting from such division as are necessary to bring the total number of school board members for each such resulting district to five and shall designate the terms of such appointed members so that the term of one member shall expire each year thereafter for the succeeding five years. The qualified voters of any school district resulting from such division shall, at each annual election after division, elect one member for a term of five years who shall serve from the first day of July next succeeding his election and until his successor qualifies.

(d) In the case of any division of a vocational-technical school district under section 1028 of this chapter, the Governor shall appoint such additional members of the school boards of the vocational-technical school districts resulting from such division as are necessary to bring the total number of school board members to seven and shall designate the terms of such appointed members so that the term of one member shall expire each year thereafter for the succeeding seven years. Annually thereafter, the Governor shall appoint one member for a term of seven years who shall serve from the first day of July next succeeding his appointment and until his successor qualifies.

§ 1067. Election of Milford Special School District in 1969 for the Board of Education

On the regularly designated day for school board elections in the school districts of this State in the year 1969, the qualified voters of the entire Milford Special School District, as it is then constituted, shall elect two members of the Board of Education of Milford Special School District, notwithstanding any provision to the contrary in Chapter 3 of this title. The individual with the highest number of votes shall be elected for a term of five years. The individual with the second highest number of votes shall be elected for a term of four years and shall fill the vacancy created by the expiration of the term of the previously elected school board member. Both individuals shall be elected at large in the entire Milford Special School District and shall serve in addition to the three then incumbent previously elected school board members. Thereafter school board members in the school district shall be elected in accordance with § 1051 and § 1052 of this chapter. No fewer than two members shall be residents of Kent County and no fewer than two members residents of Sussex County.

SUBCHAPTER IV. ELECTIONS IN REORGANIZED SCHOOL DISTRICTS

§ 1071. Applicability of this subchapter; definitions

(a) This subchapter shall apply to any election conducted in any reorganized school district by the school board of such district or by the State Board of Education. The provisions of this subchapter shall be in addition to the provisions of Chapters 19, 20 and 21; and to the extent that any provision of this subchapter is inconsistent with any provision contained in Chapters 19, 20 or 21, the provisions of Chapters 19, 20 and 21 shall govern.

(b) As used in this subchapter, the term "reorganized school district" means a school district constituted and established in accordance with the provisions of this chapter whether by reorganization, consolidation or division. As used in this subchapter, the term "school board" means the board of education of a reorganized school district. As used in this subchapter, the term "election" shall include a referendum where applicable.

§ 1072. Time; places; annual election of school board members; dates

(a) School elections, for whatever purposes, shall be held between the hours of one o'clock p.m. Eastern Standard Time and eight o'clock p.m. Eastern Standard Time during which time the polls shall remain open.

(b) The school board of each reorganized school district shall determine the school buildings within the district which shall be open as polling places for any public school election.

(c) Elections for school board members shall be held annually on the second Saturday of May, except that when only one person files for election to a given vacancy the school board shall declare that candidate elected and shall not open the polls for the election of said candidate.

(d) All public school elections other than school board elections shall be held on the date set by the local school board of the school district in which such elections are to be held and in accordance with paragraphs (a) and (b) of this section.

§ 1073. Election officers

The members of the school board shall serve as election officers in the reorganized school district and shall appoint such additional election officers as shall be necessary in order to properly staff each designated polling place in the district.

§ 1074. Notice of election

(a) The Clerk of the Peace or his successor of each county shall give notice of such elections as follows:

(1) By notices posted in at least 10 public places in each school district and at each school building in such school district at least 20 days before the day of the election; and

(2) By notices published in two newspapers of the county at least once a week for three weeks before the election, the last such publication to be not less than 5 days before the day of the election. If any reorganized school district is located in more than one county, notice shall be published in one newspaper in each county in which the reorganized school district is located.

(b) In the case of an election of school board members, the notices so posted and published shall plainly set forth the offices to be filled, the date when the nomination shall be filed, and the time and place of such election.

(c) In the case of an election for consolidation or division of a reorganized school district or districts, as the case may be, or for the changing of the boundaries of a reorganized school district, the notice of the election shall be by the school board and in accordance with the applicable provisions of this chapter.

§ 1075. Nominations for election of school board members

In the nomination of school board members, the following procedures shall be used:

(1) At least 10 days before the day of election, nominations shall be filed with the Clerk of the Peace or his successor of the county in which the reorganized school district is located, except that if a reorganized school district is located in two counties, nominations shall be filed with the Clerk of the Peace or his successor of the county in which the office of Superintendent of School is located;

(2) The nominations shall be in writing signed by at least 15 citizens who are residents of the reorganized school district and who are qualified to vote in the election proposed.

§ 1076. Ballots or voting machines; election supplies; cost

(a) The school elections may be conducted by the use of printed ballots or by the use of voting machines.

(b) In the event of the use of printed ballots, the Clerk of the Peace or his successor of each county shall cause to be printed ballots which shall contain the following:

(1) For the election of school board members, the names of all persons nominated shall be listed alphabetically without political party designation. After the name of each candidate a square shall be added for convenience in marking.

(2) For consolidation, division or change of boundaries or reorganized school districts, the ballot shall briefly state the

question and provide for voting for or against the proposal, with such words as:

For the proposal

Against the proposal

(c) In the event that voting machines are to be used, the Clerk of the Peace or a person designated by him shall supervise the setting for the machines to denote the choices indicated in subsection (b) of this section and shall in advance of the date of the election instruct the designated election officers in the proper use of the machines.

(d) The ballots and other needed election supplies shall be provided by the Clerk of the Peace or his successor of the county in which the reorganized school district is located.

(e) The cost of the ballots, necessary election supplies, publication of notices, and notices shall be paid by the Levy Court or County Council of the county in which the reorganized school district is located.

(f) Any reorganized school district may use voting machines instead of ballots, provided such reorganized school district pays the transportation for the voting machines and other necessary charges for the use of such voting machines.

(g) In case of an election for the consolidation, division, or change of boundaries of a reorganized school district, all preparation for and cost of the election shall be borne by the reorganized school district or districts.

§ 1077. Qualified voters

Every citizen twenty-one years of age or over who has been a resident of the State for at least one year preceding the date of election, a resident of the county for at least three months preceding the date of election, and a resident of the reorganized school district for at least 30 days preceding the date of election shall be eligible to vote at the school election in the reorganized school district in which he resides, whether or not he is at the time a registered voter for purposes of a general election.

§ 1078. Determination of qualifications of the voter

For the purpose of determining whether a person offering to vote at a school election is qualified to vote, one of the election

officials shall ask each person offering to vote the following questions:

- (1) Name of voter;
- (2) Whether the voter is a citizen of the United States of America;
- (3) Voter's place of residence;
- (4) Length of time of voter's residence in the reorganized school district in which the school election is being held, in the county in which the reorganized school district is located and in the State of Delaware;
- (5) Whether the voter has voted in any other voting place in the reorganized school district at this election.

§ 1079. Oath administered where the qualifications of a voter are in doubt or are challenged

(a) If the election officers are in doubt as to the qualifications of any person offering to vote or in the case of challenge, the election officers may require such person to take an oath or affirmation, which shall be administered by the presiding election officer at that polling place, in the following form:

"Do you solemnly swear (or affirm) that you are legally qualified and entitled to vote at the election now being conducted in this school district; that you have not voted and will not vote at any other voting place this day, so help you God (or so you solemnly affirm)."

The voter must reply in the affirmative in order to be qualified.

(b) After a person has taken the oath or affirmation, his ballot shall be received and deposited in the ballot box or he shall be admitted to the voting machine.

(c) If any person refuses to take the oath or affirmation, after the election officers have demanded that he do so, he shall not be permitted to vote.

(d) In each instance where a voter is required to and does in fact swear or affirm to his qualification as herein stipulated, a record of this affirmation shall be made in the minutes kept at the poll and delivered following the election to the school board of the reorganized school district in which the election is held.

§ 1080. Method of voting

(a) For the election of school board members, a voter shall not vote for more candidates than there are school board memberships to be filled in the election. If only one school board member is to be elected, a voter shall vote for only one candidate. The voter shall place a mark in the square after the name of the candidate or candidates for whom he desires to vote, or in the case where a voting machine is used; take the appropriate action on the machine as described in the posted instructions for the operation of said machine.

(b) For the consolidation, division, or change of boundaries or a reorganized school district, the voter shall place a mark in the square after the item that expresses his choice, or, in the case where a voting machine is used, take the appropriate actions on the voting machine as described in the posted instructions for the operation of said machine.

§ 1081. Secret ballot

In every instance where a school district election is held, whether by voting machine or ballot, an appropriate enclosure shall be provided so that the voter may vote in privacy. All statutes of the State of Delaware relative to the secrecy or privacy of the voter in casting a vote shall be applicable to any school district election.

§ 1082. Poll list

Before a ballot is issued to a voter and before the voter deposits it in the ballot box or before a voter is admitted to vote by voting machine, the election officers shall enter the name of the voter and his place of residence upon a poll list to be kept for that purpose. The poll list shall within two days following the election, be filed by the officers conducting the election with the Clerk of the Peace or his successor of the county in which the election was conducted and the Clerk of the Peace or his successor shall safely preserve such poll list for the period of one year after it has been filed, and upon the expiration of such year, unless otherwise ordered by any of the courts of the State, or by any of the judges of the courts, or by the Attorney General of the State, the Clerk of the Peace or his successor shall remove the poll list from the files of his office and destroy the same.

§ 1083. Counting ballots; tie vote; certification of election

(a) Upon the close of the election, the ballots shall be read and counted publicly.

(1) For the election of school board members, the persons receiving the highest number of votes shall be declared duly elected to the position of school board member.

(2) For an election pursuant to Chapters 19, 20 or 21 of this title and for an election to determine a consolidation, division, or change of boundaries of a reorganized school district, the number of votes for the proposal and the number of votes against the proposal shall be announced and, if possible, the results shall be declared.

(b) In case of a tie:

(1) For the election of school board members, no later than the third Saturday in June following the May election, another election shall be held in accordance with the provisions of this chapter to decide which of the candidates so tied shall be elected school board member.

(2) For an election pursuant to Chapters 19, 20 or 21 of this title and for elections to determine a consolidation, division or change of boundaries of a reorganized school district, another election shall be held not less than 30 days nor more than 60 days after the date of the tied election, in accordance with the provisions of this chapter, in order to break the tie.

(c) The election officers shall give a certificate of election to each person elected to the office of school board member.

(d) In the case of an election pursuant to Chapters 19, 20 or 21 of this title, the election officers shall certify the election results to the school board of the reorganized school district on such forms as the school board shall have provided for such certification, and:

(1) In the case of an election to determine a consolidation, division or change of boundaries of a reorganized school district, the school board shall within three calendar days present such certification to the Secretary of the State Board of Education as prescribed elsewhere in this title.

(2) In case of an election pursuant to Chapters 20 or 21 of this title, the certification shall be presented to the State Board of Education as prescribed elsewhere in this title.

§ 1084. Minutes of election; preservation of minute book, ballots, and election records

(a) The election officers shall enter in a book to be provided for that purpose, minutes of the election which shall show the names of the persons voting and, when applicable, the names of the persons elected. The minutes shall be signed by each election officer.

(b) The book containing the minutes shall be preserved by the school board, and it shall be evidence in any court.

(c) All ballots cast and the records of the elections shall be preserved in the custody of the election officers for a period of ten days.

§ 1085. Violations and penalties

Whoever votes at any school election, including elections pursuant to Chapters 19, 20 and 21 of this title, without possessing the qualifications prescribed by this subchapter or violates any of the other provisions of this subchapter or Chapters 19, 20 or 21 of this title shall, for each offense, be fined or imprisoned, or both, in accordance with the regular election Laws of Delaware.

**SUBCHAPTER V. STAFFING OF
REORGANIZED SCHOOL DISTRICTS**

§ 1091. Superintendent of schools

The school board of each reorganized school district shall appoint as the chief school officer for that district a superintendent of schools who shall also serve as executive secretary to the school board.

§ 1092. Employee qualifications

Every employee of a reorganized school district must meet standards for qualification as adopted by the State Board of Education, except for an employee of the school district of the City of Wilmington who must meet standards for qualifications as adopted by the Board of Public Education in Wilmington, and

be certified or otherwise licensed in accordance with these standards in order to be placed on the official payroll of the reorganized school district.

§ 1093. State salary schedules

The state salaries for the several categories of school employees shall be in accordance with salary schedules set forth in this title except that no such schedule shall prevent a school district from increasing those salaries by the amount of a supplement appropriately provided by the local school district including Division III State funds, and from funds other than those appropriated by the State of Delaware.

§ 1094. School employee contract; dismissal or suspension

(a) The contract with school employees shall be a contract drawn on a form approved by the State Board of Education and shall be a State of Delaware school employee contract that shall be executed by the reorganized school district board. One copy of the contract shall be delivered to the employee, and one copy shall be made part of the permanent file of the school district.

(b) A school employee may be dismissed or suspended from his duties in accordance with Chapter 14 of this title.

Section 7. Chapter 13, Title 14, Delaware Code, is hereby amended by repealing § 1303 thereof and substituting thereof a new § 1303 to read as follows:

§ 1303. State supported uniform salary schedules and classifications

The salary schedules and classifications set forth in this chapter shall be permanent State supported uniform salary schedules and classifications which shall govern, subject to the provisions of Section 1304 of this title and Chapter 17 of this title, the amounts of the salaries that shall be paid by each district, the State Board of Education, and the State Board of Vocational Technical Education to the employees covered by the schedules.

Section 8. Chapter 13, Title 14, Delaware Code, is hereby amended by repealing § 1304 thereof and substituting therefor a new § 1304 to read as follows:

§ 1304. Salaries in excess of State supported uniform salary schedules

Nothing contained in this chapter shall prevent any local board from paying an additional amount of salary to any employee when such additional amount is derived from local funds or from Division III appropriations.

Section 9. Section 1306, Title 14, Delaware Code, is hereby amended by adding a new subsection at the end thereof to read as follows:

(b) Each reorganized school district may employ one superintendent to be paid from State funds in accordance with the provisions of subsection (a) of this section. Such superintendent shall not be charged against the allotment of any personnel provided by this chapter or Chapter 17 of this title.

Section 10. Section 1307, Title 14, Delaware Code, is hereby amended as follows:

A. By striking subsection (b) thereof and inserting in lieu thereof a new subsection (b) to read as follows:

(b) During the fiscal year beginning July 1, 1969 and annually thereafter a reorganized school district may employ one full-time principal for each school building having fifteen or more state units of pupils who shall be paid from State funds for twelve months in accordance with subsection (a) of this section.

During the fiscal year beginning July 1, 1969 and annually thereafter elementary school principals for which the district may qualify shall not be charged against the allotment of classroom teachers or other personnel provided by these units.

During the fiscal year beginning July 1, 1970 and annually thereafter secondary school principals for which the district may qualify shall not be charged against the allotment of classroom teachers or other personnel provided by these units.

B. By striking all that portion of subsection (c) preceding the salary schedule and by inserting in lieu thereof a new heading and paragraph to read as follows:

(c) Assistant Principals

During the fiscal year beginning July 1, 1970 and annually thereafter a reorganized school district may employ one full-time assistant principal for each full multiple of twenty state units of pupils in a school building beyond the first fifteen state units of pupils for which a fulltime principal was authorized. The provisions of this Section and Section 1321 (e) 4 notwithstanding one half the total number of assistant principals in a reorganized school district may be classified as supervisors. Assistant principals shall not be charged against the allotment of classroom teachers or other personnel provided by these units. An assistant principal shall be paid from State funds for ten months per year the amount for which he is eligible under Section 1305 (a) of this Title plus an annual amount for administrative responsibility to be determined in accordance with the following schedule:

Section 11. Section 1308, Title 14, Delaware Code, is hereby amended by striking the words "and in State Board of Education and in the State Board for Vocational Education" as they appear in subsection (d) thereof, and by adding at the end of the section a new subsection to read as follows:

(e) During the fiscal year beginning July 1, 1970 a reorganized school district may employ personnel to be paid pursuant to this section in a number equal to one for each full ten state units of pupils for the first 100 such full state units of pupils and one additional for each additional full 12 state units of pupils. During the fiscal year beginning July 1, 1971 and annually thereafter a reorganized school district may employ personnel to be paid pursuant to this section in a number equal to one for each full ten state units of pupils. At least 25% of such personnel shall not be employed on State funds in excess of 10 months.

Section 12. Section 1310, Title 14, Delaware Code, is hereby amended by adding a new subsection at the end thereof to read as follows:

(c) During the fiscal year beginning July 1, 1969 and thereafter a reorganized school district may employ personnel to be paid for ten months per year from State funds pursuant to this

section in a number equal to one for each full 40 state units of pupils, except that in schools for the physically handicapped within the district the allocation shall be in accordance with rules and regulations adopted by the State Board of Education.

Section 13. Section 1311, Title 14, Delaware Code, is hereby amended by adding a new subsection at the end thereof to read as follows:

(e) During the fiscal year beginning July 1, 1969 and thereafter a reorganized school district may employ personnel to be paid from State funds pursuant to this section in accordance with the rules and regulations of the State Board of Education approved by the General Assembly for such fiscal year.

Section 14. Section 1316, Title 14, Delaware Code, is hereby amended by striking the period at the end thereof and by inserting in lieu thereof the following:

and except such numbers and months of employment of personnel otherwise specified by law.

Section 15. Section 1321, Title 14, Delaware Code, is hereby amended by striking subsection (e) thereof and inserting in lieu thereof a new subsection (e) to read as follows:

(a) During the fiscal year beginning July 1, 1970 and annually thereafter a reorganized school district may employ the following personnel:

1. Assistant Superintendents for a period of twelve months per year at the rate of one for each full 250 state units of pupils not to exceed a total of two per reorganized school district;

2. Directors for a period of twelve months per year at the rate of one for the first full 150 state units of pupils and one for each additional full 100 state units of pupils not to exceed a total of six per reorganized school district;

3. Administrative assistants for a period of twelve months per year at the rate of one per reorganized school district;

4. Supervisors for a period of ten months per year at the rate of one for each full 100 state units of pupils.

5. Specialist-psychologists for a period of ten months per year at the rate of one for each full 140 state units of pupils;

6. Specialist-Speech and hearing teachers for a period of ten months per year at the rate of one for each 140 state units of pupils;

7. Specialist-Visiting teachers for a period of ten months per year at the rate of one for each full 250 state units of pupils;

8. Specialist-Driver Education teachers for a period of ten months per year at the rate of one for each full 140 tenth grade students in the district or one-fifth of a teacher for each full 28 tenth grade students in the district.

The personnel employed pursuant to this subsection shall not be charged against the allotment of classroom teachers provided by these units of pupils, the provisions of Section 1705 of this Title notwithstanding.

Section 16. Section 979, Chapter 9, Title 14, Delaware Code, is hereby repealed.

Section 17. Section 751, Chapter 7, Title 14, Delaware Code, is hereby repealed.

Section 18. Chapter 13, Title 14, Delaware Code, is hereby amended by adding thereto a new § 1327 to read as follows:

§ 1327. Leave of absence for person in military service

(a) If a regularly appointed and employed principal, teacher or other employee of a school district 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 school board shall grant to such principal, teacher or other employee, a leave of absence which shall cover the period of military service, not to exceed three years, or until the term of service to which he or she has been called is terminated, and upon the completion of the leave of absence reinstate such principal, teacher or other employee in the position which he or she held at the time that the leave of absence was granted. The contract with such principal, teacher or other employee shall continue in force under the same conditions as if the principal, teacher or other employee had been in the continuous service of the board during the period of the leave of absence; provided, such regularly appointed and

employed principal, teacher or other employee has received a certificate of satisfactory completion of military service.

(b) The person who may be appointed to replace the principal, teacher or other employee shall be appointed only for the period covered by the leave of absence.

Section 19. Section 1902, Chapter 19, Title 14, Delaware Code, is hereby amended by designating the paragraph of that section as subsection (a) and by adding a subsection (b) to that section to read as follows:

(b) In any instance except major capital improvement and new funds for Educational Advancement as defined in Chapter 17 of this title where the State shall make appropriations to school districts for any purpose and the applicable statute requires a local district contribution to the appropriation or expenditure, the local school board may levy such tax as is necessary to support the local district contribution without the necessity of a referendum in the local school district, notwithstanding section 1903 of this chapter. In the case of the school district of the City of Wilmington, such tax as is necessary to support its local district contribution may be levied, notwithstanding the maximum tax rate specified in Section 11, Chapter 92, Volume 23, Laws of Delaware, as amended by Chapter 9, Volume 56, Laws of Delaware and, unless otherwise specifically provided, such tax rate as may be hereafter so specified.

Section 20. Section 1702, Title 14, Delaware Code, is amended by striking the word "two" as it appears in the second line before the word "divisions" and inserting in lieu thereof the word "three" and further amending § 1702, Title 14, Delaware Code by striking the period at the end of said section and adding the following:

; Division III shall include appropriations for Educational Advancement. The State Board of Education shall in its annual budget request recommend an amount to be appropriated to each school district for the purpose of Educational Advancement on a Unit Basis provided that for the school year beginning July 1, 1969 the amount recommended shall not be less than \$200 per unit of pupils in the respective reorganized school districts as of September 30, 1968 and shall include all data on which such

recommended amounts are based, and the General Assembly shall appropriate for the school year beginning July 1, 1969, an amount not less than the state's share of the aforesaid \$200 per unit allotment.

Section 21. Section 1705, Title 14, Delaware Code, is hereby stricken in its entirety and the following new § 1705 substituted in lieu thereof:

§ 1705. Determination of amount of Division I appropriation; Division III funds

(a) The funds appropriated to each school district for salaries included in Division I shall be determined in accordance with State supported salary schedules. No state funds, except as provided for in subsection (b) of this section, shall be appropriated to any school district to provide salaries for teachers in excess of one teacher for each unit of pupils in such school district. These funds shall include salaries for as many teachers as the school district shall have certified state units of pupils. No State funds from Division I shall be appropriated to any school district to provide salaries for more teachers than shall actually be employed in such school district.

(b) Any school district may employ additional teachers out of state funds appropriated in Division III Educational Advancement as provided in Section 1304 of this title.

Section 22. Chapter 17, Title 14, Delaware Code is hereby amended by repealing § 1707 thereof and by inserting in lieu thereof a new § 1707 to read as follows:

§ 1707. Division III Educational Advancement; eligibility and funds available for matching; formula; how local share provided; utilization of Division III funds; local share for fiscal year beginning July 1, 1969

(a) For the fiscal year beginning July 1, 1969, and for each fiscal year thereafter, any school district, which is reorganized under the provisions of Chapter 10 of this title and which provides funds from local taxation for current expenses (i) in excess of basic state appropriations under Divisions I and II of this Chapter, (ii) in excess of local funds required under section

1010 of Chapter 10 of this title, and (iii) in excess of any other State or federal appropriations, shall be eligible for State funds on a matching basis in accordance with the formula set out in this section. Such funds shall be in addition to funds otherwise appropriated by the State of Delaware to school districts under Divisions I and II, as described in this chapter. Such funds shall be known as Division III Educational Advancement.

(b) The formula for determining the sums to be allocated in behalf of Division III shall be as provided in this subsection. The local school district share shall be equal to the school district ability divided by the State average ability times 50 percent times the amount authorized. The State share shall be 100 percent of the amount authorized minus the local school district share, except that in no case shall the State share be less than the equivalent of 10 percent nor more than the equivalent of 90 percent of the amount authorized. In the application of this formula, the following definitions shall apply:

(1) "School district ability" means the total full valuation of all the taxable real property within the school district as of September 30 of the fiscal year preceding the fiscal year for which the Division III funds are appropriated divided by the total number of pupils in the public schools of the school district as of that date.

(2) "State average ability" means the total full valuation of all the taxable real property in this State divided by the total number of pupils in the public schools of the State as of September 30 of the fiscal year preceding the fiscal year for which the Division III funds are appropriated.

(3) "Amount authorized" means two times the total appropriation by the General Assembly for Division III divided by the total number of state units of pupils and multiplied by the number of state units of pupils in the school district excluding vocational units.

(4) "Unit of pupils" means the units specified in Section 1703 of this chapter.

(5) "Total full valuation" means the total assessed valuation of taxable real property as increased by the percentage factor, if any, by which the appraisal used for assessed valuation was reduced in order to obtain the final valuation for assessment purposes.

(6) "Total assessed valuation" means the official total assessed value of taxable real property appearing on the assessment rolls of the appropriate county governing body or bodies, as the case may be.

(c) The local school district share, as determined in subsection (c) of this section, may be provided pursuant to Chapter 19 of this title, or subsections (a) or (b) of this section.

(d) Division III Educational Advancement funds shall be utilized to supplement funds appropriated under Division I and II for the purpose of advancing education beyond the level authorized through the basic appropriations in Division I and II or through any other State or federal appropriations.

(e) For the fiscal year beginning July 1, 1969, in the reorganized school districts, such excess local funds as referred to in subsection (a) of this section as being available for matching may be provided pursuant to Chapter 19 of this title or subsections (a) or (b) of this section by the school boards of the component former school districts which will after July 1, 1969 compose any respective reorganized school district by levying a tax prior to July 1, 1969 in their respective districts in excess of those taxes specified in subsection (a) of this section; provided that each such school board of each component former school district of the respective reorganized school district levies such a tax equivalent to that which could otherwise be levied in its respective district by the school board of the reorganized school district if such tax were levied immediately after reorganization.

Section 23. Section 1708, Chapter 17, Title 14, Delaware Code, is hereby amended by striking out the following words in the form of appropriation at the end of subsection (a)

TOTAL OF DIVISIONS

I and II

and inserting in lieu thereof the following words:

**DIVISION III. EDUCATIONAL
ADVANCEMENT**

TOTAL OF DIVISIONS

I, II and III

Section 24. Section 1709, Title 14, Delaware Code, is hereby amended by adding a new sentence to the end thereof to read as follows:

But nothing contained herein shall prohibit the transfer of Division III funds to Division I to comply with sections 1304, 1705 and 1712 of this title or Division II.

Section 25. Chapter 17, Title 14, Delaware Code, is hereby amended by repealing § 1712 thereof and substituting therefor a new § 1712 to read as follows:

§ 1712. Salaries in excess of State Supported uniform salary schedules

Nothing contained in this chapter shall prevent any local school board from paying an additional amount of salary to any employee when such additional amount is derived from local funds or from Division III appropriations.

Section 26. Chapter 17, Title 14, Delaware Code, is hereby amended effective July 1, 1969, by adding a new section thereto number § 1717 to read as follows:

§ 1717. Unit of pupils for kindergartens

In the case of kindergartens, "unit" or "unit of pupils" shall mean 50 pupils. Said pupils may be enrolled for one-half school days in groups approximating 25 enrollees each, thus providing that each "unit" represent two instructional groups within the unit of 50. A major fraction shall be considered a unit and shall consist of any fraction greater than one-half of 50. The State Board of Education shall make uniform rules relative to the establishment of kindergartens in the public school districts of the State in accordance with the provisions of this title. No expenditure for the support of children in a kindergarten program pursuant to this section shall be authorized unless that unit and the instructional program shall have been approved by the State Board of Education and the General Assembly shall have appropriated funds specified for this purpose. Division III, Educational Advancement funds may be used for kindergartens notwithstanding the provisions of this section to the contrary.

Section 27. Section 1905, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, to read as follows:

§ 1905. **Qualified voters**

At an election under section 1903 of this title, every person qualified to vote under section 1077 of this title may vote, and the provisions of section 1078, 1079 and 1085 of this title shall apply to such election.

Section 28. Section 2120, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by repealing subsection (d) thereof and substituting therefor the following subsection (d):

(d) At any such special election every person qualified to vote under section 1077 of this title may vote, and the provisions of sections 1078, 1079 and 1085 of this title shall apply to such election.

Section 29. Section 2302, Chapter 23, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by striking the last full sentence thereof beginning with the word "In" and ending with the word "Education."

Section 30. Part I, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by repealing Chapter 3 thereof in its entirety.

Section 31. Part I, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by repealing Chapter 5 thereof in its entirety.

Section 32. Part I, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by repealing Chapter 7 thereof in its entirety.

Section 33. Part I, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by repealing Chapter 9 thereof in its entirety.

Section 34. Part I, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by repealing Chapter 11 thereof in its entirety.

Section 35. Part I, Title 14, Delaware Code, is hereby amended, effective July 1, 1969, by repealing Chapter 25 thereof in its entirety.

Section 36. Any reference in the Delaware Code or in any other law of this State, on and after July 1, 1969 to "School District" or "Special School District" which is not specifically referred to in this Act shall be construed to mean "reorganized school district".

Section 37. Any reference in the Delaware Code or in any other law of this State, on and after July 1, 1969, to "Boards of School Trustees" or "the Board of Education of a Special School District" which is not specifically referred to in this Act shall be construed to mean "school boards of reorganized school districts" or "the school board of a reorganized school district," as the case may be.

Section 38. This Act shall be construed so as not to impair the rights of any bondholder, and all bonds outstanding shall remain in full force and effect according to the terms thereof.

Section 39. If any provision of this Act is held invalid, the other provisions of this Act shall not be affected thereby. If the application of this Act or any of its provisions to any person or circumstance is held invalid, the application of this Act and its provisions to other persons or circumstances shall not be effected thereby.

Section 40. Nothing contained in this Act shall be construed as repealing any section of Delaware law except as specifically provided in this Act.

Section 41. This Act shall be known as the "Delaware Educational Advancement Act."

Section 42. The provisions of this Act shall be effective upon enactment except as specified in the Act.

Approved June 3, 1968.

**END
OF
VOLUME**