

LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND TWENTY-FIFTH
GENERAL ASSEMBLY

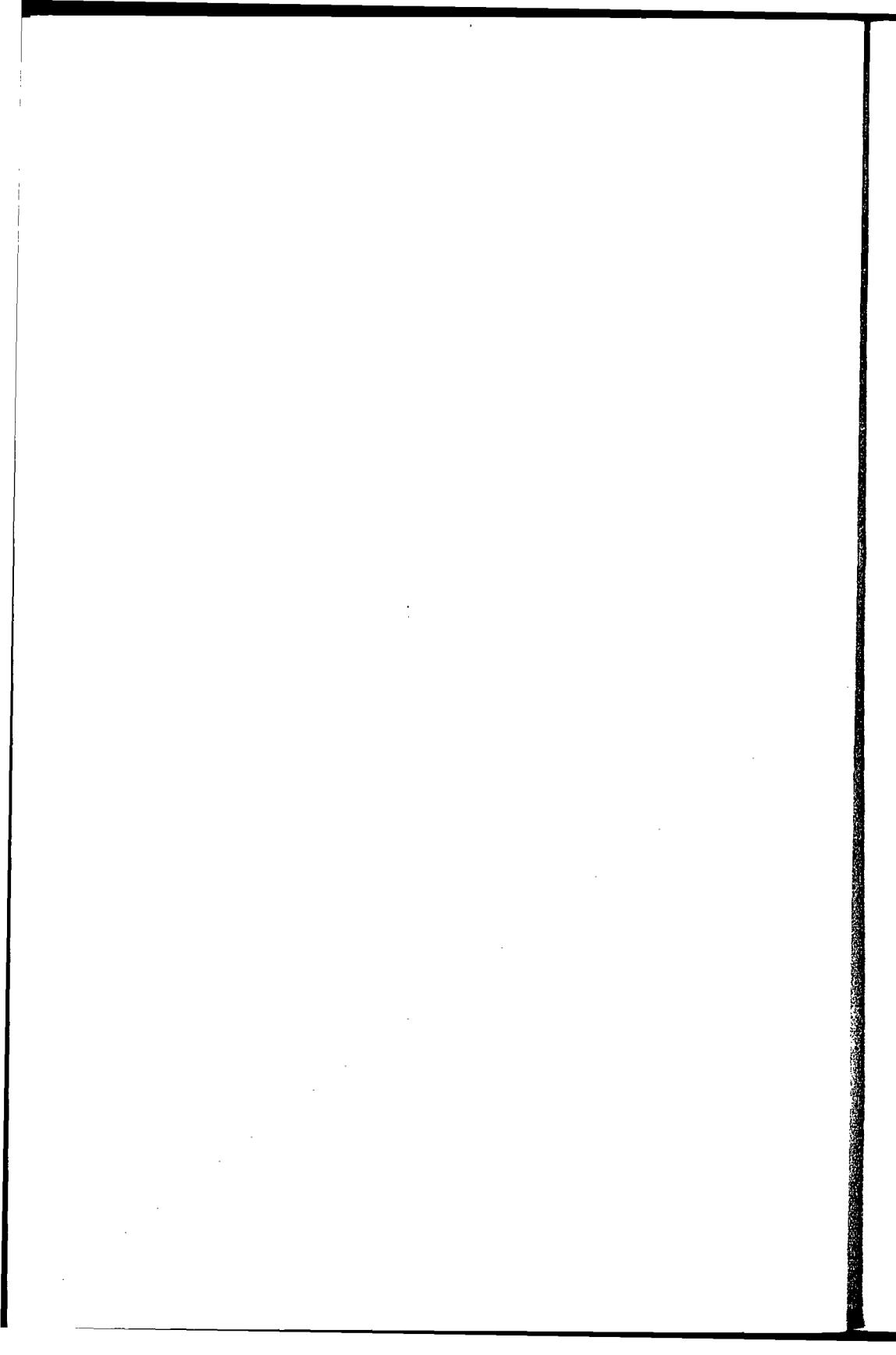
FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 7, A. D.
1969

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 13, A. D.
1970

PART I
VOLUME LVII



LAWS OF DELAWARE

CHAPTER 1

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 \$14,220 is appropriated to the Secretary of State for the fiscal year ending June 30, 1969, to be expended for the salaries and wages of 7 additional employees in the Corporation Department.

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 January 22, 1969.

CHAPTER 2

AN ACT RELATING TO A PENSION FOR NORMAN A. ESKRIDGE, A FORMER MEMBER OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

WHEREAS, Norman A. Eskridge was a member of the General Assembly of the State of Delaware for a period of fourteen years; and

WHEREAS, the State Employees' Pension Plan, set forth in Chapter 25 of Title 29 of the Delaware Code of 1953, as amended, does not provide for pension benefits for Norman A. Eskridge; and

WHEREAS, Norman A. Eskridge is deserving of consideration of a state employee's pension because of unusual and unfortunate circumstances; and

WHEREAS, Norman A. Eskridge should receive pension benefits under the State Employees' Pension Plan for the long and loyal service he has 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 Norman A. Eskridge for pension benefits under the State Employees' Pension Plan, set forth in Chapter 55 of Title 29 of the Delaware Code of 1953, as amended, and is further directed to determine that the said Norman A. Eskridge shall be eligible for the minimum pension benefits as set forth in Section 5523 of Title 29 of any other provisions of Chapter 55 of Title 29 of the Delaware Code of 1953, as amended, notwithstanding.

Approved January 23, 1969.

CHAPTER 3

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR OF THE STATE OF DELAWARE
FOR THE PURPOSE OF EMPLOYING A LEGAL AD-
VISOR AND THE NECESSARY SECRETARIAL HELP.**

WHEREAS, the Executive Director of the Legislative Reference Bureau is appointed by and serves at the pleasure of the Governor; and

WHEREAS, members of the General Assembly from time to time have occasion to call upon the Executive Director; and

WHEREAS, the Executive Director cannot serve two masters simultaneously; and

WHEREAS, it is desirous that the Executive Director be responsive only to the members of the General Assembly; and

WHEREAS, the Executive Director has heretofore provided the legal services necessary to the Governor of the State of Delaware; and

WHEREAS, it is the intention of the General Assembly to place the Executive Director and the Legislative Reference Bureau under the General Assembly, thereby taking away from the Governor his legal advisor; and

WHEREAS, it is desirable that the Governor have his own legal advisor to serve upon his request and at his pleasure;

NOW, THEREFORE,

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

Section 1. The sum of \$13,500 is hereby appropriated to the Governor of the State of Delaware for the fiscal year ending June 30, 1969 to authorize and permit the Governor to appoint a legal advisor and the necessary secretarial help, to be

appointed by and serve at the pleasure of the Governor. Said supplementary appropriation shall also cover the acquisition of necessary equipment and supplies for said legal advisor and the secretarial help.

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 January 23, 1969.

CHAPTER 4

AN ACT TO AMEND CHAPTER 13, TITLE 29, DELAWARE CODE, RELATING TO REORGANIZATION OF THE LEGISLATIVE REFERENCE BUREAU.

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

Section 1. Section 1301 (b), Title 29, Delaware Code, is amended by striking the words "the Governor," as they appear in the first line of said subsection (b).

Section 2. Section 1304 (a), Title 29, Delaware Code, is amended by striking the word "Governor" as it appears in the first line of said section, and inserting in lieu thereof, the word "Bureau."

Section 3. Section 1304 (a), Title 29, Delaware Code, is amended by striking the word "Governor" as it appears in the third line of said section, and inserting in lieu thereof, the word "Bureau."

Approved January 24, 1969.

CHAPTER 5

AN ACT TO AMEND CHAPTER 189, VOLUME 56, LAWS OF DELAWARE, BY EXTENDING THE TIME WHEN THE CONSTITUTIONAL REVISION COMMISSION SHALL SUBMIT ITS REPORT AND PROVIDING FOR ADDITIONAL SERVICES OF SAID COMMISSION.

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

WHEREAS, the Constitutional Revision Commission, created on December 28, 1967, by Chapter 189, Volume 56, Laws of Delaware, has been duly chosen; and

WHEREAS, said Commission has been engaged in their assigned constitutional revision for most of the year 1968; and

WHEREAS, said Commission has found need for an additional ninety (90) days to more adequately complete its task; and

WHEREAS, the Members of said Commission are desirous of knowing the wishes of the members of the General Assembly in regard to their responsibilities in the presentation of their report and the time limit of their tenure as Commissioners;

NOW, THEREFORE:

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

Section 1. Amend Chapter 189, Volume 56, Laws of Delaware, by striking out the date "January 10, 1969" where it appears and inserting in lieu thereof the date "April 10, 1969."

Section 2. Further amend Chapter 189, Volume 56, Laws of Delaware, by adding thereto a new section No. 6 to read as follows:

Section 6. The members of the Constitutional Revision Commission are directed by the General Assembly to assist in the explanation and enactment of their report, either as a Commission or as individual members, by making themselves available to the General Assembly for a period of one year after the submission of their report.

Approved January 31, 1969.

CHAPTER 6

AN ACT TO AMEND CHAPTER 11, TITLE 14, DELAWARE CODE RELATING TO CHANGE IN BOUNDARIES OF SPECIAL SCHOOL DISTRICTS AND SCHOOL DISTRICTS.

WHEREAS, it has been determined that certain minor school district boundary changes in some rural areas of the State may become advisable before the district consolidation provisions of the Educational Advancement Act are promulgated, to insure the safety and well-being of the school children affected;

NOW, THEREFORE,

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

Section 1. Section 1106, Chapter 11, Title 14, Delaware Code, is hereby repealed and the following new Section 1106 is enacted in lieu thereof:

§ 1106. Procedure for changing special school district boundaries

(a) Before the boundaries of a Special School District shall be changed, not fewer than 25 per cent of the number of qualified voters, as defined under Section 314 of this title, and the provisions of Sections 315 and 316 of this title, within the territory to be added to or taken from such Special School District, shall request over their signatures that the State Board of Education change the boundaries. Following consultation with the School Boards of the districts affected by the proposed change, the decision of the State Board of Education with respect to any such transfer request shall be final.

(b) All obligations of the original district evidenced by bonds shall be prorated based on the ratio of the assessed value of the property within the territory transferred to the total assessed value of the property within the district and such share of the obligations at the time of transfer shall be paid by the transferee district on or before November 1 of each

year until such bonds and interest thereon are paid in full. The State Board of Education shall furnish a schedule of payments to each district affected.

Section 2. Section 1107, Chapter 11, Title 14, Delaware Code, is hereby repealed and the following new Section 1107 is enacted in lieu thereof:

§ 1107. Procedure for changing school district boundaries

(a) Before the boundaries of a School District shall be changed, not fewer than 25 per cent of the number of qualified voters, as defined under Section 314 of this title, and the provisions of Sections 315 and 316 of this title, within the territory to be added to or taken from such School District, shall request over their signatures that the State Board of Education change the boundaries. Following consultation with the School Boards of the districts affected by the proposed change, the decision of the State Board of Education with respect to any such transfer request shall be final.

(b) All obligations of the original district evidenced by bonds shall be prorated based on the ratio of the assessed value of the property within the territory transferred to the total assessed value of the property within the district, and such share of the obligations at the time of transfer shall be paid by the transferee school district on or before November 1 of each year until such bonds and interest thereon are paid in full. The State Board of Education shall furnish a schedule of payments to each district affected.

Section 3. The provisions of, and procedures prescribed within, Sections 1 and 2 hereof shall terminate on June 30, 1969, after which the appropriate provisions of the Educational Advancement Act (H.B. 438—1968) shall prevail.

Approved January 31, 1969.

CHAPTER 7

AN ACT RELATING TO A PENSION FOR THOMAS N. STAYTON, A FORMER EMPLOYEE OF THE STATE OF DELAWARE.

WHEREAS, Thomas N. Stayton was employed by the Game and Fish Commission as a faithful public servant for many years; and

WHEREAS, the present law does not provide for pension benefits for Thomas N. Stayton; and

WHEREAS, Thomas N. Stayton is deserving of consideration of a state pension because of unusual circumstances; and

WHEREAS, Thomas N. Stayton 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 Thomas N. Stayton for a Service Pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Thomas N. Stayton to be eligible for said pension.

Approved January 31, 1969.

CHAPTER 8

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE TO PROVIDE FOR THE ESTABLISHMENT OF INTERIM BOARDS OF EDUCATION FOR PROPOSED SCHOOL DISTRICTS.

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

Section 1. Amend Delaware Code, Title 14, Chapter 10, Subchapter III, by adding to that subchapter a new section to read as follows:

§1068. Interim Boards of Education for proposed school districts, 1969

(a) On or before March 1, 1969 but following the announcement of the final plan for the reorganization of school districts as required in section 1004 (c) of this Title but not later than March 5, 1969, an interim Board of Education shall be created in each proposed school district, which is to be composed of more than one component former school district, or a part of a high school district. This Board shall be composed of a membership patterned after that of the proposed district as it will exist on July 1, 1969. In those cases where whole Boards are to be included, the whole incumbent Board shall serve on the interim Board. In those cases where one member of a Board is to serve on the reorganized school district Board, that member shall be designated by the incumbent Board of the component former school district. In any case where vacancies occur on such interim Board for any reason, it shall be filled in accordance with existing laws by the incumbent Board of the component former school district.

(b) In any case where an existing school district is to become a reorganized school district without a change of its boundaries, the incumbent Board shall serve also as the interim Board.

(c) The interim Board herein described shall have all the powers of a Board of Education for a reorganized district as

set forth in this Title as these powers refer to a proposed reorganized school district.

(d) In establishing an interim Board of Education, the Secretary of the State Board of Education shall notify the secretaries of the Boards of Education and Boards of School Trustees in the State of Delaware, concerning the necessity for such action and shall in this same notification set the dates on which such interim Board shall be convened and designate the person responsible to serve as temporary chairman for purposes of swearing in the members of the Board, according to the oath of office set forth in section 1053 of this title and for the organization of the interim Board.

(e) The interim Board is by this Act discharged on July 1, 1969 and all records of the interim Board shall be turned over to the Board of the reorganized district.

Approved February 3, 1969.

CHAPTER 9

AN ACT TO PERMIT THE BOARD OF TRUSTEES OF THE JOHN DICKINSON SCHOOL DISTRICT No. 133 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 Trustees of the John Dickinson School District No. 133 is authorized to transfer the sum of \$125,000 from its local Debt Service Accounts to its School Construction Account. The sums transferred are to be used for payment of an increase in the local district share to cover the increased cost of construction of an addition and improvements to the Dickinson High School and additional facilities for McKean 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 March 19, 1969.

CHAPTER 10

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DELAWARE STATE BOARD OF CORRECTION.**

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

Section 1. In addition to other sums previously appropriated, the sum of \$390,000 is appropriated to the Delaware State Board of Correction for the fiscal year ending June 30, 1969, to be expended for the purpose of defraying construction of the new Board of Correction facilities at Smyrna.

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.

Section 3. All sums not expended by the Board of Correction shall be returned to the General Fund.

Approved March 19, 1969.

CHAPTER 11

AN ACT TO AMEND TITLE 22, DELAWARE CODE, ENTITLED "MUNICIPALITIES" BY ADDING THERETO A NEW CHAPTER 9 AUTHORIZING CITIES WITH A POPULATION IN EXCESS OF 50,000 PERSONS TO ENACT A TAX ON INCOME OF ITS RESIDENTS; AND A TAX ON THE INCOME OF NON-RESIDENTS ENGAGED IN ANY OCCUPATION, BUSINESS OR PROFESSION WITHIN THE CITY.

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

Section 1. Title 22, Delaware Code, is amended by the addition thereto of a new Chapter 9 to read as follows:

**CHAPTER 9
MUNICIPAL USER TAX**

§ 901. Authority to levy, assess and collect tax

Any municipality of this State with a population in excess of 50,000 persons is hereby authorized to levy, assess and collect a tax for general revenue purposes on earned income of its residents and on any income earned within the city by persons not residing within such city but engaged or employed in any business, profession or occupation within such city.

§ 902. Limitations

Any tax assessed within the provisions of this tax shall not exceed 1 per cent of the income of residents of such city per annum; and 1 per cent of the income of non-residents earned within the city per annum.

§ 903. Income; definition

"Income" means the total income from whatever source earned by any resident of such city; and the total income earned within such city by any non-resident of the city.

§ 904. Regulations

Each such municipality is authorized to promulgate and enforce such regulations as it deems necessary for the assessment, collection and enforcement of such tax.

§ 905. Severability

The provisions of this Act are severable and should any portion of this Act be declared to be invalid for any reason the remaining portions shall continue to be valid and enforceable.

§ 906. Suit in Superior Court

Any such municipality which adopts the provisions of this Act is in addition to all other means of enforcement available authorized to bring suit in the Superior Court of the county in which such city is located.

§ 907. This Act shall be effective for the fiscal years 1969-70 and 1970-71 and shall not be effective for any ensuing fiscal year, except for collection and enforcement as to the aforesaid fiscal years.

Approved March 31, 1969.

CHAPTER 12

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE FOR TREATMENT OF THE INFESTED FIELDS.

WHEREAS, Golden Nematode, the most serious pest threatening the American potato industry, has been found on a potato farm in New Castle County; and

WHEREAS, approximately 8,500 acres of potatoes, making up a six million dollar industry, and also a large acreage of tomatoes is threatened by this pest in Delaware; and

WHEREAS, emergency action has been taken to prevent the spread from the infested area; and

WHEREAS, a coordinated Federal-State program of surveying certain farms and the immediate treatment of the infested fields has been developed with the cost to be shared on equal State-Federal basis.

NOW, THEREFORE,

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

Section 1. The sum of \$150,000 is appropriated to State Board of Agriculture for the fiscal year ending June 30, 1969.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be used for the treatment of the infested fields and 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, 1970.

Approved April 1, 1969.

CHAPTER 13

AN ACT TO PERMIT GEORGETOWN SPECIAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE TO ITS 1969 MINOR CAPITAL IMPROVEMENT 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. Georgetown Special School District is authorized to transfer the sum of \$4,000 from its local debt service to its 1969 Minor Capital Improvement Account, the funds transferred to be used to implement its 1969 Minor Capital Improvement program.

Approved April 6, 1969.

CHAPTER 14

AN ACT TO AMEND TITLE 1, DELAWARE CODE, PERTAINING TO THE DESIGNATION OF LEGAL HOLIDAYS.

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

Section 1. § 501, Title 1, Delaware Code, is repealed and a new section is enacted to read as follows:

§ 501. Designation

The following days shall be legal holidays in this State: the first of January, known as New Year's Day; the first Monday in February, known as Lincoln's Birthday; the third Monday in February, known as Washington's Birthday; Good Friday; the last Monday in May, known as Memorial Day; the fourth of July, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the fourth Monday in October, known as Veterans Day; the fourth Thursday in November, known as Thanksgiving Day; the twenty-fifth of December, known as Christmas; Saturdays; the day of the General Election as it biennially occurs; and in Sussex County, Return Day, the second day after the General Election, after 12:00 noon.

If any of the legal holidays fall on Sunday, the Monday following shall be a legal holiday. If any of the legal holidays other than Saturday fall on Saturday, the Friday preceding shall be a legal holiday.

Section 2. This Act shall become effective on January 1, 1971.

Approved April 3, 1969.

CHAPTER 15

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" BY REDUCING THE AMOUNTS OF MONEYS APPROPRIATED AND AUTHORIZED TO BE BORROWED.

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 171, Volume 54, Laws of Delaware, is amended by striking out the words and figures "forty million six hundred and one thousand and two hundred and fifteen dollars (\$40,601,215)" where they appear therein and inserting in lieu thereof the words and figures "thirty-nine million, two hundred and twenty-eight thousand and fifteen dollars (\$39,228,015)."

Section 2. Section 13, Chapter 171, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Bridgeville 220 under the heading "Maximum Total Cost" from \$247,000 to \$200,000 and under the heading "Maximum State Share" from \$247,000 to \$200,000 and changing the totals accordingly.

Section 3. Section 13, Chapter 171, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Claymont Special under the heading "Maximum Total Cost" from \$725,000 to \$0, under the heading "Maximum State Share" from \$435,000 to \$0, under the heading "Maximum Local Share" from \$290,000 to \$0, and changing the totals accordingly.

Section 4. Section 13, Chapter 171, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Delmar 163 under the heading "Maximum Total Cost" from \$14,000 to \$0, under the heading "Maximum State Share" from \$8,400 to \$0, and under the heading "Maximum Local Share" from \$5,600 to \$0, and changing the totals accordingly.

Section 5. Section 13, Chapter 171, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Greenwood 222 under the heading "Maximum Total Cost" from \$200,000 to \$0, and under the heading "Maximum State Share" from \$200,000 to \$0, and changing the totals accordingly.

Section 6. Section 13, Chapter 171, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Houston 125 under the heading "Maximum Total Cost" from \$17,000 to \$0, under the heading "Maximum State Share" from \$10,200 to \$0, and under the heading "Maximum Local Share" from \$6,800 to \$0, and changing the totals accordingly.

Section 7. Section 13, Chapter 171, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Milton 8 under the heading "Maximum Total Cost" from \$982,000 to \$0, under the heading "Maximum State Share" from \$589,200 to \$0, and under the heading "Maximum Local Share" from \$392,800 to \$0, and changing the totals accordingly.

Section 8. Section 13, Chapter 171, Volume 54, Law of Delaware, is amended by changing the amounts opposite the

school district Odessa 61 under the heading "Maximum Total Cost" from \$139,000 to \$0, under the heading "Maximum State Share" from \$83,400 to \$0, and under the heading "Maximum Local Share" from \$55,600 to \$0, and changing the totals accordingly.

Approved April 6, 1969.

CHAPTER 16

AN ACT TO AMEND CHAPTER 384, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND FOR IMPROVEMENTS TO THE PUBLIC SCHOOL SYSTEM OF THE STATE AND TO ISSUE BONDS AND NOTES THEREFOR, AND APPROPRIATING THE MONEY BORROWED TO VARIOUS AGENCIES OF THE STATE" BY REDUCING THE AMOUNTS OF MONEYS APPROPRIATED AND AUTHORIZED TO BE BORROWED."

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 384, Volume 54, Laws of Delaware, is amended by striking out the words and figures "Twenty-four Million, Seven Hundred ninety-eight thousand, sixty dollars (\$24,798,060)" as they appear therein and inserting in lieu thereof the words and figures "Twenty-two Million, Eight Hundred thirty-one thousand, six hundred dollars (\$22,831,600)".

Section 2. Chapter 384, Volume 54, Laws of Delaware, is amended by striking out the figures "7,613,060" as they appear therein and inserting in lieu thereof the figures "5,646,600" and changing the totals accordingly.

Section 3. Section 7, Chapter 384, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Felton #54 under the heading "Maximum Total Cost" from \$15,000 to \$0, under the heading "Maximum State Share" from \$9,000 to \$0, and under the heading "Maximum Local Share" from \$6,000 to \$0, and changing the totals accordingly.

Section 4. Section 7, Chapter 384, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Delmar Public School #163 under the heading "Maximum Total Cost" from \$45,000 to \$0, under the heading

“Maximum State Share” from \$27,000 to \$0, and under the heading “Maximum Local Share” from \$18,000 to \$0, and changing the totals accordingly.

Section 5. Section 7, Chapter 384, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Magnolia School #50 under the heading “Maximum Total Cost” from \$7,500 to \$0, under the heading “Maximum State Share” from \$4,500 to \$0, and under the heading “Maximum Local Share” from \$3,000 to \$0, and changing the totals accordingly.

Section 6. Section 7, Chapter 384, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Rehoboth Special under the heading “Maximum Total Cost” from \$15,000 to \$0, under the heading “Maximum State Share” from \$9,000 to \$0, and under the heading “Maximum Local Share” from \$6,000 to \$0, and changing the totals accordingly.

Section 7. Section 7, Chapter 384, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Wm. C. Jason High under the heading “Maximum Total Cost” from \$350,000 to \$0, and under the heading “Maximum State Share” from \$350,000 to \$0, and changing the totals accordingly.

Section 8. Section 7, Chapter 384, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district Stanton #38 under the heading “Maximum Total Cost” from \$2,787,600 to \$1,846,000, under the heading “Maximum State Share” from \$1,672,560 to \$1,107,600, and under the heading “Maximum Local Share” from \$1,115,040 to \$738,400, and changing the totals accordingly.

Section 9. Section 7, Chapter 384, Volume 54, Laws of Delaware, is amended by changing the amounts opposite the school district De La Warr #47 under the heading “Maximum Total Cost” from \$1,670,000 to \$0, under the heading “Maximum State Share” from \$1,002,000 to \$0, and under the heading “Maximum Local Share” from \$668,000 to \$0, and changing the totals accordingly.

Approved April 6, 1969.

CHAPTER 17

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 House thereof concurring therein):

Section 1. That Chapter 171, Volume 54, Laws of Delaware, is amended by adding at the end thereof a new section to be numbered 39 and to read as follows:

Section 39. The School Building Commission of Marshallton 77 is hereby authorized to expend \$11,986.53 for the acquisition of 2.1029 acres in connection with the school construction program previously approved by the State Board of Education, any other provisions of this Act to the contrary notwithstanding.

Approved April 6, 1969.

CHAPTER 18

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION.

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 State Board of Education the sum of \$180,000, or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the purposes set forth in 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 of utility and service areas, construction, repairing, remodeling, equipping, landscaping and inspection costs but are not to be used for ordinary or normal maintenance expense of 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 \$180,000 shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable. For purposes of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Capital Improvement Bonds of 1970"

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 sum of \$180,000 appropriated herein, or so much thereof as is necessary to carry out the purpose of this Act, shall be expended by the State Board of Education for construction or improvement of school facilities as more particularly set forth in Section 8 of this Act.

Section 8. The sum of \$180,000 appropriated by Section 7 of this Act to the State Board of Education for school construction or improvement 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 Middletown School District for the purpose of completely replacing the windows and the heating system in the present high school

building, according to the following tabulation of maximum totals and shares, or in the proportion represented by said maximum total and shares:

| | Total Cost | State Share | Local Share |
|----------------------------|---------------|----------------|----------------|
| Middletown School District | \$300,000 | \$180,000 | \$120,000 |

Section 9. 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 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 before July 1, 1969. 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, 1971, and the actual work on the contract is commenced prior to July 1, 1971.

Section 11. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after June 30, 1975, except as provided in Chapter 75, Title 29, Delaware Code.

Section 12. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1970".

Approved April 6, 1969.

CHAPTER 19

AN ACT TO AMEND VOLUME 56, CHAPTER 292, LAWS OF DELAWARE, BY PROVIDING THAT THE BOARDS OF EDUCATION OF CERTAIN REORGANIZED SCHOOL DISTRICTS MAY LEVY AND COLLECT TAXES AFTER JULY 1, 1969 AT A RATE AUTHORIZED BY REFERENDUM PRIOR TO JULY 1, 1969.

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

Section 1. Volume 56, Chapter 292, Laws of Delaware, is hereby amended by adding at the end of Section 1010 of Section 6 thereof a new subsection (g) as follows:

(g) Notwithstanding any provision of this Chapter the School Board of a reorganized school district which consists of a single component former school district may, during and after the first fiscal year of operation, levy and collect taxes on the basis of a rate of taxation as prescribed by Section 1917 of this Title, which rate of taxation is higher than the rate of taxation specified in subsection (a) of this section, provided such higher rate of taxation has been approved by the voters of the component former school district at a special election held prior to July 1, 1969.

Approved April 6, 1969.

CHAPTER 20

AN ACT TO AMEND CHAPTER 398, VOLUME 53, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 284, VOLUME 54, LAWS OF DELAWARE, BY PROVIDING FOR THE USE OF UNEXPENDED FUNDS FOR OTHER REPAIRS AND IMPROVEMENTS TO THE FACILITIES OF THE DEPARTMENT OF MENTAL HEALTH.

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. Chapter 398, Volume 53, Laws of Delaware, as amended by Chapter 284, Volume 54, Laws of Delaware, is hereby further amended by adding a new section at the end thereof to read as follows:

Section 12. Any sum remaining unexpended after the aforementioned projects are completed, but not in excess of \$50,000.00, may be used for electrical heating or other repair or replacement on the third floor of the Main Building at Delaware State Hospital. The Funds appropriated by this Act shall be continued and not revert as otherwise required by law until December 31, 1969, other provisions of this Act notwithstanding. In the event any of said remaining unexpended sum shall have been reverted to a special account prior to the enactment of this Act, it shall be transferred back to the original appropriation account.

Approved April 16, 1969.

CHAPTER 21

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO BRANDYWINE HUNDRED FIRE CO., FIVE POINTS
FIRE CO., AND CRANSTON HEIGHTS FIRE CO.**

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 \$227.36 is appropriated to the following fire departments in the amounts shown for money expended for meals during the emergency period prior to July 1, 1968:

| | |
|----------------------------------|----------|
| Brandywine Hundred Fire Co. | \$ 32.14 |
| Five Points Fire Co. | 130.00 |
| Cranston Heights Fire Co. | 65.22 |

TOTAL \$227.36

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 April 17, 1969.

CHAPTER 22

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

WHEREAS, a referendum was duly held pursuant to resolution first adopted by the Town Council of The Town of Camden and pursuant to Chapter 120, Volume 42, Laws of Delaware, as amended; and

WHEREAS, a majority of the qualified voters and real estate owners of the territory proposed to be annexed and included in the limits of the said Town of Camden voted approval to be included within the limits of The Town of Camden;

NOW, THEREFORE:

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

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

Section 1. Section (2) F. ALL THAT CERTAIN tract, piece, or parcel of land situated in North Murderkill Hundred, Kent County and State of Delaware, lying on the Northwesterly side of U. S. Route 13 A, known as Main Street Extended, leading from Camden to U. S. Route 13 and bounded as follows: On the Southeast in part by lands now or late of Mrs. A. B. Carter, lands now or late of Charles C. Carter, lands now or late of Edward H. Nelson, lands now or late of VFW Post No. 3238, lands now or late of William C. Burke, lands now or late of Archibald C. Jones, lands now or late of Estella M. Clark, and aforesaid U.S. Route 13A; On the Southwest by

the town limits of the Town of Camden; On the Northwest by the bed of Howell Mill Pond; On the Northeast by lands now or late of Elizabeth H. Goggins.

BEGINNING at a point in the Northwesterly side of aforesaid U. S. Route 13A at a corner for lands of aforesaid Mrs. A. B. Carter, THENCE by same and in part with lands of aforesaid Charles C. Carter and lands of aforesaid Edward H. Nelson, the following four courses and distances: (1) North forty-one (41) degrees forty-five (45) minutes West, two hundred (200.0) feet to a point; (2) South forty-eight (48) degrees fifteen (15) minutes West, one hundred sixty-five and eighteen hundredths (165.18) feet more or less, to a point in line of lands of Nelson; (3) North thirty-nine, (39) degrees West, three hundred five and seventy-four hundredths (305.74) feet more or less, to a point; (4) South forty-eight (48) degrees fifteen (15) minutes West, one hundred thirty-five and eighty-three hundredths (135.83) feet more or less, to a point in line of the present limits of the Town of Camden, as shown on a plan entitled "Plot of Lord Brothers Land," as shown in Plot Book 7, Page 34. THENCE with the present limits of the Town of Camden, as shown on aforesaid plot, North forty-one (41) degrees West, six hundred ninety-four (694.00) feet to a point. THENCE continuing with the limits of the Town of Camden, North thirty-six (36) degrees West, six hundred ninety-two (692.00) feet more or less, to a point near the original high water line of aforesaid Howell's Pond. THENCE by same, with its various meanderings, its tie line being generally North eighty-two (82) degrees thirty-nine (39) minutes fifty-nine (59) seconds East, eight hundred forty-one and eight hundredths (841.08) feet more or less, to a point in line of lands of aforesaid Goggins. THENCE by same, South forty-one (41) degrees forty-five (45) minutes East, one thousand one hundred two and eighty-four hundredths (1,102.84) feet more or less, to a point, corner for lands of aforesaid Clark. THENCE by same and in part with lands of aforesaid Jones, lands of aforesaid VFW Post No. 3238, and lands now or late of aforesaid Burke, the following four courses and distances: (1) South forty-seven (47) degrees thirty-three (33) minutes twenty-three (23) seconds West, three hundred eleven and seventy hundredths (311.70) feet to a point in line of aforesaid

VFW Post; (2) North forty-two (42) degrees twenty-six (26) minutes thirty-seven (37) seconds West, twenty-five (25.00) feet to a point; (3) South forty-seven (47) degrees thirty-three (33) minutes twenty-three (23) seconds West, one hundred fifty (150.00) feet to a point; (4) South forty-two (42) degrees twenty-six (26) minutes thirty-seven (37) seconds East, three hundred twenty-five (325.00) feet to a point in the North-westerly side of aforesaid U. S. Route 13A. THENCE by same, seventy-four and ninety-five hundredths (74.95) feet more or less, to the point and place of beginning, CONTAINING twenty-four (24.0) acres of land, more or less.

This act shall be effective immediately.

Approved April 17, 1969.

CHAPTER 23

AN ACT TO AMEND SECTIONS 396, 631, AND 632, TITLE 11, DELAWARE CODE, RELATING TO PENALTIES FOR THE OFFENSES OF UNLAWFUL ENTRY, GRAND LARCENY AND PETIT LARCENY.

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

Section 1. § 396, Title 11, Delaware Code, is amended by striking "or imprisoned not more than three (3) years, or both." in line four (4) thereof and inserting in lieu thereof the following:

"and be imprisoned not more than five (5) years."

Section 2. § 631, Title 11, Delaware Code, is amended by striking "3" before "years" in line ten (10) thereof and inserting in lieu thereof the figure "5".

Section 3. § 632 (a), Title 11, Delaware Code, is amended by striking "or imprisoned not more than one (1) year, or both." after "\$500" in lines six (6) and seven (7) thereof and inserting in lieu thereof the following:

"and be imprisoned not more than three (3) years."

Approved April 24, 1969.

CHAPTER 24

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 IMPROVMENTS 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", BY REDUCING THE AMOUNT OF MONEYS APPROPRIATED AND AUTHORIZED TO BE BORROWED.

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. Chapter 429, Volume 55, Laws of Delaware, is amended by striking out the figures "\$42,639,992" where they appear therein and inserting in lieu thereof the figure "\$41,446,270."

Section 2. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amount in Section 7 (n) from \$18,303,992 to \$17,110,270 and changing the total of this section accordingly.

Section 3. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amount in Section 8 following the words "sum of" from \$18,303,992 to \$17,110,270.

Section 4. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amounts in Section 8 (d) opposite the school district Delmar #163 under the heading "Maximum Total Cost" from \$18,000 to \$0, under the heading "Maximum State Share" from \$11,000 to \$0, and under the heading "Maximum Local Share" from \$7,000 to \$0, and changing the totals accordingly.

Section 5. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amounts in Section 8 (e) opposite

the school district Ellendale #125 under the heading "Maximum Total Cost" from \$275,000 to \$0, under the heading "Maximum State Share" from \$165,000 to \$0, and under the heading "Maximum Local Share" from \$110,000 to \$0, and changing the totals accordingly.

Section 6. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amounts in Section 8 (f) opposite the school district Felton #54 under the heading "Maximum Total Cost" from \$765,000 to \$87,130, under the heading "Maximum State Share" from \$459,000 to \$52,278, and under the heading "Maximum Local Share" from \$306,000 to \$34,852, and changing the totals accordingly.

Section 7. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amounts in Section 8 (h) opposite the school district Greenwood #91 under the heading "Maximum Total Cost" from \$220,000 to \$0, under the heading "Maximum State Share" from \$132,000 to \$0, and under the heading "Maximum Local Share" from \$88,000 to \$0, and changing the totals accordingly.

Section 8. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amounts in Section 8 (g) opposite the school district Georgetown Special under the heading "Maximum Total Cost" from \$708,000 to \$0, under the heading "Maximum State Share" from \$425,000 to \$0, and under the heading "Maximum Local Share" from \$283,000 to \$0, and changing the totals accordingly.

Section 9. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amounts in Section 8 (1) opposite the school district New Castle Special under the heading "Maximum Total Cost" from \$90,000 to \$0, under the heading "Maximum State Share" from \$54,000 to \$0, and under the heading "Maximum Local Share" from \$36,000 to \$0, and changing the totals accordingly.

Section 10. Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amount in subsection 8 (s) oppo-

site the words "Alfred I. duPont" under the heading "Maximum State Share" from \$995,020 to \$955,020.

Section 11. Subsection 11 (a), Chapter 429, Volume 55, Laws of Delaware, is amended by changing the amount therein from \$6,919,000 to \$4,526,000.

Section 12. Section 11, Chapter 429, Volume 55, Laws of Delaware, is amended by adding a new subsection to read:

(i) Accelerated Major Corridor Highway Improvement Program \$2,393,000.

Approved April 24, 1969.

CHAPTER 25

AN ACT TO AMEND CHAPTER 121, 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 AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEYS TO VARIOUS AGENCIES OF THE STATE" BY REDUCING THE AMOUNT OF MONEYS APPROPRIATED AND AUTHORIZED TO BE BORROWED.

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. Chapter 121, Volume 56, Laws of Delaware, is amended by striking out the figures "\$33,857,600" where they appear therein and inserting in lieu thereof the figures "\$33,532,600".

Section 2. Chapter 121, Volume 56, Laws of Delaware, is amended by changing the amount in Section 7 (m) from \$10,643,200 to \$10,318,200 and changing the total of this section accordingly.

Section 3. Chapter 121, Volume 56, Laws of Delaware, is amended by changing the amount in Section 8 following the words "sum of" from \$10,643,200 to \$10,318,200.

Section 4. Chapter 121, Volume 56, Laws of Delaware, is amended by changing the amounts in Section 8 (c) opposite school district Bridgeville #90 under the heading "Maximum Total Cost" from \$541,000 to \$0, under the heading "Maximum State Share" from \$325,000 to \$0, and under the heading "Maximum Local Share" from \$216,000 to \$0, and changing the totals accordingly.

Section 5. Subsection 11 (a), Chapter 121, Volume 56, Laws of Delaware, is amended by changing the amount therein from \$6,484,000 to \$3,910,000.

Section 6. Section 11, Chapter 121, Volume 56, Laws of Delaware, is amended by inserting a new subsection to read:

(n) Accelerated Major Corridor Highway Improvement Program\$2,574,000.

Approved April 24, 1969.

CHAPTER 26

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 EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO VARIOUS AGENCIES OF THE STATE" BY REDUCING THE AMOUNT OF MONEYS APPROPRIATED AND AUTHORIZED TO BE BORROWED.

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. Chapter 167, Volume 55, Laws of Delaware, is amended by striking out the words and figures "Thirty-four Million, Nine Hundred Forty-eight Thousand Dollars (\$34,948,000)" as they appear therein and inserting in lieu thereof the words and figures "Thirty-four Million, Six Hundred Forty-two Thousand Dollars (\$34,642,000)".

Section 2. Chapter 167, Volume 55, Laws of Delaware, is amended by changing the amount in Section 7 (g) from \$9,563,000 to \$9,257,000 and changing the total of this section accordingly.

Section 3. Section 8, Chapter 167, Volume 55, Laws of Delaware, is amended by striking out the figures "\$9,563,000" where they appear therein and inserting in lieu thereof the figures "\$9,257,000".

Section 4. Section 8, Chapter 167, Volume 55, Laws of Delaware, is amended by changing the amount opposite the school district Oak Grove #130 under the heading "Maximum Total Cost" from \$675,000 to \$165,000, under the heading "Maximum State Share" from \$405,000 to \$99,000, and under the heading "Maximum Local Share" from \$270,000 to \$66,000, and changing the totals accordingly.

Section 5. Subsection 11 (a), Chapter 167, Volume 55, Laws of Delaware, is amended by striking that subsection in its entirety and inserting in lieu thereof a new subsection 11 (a) to read:

(a) General Highway Program (New Castle Avenue; Wilmington; Delaware Route 2; Delaware Avenue, Wilmington and U. S. 113 in Kent and Sussex Counties)\$3,012,000

Section 6. Section 11, Chapter 167, Volume 55, Laws of Delaware, is amended by inserting a new subsection to read:

(i) Accelerated Major Corridor Highway Improvement Program\$2,760,000.

Approved April 24, 1969.

CHAPTER 27

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER BY EXEMPTING LANDS AND IMPROVEMENTS OF THE LAMBORN LIBRARY ASSOCIATION 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 Lamborn Library Association.

Approved April 24, 1969.

CHAPTER 28

AN ACT AMENDING CHAPTER 121, 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 AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEYS TO VARIOUS AGENCIES OF THE STATE" BY CHANGING THE PURPOSE FOR WHICH CERTAIN MONIES APPROPRIATED TO THE DEPARTMENT OF MENTAL HEALTH MAY BE EXPENDED.

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. Chapter 121, Volume 56, Laws of Delaware, is hereby amended by striking out the words "(f) Department of Mental Health" as they appear in Section 7 of said Chapter and by inserting in lieu thereof the following:

"(f) Department of Mental Health (to include \$65,000 for the improvement of the water supply and/or distribution system at Governor Bacon Health Center)."

Approved April 24, 1969.

CHAPTER 29

AN ACT TO AMEND CHAPTER 429, VOLUME 55, LAWS OF DELAWARE, BY PROVIDING FOR THE USE OF UNEXPENDED FUNDS FOR OTHER REPAIRS AND IMPROVEMENTS TO THE FACILITIES OF THE DEPARTMENT OF MENTAL HEALTH.

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. Chapter 429, Volume 55, Laws of Delaware, is hereby amended by adding a new section at the end thereof to read as follows:

Section 20. Any part of the sum appropriated to the Department of Mental Health pursuant to Section 7 (e) remaining unexpended after the completion of each of the related projects set forth in the 1967 Annual Capital Projects Schedule may be used by the Department as follows:

A sum not to exceed \$115,000 for repair, replacement and improvements of the water and heating systems at the Hospital for the Mentally Retarded.

Contracts for the repair, replacement and improvements herein authorized may be initiated at any time prior to December 31, 1969, any other provisions of this Act notwithstanding.

Approved April 24, 1969.

CHAPTER 30

AN ACT TO AMEND SECTION 1067, TITLE 14, DELAWARE CODE, RELATING TO ELECTIONS FOR THE BOARD OF EDUCATION IN THE MILFORD SPECIAL SCHOOL DISTRICT.

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

Section 1. Section 1067, Title 14, Delaware Code, is amended to read as follows:

§ 1067. Election in 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 one member of the Board of Education of Milford Special School District, notwithstanding any provision to the contrary in Chapter 3 of this title. The individual shall be elected for a term of five years. The individual shall be elected at large in the entire Milford Special School District and shall serve in addition to the four then incumbent previously elected school board members. Thereafter school board members in the school district shall be elected in accordance with Section 1051 and Section 1052 of this chapter. No fewer than two members shall be residents of Kent County and no fewer than two members resident of Sussex County.

Approved April 24, 1969.

CHAPTER 31

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE JUNIOR MISS PAGEANT FOR THE PURPOSE OF PROVIDING FUNDS FOR DELAWARE'S JUNIOR MISS TO ATTEND THE NATIONAL JUNIOR MISS PAGEANT, AND TO DEFRAY RELATED EXPENSES.

WHEREAS, Delaware's Junior Miss has represented the State of Delaware well in both local and national events in the past; and

WHEREAS, the members of the 125th General Assembly desire for the State of Delaware to be represented at the National Junior Miss Pageant;

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. The sum of \$1500 is hereby appropriated to the Delaware Junior Miss Pageant to provide funds to defray the reasonable and necessary expenses involved in sending Delaware's Junior Miss to the National Junior Miss Pageant.

Section 2. This Act shall be considered a supplementary appropriation and the monies hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of such funds so appropriated remain unexpended upon June 30, 1969, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved April 24, 1969,

CHAPTER 32

AN ACT AMENDING TITLE 6, DELAWARE CODE OF 1953, BY PROTECTING THE PUBLIC WELFARE, EFFECUATING THE RIGHTS OF ALL PERSONS TO FULL AND EQUAL ACCESS TO HOUSING OFFERED TO THE PUBLIC FOR SALE OR RENT, DEFINING UNLAWFUL PRACTICES INVOLVING DISCRIMINATION ON ACCOUNT OF RACE, COLOR, RELIGION OR NATIONAL ORIGIN, EMPOWERING AND DIRECTING THE STATE HUMAN RELATIONS COMMISSION TO ADMINISTER THE LAW AND PROVIDING CRIMINAL PENALTIES FOR VIOLATIONS.

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

Section 1. Title 6, Delaware Code of 1953, is amended by adding a new chapter thereto reading as follows:

CHAPTER 46

EQUAL RIGHTS TO HOUSING

§ 4601. Definitions

As used in this chapter—

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, together with any land which is offered for sale or rent therewith, and also means any vacant land which is offered for sale or rent for the construction or location thereon of any such building, structure, or portion thereof.

(2) "To rent" includes to lease, to sublease, to let and otherwise to grant, continue or renew for a consideration the right to occupy premises not owned by the occupant.

(3) A dwelling shall be considered as "Offered to the public for sale or rent" if the owner of the dwelling or his agent, (a)

shall publish, post, display or circulate, or cause to be published, posted, displayed or circulated, any sign, notice, circular, poster, advertisement or the like which discloses or indicates that such dwelling is for sale or rent, or (b) shall hire, employ or contract with any person for the purpose of having such other person offer such dwelling for sale or rent, or (c) shall offer such dwelling for sale or rent as a normal activity of a business of the owner involving sale or rental of dwellings.

(4) "Family" includes a single individual.

(5) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

(6) "Commission" means the State Human Relations Commission.

§ 4602. Purpose and construction

This chapter is intended to eliminate, as to housing offered to the public for sale or rent, discrimination based upon race, color, religion or national origin, and to provide an administrative procedure through which disputes concerning the same may effectively and expeditiously be resolved with fairness and due process for all parties concerned. This chapter shall be liberally construed to the end that its purposes may be accomplished and all persons may fully enjoy equal rights and access to housing for themselves and their families.

§ 4603. Unlawful practices

Except as provided in § 4604, it shall be an unlawful practice for any person, because of race, color, religion or national origin of another person, to:

(a) refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny to any person, a dwelling offered to the public for sale or rent;

(b) expel any person from a dwelling;

(c) discriminate against any person in the price, terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith;

(d) make, print, or publish or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination;

(e) represent to any person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

(f) induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin;

(g) deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling; or discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance;

(h) deny any person access to or membership or participation in any multi-listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation; or

(i) assist, induce, incite or coerce another person to commit any of the unlawful practices specified in this section.

§ 4604. Limitations on applicability of Chapter

The provisions of this chapter shall not apply to:

(a) dwellings owned and operated for other than a commercial purpose by (i) a religious organization, association or society or (ii) any non-profit institution or organization oper-

ated, supervised or controlled by or in conjunction with a religious organization, association or society;

(b) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner thereof actually maintains and occupies one of such living quarters as his residence.

§ 4605. Enforcement and procedure on complaint

(a) Any person believing himself to be aggrieved by an unlawful practice as defined in Section 4603 may file with the Commission a complaint in writing. Such complaint shall be filed within 20 days after the date of the alleged unlawful practice, or, if the occurrence thereof was not immediately known to the aggrieved person, then within 20 days after actually learning thereof, but in no case more than six months after the alleged unlawful practice. Such complaint shall state:

(1) the name and address of the complainant;

(2) the name and address, if known, of the person or persons who allegedly committed the unlawful practice;

(3) the location of the dwelling involved;

(4) the date when the alleged unlawful practice occurred;

(5) a statement of the facts upon which the complainant bases his contention that the respondent violated the provisions of this act;

(6) such other information as may be required by the Commission.

(b) The complaint shall be signed under oath by the complainant and sworn to before a person authorized to administer oaths.

(c) Upon receipt of a complaint, the Commission shall send a copy of the complaint to the respondent by registered or certified mail.

(d) As soon as practicable, the Chairman of the Commission shall appoint a panel of three Members of the Commission

who shall promptly conduct such investigations and hold such hearings, public or private, as they deem necessary and proper. The panel they so appoint shall, as a part of their investigation, endeavor to eliminate any unlawful practice and the consequences thereof by inducing compliance through informal methods of conference, persuasion and conciliation.

(e) Within 45 days after the filing of a complaint, the panel of Commissioners, or a majority of them, shall submit a written report of their findings to the Chairman. If a majority of the Commissioners determine that the respondent did not commit an unlawful practice, the Chairman shall issue an order of the Commission dismissing the complaint. If a majority of the Commissioners determine that the respondent committed an unlawful practice, the Chairman shall execute with the respondent an agreement which shall provide that the respondent shall refrain from any unlawful practice and contain such other terms as are reasonable to effectuate the purpose of this chapter, including provisions to provide relief from the consequences of the unlawful practice and provisions to insure future compliance with the law by the respondent. In the event that the respondent shall refuse to execute such an agreement, the Chairman shall issue an order of the Commission specifying the unlawful practice committed by respondent, stating the findings of the panel of Commissioners who investigated the complaint, and directing the respondent to discontinue such unlawful practice and to comply with such other stated terms as are reasonable to effectuate the purposes of this chapter, except, however, that no such order shall issue unless a hearing, private or public, has been held.

(f) If a majority of the Commissioners appointed find that probable cause exists for believing that the allegations of the complaint are true and constitute an unlawful practice as defined in Section 4603 and that the complaint was not filed for harassment or frivolous purposes, said Commissioners, in the name of the Commission and represented by the Attorney General, may petition the Court of Chancery for appropriate injunctive relief against the respondent, including orders and decrees restraining the respondent from selling, renting or otherwise making unavailable to the complainant the dwelling specified in the complaint pending final determination of proceed-

ings under this chapter. No such injunctive relief shall be granted except after hearing, notice of which shall be given to the respondent at least three days prior thereto by the Commission by registered mail. The Court shall have power to grant such relief as it deems just and proper except as otherwise provided herein. The respondent may file an answer to the complaint and appear at such hearing in person or otherwise, and submit testimony and evidence. The Court shall not issue any order or decree restraining the respondent from selling, renting or otherwise making the dwelling specified in the complaint unavailable to the complainant for a period either exceeding 30 days from the day such order or decree was issued, or until a final order has been issued by the Chairman of the Commission as provided in this section, whichever event shall occur first.

§ 4606. Power to determine compliance

The Commission shall have the power independently to determine compliance with the provisions of this chapter. In pursuance thereof, the Commission, or any panel of three Commissioners appointed by the Chairman, may conduct such investigations and hold such hearings, public or private, as are deemed necessary and proper. Upon finding that an unlawful practice has been committed by any person the Chairman shall give notice thereof to the person involved and shall endeavor to execute an agreement with such person as provided in Section 4605. If the person refuses to sign such an agreement, an order may be issued as provided in Section 4605, except that no such order shall issue unless (i) a hearing, public or private, is first held in accordance with the provisions of this chapter, and (ii) the date of the issuance of the order is within one year of the commission of the unlawful practice. The order shall be served forthwith on the respondent personally or by registered or certified mail. The Chairman may relax the terms or conditions of any order or agreement under this section if performance would cause an undue hardship on the respondent or any other person and if not otherwise inconsistent with the purpose of this chapter.

§ 4607. Regulations

The Commission shall have the power to make and revise

or rescind such regulations as it may deem necessary or appropriate to administer the provisions of this chapter, and such regulations shall, except as may be otherwise provided by the Commission, take effect upon publication.

§ 4608. Investigations and hearings

Investigations shall be conducted and hearings, public or private, shall be held under this chapter in accordance with the regulations of the Commission; provided, however, that in the holding of hearings, public or private: (i) at least 3 days' notice shall be given to all parties, (ii) testimony shall be given under oath, (iii) all parties shall be entitled to be heard in person or by attorney and to present evidence, and (iv) the right of cross-examination shall be preserved.

§ 4609. Compelling attendance of witness and production of documents; subpoenas; oaths; witness fees and mileage

(a) In any proceeding under this chapter any Member of the Commission may administer oaths, and may compel the attendance of witnesses and the production of papers, books, accounts and other documents by issuing in the name of the Commission, subpoenas which shall be served by any employee or Member of the Commission or by any sheriff, deputy sheriff, or constable, with return thereof made to the Commission.

(b) Any witness appearing in response to a subpoena shall receive fees and mileage allowances computed at the rate allowed to witnesses in the Superior Court.

§ 4610. Refusal to obey subpoena, answer questions or produce documents; contempt

If a person is subpoenaed and fails to obey the command of such subpoena without reasonable cause, or if a person in attendance refuses without lawful cause to be examined or to answer any proper question, or to produce papers, books, accounts or other documents when ordered to do so by a Member of the Commission, the Commission may apply to the Superior Court in and for the county where such hearing is being held for an order returnable in not less than two or more than ten

days directing such person to show cause before the Court why he should not comply with the subpoena or order. Upon the return of such order the judge before whom the matter comes on for hearing shall examine under oath the person whose testimony may be relevant to be heard and if the judge determines that the person refused without legal excuse to obey the command of such subpoena or to be examined, or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to produce, the judge may order such person to comply forthwith with the subpoena or order and any failure to obey such order of the court or judge may be punished by the court or judge as a contempt of the Superior Court.

§ 4611. Right of appeal; procedure; scope of review

(a) Any complainant or respondent aggrieved by an order under this chapter shall have a right of appeal by serving upon the Commission and all adverse parties and filing, within 15 days of the date of the issuance of the order, a notice of appeal in the Superior Court in the county in which the unlawful practice is alleged to have been committed.

(b) The grounds of the appeal shall be specifically set forth in the Notice of Appeal. Service of the Notice of Appeal upon any Member of the Commission shall be deemed service upon the Commission. The Commission shall be represented by the Attorney General. The Commission shall cause to be filed forthwith a certified copy of its record in the proceedings. Unless otherwise ordered by the court, the filing of the appeal shall act as a stay of the order appealed from until disposition of the appeal.

(c) The cause of appeal shall be tried de novo and proceedings shall be held as in other civil actions.

§ 4612. Enforcement of Commission orders

The Attorney General, upon the written request of the Chairman and on behalf of the Commission as plaintiff, shall commence a civil action in the Court of Chancery for the enforcement of any order or agreement under this chapter.

§ 4613. Violations and penalties

Any person, who, upon prosecution instituted by the Attorney General or the Commission, or upon prosecution instituted by any other person after certification by the Commission as provided in Section 4514 of Title 6, shall be found guilty of an unlawful practice proscribed by Section 4603, shall be guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned for not more than ninety days, or both.

SECTION 2. If any clause, sentence, paragraph or part of this Act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction, to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act.

Approved April 25, 1969.

CHAPTER 33

AN ACT DECLARING THE POLICY OF THIS STATE REGARDING REORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT AND CREATING A GOVERNOR'S TASK FORCE ON GOVERNMENT REORGANIZATION TO PLAN AND IMPLEMENT THE REORGANIZATION OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT AND PRESCRIBING CERTAIN POWERS AND RESPONSIBILITIES FOR SUCH TASK FORCE AND MAKING A SUPPLEMENTARY APPROPRIATION TO THE GOVERNOR'S OFFICE TO CARRY OUT THE PURPOSES OF THIS ACT.

WHEREAS, the executive responsibility in the State of Delaware has been diffused, scattered, and inherently unresponsive to the citizens because of the form and structure of the executive branch of government which has existed in Delaware;

WHEREAS, various studies have been undertaken and completed and many recommendations have been made in the past but concrete plans for a comprehensive executive reorganization have not been formulated or implemented heretofore;

WHEREAS, a process of planning and implementation of a comprehensive reorganization of the Executive Branch should begin at this time under the direction of the Governor with the assistance of a task force and staff as hereinafter provided.

NOW, THEREFORE, be it enacted by the 125th General Assembly of the State of Delaware:

Section 1. It is declared to be the public policy of this State that the commission form of government shall be abolished and a cabinet form of government shall be adopted so that the Office of Governor shall possess the supreme executive power vested in it by the Constitution of this State.

Section 2. There is hereby created a Governor's Task Force on Government Reorganization (hereinafter "Task

Force") which shall be constituted and empowered as follows:

(a) The Task Force shall be an instrument of the office of the Governor and shall carry out such duties in regard to reorganization of the executive branch of the State government as the Governor shall direct.

(b) The Task Force shall consist of not less than three nor more than nine citizens of this State who shall be appointed by the Governor and serve at the pleasure of the Governor and without compensation, save for reimbursement of expenses.

(c) The Task Force shall have the right of access to all records, proceedings and personnel of the commissions and departments of the executive branch of the State government to carry out the purposes of this Act.

(d) The Task Force is empowered to retain such staff and consultants and to purchase such equipment and supplies as shall be necessary to carry out the purposes of this Act and as shall be within the appropriation to the Task Force.

Section 3. It is hereby appropriated to the Office of the Governor the sum of \$10,000 to carry out the purposes of this Act from the effective date hereof to the end of the current fiscal year. This appropriation shall be considered a supplementary appropriation and the funds hereby appropriated shall be paid out of the funds of the State Treasury from funds not otherwise appropriated and shall be additional to any other funds appropriated to the Office of the Governor. The funds appropriated hereby shall be used only for the purposes specified, and any unexpended funds shall revert to the general funds of the State Treasury on June 30, 1969.

Section 4. The existence of the Governor's Task Force on Government Reorganization created by this Act shall terminate upon December 31, 1970.

Approved April 25, 1969.

CHAPTER 34

AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS TO THE DEPARTMENT OF PUBLIC WELFARE FOR THE PURPOSE OF PROVIDING OPERATIONAL WELFARE GRANTS, STAFF SALARIES AND ADMINISTRATIVE EXPENSES FOR THE BALANCE OF THE FISCAL YEAR ENDING JUNE 30, 1969.

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

Section 1. The sum of \$502,978 is hereby appropriated to the Department of Public Welfare for the fiscal year ending June 30, 1969, in order that it be able to continue providing operational welfare grants for the balance of the fiscal year in the following categories and amounts:

| | |
|--|-----------|
| General assistance | \$206,419 |
| Aid to families with dependent children | 159,900 |
| Direct care—child welfare services | 115,883 |
| Aid to the permanently and totally disabled | 20,776 |
| | <hr/> |
| Total | \$502,978 |

Section 2. The sum of \$72,400 is hereby appropriated to the Department of Public Welfare for the fiscal year ending June 30, 1969, for the purpose of providing for administrative expenses and for staff salaries for the balance of the fiscal year in the following categories and amounts:

| | |
|----------------------------------|----------|
| Contractual services | \$11,000 |
| Blue Cross and Blue Shield | 60,000 |
| Supplies and materials | 1,200 |
| Travel | 200 |
| | <hr/> |
| Total | \$72,400 |

Section 3. This Act shall be considered a supplementary appropriation and the monies hereby appropriated shall be

paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 4. If any of the funds in the above categories remain unexpended upon June 30, 1969, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved April 29, 1969.

CHAPTER 35

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE DEPARTMENT OF JUSTICE FOR
SALARIES AND OPERATIONAL EXPENSES.**

WHEREAS, the State Department of Justice was created by Act of the General Assembly effective January 1, 1969; and

WHEREAS, funds were not appropriated by said Act to provide for certain additional salaries and operational expenses for the Department of Justice through the end of the current State fiscal year; and

WHEREAS, the sum of \$45,230 was advanced to the Department of Justice from the Governor's Contingency Fund for the purpose of providing for a portion of such additional salaries and operational expenses until such time as the General Assembly would convene; and

WHEREAS, certain additional funds are needed for the operation of the Department of Justice through the end of the current fiscal year, and it is also necessary to return the aforesaid amount previously advanced to the Governor's Contingency Fund;

NOW, THEREFORE

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

Section 1. The sum of \$67,854.36 is hereby appropriated to the State Department of Justice for the purpose of additional salaries and operational expenses during the fiscal year ending June 30, 1969. The aforementioned sum shall be allocated as follows:

| | |
|--|--------------------|
| Salaries from April 1, 1969 through June 30, 1969 | \$22,624.36 |
| To be returned to the Governor's Contingency Fund for salaries and operational expenses previously advanced through March 30, 1969 | \$45,230.00 |
| Total | <u>\$67,854.36</u> |

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, 1969 shall revert to the General Fund.

Approved April 29, 1969.

CHAPTER 36

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO DELAWARE STATE COLLEGE.

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

Section 1. The sum of \$52,000 is appropriated to Delaware State College for the fiscal year ending June 30, 1969, to be expended as follows:

| | |
|-------------------------------------|----------|
| (a) Cost of emergency repairs | \$30,000 |
| (b) Cost of extra policemen | 22,000 |
| | <hr/> |
| Total | \$52,000 |

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 appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1969.

Approved April 29, 1969.

CHAPTER 37

AN ACT TO PROVIDE FOR THE INVESTMENT OF FUNDS BELONGING TO PATIENTS OF INSTITUTIONS UNDER THE JURISDICTION OF THE BOARD OF TRUSTEES OF THE DEPARTMENT OF MENTAL HEALTH AND TO PROVIDE FOR THE USE OF THE INCOME THEREFROM BY THE INSTITUTIONS.

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 60. PATIENTS' TRUST FUND

§ 6001. Definitions

As used in this Chapter—

(a) "Institution" means any institution operated, maintained, or under the supervision of the Board of Trustees of the Department of Mental Health.

(b) "Patient" means any person admitted or committed to, or placed in any such institution for the purpose of treatment.

§ 6002. Co-mingling of funds

Any institution which has funds belonging to any patient of the institution, or deposited for the benefit of any patient, may co-mingle such funds by depositing them in any interest or income bearing bank account, or savings and loan association account, provided such accounts or deposits are fully guaranteed by the Federal Savings and Loan Insurance Corporation or other agency of the United States.

§ 6003. Records of owners

The ownership of the principal amount of the funds shall be continued in the respected patients and be accounted for on appropriate records of the institution.

§ 6004. Use of interest

The interest or other income from such deposits earned either before or after the effective date of this Act shall be deposited with the State Treasurer in a special account and shall be used by the institution to purchase supplies and equipment for the rehabilitation or recreation of the patients of the institution.

§ 6005. Audit of funds

The funds received or retained pursuant to this Chapter shall be audited from time to time by the Auditor of Accounts.

Approved April 29, 1969.

CHAPTER 38

AN ACT TO AMEND SECTION 1001 (A), TITLE 20, DELAWARE CODE, RELATING TO PENSION BENEFITS FOR STATE PARAPLEGIC VETERANS.

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

Section 1. Section 1001 (a), Title 20, Delaware Code, is hereby amended by striking the figures "600" as they appear in the second line of said subsection, and inserting in lieu thereof, the figures "1200".

Approved April 29, 1969.

CHAPTER 89

AN ACT TO AMEND 32 DELAWARE LAWS, CHAPTER 71, SECTION 1, AS REVISED IN CHAPTER 83, TITLE 9 OF THE DELAWARE CODE ENTITLED "PUBLIC INSPECTION OF COMPLETED ASSESSMENT" IN RESPECT TO THE POSTING OF ASSESSMENT LISTS IN SUSSEX COUNTY.

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

Section 1. 32 Delaware Laws, Chapter 71, Section 1, as revised in Chapter 83, Title 9, Delaware Code, § 8311 (a), (3) is amended by striking out all of the said subsection 3 and inserting and enacting in lieu thereof the following new section:

(3) Sussex County, by February 15th; assessments open for inspection in the office of the Board.

Approved April 29, 1969.

CHAPTER 40

AN ACT TO AMEND "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF THE TOWN OF CAMDEN' TO 'THE TOWN OF CAMDEN' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO INCREASING THE LIMIT OF THE AMOUNT TO BE RAISED BY TAXATION TO TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS.

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 (13), Section 15, of Chapter 159, Volume 43, Delaware Laws, as amended by Chapter 271, Volume 49, Delaware Laws, is amended to read as follows:

(1) The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Twenty-Five Thousand (\$25,000.00) Dollars in any one year clear of all delinquencies and expenses of collection; provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in all respects as provided for in Section 5 of this Act, may raise by taxation any amount above and exceeding the sum of Twenty-Five Thousand (\$25,000.00) Dollars. At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation", another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised; when, however, any sum in excess of Twenty-Five Thousand (\$25,000.00) Dollars shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum when in order to authorize any such increase a new referendum shall be necessary and whenever any increased sum shall be authorized at any referendum said sum shall represent the

maximum amount authorized to be raised from year to year by taxation until any increase shall have been authorized by referendum duly held as aforesaid.

Approved April 29, 1969.

CHAPTER 41

AN ACT TO AMEND SECTION 504, TITLE 7, DELAWARE CODE, RELATING TO AN INCREASE IN LICENSE FEES TO BE PAID BY RESIDENTS OF THIS STATE FOR HUNTING AND TRAPPING LICENSES AND FISHING LICENSES.

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

Section 1. Section 504, Title 7, Delaware Code, is amended by striking the figure "3" as it appears in the first line of said section, and inserting in lieu thereof, the figure "5".

Section 2. Section 504, Title 7, Delaware Code, is amended by striking the figure "2" as it appears in the second line of said section, and inserting in lieu thereof, the figure "4".

Approved April 29, 1969.

CHAPTER 42

AN ACT TO AMEND SECTION 509 (2), TITLE 7, DELAWARE CODE, RELATING TO NON-RESIDENT FISHING LICENSE FEES.

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

Section 1. Section 509 (2), Title 7, Delaware Code, is amended to read as follows:

(2) A non-resident for a fee of \$9.50 may obtain a license to fish in the waters of this State until June 30 next following the date of its issuance when it is otherwise lawful to do so. A non-resident for the fee of \$3.20 may obtain a license to fish in the waters of this State for a period of seven consecutive days from the date of its issuance when it is otherwise lawful to do so.

Approved April 29, 1969.

CHAPTER 43

AN ACT TO AMEND CHAPTER 10 OF PART 1, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE REORGANIZATION OF SCHOOL DISTRICTS.

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

Section 1. Section 1006, Subchapter I, Chapter 10, Part 1, Title 14, Delaware Code, is amended by adding a new subparagraph (c) as follows:

(c) All bond issues or portions thereof, approved by the voters of a component former school district or districts prior to July 1, 1969 and remaining unissued on July 1, 1969 may be issued by the reorganized school district and such bonds shall become the common obligation of all of the residents of the reorganized school district and the principal and interest on such bonds shall be paid by means of a common tax levied uniformly throughout the reorganized school district.

Section 2. Subparagraph (c) of Section 1006, Subchapter I, Chapter 10, Part 1, Title 14, Delaware Code, is hereby redesignated (d).

Section 3. This Act shall take effect on July 1, 1969.

Approved April 29, 1969.

CHAPTER 44

AN ACT MAKING SUPPLEMENTARY APPROPRIATION TO THE DELAWARE STATE DEVELOPMENT DEPARTMENT FOR THE PURPOSE OF PROVIDING FUNDS FOR A DEPARTMENT REPRESENTATIVE TO ATTEND THE FLORIDA FESTIVAL OF STATES IN ST. PETERSBURG, FLORIDA IN APRIL, 1969, AND TO DEFRAY RELATED EXPENSES.

WHEREAS, it is desirable for the State of Delaware to be represented at the Florida Festival of States to be held in St. Petersburg, Florida in April, 1969; and for the Delaware State Development Department to have a representative attend said Festival to carry out the purpose of the Department, including the promotion of a Delaware High School Band attending said festival; NOW, THEREFORE,

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

Section 1. The sum of \$900 is hereby appropriated to the Delaware State Development Department to provide funds to the Department to defray the reasonable and necessary expenses involved in sending one Representative of the Department to St. Petersburg, Florida, to attend and participate in the Florida Festival of States to be held in April, 1969; said Representative to attend said Festival to further the purposes of the Department as set forth in 29 Delaware Code, Section 4101.

Section 2. This Act shall be considered a supplementary appropriation and the monies hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of such funds so appropriated remain unexpended upon June 30, 1969, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved April 29, 1969.

CHAPTER 45

AN ACT TO AMEND CHAPTER 29, TITLE 29, DELAWARE CODE, RELATING TO THE DUTIES OF THE AUDITOR OF ACCOUNTS AND AUDITING EXPENSES RELATED THERETO.

WHEREAS, it has been determined that present statutes, and procedures promulgated thereunder, with respect to the responsibility of performing, or the contracting for the performance of, post-audits of the financial transactions of all State agencies, do not provide for appropriate division of responsibility, preclusion of conflicts of interest or essential cost control, NOW, THEREFORE:

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

Section 1. Section 2906, Chapter 29, Title 29, Delaware Code, is hereby repealed and the following new Section 2906 is enacted in lieu thereof:

§ 2906. Duties of Auditor of Accounts

(a) The Auditor of Accounts shall conduct post audits of all of the financial transactions of all State agencies. Insofar as possible such audits shall be made annually, and in any event annual audits shall be made with respect to the Office of the State Treasurer, the Office of the State Tax Commissioner and all agencies collecting State revenues of \$500,000 or more each year or expending State funds of \$500,000 or more each year.

(b) At least quarterly during each fiscal year, the Auditor of Accounts shall arrange for an audit to determine that the books and records maintained by the Office of the State Treasurer are kept in accordance with generally accepted accounting principles and are reconciled with the various bank accounts. In conjunction therewith, the Auditor of Accounts shall reconcile the records maintained by the office of the State Treasurer with the fund balances maintained and reported by the Budget Director.

(c) The Auditor of Accounts shall have sole responsibility for the arrangements under which such agency post-audits shall be conducted, or the selection of certified public accountants, who shall make such post-audits. No other state agency or member, official or employee thereof shall have any part in, or responsibility for, the choice or selection of certified public accountants, nor shall they make any arrangements, agreements or contracts for the employment of certified public accountants, for the purpose of making agency post-audits.

(d) The expenses incurred for the performance of such agency post-audits upon authorization of the Auditor of Accounts, shall be charged to the appropriate agency accounts, in accordance with the budgeted capital or general fund appropriations of the General Assembly. If there be any question as to the proper accounts to be charged, the question shall be resolved by agreement between the Auditor of Accounts and the Budget Director.

(e) No provisions of this Section 2906 shall serve to nullify the provisions of Section 5109, Title 14 which shall remain in full force and effect, however any other provision of the Delaware Code which stands in conflict with the provisions of this section shall be null and void.

Section 2. Section 2907, Chapter 29, Title 29, Delaware Code, is hereby repealed and the following new Section 2907 is enacted in lieu thereof:

§ 2907. Scope of Audits

(a) The audits shall be sufficiently comprehensive to provide, but not limited to, assurance that reasonable efforts have been made to collect all monies due the State; that all monies collected or received by any employee or official have been deposited to the credit of the State; and that all expenditures have been legal and proper and made only for the purposes contemplated in the funding acts or other pertinent regulations.

(b) The audits shall be made in conformity with generally accepted auditing principles and practices.

Approved April 30, 1969.

CHAPTER 46

AN ACT TO AMEND CHAPTER 10, TITLE 14, DELAWARE CODE, RELATING TO THE ADJUSTED TAX RATE OF REORGANIZED SCHOOL DISTRICTS.

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

Section 1. Section 1010 (a) and (b), Chapter 10, Title 14, Delaware Code, is amended by adding the following sentence at the end of each of the said sections:

In no case shall the school boards of districts ordered to consolidate school districts having one-through-nine grades with a co-terminus superimposed high school district set a tax rate for its operational budget where the rate will be more than forty cents per one hundred dollars of assessed valuation higher than the highest rate for operational budget of either of its former component one-through-nine grade school districts plus the rate for the superimposed high school district for fiscal year July 1, 1968 to June 30, 1969.

Section 2. § 1010 (e), Chapter 10, Title 14, Delaware Code, is amended by striking the date "April 1, 1969" where it appears therein and inserting in lieu thereof the date "May 1, 1969."

Approved April 30, 1969.

CHAPTER 47

AN ACT TO AMEND SECTIONS 356 AND 357, TITLE 30, DELAWARE CODE, RELATING TO THE PRINTING AND DISTRIBUTION OF TAX RETURN FORMS BY THE TAX COMMISSIONER.

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

Section 1. Section 356, Title 30, Delaware Code, is amended by adding at the end thereof the following:

“Upon such approval of the Tax Board, the Tax Commissioner shall, on or before October fifteenth of each successive year, cause to have printed in sufficient numbers all the blanks necessary for the making of all state tax returns.”

Section 2. Section 357, Title 30, Delaware Code, is amended by striking therefrom the words “February fifteenth” and by inserting in lieu thereof the words “December first.”

Approved April 30, 1969.

CHAPTER 48

AN ACT TO AMEND PART III, TITLE 21, DELAWARE CODE, BY ADDING A NEW CHAPTER 46, RELATING TO THE ADVERTISEMENT AND SALE OF MASTER KEYS AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

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

Section 1. Amend Part III, Title 21, Delaware Code, by adding thereto a new Chapter 46 to read as follows:

CHAPTER 46. ADVERTISEMENT AND SALE OF MASTER KEYS**§ 4601. Introduction, sale, distribution, or advertisement for sale to public of motor vehicle master keys; penalty**

(a) Whoever knowingly introduces, or manufactures for introduction, into this State or transports or distributes in this State any motor vehicle master key shall be fined not more than \$2,000 or imprisoned not more than five (5) years, or both.

(b) Whoever knowingly disseminates or knowingly causes to be disseminated any advertisement or sale to the public of this State motor vehicle master keys shall be fined not more than \$2,000 or imprisoned not more than five (5) years, or both.

(c) As used in this section, "master key" means any key adapted to fit the ignition switch of two or more motor vehicles, the ignition switches of which are designed to operate by different keys.

§ 4602. Exemptions

The provisions of § 4601 of this title shall not apply to—

(1) The introduction, manufacture for introduction, transportation, distribution, sale or possession in this State of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, vehicle manufacturer, lock manu-

facturer, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association, or any department, agency, or instrumentality of (a) the State of Delaware, the United States, or (b) any political subdivisions of any such entity.

(2) The shipment, transportation, or delivery for shipment in this State of motor vehicle master keys in the ordinary course of business of any common carrier or contract carrier.

(3) Any person, corporation, agency, association, club, department, or carrier possessing any master key pursuant to this section shall, within 30 days after the adoption of this act and every 6 months thereafter, submit to the Motor Vehicle Commissioner of the State of Delaware a list describing all master keys which it possesses. Any person, corporation, agency, association, club, department, or carrier which submits a list pursuant to this paragraph, which list does not contain any master key which was described in any previous list to the Motor Vehicle Commissioner shall, in writing, notify the Motor Vehicle Commissioner of the reason for omission. Whoever knowingly fails to comply with this paragraph shall be fined not more than \$2,000 or imprisoned not more than five (5) years or both.

Approved April 30, 1969.

CHAPTER 49

AN ACT TO AMEND CHAPTER 32, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FREDERICA" BY INCREASING THE AMOUNT OF ANNUAL TAX TO BE RAISED BY THE COUNCIL AND BY INCREASING THE AMOUNT WHICH COUNCIL IS PERMITTED TO BORROW EACH YEAR.

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

Section 1. Section 6 of Chapter 32, Volume 47, Laws of Delaware, entitled "An Act to Reincorporate The Town of Frederica," is amended by striking out the words and figures "Five Thousand Dollars (\$5,000.00)" as they appear in lines three and four thereof and by inserting in lieu thereof the words and figures "Fifteen Thousand Dollars (\$15,000.00)."

Section 2. Section 16 of Chapter 32, Volume 47, Laws of Delaware, entitled "An Act To Reincorporate The Town of Frederica," is amended by striking out the words and figures "One Thousand Dollars (\$1,000.00)" as they appear in lines two and three thereof and by inserting in lieu thereof the words and figures "Fifteen Thousand Dollars (\$15,000.00)."

Approved April 30, 1969.

CHAPTER 50

AN ACT TO AMEND CHAPTER 239, VOLUME 27, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF VIOLA", BY 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):

Section 1. That the inhabitants of the Town of Viola, Kent County, Delaware, are hereby constituted a municipal corporation and body politic. The name and style of said corporation shall be "The Commissioners of Viola," by which name the said corporation may sue and be sued, plead and be impleaded, complain, answer and defend in all courts of this State, and the said corporation shall have and use a common seal of its own devising with power to alter and renew the same.

Section 2. The boundaries of said corporation hereinafter designated as the Town of Viola, shall be as follows, viz: Beginning at a point in the County Road leading from Canterbury to Willow Grove, about 995 feet west of the center of the Delaware Railroad tracks; thence running in a northerly direction a line parallel with said railroad about 974 feet to a point in lands of Purnal F. Friedel; thence running in an easterly direction a line parallel with W. Howard Street in said town across the tracks of the Delaware Railroad about 2,468 feet to a point in lands formerly of Ed. Todd; thence running in a southerly direction a line parallel with said Delaware Railroad about 1,987 feet to a point near the late William Evens house; thence running in a westerly direction a line parallel to said E. Howard Street across the said railroad about 2,468 feet to a point near Virgil Jarrell's house; thence running in a northerly direction about 1,013 feet to the place of beginning.

Section 3. The said corporation shall be governed by a Board of Commissioners. They shall elect a President from their own number and shall elect a Treasurer and a Clerk from among the citizens of the said corporation.

Section 4. A town election shall be held on the last Saturday in March, and on the same date in each and every year thereafter in the said town of Viola at the Viola Community House therein between the hours of two o'clock P.M. and four o'clock P.M. Such election may be held by the President of the Commissioners or any other voter in his absence, and two citizens chosen by the legally qualified voters present at the opening of the polls, who shall be judges of said election, and shall decide the legality of the votes offered.

They shall receive the ballots, ascertain the result and certify the same on the books of the Commissioners. At every such election every resident of said town twenty-one years of age or older shall be entitled to a vote. At the annual election held the last Saturday in March, 1969, there shall be chosen two Commissioners to serve for the term of two years or until their successors shall be duly chosen and qualified. At the annual election held on the last Saturday in March, 1970, there shall be chosen three Commissioners to serve for a term of two years or until their successors have been chosen and qualified. At every subsequent annual election the successors to the Commissioners whose terms shall have expired shall be chosen to serve for the term of two years, or until their successors have been duly chosen and qualified, and if any vacancy or vacancies shall occur among them by death, resignation, refusal to serve or otherwise, the remaining Commissioners, shall have the power to fill such vacancy or vacancies until the ensuing annual election, at which time such vacancy or vacancies shall be filled by election of Commissioners to fill out the whole of the unexpired term of the Commissioner or Commissioners in whose stead they shall be elected. No one shall be eligible to the office of Commissioner unless he has been a resident of said town for a period of at least one year. In the event of a tie vote for the office of the Commissioner, the Commissioners whose term shall not have expired shall cast the deciding votes. All persons desiring to be candidates at any annual election shall file with the President of the Commissioners. A written statement of their candidacy at least ten days previous to said election and a vote cast for any person whose candidacy has not been so filed shall not be counted.

Section 5. There shall be four stated meetings in every

year of the said Commissioners, viz: on the last Saturday in March, June, September and December, at which meetings they may pass ordinances and rules for the good government of said town, the lighting and improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all matters relating to the general welfare of said town provided the same shall not be repugnant to the constitution and the laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures and provide for their collection. Also, the President shall, at the request of two or more Commissioners, call a special meeting of the Commissioners whenever they may deem such meeting necessary, and at such meeting they shall have the right to transact any business they may have power to transact at regular meetings. The said Commissioners shall, at their first meeting after the election, elect one of their number as President whose duty it shall be to preside at the meetings of the said Commissioners, have the general supervision of all streets in said town, and of the persons who may be employed by the town Commissioners, receive written complaints signed by the citizens making said complaint of nuisances and violations of the laws and ordinances, and present the same to the Commissioners at the first stated meeting for action, and such violation or infraction of the laws or ordinances that shall require immediate attention to cause the same to be proceeded on before the Alderman or the nearest available Justice of the Peace to the place where the offense or infraction is alleged to have been committed. He shall sign all warrants on the treasurer for the payment of money and shall perform such other duties as may be prescribed by the ordinances.

Section 6. That the Commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised in said town for that year, not exceeding fifteen hundred dollars including tax on real and personal property and capitation; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number.

The Collector and Treasurer may be the same person. It

shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate not now exempt from taxation for municipal purposes and assessable personal property within said town, and also an assessment of all the citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning real estate, at least One Dollar per head as tax provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated, exceeding five acres in quantity, shall be exempt from taxation for the use and purposes of said town of Viola, but all such lots and pieces and parcels of land exceeding five acres as aforesaid, having a dwelling house thereon shall be assessed and taxed as and for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the Commissioners shall give five days' public notice of the fact, and that they will sit together at a certain place, on a certain day, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commission and delinquencies which shall be allowed by the Commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes, as are conferred by law, upon collectors of County taxes; provided, however, that in making said assessment for the town of Viola all machinery in any factory now in said town or that hereafter may be erected shall be exempt from taxation for town purposes, and that only the real estate and buildings, belonging to said factory shall be taxed.

On all taxes paid after the first day of January next succeeding the delivery of the annual assessment list to the Collector of Taxes shall be added an amount equal to the amount of

one per centum per month for each and every month such taxes shall remain unpaid and shall be collected in the same manner as the original amount of the tax.

Section 7. A remedy by distress as now prescribed by law is hereby preserved to the Collector of Taxes for the collection of any taxes, assessments or other charges for which he may be responsible.

At any time after the delivery of the annual assessment list to the Collector of Taxes the Collector may in the name of the Commissioners of Viola institute suit before any Justice of the Peace of the State of Delaware in any of the counties of the State for the recovery of the unpaid tax assessment or other charge in an action of debt and upon judgment obtained may issue writ of execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained which by virtue of such execution shall be levied upon within thirty days after the issuance thereof and such lien shall have priority over all other liens against said personal property created or suffered by the taxable except such liens thereon which may be created in regard to County taxes, although such other liens be of a date prior to the time of the attachment of such tax liens.

Any time after the delivery of such annual assessment list to the Collector of Taxes the Collector may notify in writing the person, firm or corporation by whom any taxable is employed that the tax assessment or charge due from said employe is due and unpaid. The notice shall be signed by the Collector of Taxes and shall contain correct name of the taxable as it appears on any such list, the amount of the tax, assessment, or other charge due with penalties and interest added if any.

Thereupon it shall be the duty of the employer to take from the wages salary or other money then due the taxable the amount of the tax, assessment, or other charge together with penalties and interest added if any owing from the employee and charge the same against him and to pay the same to the Collector of Taxes within ten days. The Collector of Taxes shall deliver to the employee a Certificate of Payment which shall be allowed in any accounting between the employer and taxable. If the

employer be notified as aforesaid and having in his hands belonging to the taxable shall neglect or refusal to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax, assessment or other charges together with penalties and interest due 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 any Justice of the Peace as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

Section 8. That the Commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid by the treasurer shall be paid upon order of the Commissioners, or a majority of them, provided that said Commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by said taxation and receive from the county.

Section 9. That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning property fronting upon them, who, and who alone, shall bear the expenses of making pavements or such other improvements when the same shall be ordered. Provided, that no persons shall be required to pave more than seventy-five feet in any year. If such ordinance be not complied with within three months, the Commissioners may procure the materials and have the work done and collect the expense of the same from the owner of said property in an action at law.

Section 10. That the President and Commissioners shall have the superintendence and oversight of all roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of such road or street shall be appointed by the Levy Court of Kent County but the said Levy Court shall annually appropriate for the repair of said roads a sum of money not less than two hundred dollars, and shall make an order for the payment thereof to the treasurer of the town of Viola for the use of said town.

Section 11. That the treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the President of the Commissioners. They shall also, before entering upon the duties of their office, give bond to the town of Viola, with sufficient surety to be approved by the Commissioners of said town, in the penal sum double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlement of their accounts, to which said bonds and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said Commissioners and signed by the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Commissioners annually in the month of March and at such other times as the said Commissioners may require.

The treasurer, clerk and assessor of said town shall receive each year a reasonable compensation for their services, to be determined by the Commissioners of said town; provided the compensation of said treasurer, as such, shall not exceed two percent, on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight percentum on the taxes collected by him.

Section 12. That the town Commissioners at their first meeting or as soon thereafter as convenient, may annually proceed, to elect, by ballot some suitable person, resident in said town to be Alderman of the town of Viola who may or may not be a Justice of the Peace resident of said town to serve as such for the term of one year, or until his successor shall be duly elected, subject, however, to be removed from office at any time by vote of two-thirds of all the Commissioners. Before entering upon the duties of his office he shall be sworn or affirmed by the President of the Commissioners, or by any one of the Commissioners, to perform the duties of his office honestly, faithfully, and diligently. In case of temporary disability of the Alderman to perform his duties by reason of sickness or ab-

sence, or otherwise, the same Commissioners may at any meeting appoint an acting Alderman for the period of such disability.

Section 13. That the Commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the Commissioners, and the same shall be evidence.

Section 14. That the Commissioner shall appoint one or more persons to serve as police officers for and on behalf of the town of Viola and shall fix his or their compensation. Such police officers shall be under the direction of the President of the Commissioners except as the Commissioners otherwise direct. It shall be the duty of such officers to police the town of Viola and they shall have all the powers of municipal police officers and constables of Kent County within the town limits and within one mile adjacent to the corporate limits of said town.

Section 15. The Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed in this town, so far as to arrest and hold for bail or fine and imprison offenders; and, also, all fines, penalties and forfeitures prescribed by this Charter or any law of the state or by an ordinance by the Commissioners and, also, of all neglects, commissions and defaults of any member of the town police force or any other city officer or employee, provided that in the case of the violation of an ordinance he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than 30 days in default of the payment of a fine imposed by him. The Kent County Correctional Institution may be used for imprisonment under the provision of this act provided that the Commissioners shall pay for the board of persons committed for breach of ordinances that do not constitute breaches of the general law. Within his jurisdiction as aforesaid the Alderman shall have all the powers and authority of a Justice of the Peace for Kent County.

Upon the expiration of the term for which he was chosen, or if any Alderman shall be removed from his office by the Commissioners as aforesaid provided, he shall deliver to his successor all the books and papers belonging to this office, and

shall pay over at the town treasurer all money in his hands belonging to the town within five days after his removal.

Section 16. The said corporation shall have power to lay out, improve, control and police, streets, lanes, alleys, and sidewalks in the said town, to regulate, abate, and pass ordinances prohibiting and fixing penalties for, all kinds of nuisances, disorders, and practices, and performances which shall be deemed by the Commissioners obnoxious, unhealthy, unsafe, or detrimental to persons and property within the corporate limits. And to own such property and make such contracts and engage in such business as shall be deemed proper for the improving of the town, for the advantage of its citizens, or for the promotion of the general peace and welfare.

Section 17. The Board of Commissioners shall have power, upon the application of ten or more citizens of the town, by petition for the purpose, to locate, lay out, and open any new street, lane or lanes, or alley or alleys, or widen any street, lane or alley heretofore laid out in said town, or reopen any old street or streets, lane or lanes, or alley or alleys, now closed or which may hereafter be closed, which ten or more persons may desire to be located, laid out and opened, or widened or reopened, allowing to the persons respectively, through and over whose lands such street or streets, lane or lanes, or alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town upon warrants drawn upon him by order of the Board aforesaid. Whenever the Board of Commissioners shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefore, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate, but if there be no holder or tenant resi-

dent in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the Board of Commissioners, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the president of said Board of Commissioners, or the person performing the duties of president of said Board for the time being. In order to prosecute said Appeal, such owner or owners shall within fifteen days after the expiration of the president of Board, or the person performing the duties of president of said Board for the time being, make written application to the Associate Judge of the Superior Court of this State, resident in Kent County, for the appointment of a commission to hear and determine the matter of damages or compensation, and thereupon the said associate judge shall issue a commission under his hand directed to five freeholders of the said County, three of whom shall be residents of said town of Viola, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said Board of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said associate judge at a time therein appointed, the freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises and they, or a majority of them shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said Board of Commissioners, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the Board of Commissioners may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from town, during said period of one month, or are minors then the same may be deposited to his or her credit in the Farmers Bank of the State of Delaware, at Dover, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid.

In the ascertainment and assessment of damages by the freeholders appointed by the associate judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholder shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the Board of Commissioners shall have the option to pay damages assessed, within the time aforesaid and proceed with the said improvements; or, upon the payment of the costs only, may abandon the proposed improvements.

Section 18. For protection against fire the Commissioners may adopt ordinances with regard to the buildings and building material; and may 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 buildings or structures, or portions thereof that constitute a fire menace, and to require or cause same to be torn down, removed or so altered as to eliminate the menace of fire; to prescribe the height in thickness of walls of any buildings and the kind and grade of materials used in the construction thereof.

Section 19. The Commissioners of Viola shall have power to enact ordinances defining nuisances and providing for the removal or abatement thereof and prescribing the fines, penalties and forfeitures for causing or continuing the same.

Section 20. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway or private or public property within the limits of the Town of Viola. "The Commissioners of Viola" shall have power to enact ordinances relating to the impounding or removal and disposition of wrecked, junked or non-operating vehicles left on any street, highway or private or public property within the limits of the Town of Viola.

Section 21. The said corporation may hold and acquire

by purchase, gift, devise, lease or condemnation, real property, within or without its boundaries for any municipal purpose in fee simple and lessor estate or interest and may sell, lease, hold, manage and control such property as its interests may require; it shall have all other powers and functions requisite and appropriate for the government of the town, its people and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population and protection and preservation of the property, public or private.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein shall include all powers implied thereby, appropriate to the exercise thereof, and it is intended that "The Commissioners of Viola" shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this charter specifically to enumerate. All powers of the Commissioners of Viola held, expressed or implied, shall be exercised in the manner prescribed by this charter, or if not prescribed herein then in the manner provided by ordinance or resolution of the Commissioners.

Section 22. That this act shall be deemed and taken to be a public act.

Approved April 30, 1969.

CHAPTER 51

AN ACT TO AMEND SECTION 504, TITLE 22, DELAWARE CODE, RELATING TO PARKING AUTHORITIES.

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

Section 1. Title 22, Delaware Code, is amended by adding, immediately following Section 504 (b) (17), of said title, a new subsection as follows:

(18) To execute such mortgages covering its lands and buildings, including construction mortgages, as may be necessary or desirable in the carrying out of its business; provided, however, that in the event of a default by an authority which results in title to a parking project passing to a private mortgagee or person, all tax exemption privileges or other special privileges accorded to such parking project because of its public nature shall cease, except exemption from tax of bonds or the interest thereon or the income therefrom.

Approved April 30, 1969.

by purchase, gift, devise, lease or condemnation, real property, within or without its boundaries for any municipal purpose in fee simple and lessor estate or interest and may sell, lease, hold, manage and control such property as its interests may require; it shall have all other powers and functions requisite and appropriate for the government of the town, its people and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population and protection and preservation of the property, public or private.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein shall include all powers implied thereby, appropriate to the exercise thereof, and it is intended that "The Commissioners of Viola" shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this charter specifically to enumerate. All powers of the Commissioners of Viola held, expressed or implied, shall be exercised in the manner prescribed by this charter, or if not prescribed herein then in the manner provided by ordinance or resolution of the Commissioners.

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(18) To execute such mortgages covering its lands and buildings, including construction mortgages, as may be necessary or desirable in the carrying out of its business; provided, however, that in the event of a default by an authority which results in title to a parking project passing to a private mortgagee or person, all tax exemption privileges or other special privileges accorded to such parking project because of its public nature shall cease, except exemption from tax of bonds or the interest thereon or the income therefrom.

Approved April 30, 1969.

CHAPTER. 52

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 27, TITLE 21, DELAWARE CODE, PROVIDING THE MOTOR VEHICLE COMMISSIONER WITH AUTHORITY TO SUSPEND AND REVOKE DRIVERS' LICENSES AND PRIVILEGES FOR FAILURE TO SUBMIT TO CHEMICAL TEST WHERE ALLEGED TO HAVE DRIVEN A MOTOR VEHICLE WHILE UNDER INFLUENCE OF INTOXICATING LIQUOR.

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

Section 1. Subchapter II, Chapter 27, Title 21, Delaware Code, is hereby amended by adding a new section 2737 to read as follows:

§ 2737. Suspension and revocation of license for refusal to submit to chemical test

(a) Any person who drives a motor vehicle upon the public highways in this State shall be deemed to have given his consent to submit to a chemical test of his breath, blood or urine for the purpose of determining the alcoholic content of his blood whenever he shall be arrested for driving a motor vehicle while under the influence of intoxicating liquor.

(b) The test shall be administered by qualified personnel as defined in subparagraph (g) below at the direction of a police officer having reasonable grounds to believe such person was driving a motor vehicle while under the influence of intoxicating liquor. The police officer shall designate which of the aforesaid tests shall be administered.

(c) If the person after his arrest refuses to submit to the chemical test when requested to do so, the test shall not be given but the arresting officer shall cause to be delivered to the Department his sworn report of the refusal, stating that he had reasonable grounds to believe that the person was driving a motor vehicle while under the influence of intoxicating liquor prior to the arrest. Upon receipt of the report, the Commis-

sioner shall suspend the person's license or permit to drive a motor vehicle, or the privilege to drive a motor vehicle within this State if such person is a non-resident, and give written notice thereof to such person in the manner provided in section 2736 of this Title 21, such suspension to become effective upon the expiration of 4 days after personal delivery or deposit of such notice as provided in section 2736. If within 14 days after such personal delivery or deposit of notice, such person files written notice of request for hearing with the Motor Vehicle Commissioner, the Commissioner or his designated representative shall within 30 days of receipt of such notice, hold a hearing to determine whether the police officer had reasonable grounds to believe the person had been driving a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor; whether the person was placed under arrest; whether he refused to submit to the requested test; and whether the person was informed that his privilege to drive would be revoked if he refused to submit to the test. The police officer shall inform the person at the time of requesting the test of the possible consequences of his refusal to submit to the test—namely, suspension and revocation of his license, permit or privilege to drive a motor vehicle within this State for a period of 6 months.

(d) If the Commissioner rules against the person on such issues or the person does not request a hearing within such time, the Commissioner shall forthwith revoke the person's license or permit to drive a motor vehicle, or the privilege to drive a motor vehicle within this State if the person is a non-resident, giving written notice thereof as provided in section 2736 of this title, such revocation to be for a period of 6 months from the date of the alleged offense. If the person is a resident without a license or permit to drive a motor vehicle within this State, the Commissioner shall deny to such person the issuance of any such license or permit within one year of such revocation.

(e) The decision of the Commissioner shall be final and not subject to judicial review or appeal unless the Commissioner rules against the person at a hearing requested by such person, in which event such person may appeal to the Superior

Court, but such appeal shall not operate as a stay of the revocation of his license, permit or privilege to drive.

(f) Upon request of any person submitting to a chemical test under this section the result of such test shall be made available to him, unless he has entered a plea of guilty to the charge made against him.

(g) Only a duly licensed physician, medical technician, or registered nurse acting at the request of a police officer may withdraw blood from a person submitting to a chemical test under this section; but this limitation shall not apply to obtaining a specimen of breath or urine as to which qualified personnel shall include a police officer as well as the above persons.

(h) If for any reason a person is physically unable to supply enough breath to complete such chemical test, he shall submit to such other chemical test as authorized above as the police officer shall elect, subject to the requirements of subparagraph (g) above. Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided in subparagraph (a) above, and any test may be performed as provided in subparagraph (g) above.

(i) A duly licensed physician, medical technician or registered nurse, withdrawing a blood sample under the provisions of this section, and hospital employing such physician, technician or nurse, shall not be liable for civil damages for any acts or omissions arising out of the taking of such sample; provided, however, this subsection shall not relieve such person taking the blood sample from civil liability for any malicious act or gross negligence perpetrated in taking the blood.

(j) Upon the trial of any action or proceeding arising out of acts alleged to have been committed by any person while driving a motor vehicle in this State while under the influence of intoxicating liquor, the court may admit evidence of the refusal of such person to submit to a chemical test of his breath, blood or urine under the provisions of this section.

Approved April 30, 1969.

CHAPTER 53

AN ACT TO AMEND SECTION 3507, TITLE II, DELAWARE CODE, RELATING TO EVIDENCE OF WEIGHT OF ALCOHOL IN THE BLOOD OF A PERSON ALLEGED TO HAVE OPERATED A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

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

Section 1. Section 3507, Title 11, Delaware Code, is amended to read as follows:

In any proceeding in which an issue is whether any person was driving a motor vehicle while under the influence of intoxicating liquor, evidence may be admitted of the amount of alcohol in the blood of such person taken within two hours of the time when such person is alleged to have driven said motor vehicle while under the influence of intoxicating liquor, as shown by a medical or chemical analysis of his breath, blood, urine or saliva. Evidence that there was, at that time $5/100$ of one per centum, or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of the statutory definition of the offense. Evidence that there was, at the time, more than $5/100$ of one per centum and less than $10/100$ of one per centum by weight of alcohol in his blood shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor. Evidence that there was at the time $10/100$ of one per centum, or more, by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of the statutory definition of the offense. Where the issue is before the Court, it shall instruct the jury, if any, accordingly.

Approved April 30, 1969.

CHAPTER 54

AN ACT TO AMEND CHAPTER 183, VOLUME 22, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD" TO PROVIDE POWER AND AUTHORITY FOR THE LAYING OUT, LOCATING OR OPENING NEW STREETS, THE WIDENING OR ALTERING OF EXISTING STREETS AND THE VACATING OR ABANDONING OF STREETS.

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 8, Chapter 183, Volume 22, Laws of Delaware, as amended, is hereby further amended by striking out all of Section 8 and substituting in lieu thereof the following:

Section 8 (a). The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the Town.

(b) The procedure to be used to do any of those things heretofore listed shall be as follows:

Whenever five (5) or more property owners in a portion of the Town directly affected or abutting on the proposed street to be opened, laid out, changed, altered, or closed, shall by written petition with each signature duly acknowledged, request the Town Council to lay out, locate, or open a new street or to widen or alter an existing street or any part thereof or to vacate or abandon a street or any part thereof, the President of the Town Council shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of changing the structure of the streets in the Town. The petition presented to the Council by the property owners shall include a description of property through which the proposed street shall be laid out or a de-

scription of the street on which any other of the actions hereinbefore described shall take place and the reasons why the change in the structure of the streets of the Town should be undertaken; or the Town Council by a majority vote of the elected members thereof may by Resolution propose that a committee of not less than three (3) of its elected members be appointed by the President of the Town Council to investigate the possibility of changing the street structure of the Town for any of the reasons hereinbefore set forth.

(c) Not later than ninety (90) days following its appointment the committee shall submit a report concerning its findings to the President of the Town Council and the Town Council. The report shall contain the advantages and disadvantages to the Town caused by the changing of the street structure and shall contain the conclusion of said committee either recommending or disapproving the changing of such street structure. If the report of the committee appointed by the President of the Town Council recommends changing the existing street structure of the Town of Greenwood and a majority of the elected members of the Town Council concur therein, the Council by resolution shall propose to the property owners and citizens of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the Town. If the report of the committee appointed by the President of the Town Council is not in favor of changing the existing street structure of the Town of Greenwood the resolution proposing the change in the street structure to the property owners and citizens of the Town of Greenwood shall be passed by a majority of three-fourths of the elected members of the Town Council. The resolution shall contain a description of the proposed change and shall fix a time and place for a public hearing on the matter of changing the street structure. The resolution adopted by the Town Council shall be printed in a newspaper published in the Town of Greenwood, or, if no newspaper is published in the Town of Greenwood, publication may be had in a newspaper having a general circulation in the Town, or in the discretion of the Town Council, the resolution shall be posted in five (5) public places in the Town for at least one week before the time set for the public hearing. The resolution shall also state the hour and place where and when the

Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the Town.

(d) Whenever the Town Council shall have determined to locate or lay-out or widen any street, lane or alley, and shall have affixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, lane or alley, to notify by registered letter with return receipt requested, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof; also the amount of the compensation or damages allowed to each such property owner, and if such owner is not a resident within the Town, to notify the holder or tenant of said real estate and the owner of such property if his address be known; but if there be no holder or tenant resident in said Town and the address of the owner be unknown, or if there is a holder or tenant and the address of the owner be unknown, the said notice may be affixed to any part of the premises. If the owner is dissatisfied with the amount of compensation or damages allowed by the Town as aforesaid, said property owner may, within ten (10) days after such notice as aforesaid was posted or mailed, appeal from the written notice of assessment or compensation or damages by serving written notice by registered mail with return receipt requested upon the President of the Town Council to the effect that he or she is dissatisfied with the amount of said compensation or damages, and it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware in and for Sussex County for the appointment of a Commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall within fifteen (15) days after serving said notice upon the President as aforesaid, make written application to said Judge of the Superior Court of this State who is that time resident of Sussex County for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a Commission directed to five (5) freeholders of the said County, three (3) of whom shall be residents of the Town of Greenwood, and two (2) of whom shall be non-residents of the said Town, demanding

them to assess the damages which the owner of the real estate through or over which the said street, lane or alley shall pass, and who shall have notified the said Town Council of their intention to appeal, may incur by reason thereof, and to make return of their proceeding to the said Judge at the time therein appointed.

(e) The freeholders named in such Commission, being first duly sworn or affirmed shall view the premises and shall by majority vote assess the damages as aforesaid, and shall make return, in writing of their proceedings to the said Judge who shall deliver and return to the Town Council, which shall be final and conclusive. The said Judge shall have the power to fill any vacancy in the Commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto within thirty (30) days after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from the Town during the said period of thirty (30) days, then same shall be deposited to his or her credit in the Farmers Bank of the State of Delaware with offices in Georgetown, Sussex County, Delaware, within said time, and thereupon the said property of lands may be taken or occupied for the uses aforesaid.

(f) If the ascertainment and assessment of damages by the freeholders appointed by the Judge as aforesaid shall be increased, the cost of the appeal shall be paid by the Town out of any money in the hands of the Treasurer belonging to the Town; but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the Commission shall receive and be allowed for each day's actual service or of any part of a day the sum of Five Dollars (\$5.00). After the damages shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

(g) In the event that the Town Council feels that the damages assessed are not just in that they are excessive, it may then appeal to the Supreme Court of the State of Delaware. If

the owner of the property feels that the damages awarded are inadequate, such owner may appeal to the Supreme Court of the State of Delaware.

Approved April 30, 1969.

CHAPTER 55

AN ACT TO PERMIT HOUSTON SCHOOL DISTRICT NO. 125 TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS LOCAL FUND NO. 80.

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. Houston School District No. 125 is authorized to transfer the sum of \$2,100 from its local debt service account to its local fund No. 80.

Approved April 30, 1969.

CHAPTER 56

AN ACT TO AMEND SECTIONS 1004 AND 1010, TITLE 14, DELAWARE CODE, BY PROVIDING ADDITIONAL REQUIREMENTS FOR ANY PLAN OF REORGANIZATION OF SCHOOL DISTRICTS.

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

Section 1. Section 1004, Title 14, Delaware Code, is amended by adding a new subsection (d) to read as follows:

(d) Notwithstanding (b) and (c) of this section (if 25% of the qualified voters in a superimposed high school district ordered to consolidate by the State Board of Education before July 1, 1969 or the high school board for such prospective consolidated district petition the State Board of Education for a referendum to divide such superimposed high school district, it shall be granted within 5 days by the State Board of Education with the following limitations:

(1) The petition must clearly state the dividing line being proposed through the superimposed high school district;

(2) The superimposed high school district may not be divided into more than two 1 through 12 grade school districts;

(3) Each new 1 through 12 grade school district to be created by the division must have a minimum enrollment in grades 1 through 12 of 4,000 pupils in total;

(4) The interim board in the area of the superimposed high school district shall proceed to hold the referendum as soon as possible consistent with the provisions of Section 1028 of this Title as if the district already were a reorganized school district.

(5) Section 1006 (a) and (b) and Section 1028 (b), (d), (f), (g) and (i) of this Title shall determine the division of property, indebtedness and obligations of any superimposed high school district divided by referendum;

(6) School boards of the new districts created by division of a superimposed high school district under this section shall

be constituted as provided under Section 1061 of this Title. Such newly constituted boards shall determine the names of their respective school districts with the approval of the State Board of Education.

(7) School boards of the new districts created by division of a superimposed high school district under this section may set a tax rate under the provisions of Section 1010 of this Title except that in no case shall the school board of such newly constituted school district levy a real estate tax for its operational budget for the fiscal year July 1, 1969-June 30, 1970 in excess of \$1.60 per hundred dollars of assessed valuation;

(8) The districts formed by a division of a superimposed high school district, which is co-terminus with the perimeter of its elementary districts, and which districts offer grades 1 through 12 (after the division of the superimposed high school district and its two parts have combined with the elementary districts over which they are superimposed) under this section shall become reorganized school districts under this Title.

Seciton 2. For purposes of this Act, Section 1010 (e), Title 14, Delaware Code, is amended by striking the date "April 1, 1969" where it appears therein and inserting in lieu thereof "May 25, 1969."

Approved April 30, 1969.

CHAPTER 57

AN ACT TO AMEND SECTION 9207, SUBCHAPTER I, CHAPTER 92, TITLE 10, DELAWARE CODE, RELATING TO BONDS FOR JUSTICE OF THE PEACE.

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

Section 1. § 9207, Subchapter I, Chapter 92, Title 10, Delaware Code, is hereby amended by striking all of Section 9207 and inserting in lieu thereof a new Section 9207 to read as follows:

§ 9207. Bond upon entering office

Every Justice before entering upon his office, shall become bound to the State in the sum of \$1,000 with corporate surety. The Chief Justice of the State of Delaware may, in his discretion, at any time, increase the amount of bond required for any individual Justice in such amount as he deems advisable. The forms, terms and approval of such bond shall be as provided by the rules. The bonds shall be filed in the office of the Clerk of the Supreme Court.

Approved May 5, 1969.

CHAPTER 58

AN ACT TO AMEND SECTION 9222, SUBCHAPTER II, CHAPTER 92, TITLE 10, DELAWARE CODE, RELATING TO BONDS FOR CLERKS IN JUSTICE OF PEACE COURTS.

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

Section 1. § 9222, Subchapter II, Chapter 92, Title 10, Delaware Code, is hereby amended by striking all of § 9222 and inserting in lieu thereof a new § 9222 to read as follows:

§ 9222. Clerks' bond

Each clerk and chief clerk shall, before entering upon his office, become bound to the State of Delaware in the sum of \$1,000 with corporate surety. The Chief Justice of the State of Delaware may, in his discretion, at any time, increase the amount of bond required for any individual clerk or chief clerk in such amount as he deems advisable. The form, terms and approval of such bond shall be as provided by The Rules. The Bonds shall be filed in the office of the Clerk of the Supreme Court.

Approved May 5, 1969.

CHAPTER 59

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE STATE DEVELOPMENT DEPARTMENT FOR THE OPPORTUNITIES INDUSTRIALIZATION CENTER, INCORPORATED, FOR THE PURPOSE OF TRAINING THE UNSKILLED LABOR FORCE OF DELAWARE.

WHEREAS, the Delaware Opportunities Industrialization Center, Incorporated, a Delaware corporation, established to train the unskilled labor force of Delaware for available employment positions in the private sector of our economy, has performed this function since its inception in a responsible and acceptable manner; and

WHEREAS, the Delaware Opportunities Industrialization Center, Incorporated, in order to continue to provide its services to the citizens of this State urgently needs additional funds over and above those presently available from private and federal sources;

NOW THEREFORE,

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

Section 1. The sum of \$200,000 is hereby appropriated to the Delaware State Development Department for distribution upon the conditions herein prescribed to the Opportunities Industrialization Center, Incorporated, a Delaware corporation, for the fiscal year ending June 30, 1969. Said funds shall be used to carry out the purposes of said corporation in the training of the unskilled labor force of Delaware for available skilled employment, the goals of such program being deemed to be in the best interest of all the people of the State.

Section 2. Except for the first \$25,000 thereof, this appropriation is conditioned upon the obtaining of matching funds of equivalent amount from private sources. Therefore, the Delaware State Development Department shall authorize transfer

to the Opportunities Industrialization Center, Incorporated, only such part of this appropriation above \$25,000 as has been shown to have been matched from such private sources.

Approved May 8, 1969.

CHAPTER 60

AN ACT TO AUTHORIZE THE STATE HIGHWAY DEPARTMENT TO INSTALL ILLUMINATING LIGHTS AT A CERTAIN INTERSECTION OF ROADS IN NEW CASTLE COUNTY AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR.

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

Section 1. The State Highway Department is hereby authorized to install appropriate illuminating lights at the following highway intersection:

Silverside Road and Graylyn Road in New Castle County.

Section 2. In addition to any sums heretofore appropriated, there is hereby appropriated to the State Highway Department the sum of \$6,000 in order to carry out the purpose of this Act. Such sum shall be considered a supplementary appropriation and shall be paid by the State Treasurer out of the General Fund of the State of Delaware from moneys not otherwise appropriated. Any portion of said appropriation which shall remain unexpended after the installation of the illuminating lights referred to in Section 1, or which remains unexpended on June 30, 1970, whichever first occurs, shall revert to the General Fund of the State of Delaware.

Approved May 8, 1969.

CHAPTER 61

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE LUTHERAN SENIOR SERVICES, INC., A DELAWARE CORPORATION, FROM ASSESSMENT AND TAXATION.

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

Section 1. § 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as the Lutheran Senior Services, Inc., a Delaware corporation.

Approved May 8, 1969.

CHAPTER 62

AN ACT TO PERMIT THE BOARD OF TRUSTEES OF THE LINCOLN SCHOOL DISTRICT NO. 3 TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS CAPITAL EXPENSE ACCOUNT FOR IMPROVEMENTS TO SCHOOL BUILDINGS.

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 Trustees of the Lincoln School District No. 3 is authorized to transfer the sum of \$5,200 from its local Debt Service Account to its Capital Expense Account. The sums transferred are to be used for improvements to the school building, and represent the local 40 percent share of the \$13,000 approved by the Department of Public Instruction.

Approved May 8, 1969.

CHAPTER 63

AN ACT TO PROVIDE SUMMER EMPLOYMENT FOR CERTAIN YOUTHS OF THIS STATE AND TO MAKE A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. The sum of \$350,000 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1969, for the purposes set forth herein.

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 October 31, 1969.

Section 4. The sums appropriated herein shall be expended for the purpose of providing summer employment and related activities for disadvantaged youths of the State during the summer of 1969.

Section 5. The Director of the Delaware State Development Department shall initiate such summer program and shall act as its Administrator.

Section 6. Eligibility for the employment authorized by this Act shall be limited to a person:

(a) who is over 14 and under 21 years of age, or who is 21 years of age or older and a college or university student; and

(b) who is a member of a household whose gross family income in 1968 was less than \$4,000 plus \$600 for each member of the household in excess of two; and

(c) who is not employed in any other job in which he or she receives governmental funds or aid.

CHAPTER 62

**AN ACT TO PERMIT THE BOARD OF TRUSTEES OF THE
LINCOLN SCHOOL DISTRICT NO. 3 TO TRANSFER
CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE
ACCOUNT TO ITS CAPITAL EXPENSE ACCOUNT FOR
IMPROVEMENTS TO SCHOOL BUILDINGS.**

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 Trustees of the Lincoln School District No. 3 is authorized to transfer the sum of \$5,200 from its local Debt Service Account to its Capital Expense Account. The sums transferred are to be used for improvements to the school building, and represent the local 40 percent share of the \$13,000 approved by the Department of Public Instruction.

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Section 1. The sum of \$350,000 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1969, for the purposes set forth herein.

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.

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Section 6. Eligibility for the employment authorized by this Act shall be limited to a person:

(a) who is over 14 and under 21 years of age, or who is 21 years of age or older and a college or university student; and

(b) who is a member of a household whose gross family income in 1968 was less than \$4,000 plus \$600 for each member of the household in excess of two; and

(c) who is not employed in any other job in which he or she receives governmental funds or aid.

Section 7. In special circumstances the Administrator of the program may, with the approval of the Governor, waive the requirements of Section 6, provided that the reasons for the waiver are stated in writing. Priority for inclusion in the program shall, however, be given to those persons meeting the requirements of Section 6.

Section 8. Moneys earned by persons employed under programs provided for herein shall not be considered as income by the Department of Welfare in considering eligibility for assistance under any of its programs.

Section 9. The moneys appropriated herein may be used by the Administrator, with the approval of the Governor, in their discretion, as matching funds for any grants or aid provided by the Government of the United States or any of its agencies for purposes consistent with this Act.

Section 10. The Administrator of the program shall utilize at least one-half of the funds appropriated in this Act for the benefit of youths residing in the City of Wilmington, and at least one-half of the youths employed in the program shall be residents of the City of Wilmington.

Section 11. The Administrator shall make all rules and regulations necessary to accomplish the purposes of this Act.

Approved May 8, 1969.

CHAPTER 64

**AN ACT TO PROVIDE FOR ADDITIONAL PRINCIPALS
FOR REORGANIZED SCHOOL DISTRICTS.**

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

Section 1. § 1307 (b), Chapter 13, Title 14, Delaware Code, is amended by striking the first sentence and inserting in lieu thereof the following:

During the fiscal year beginning July 1, 1969 and annually thereafter a reorganized school district may employ one full-time principal for each administrative unit in a school building or combination of school buildings 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, and in accordance with the rules and regulations of the State Board of Education. State units in excess of fifteen in one school building qualifying for a full-time principal shall not be counted toward entitlement for a principal for a combination of buildings.

Approved May 8, 1969.

CHAPTER 65

**AN ACT RELATING TO CORPORATIONS SUBJECT TO
AND EXEMPT FROM THE CORPORATION FRAN-
CHISE TAX.**

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

Section 1. Section 501, Title 8, Delaware Code, is amended by striking the words "any railroad, railway or canal corporation or any express company owned by a railroad company, or" as the same appear in lines 13 and 14.

Section 2. Section 501, Title 8, Delaware Code, is amended by striking the words "not owned by a railroad company" as they appear in line 7.

Approved May 8, 1969.

CHAPTER 66

AN ACT TO AMEND SECTION 1913, CHAPTER 19, TITLE 30, DELAWARE CODE, TO IMPOSE ADDITIONAL PENALTY FOR FAILURE TO FILE CORPORATION INCOME TAX RETURNS WHEN DUE.

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

Section 1. Section 1913, Chapter 19, Title 30, Delaware Code, is hereby amended by redesignating subparagraph "(d)" therein as subparagraph "(e)", and by inserting a new subparagraph "(d)" to read as follows:

(d) In case of failure to file any returns required to be filed under the authority of this Chapter on the date prescribed therefor (determined with regard to any extension of time for filing) unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, there shall be added to the amount required to be shown as tax on such return 5 per cent of the amount of tax if failure is for not more than 1 month, with an additional 5 per cent for each additional month or fraction thereof during which such failure continues, not exceeding 25 per cent in the aggregate.

Penalty imposed on net amount due—For purposes of subparagraph (d) the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of tax and by the amount of any credit against the tax which may be claimed upon the return.

For tentative returns covering estimated tax.—This section shall not apply to failure to file a tentative return covering estimated tax required by Section 1904.

Approved May 8, 1969.

CHAPTER 67

AN ACT TO AMEND SECTION 1904, CHAPTER 19, TITLE 30, DELAWARE CODE, TO REQUIRE THE FILING OF CORPORATE INCOME TAX RETURNS.

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

Section 1. Section 1904, Chapter 19, Title 30, Delaware Code, is hereby amended by adding thereto a new paragraph at the end thereof to read as follows:

Every domestic corporation not exempt under Section 1902 and every foreign corporation not exempt under Section 1902 shall otherwise be required to file an annual tentative and an annual final return regardless of the amount, if any, of its estimated tax liability or either its gross income or its taxable income.

Section 2. The provisions of this Act shall become effective and apply to tax returns for the year 1969 (fiscal or calendar) and thereafter.

Approved May 8, 1969.

CHAPTER 68

AN ACT TO AMEND CHAPTER 283, VOLUME 52, LAWS OF DELAWARE RELATING TO THE REINCORPORATION OF THE TOWN OF NEWPORT BY AUTHORIZING THE APPOINTMENT OF THE TOWN TREASURER, ALDERMAN AND ASSESSOR.

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. Amend Section 5 by deleting the words, "Alderman, Assessor or Treasurer," wherever they appear in that section.

Section 2. Amend Section 9 by deleting subparagraph (b) and substituting the following:

(b) Appointment of Treasurer, Alderman and Assessor.

The offices of Treasurer, Alderman and Assessor shall be filled by appointment, which appointment shall be made by a majority of the Commissioners. The Treasurer, Alderman and Assessor shall be appointed for a term of one (1) year, all said terms to begin at the next organizational meeting following the election of the town Commissioners and shall hold office until the appointment of a successor. If no successor shall be appointed, the Treasurer, Alderman or Assessor shall remain in office for the following term. No person may serve in any of these capacities who is not twenty-one (21) years of age, is a delinquent taxpayer, or not a citizen of the United States and the State of Delaware for a period of at least one (1) year.

Section 3. Amend Section 10 by deleting the words, "Treasurer, Alderman or Assessor."

Section 4. Amend Section 13 by deleting the words, "and the Alderman shall receive a minimum-annual salary of two-hundred and fifty dollars (\$250.00)."

Section 5. Amend Section 23 by deleting the words "of the election."

Approved May 8, 1969.

CHAPTER 69

AN ACT TO AMEND TITLE 29, SECTION 7424, DELAWARE CODE, RELATING TO THE ATTACHING OF A DEBT STATEMENT TO EVERY BILL WHICH AUTHORIZES THE ISSUANCE OF BONDS OR NOTES PLEDGING THE FAITH AND CREDIT OF THE STATE.

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

Section 1. Title 29, Section 7424 (a) is hereby amended by striking out from the first sentence thereof the words:

(a) Every bill authorizing the issuance of bonds or notes pledging the faith and credit of the State introduced in the General Assembly shall be accompanied by a debt statement which shall be in form prescribed by the Budget Director and shall set forth with respect to the State:

And insert in lieu thereof the following:

(a) On the day that the final vote in each House of the General Assembly shall be taken on the passage of every bill which authorizes the issuance of bonds or notes pledging the faith and credit of the State, there shall be attached to said bill a debt statement which shall be in the form prescribed by the Budget Director and shall set forth with respect to the State.

Approved May 8, 1969.

CHAPTER 70

AN ACT TO AMEND SECTION 8132, CHAPTER 81, SUBCHAPTER 2, TITLE 9, DELAWARE CODE, RELATING TO TAXATION OF CITIZENS OVER SIXTY-FIVE YEARS OF AGE.

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

Section 1. Section 8132, Chapter 81, Subchapter 2, Title 9, Delaware Code, is hereby amended by adding thereto a new paragraph to read as follows:

Nothing in this subchapter shall be construed to apply to ditch taxes and sewer taxes.

Approved May 8, 1969.

CHAPTER 71

AN ACT TO AMEND TITLE 21, §4176 OF THE DELAWARE CODE BY ADDING THE PHRASE "OR HAS IN ACTUAL PHYSICAL CONTROL" FOLLOWING THE WORD "DRIVES;" BY INCLUDING WITHIN UNDER THE INFLUENCE, THE COMBINATION OF LIQUOR AND DRUGS; AND BY ADDING THERETO THE MEANING OF PRIOR OFFENSES.

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

Section 1. Title 21, § 4176 (a) of the Delaware Code, is amended by adding the words "or has in actual physical control" following the word "drives."

Section 2. Title 21, § 4176 (a) of the Delaware Code, is amended by adding the words "or any combination of drugs and intoxicating liquor" following the words "any drugs."

Section 3. Title 21, § 4176 (a) of the Delaware Code, is amended by adding thereto a new subsection to read as follows:

(e) Any prior conviction for operating or driving under the previous provisions of the Delaware Code pertaining to driving or operating while under the influence of an intoxicating liquor or drug shall be considered as a prior offense for the purposes of this section.

Approved May 8, 1969.

CHAPTER 72

AN ACT TO AMEND SECTION 503, CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO WELFARE, IN ORDER TO PERMIT STATE PARTICIPATION IN THE FEDERAL WORK INCENTIVE PROGRAM.

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

Section 1. Section 503, Chapter 5, Title 31, Delaware Code, is hereby amended by striking subsection (f) and substituting in lieu thereof a new subsection (f) as follows:

Public assistance recipients engaged in program activities or work and training projects, administered under Section 1115 of the Social Security Act, or under any title of the Federal Economic Opportunity Act of 1964, or under Part C of Title IV of the Social Security Act, commonly known as the Work Incentive Program, shall be exempt from the ceilings on the amount of assistance set by this section to the extent of the benefits provided under the above indicated federal programs for the period in which they are active in such programs and continue to be eligible for such public assistance payments.

Approved May 15, 1969.

CHAPTER 73

AN ACT TO PERMIT GUNNING BEDFORD SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE TO ITS 1969 MINOR CAPITAL IMPROVEMENT 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. Gunning Bedford School District is authorized to transfer the sum of \$49,000 from its local debt service to its 1969 Minor Capital Improvement Account, the funds transferred to be used to implement its 1969 Minor Capital Improvement program.

Approved May 15, 1969.

CHAPTER 74

**AN ACT GIVING MINORS WHO HAVE ATTAINED THE
AGE OF 19 YEARS THE CAPACITY TO CONTRACT.**

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

Section 1. Chapter 27, Title 6, Delaware Code, is amended by adding a new Section 2705 to read as follows:

§ 2705. Capacity to contract

Any person who has attained the age of 19 years shall have the capacity to contract as if he were 21 and shall be responsible for his contracts as if he were 21.

Approved May 15, 1969.

CHAPTER 75

**AN ACT GIVING MINORS OVER THE AGE OF 19 YEARS
THE POWER TO OWN A MOTOR VEHICLE.**

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

Section 1. Title 21, Delaware Code, is amended by striking the figure "21" as it appears in line 2 of section 2302 (c), section 2306 (d), and section 2503 (c), and inserting in lieu thereof the figure "19".

Approved May 15, 1969.

CHAPTER 76

AN ACT TO AMEND SECTION 1901, CHAPTER 19, TITLE 12, DELAWARE CODE, TO EXCLUDE CERTAIN EMPLOYEE PENSION, INCENTIVE PLAN AND LIFE INSURANCE DEATH BENEFITS FROM THE ASSETS AND INVENTORY OF A DECEDENT'S ESTATE SUBJECT TO ADMINISTRATION AND CLAIMS OF CREDITORS AND OTHER BENEFICIARIES OF AN ESTATE.

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

Section 1. § 1901, Chapter 19, Title 12, Delaware Code, is hereby amended by striking the present provisions of § 1901 and inserting in lieu thereof the following new § 1901:

§ 1901. Personal property constituting assets of estate; exceptions, including rights of beneficiaries of employee death benefit plans and insurance policies

(a) Estates in lands, tenements and hereditaments held by the decedent for the life of another shall be chattels; and such states, estates by elegit or for years, the crop of the decedent growing or begun (except on lands devised by him), bank and other stock, money (whether in hand or deposited), and all goods and chattels shall be assets and shall be included in the inventory.

(b) The following articles shall not be included in the inventory: the family Bible, the clothes of the widow and ornaments proper to her station, the clothes of the family and of the decedent, and the family stores laid in before the death of the decedent, or such part thereof as the appraisers shall deem proper to be used for the support of the family, provided the same do not exceed in value \$30.

(c) If, under the terms of any insurance policy or contract or of any pension, bonus, stock option, or other employee benefit or incentive plan, a person, trust or corporation (other than the decedent or his estate's personal representative) is designated to receive, upon or after the death of the decedent, any

property or other death benefit, such property or death benefit shall not be included in the inventory of the decedent as chargeable to his personal representative; and such person, trust or corporation shall be entitled to such property or death benefits as against the claim of any personal representative, creditor, legatee or next-of-kin of the decedent.

(d) The provisions of paragraph (c) above shall apply to designations whether made prior to or subsequent to the enactment of this paragraph with respect to decedents dying after June 30, 1969. This paragraph shall have no effect on the validity or other designations, nor shall it affect the calculations of Inheritance or Estate taxes with respect to any decedent.

Approved May 15, 1969.

CHAPTER 77

AN ACT TO AMEND SECTION 502, TITLE 7, DELAWARE CODE, RELATING TO EXCEPTIONS TO REQUIREMENTS FOR LICENSE TO HUNT, TRAP AND FISH.

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

Section 1. Section 502, Title 7, Delaware Code, is amended by adding a new paragraph "(h)" to read as follows:

(h) A member of the Armed Forces of the United States of America who is a patient in a military hospital may be issued a license to hunt, trap and fish in the State of Delaware without charge upon receipt by the Board of a written statement signed by the applicant's commanding officer certifying the nature of the applicant's disability and place of station.

Approved May 15, 1969.

CHAPTER 78

AN ACT TO AMEND CHAPTER 288, VOLUME 56, LAWS OF DELAWARE, RELATING TO A RATE OF INTEREST NOT IN EXCESS OF 8 PER CENT PER ANNUM AND TO DELETE SECTION 3 THEREOF.

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

Section 1. Section 1, Chapter 288, Volume 56, Laws of Delaware, is amended to read as follows:

Section 1. Section 2301, Subsection (a), Chapter 23, Title 6, Delaware Code, is amended by striking all of said subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

(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.

Section 2. Section 3, Chapter 288, Volume 56, Laws of Delaware, is amended by striking said section in its entirety.

Section 3. Section 4, Chapter 288, Volume 56, Laws of Delaware, is renumbered "Section 3".

Approved May 15, 1969.

CHAPTER 79

**AN ACT TO AMEND § 934, TITLE 7, DELAWARE CODE,
PERTAINING TO SHAD FISHING.**

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

Section 1. § 934, Title 7, Delaware Code, is hereby amended by striking the word "March" where it appears therein and inserting in lieu thereof the word "February."

Approved May 15, 1969.

CHAPTER 80

**AN ACT TO PROHIBIT THE TAKING OR KILLING OF
OTTER OTHER THAN BY TRAP AND DURING MUSK-
RAT SEASON.**

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

Section 1. Chapter 7, Subchapter 1, Title 7, Delaware Code, is hereby amended by adding a new section thereto to be denoted as Section 725 and to appear as follows:

§ 725. Prohibiting the taking or killing of otter; penalties

Any person who shall take or attempt to take, kill or attempt to kill otter, other than by trap and other than during the open season for muskrat, as said season is denoted in other sections of this subchapter, shall be fined not less than Twenty-five Dollar (\$25.00), nor more than One Hundred Dollars (\$100.00), together with costs.

Approved May 15, 1969.

CHAPTER 81

**AN ACT TO AMEND TITLE 11, SECTION 352 OF THE
DELAWARE CODE TO DEFINE ARSON IN SECOND
DEGREE TO INCLUDE THE UNLAWFUL BURNING
OF BUILDINGS AS WELL AS DWELLING HOUSES.**

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

Section 1. Section 352 of Title 11, Delaware Code, is hereby amended by adding thereto the words "or other building" immediately following the words "any dwelling house."

Approved May 19, 1969.

CHAPTER 82

AN ACT TO AMEND SECTION 9605, TITLE 9, DELAWARE CODE, RELATING TO THE RECORDATION OF INSTRUMENTS IN KENT COUNTY BY PROVIDING FOR RECORDATION BY PHOTOCOPYING METHODS.

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

Section 1. Section 9605 (e), Title 9, Delaware Code, is amended as follows:

(e) The recording of all instruments in Kent County on and after January 1, 1969 as provided for in this section shall be accomplished by copying the original by means of a photocopying machine, and either binding or inserting the same in appropriate books, 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:

(f) For the purpose 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 subsections (d) and (e) above.

Section 3. The Levy Court of Kent County is authorized and directed to purchase the appropriate books to preserve the photocopied records and to purchase a suitable photocopying machine to carry out the purpose of this Act.

Approved May 19, 1969.

CHAPTER 83

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 hereby amended by adding thereto a new subsection (b) to read as follows:

(b) Whoever, with intent to do bodily harm, assaults a duly constituted police officer, prison guard or other law enforcement officer acting in the lawful performance of his duties, while in uniform, or after evidence of authority has been exhibited, or after authority has been specifically declared, thereby causing serious bodily harm, shall be guilty of a felony and shall be fined not less than \$500 nor more than \$5,000, and shall be imprisoned not less than one year nor more than five years.

Approved May 20, 1969.

CHAPTER 84

AN ACT AUTHORIZING THE STATE DEPARTMENT OF JUSTICE TO HAVE PREPARED A REPLACEMENT VOLUME FOR VOLUME 13 OF THE DELAWARE CODE, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

WHEREAS, Volume 13 of the Delaware Code originally contained only the Rules of the Supreme Court, Court of Chancery and Superior Court of the State of Delaware, but now contains in the cumulative pocket part not only substantial amendments and additions to those Rules but also Rules of the Board of Bar Examiners, Censor Committee, Orphans Court, Court of Common Pleas for New Castle County, and Court of the Justices of the Peace of the State of Delaware; and

WHEREAS, a new printing of said Volume 13 and the supplement thereto is necessary in order to combine the contents thereof and put them in more useable form;

NOW THEREFORE,

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

Section 1. The State Department of Justice is authorized to prepare, or cause to be prepared, a replacement volume for Volume 13 of the Delaware Code, combining the contents of the original Volume 13 which remain in effect with the contents of the latest supplement thereto and subsequent amendments. In preparing such replacement, said Department may utilize the same form of bound volume, a loose-leaf binder, more than one volume, or such other form as it deems appropriate for publication of the contents of the Rules Volume of the Delaware Code, keeping in mind the requirement for periodic supplements thereto.

Section 2. The State Department of Justice is authorized to determine the number of copies of the replacement for Volume 13, subject to the appropriation hereinafter provided, which

shall be printed and delivered to the State, and may procure separate printings of various portions of the replacement volume or volumes.

Section 3. Except as hereinabove otherwise provided, the duties of the State Department of Justice and the scope of its editorial revision shall be as provided in Chapter 2, Title 1, Delaware Code.

Section 4. The sum of \$25,000.00 is appropriated to the State Department of Justice for the fiscal year ending June 30, 1969 for the printing of a replacement for Volume 13 of the Delaware Code.

Section 5. 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 6. Any money appropriated herein and unexpended shall not revert to the General Fund of the State of Delaware until June 30, 1970.

Approved May 20, 1969.

CHAPTER 85

AN ACT TO AMEND SECTION 741, TITLE 7, DELAWARE CODE, BY PERMITTING THE KILLING OF CERTAIN NON-GAME BIRDS.

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

Section 1. Section 741, Title 7, Delaware Code, is amended to read as follows:

§ 741. Prohibitions respecting wild birds other than game birds; birds not protected

No person shall catch, kill, have in possession (living or dead), purchase, sell or expose for sale, transport or ship any wild bird other than a game bird, or any part of the plumage, skin, or body of any such bird, or any game bird, except as expressly permitted by law; but common crows, house sparrows, and starlings may be killed, sold, or shipped by any person in any manner and at any time.

Approved May 20, 1969.

CHAPTER 86

**AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES
OF HENRY C. CONRAD SCHOOL DISTRICT NO. 131
TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL
DEBT SERVICE ACCOUNT TO ITS MINOR CAPITAL
IMPROVEMENT 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 Trustees of the Henry C. Conrad School District No. 131 is authorized to transfer the sum of \$12,000 from its local Debt Service Account to its Minor Capital Improvement Account. The sums transferred are to be used for improvements to the Henry C. Conrad High School as authorized by 56 Laws of Delaware Chapter 469.

Approved May 20, 1969.

CHAPTER 87

**AN ACT TO PERMIT MILTON SCHOOL DISTRICT NO. 8
TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL
DEBT SERVICE ACCOUNT TO ITS LOCAL FUND
NO. 80.**

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. Milton School District No. 8 is authorized to transfer the sum of \$7,000 from its local debt service account to its local fund No. 80.

Approved May 20, 1969.

CHAPTER 88

AN ACT TO AMEND CHAPTER 7, SUBCHAPTER II, TITLE 7, DELAWARE CODE, BY PROVIDING FOR THE PROTECTION OF BALD EAGLES AND PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. Chapter 7, Subchapter II, Title 7, Delaware Code, is amended by adding thereto a new section to read as follows:

§ 748. Prohibitions respecting bald eagles; disturbing, damaging or destroying nests; eggs; violations and penalties

(a) Any person who disturbs, destroys or in any manner damages a bald eagle's nest or aerie shall be fined not more than Five Hundred Dollars (\$500.00), together with costs, or be imprisoned for fifty (50) days or both.

(b) Any person shooting, killing or attempting to kill a bald eagle or any person who removes or attempts to remove eggs or eaglets from their nest or aerie shall be fined One Thousand Dollars (\$1,000.00), together with costs, or imprisoned one hundred (100) days or both.

(c) Any person who barter, offers to barter, trades, offers to trade or possesses any bald eagle, bald eagle eggs or eaglets shall be fined One Thousand Dollars (\$1,000.00), together with costs, or imprisoned one hundred (100) days or both.

Approved May 20, 1969,

CHAPTER 89

AN ACT TO AMEND SECTION 2942, TITLE 21, DELAWARE CODE, RELATING TO PROOF OF FUTURE FINANCIAL RESPONSIBILITY UNDER THE MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.

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

Section 1. Section 2942, Title 21, Delaware Code, is amended by adding thereto a new subsection to read:

(e) In the event that a person has had his license and registration suspended for non-payment of a judgment under this section, the Department after the lapse of 10 years from the entry of the judgment may issue a new license provided that such persons shall have produced proof of liability insurance coverage or other evidence of financial responsibility in an amount and of such character as shall be satisfactory to the Commissioner, and provided that the Department determines that such person has used his best efforts to satisfy such judgment considering his financial resource and other relevant circumstances.

Approved May 22, 1969.

CHAPTER 90

**AN ACT TO ESTABLISH AN ADVISORY BOARD TO THE
STATE BOARD OF EDUCATION.**

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 Section 110 to read as follows:

§ 110. Advisory Board to the State Board

There shall be formed an Advisory Board to the State Board of Education consisting of a representative from each Board of Education and a representative from each of the County Vocational-Technical Districts. This Board shall not meet less than twice in any calendar year. The Advisory Board shall:

(1) Review current state policy directives and submit recommendations to the State Board when appropriate for changes, modifications, or deletions.

(2) Study and review planning guides for program improvement of the Delaware Public School System as submitted by the State Department of Public Instruction and make appropriate recommendations to the State Board of Education on legislative and policy implementation.

(3) Time and place of the meetings shall be at the discretion of the State Board of Education and the call for the meeting shall be through the office of the State Superintendent of Public Instruction.

The members of the Advisory Board shall receive their actual expenses for two dinner meetings per year but not including travel expenses. The State Board of Education shall not expend more than \$1,000 for such expenses during any one fiscal year.

Approved May 22, 1969.

CHAPTER 91

AN ACT TO AMEND SECTION 1607, TITLE 17, DELAWARE CODE, RELATING TO THE USE OF SERVICES AND SUPPLIES OF THE STATE COMMUNICATIONS DIVISION BY AUTHORIZING THE DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS TO USE THE SERVICES AND SUPPLIES OF THE DIVISION.

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

Section 1. Subparagraph (b), Section 1607, Title 17, Delaware Code, is hereby amended by adding, immediately following the words "located within the State of Delaware" in the first sentence and, immediately following the words "for volunteer fire companies" in the second sentence, the words: "and the Delaware Society for the Prevention of Cruelty to Animals."

Approved May 22, 1969.

CHAPTER 92

AN ACT TO AMEND SECTION 2107, CHAPTER 21, TITLE 14, DELAWARE CODE, RELATING TO LOCAL SCHOOL BONDS AND SECTION 7507, CHAPTER 75, TITLE 29, DELAWARE CODE, RELATING TO LOCAL SCHOOL NOTES BY CHANGING THE MAXIMUM RATES OF INTEREST THAT MAY BE PAID THEREON.

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

Section 1. Section 2107, Chapter 21, Title 14, Delaware Code, is hereby amended by striking the words "5% per annum," and inserting in lieu thereof the words "6% per annum."

Section 2. Paragraph (a) of Section 7507, Chapter 75, Title 29, Delaware Code, is hereby amended by striking the words "4% per annum" and inserting in lieu thereof the words "5% per annum."

Approved May 22, 1969.

CHAPTER 93

**AN ACT TO RAISE THE ALLOWABLE INTEREST RATE
AS TO LOANS FOR EDUCATIONAL PURPOSES.**

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

Section 1. Section 2108 (b), Title 5, Delaware Code, is amended by striking the figure "6%" as it appears in said subsection (b), and inserting in lieu thereof the figure "7%."

Approved May 22, 1969.

CHAPTER 94

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 27, TITLE 21, DELAWARE CODE, BY ADDING A NEW SECTION PROVIDING FOR A FEE FOR THE RETURN OF A SUSPENDED DRIVER'S LICENSE.

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

Section 1. Amend Subchapter II, Chapter 27, Title 21, Delaware Code, by adding a new section, as follows:

§ 2738. Fee for return of suspended license

Any person whose license has been revoked or suspended shall pay a fee of \$5.00 at the end of such revocation or suspension for the return of his license. The purpose of said fee is to defray the cost of clerical work, investigations, and the like incidental to the enforcement of this subchapter.

Approved May 22, 1969.

CHAPTER 95

AN ACT TO AMEND CHAPTER 37, TITLE 3, DELAWARE CODE, RELATING TO THE WEIGHING AND GRADING OF LIMA BEANS, PEAS AND OTHER LEGUMINOUS VEGETABLES.

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

Section 1. § 3701, Title 3, Delaware Code, is amended by substituting the following for the last sentence:

The weight or measure shall, in all instances, be determined at the place or viner station where such lima beans, peas or other leguminous vegetables are vined or hulled or at the nearest large scales agreed to by the seller or the seller's representative.

Section 2. § 3702, Title 3, Delaware Code, Grade or Classification; Determination, is amended by substituting the following for the last sentence:

The grade or classification thereof shall be determined at the place or viner station where such lima beans, peas or other leguminous vegetables are vined or hulled or at such place agreed to by the seller or the seller's representative; such grade or classification shall be determined by a Federal-State inspector or by an inspector approved by the State Board of Agriculture or their agent and the procedure for determining such grade or classification shall be approved by the State Board of Agriculture or their agent.

Approved May 22, 1969.

CHAPTER 96

AN ACT TO AMEND CHAPTER 7, SUBCHAPTER 1, TITLE 7, DELAWARE CODE, PROHIBITING THE MALICIOUS OR DELIBERATE FRIGHTENING OR HARASSING OF MIGRATORY BIRDS WHILE AT REST AND PROVIDING PENALTIES THEREFOR.

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

Section 1. Chapter 7, Subchapter I, Title 7, Delaware Code, is hereby amended by adding thereto a new section to be denoted as Section 724 and to appear as follows:

§ 724. Malicious or deliberate frightening or harassing of migratory birds; penalties

Any person who shall maliciously, deliberately or otherwise frighten or harass migratory birds while at rest on the property of another by use of a rifle, shotgun, or any other weapon, shall be fined not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), together with costs.

Approved May 22, 1969.

CHAPTER 97

AN ACT TO AMEND CHAPTER 5, TITLE 7, SECTION 509, DELAWARE CODE, RELATING TO AN INCREASE IN LICENSE FEES TO BE PAID BY NON-RESIDENTS OF THIS STATE FOR HUNTING AND TRAPPING LICENSES.

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

Section 1. Chapter 5, Title 7, Section 509, Delaware Code, is hereby amended by striking the figure \$20.00 as it appears in the third line of said section, and inserting in lieu thereto the figure \$25.25.

Approved May 22, 1969.

CHAPTER 98

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

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

Section 1. Section 1702, Title 7, Delaware Code, is amended by striking all of paragraph (a) and (d) and the insertion of a new paragraph (a) to read as follows:

(a) No dog shall be permitted to run at large at any time, unless such dog is accompanied by the owner or custodian and under his reasonable control, except that a person who is an occupant of a farm or property containing 20 acres or more on which there is no more than three resident dwelling units may permit his dog to run at large between the first day of October and the last day of February, next following, provided such dog is licensed in accordance with Section 1701 of this title.

Approved May 22, 1969.

CHAPTER 99

AN ACT TO AMEND SUBSECTION 2823(b), SUBCHAPTER II, CHAPTER 28, TITLE 31, DELAWARE CODE, RELATING TO DISQUALIFICATIONS FOR ADMISSION TO THE DELAWARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL, BY DELETING THE LAST SENTENCE THEREOF REQUIRING DISMISSAL OF INMATES WHO MARRY.

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

Section 1. Amend Subsection 2823 (b), Subchapter II, Chapter 28, Title 31, Delaware Code, by deleting the following sentence:

Any inmate of the Home who marries shall be dismissed.

Approved May 23, 1969.

CHAPTER 100

AN ACT TO AMEND SECTION 8323, TITLE 11, DELAWARE CODE, BY MAKING RETIRED MEMBERS OF THE DELAWARE STATE POLICE ELIGIBLE TO BE EMPLOYED BY OTHER STATE AGENCIES UNDER CERTAIN CONDITIONS.

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

Section 1. Amend § 8323 (c), Title 11, Delaware Code, by deleting the period at the end thereof and inserting in lieu thereof the following:

or (5) employment by any other State Agency in capacities for which former policemen may be particularly qualified by training and experience such as detectives, security guards, liquor inspectors, criminal investigators, correctional officers, safety experts, wardens, welfare investigators, electronic communications specialists, traffic experts, etc. subject to the following provisions:

(a) Said person may not be employed for a period of one year following his effective date of retirement; and

(b) Said employment may not be used for further retirement benefits; and

(c) No tenure or "Merit System" benefits (Chapter 59, Title 29, Delaware Code) shall accrue to said person during said employment; and

(d) Said person may be discharged from said employment at any time and for any reason at the sole discretion of the agency providing the employment; and

(e) No person may be employed under these conditions after he has reached the age of 65 years.

Approved May 26, 1969.

CHAPTER 101

AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, PERTAINING TO CRIMINAL OFFENSES OF SALE, POSSESSION AND USE OF NARCOTIC DRUGS AND DANGEROUS DRUGS AND PRESCRIBING PENALTIES FOR SUCH VIOLATIONS.

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

Section 1. Section 4701, Title 16, Delaware Code, is hereby amended by striking the definition of the word "Narcotic Drugs" and substituting in lieu thereof the following:

"'Narcotic Drugs' included any coca leaves and opium and every substance neither chemically nor physically distinguishable from them, morphine, cocaine, alphaeucaine, betaeucaine, heroin, codeine, and all allied drugs of the same botanical family, or any compound, manufacture, sale, derivative, or preparation thereof, or any synthetic substitute therefor."

Section 2. Section 4701, Title 16, Delaware Code, is hereby further amended by adding thereto six new definitions to read as follows:

"'Dangerous Drugs' include any narcotic drug and any cannabis indica, cannabis americana, cannabis sativa, loco weed, Canadian hemp, marajuana, marihuana, hashish and all allied drugs of the same botanical family, or any combination, mixture or compound thereof or any synthetic substitute therefor, or any hallucinatory drug, including without limitation lysergic acid diethylamide (LSD), mescaline, psilocybin, dimethyltryptamine (DMT) or STP or any natural or synthetic mixture or compound that induces the effect of an hallucinatory drug or which contains any quality or substance which the State Board of Health has found to have, and by regulation designates as having a potetnial for abuse because of its hallucinatory effect, or any drug which contains any quantity of a substance designated by regulations promulgated under the Federal Act as having a potential for abuse because of its hallucinogenic effect.

"Federal Act" means the Federal Food, Drug and Cosmetic Act, 52 Stat., 1040 (1938), 21 U.S.C. Sections 301-392 as amended or as it may thereafter be amended from time to time.

"Drug" means (a) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary or any supplement to any of them; and (b) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (c) articles (other than food) intended to affect the structure of any function of the body of man or other animals; and (d) articles intended for use as a component of any article specified in clause (a), (b) or (c); but does not include devices or their components, parts, or accessories.

"Knowingly," a person acts knowingly with respect to any sale, possession, use or consumption within the meaning of this chapter when he knows or is aware of such sale, possession, use or consumption. His knowledge may be inferred by the trier of fact from the surrounding circumstances, considering whether a reasonable man in the defendant's circumstances would have had such knowledge. A prima facie case of knowledge is established upon the introduction of some evidence of the surrounding circumstances from which a reasonable juror might infer the defendant's knowledge.

"Possession," in addition to its ordinary meaning, includes location in or about the defendant's person, premises, belongings, vehicle, or otherwise within his reasonable control.

"Unlawfully," means contrary to a statute or, unless the context otherwise clearly requires, settled principles of the common law of Delaware; the unlawfulness of the defendant's conduct under this chapter is prima facie established when the defendant's conduct is not permissible under the provisions of this chapter.

Section 3. Chapter 47, Title 16, Delaware Code, is hereby amended by inserting the words "narcotic or dangerous drug" for the words "narcotic drug" wherever they appear in the following sections: 4701, except in the definitions of "Narcotic Drugs" and "Dangerous Drugs," 4702, 4703, 4704, 4705, 4706, 4707, 4708, 4709, 4710, 4711, 4712, 4713, 4716, 4717, and 4718.

Section 4. Section 4722, Chapter 47, Title 16, Delaware Code, is hereby amended by striking said section in its entirety and inserting in lieu thereof the following new sections:

§ 4722. Unlawful use, consumption or possession of dangerous drugs; penalty

Whoever knowingly and unlawfully uses, consumes or has a dangerous drug in his possession is guilty of a misdemeanor and shall be fined not more than \$500 and imprisoned not more than 2 years.

§ 4723. Unlawful use, consumption or possession of narcotic drugs; penalty

Whoever knowingly and unlawfully uses, consumes or has a narcotic drug in his possession is guilty of a misdemeanor and shall be fined not more than \$3,000 and imprisoned not more than 5 years.

§ 4724. Unlawful sale, attempt to sell or possession with intent to sell of a dangerous drug; penalty

Whoever knowingly and unlawfully sells, attempts to sell or has in his possession with intent to sell a dangerous drug is guilty of a felony and shall be fined not less than \$1,000 nor more than \$10,000 and imprisoned not less than 5 years nor more than 10 years.

§ 4725. Unlawful sale, attempt to sell or possession with intent to sell of a narcotic drug; penalty

Whoever knowingly and unlawfully sells, attempts to sell or has in his possession with intent to sell a narcotic drug is guilty of a felony and shall be fined not less than \$5,000 nor more than \$50,000 and imprisoned not less than 10 years nor more than 25 years.

§ 4726. Unlawful sale, attempt to sell or possession with intent to sell of dangerous drugs to a person less than 18; penalty

Whoever knowingly and unlawfully sells, attempts to sell or has in his possession with intent to sell a dangerous drug to a person less than 18 years of age is guilty of a felony and shall be imprisoned for a term not less than 7 years nor more than 15 years and fined in such amount as the Court in its discretion may determine.

§ 4727. Unlawful sale, attempt to sell or possession with intent to sell of narcotic drug to a person less than 18; penalty

Whoever knowingly and unlawfully sells, attempts to sell or has in his possession with intent to sell a narcotic drug to a person less than 18 years of age is guilty of a felony and shall be imprisoned not less than 15 years nor more than 30 years and fined in such amount as the Court in its discretion may determine.

§ 4728. Conviction of lesser offense

In any prosecution for any violation of the following sections of this chapter, the defendant may be convicted under any one of the following respective sections of this chapter in accordance with the table set forth below establishing lesser included offenses:

(a) The lesser included offenses under section 4727 are sections 4726, 4725, 4724, 4723, and 4722.

(b) The lesser included offenses under section 4726 are sections 4724 and 4722.

(c) The lesser included offenses under section 4725 are sections 4724, 4723 and 4722.

(d) The lesser included offense under section 4724 is section 4722.

(e) The lesser included offense under section 4723 is section 4722.

§ 4729. Violations and penalties

Whoever violates or fails to comply with any of the provisions of any section of this chapter other than sections 4722 through 4727 and those provisions of sections 4702 through 4705 which are covered by and subject to the provisions of Sections 4722 through 4727, shall be fined not more than \$3,000 or imprisoned not more than 10 years, or both.

§ 4730. Additional, minimum and reduced penalties

(a) Previous Convictions. In any case in which a defendant has previously been convicted of any offense under the laws of this State, the District of Columbia or any other state or the United States involving the elements of possession or sale or attempt to sell or possession with intent to sell a dangerous drug as those terms are defined in this Chapter, the penalties set forth in sections 4722 through 4727 shall be increased by adding the following respective additional years to the minimum and maximum terms of imprisonment.

(i) Subject to the provisions of sub-paragraph (iii), the additional minimum and maximum terms applicable to the following respective sections shall be increased in accordance with the following table so that the minimum and maximum terms shall read respectively as follows:

- (A) § 4722, not less than 2 nor more than 7 years
- (B) § 4723, not less than 3 nor more than 10 years
- (C) § 4724, not less than 7 nor more than 15 years
- (D) § 4725, not less than 15 nor more than 30 years
- (E) § 4726, not less than 15 nor more than 25 years
- (F) § 4727, not less than 25 nor more than 50 years

(ii) Subject to the provisions of sub-paragraph (iii) the following portions of the minimum terms set forth in sub-paragraph (i) above with respect to the following respective sections of this chapter are mandatory minimum terms of imprisonment and shall not be subject to suspension and no person shall be eligible for probation or parole during such portion of such minimum term:

- (A) § 4724, three years
- (B) § 4725, five years
- (C) § 4726, seven years
- (D) § 4727, ten years

(iii) In any prosecution for a violation of section 4725 or section 4727 where the defendant has previously been convicted

under the laws of this State, the District of Columbia or any other State or the United States, of an offense involving the elements of sale, attempt to sell or possession with intent to sell a narcotic drug, as those terms are defined in this chapter, the minimum term of imprisonment shall be 30 years and the maximum term for such conviction shall be 99 years, and 15 years of such minimum term shall be a mandatory minimum term of imprisonment and shall not be subject to suspension and no person shall be eligible for probation or parole during such portion of such minimum term.

(b) Mitigating circumstances and reduced penalties

(i) In any prosecution for a violation of Section 4724 or Section 4726, such violation shall be deemed to be a misdemeanor and the maximum penalty shall be a fine of \$1,000 or 2 years imprisonment or both and there shall be no minimum sentence, if all of the following elements are found to be present:

(A) that the defendant is under the age of 21 years; and

(B) that the defendant sold a dangerous drug other than a narcotic drug; and

(C) that the transaction was an isolated incident and the defendant did not make a profit in the transaction or assist another in making a profit and that the defendant is not engaged in the business of selling dangerous drugs; and

(D) that the sale was made to one who was 15 years of age or older and had been acquainted with the defendant for a period of at least one year before any sale took place.

(ii) In any prosecution for a violation of section 4722 the maximum penalty provided in this chapter shall be a fine of \$500 or 90 days imprisonment or both if all of the following elements are found to be present:

(A) that the defendant is under the age of 21 years; and

(B) that the defendant had used or consumed or had in his possession a dangerous drug other than a narcotic drug; and

(C) that the defendant is not engaged in the business of selling dangerous drugs; and

(D) that the dangerous drug was obtained from one whom the defendant reasonably believed was at the time under the age of 21 and did not make a profit or assist another in making a profit in the transaction and was not engaged in the business of selling dangerous drugs and had been acquainted with the defendant for a period of at least one year before any sale took place.

(iii) The burden shall be on the defendant to establish the foregoing mitigating circumstances by a preponderance of the evidence. At the option of the defendant the mitigating circumstances may be pleaded and presented to either (but not both): (A) the trier of fact, or (B) the Court at a hearing after conviction and prior to sentencing.

(iv) This subsection (b) of this section shall not be applicable if the defendant has any previous conviction within the meaning of subsection (a) of this section, and the penalties provided therein shall apply fully. A conviction for which the penalty is mitigated and reduced as herein provided shall nevertheless be deemed to be a previous conviction for purposes of subsection (a) of this section.

§ 4731. Medical and/or psychiatric examination and/or treatment

After conviction and prior to sentencing for violation of Section 4722 or Section 4723, or prior to conviction if the defendant consents, the Court may order the defendant to submit to a medical and/or psychiatric examination and/or treatment. The Court may order such examination by the Department of Mental Health or by a private physician, hospital or clinic and the Court may make such order regarding the term and conditions of such examination and/or treatment and the payment therefor by the defendant as the Court in its discretion shall determine. The Department of Mental Health or the private physician, hospital or clinic shall report to the Court within such time as the Court shall order, not more than 90 days from the date of such order. After such report and upon conviction of such violation, the Court shall impose sentence or suspend sentence, and may impose probation and/or a requirement of future medical and/or psychiatric examination and/or treatment.

including hospitalization or out-patient care upon such terms and conditions, and for such period of time as the Court shall order.

§ 4732. Jurisdiction

The Superior Court of the State of Delaware shall have exclusive original jurisdiction of any violation of this Chapter any other Delaware law notwithstanding.

Section 5. Severability

If any section, subsection, sentence, phrase, or word of this Act shall be declared unconstitutional under the Constitution of the State of Delaware or of the United States by a state or federal court of competent jurisdiction, the remainder of this Act shall be unimpaired and shall continue in full force and effect and prosecutions thereunder shall not be affected.

Section 6. Savings

This Act shall not apply to offenses committed prior to its effective date. Prosecutions for offenses committed prior to its effective date shall be governed by the prior law contained in Chapter 47, Title 16, Delaware Code, which is continued in effect for that purpose as if this Act were not in force. For purposes of this section, an offense was committed prior to the effective date of this Act if any of the elements of the offense occurred prior thereto.

Approved May 26, 1969.

CHAPTER 102

AN ACT TO AMEND CHAPTER 49, TITLE 16, DELAWARE CODE, RELATING TO THE MANUFACTURE, SALE, USE OF CENTRAL NERVOUS SYSTEM DEPRESSANT OR STIMULANT DRUGS; PENALTIES FOR VIOLATION THEREOF.

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

Section 1. Chapter 49, Title 16, Delaware Code, is hereby amended by striking said Chapter in its entirety and substituting in lieu thereof a new Chapter 49 to read as follows:

**CHAPTER 49. CENTRAL NERVOUS SYSTEM
DEPRESSANT OR STIMULANT DRUGS****§ 4901. Definitions**

As used in this Chapter, unless the context requires a different meaning—

“Counterfeit Drug” means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports, or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor.

“Drug” means “Drug” as defined in 16 Delaware Code, is § 4701.

“Federal Act” means “Federal Act” as defined in 16 Delaware Code, § 4701.

“Knowingly” means “Knowingly” as defined in 16 Delaware Code § 4701.

“Manufacture, Compound or Process” shall include repackaging or otherwise changing the container, wrapper, dosage form, or labeling of any drug package in the furtherance of the distribution of the drug from the original place or manufac-

ture to the person who makes final delivery or sale to the ultimate customer, and the term "manufacturers, compounders and processors" shall be deemed to refer to such persons engaged in such defined activities.

"Person" includes any individual, partnership, corporation, or association.

"Possession" means "Possession" as defined in 16 Delaware Code, § 4701.

"Practitioner" means a physician, dentist, veterinarian, or other person licensed in this State to prescribe or administer drugs which are subject to this Chapter.

"Sale" means "Sale" as defined in 16 Delaware Code, § 4701.

"Central Nervous System Depressant or Stimulate Drug" means:

(1) Any drug which contains any quantity of (A) barbituric acid or any of the salts of barbituric acid; or (B) any derivative of barbituric acid which has been designated under § 502 (d) of the Federal Act as habit-forming;

(2) Any drug which contains any quantity of (A) amphetamine or any of its optical isomers; (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (c) any substance designated by regulations promulgated under the Federal Act as habit-forming because of its stimulant effect on the central nervous system; or

(3) Any natural or synthetic mixture or compound that induces the effect of a barbiturate, amphetamine, or hypnotic or somnifacient drug or which contains any quantity of a substance which the State Board of Health has found to have, and by regulation designates as having a potential for abuse because of its depressant or stimulant effect on the central nervous system; or

(4) Any drug which contains any quantity of a substance designated by regulations promulgated under the Federal Act as having a potential for abuse because of its depressant or stimulant effect on the central nervous system.

§ 4902. Prohibited acts

The following acts and the causing thereof are hereby prohibited:

(a) The manufacture, compounding or processing of a drug in violation of section 4903 (a).

(b) The sale of a drug in violation of section 4903 (b) or section 4905 or section 4906.

(c) The possession of a drug in violation of section 4903 (c) or section 4904.

(d) The use of a drug in violation of section 4903 (d) or section 4904.

(e) Obtaining a drug in violation of section 4903 (e).

(f) The failure to prepare or obtain, or the failure to keep, a complete and accurate record with respect to any drug as required by section 4903 (f).

(g) The refusal to permit access to or copying of any record as required by section 4903 (f).

(h) The refusal to permit entry or inspection as authorized by section 4903 (f).

(i) The filling or refilling of any prescription in violation of section 4903 (g).

(j) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit drug.

(k) The doing of any act which causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug.

As used in this section, the term "drug" shall mean "central nervous system depressant or stimulant drug."

As used in this Chapter, the terms "depressant or stimulant drug" shall mean "central nervous system depressant or stimulant drug."

§ 4903. Exceptions

(a) No person shall manufacture, compound or process in this State any depressant or stimulant drug, except that this prohibition shall not apply to the following persons whose activities in connection with any drug are as specified in this subsection:

(1) Manufacturers, compounders, and processors, operating in conformance with the laws of this State relating to the manufacture, compounding or processing of drugs, who are regularly engaged in preparing pharmaceutical chemicals or prescription drugs for distribution through branch outlets, through wholesale druggists, or by direct shipment:

(A) to pharmacies or to hospitals, clinics, public health agencies or physicians for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed in this State to administer such drugs in the course of thier professional practice; or

(B) to laboratories or research or educational institutions for their use in research, teaching or chemical analysis.

(2) Suppliers (operating in conformance with the laws of this State relating to the manufacture, compounding or processing of drugs) of manufacturers, compounders, and processors referred to in subparagraph (1).

(3) Wholesale druggists who maintain their establishments in conformity with laws of this State and local laws relating to the manufacture, compounding or processing of drugs and are regularly engaged in supplying prescription drugs (a) to pharmacies, or to hospitals, clinics, public health agencies, or physicians for dispensing by registered pharmacists upon prescriptions or for use by or under the supervision of practioners licensed in this State to administer such drugs in the course of their professional practice, or (b) to laboratories or research or educational institutions for their use in research, teaching or clinical analysis.

(4) Pharmacies, hospitals, clinics and public health agencies which maintain their establishments in conformity with state and local laws regulating the practice of pharmacy and

medicine which are regularly engaged in dispensing drugs upon prescriptions of practitioners licensed in this State to administer such drugs for patients under the care of such practitioners in the course of their professional practice.

(5) Practitioners licensed in this State to prescribe or administer depressant or stimulant drugs, while acting in the course of their professional practice.

(6) Persons who use depressant or stimulant drugs in research, teaching or chemical analysis and not for sale.

(7) Officers and employees of this State, or of a political subdivision of this State or of the United States while acting in the course of their official duties.

(8) An employee or agent of any person described in paragraph (1) through paragraph (6) of this subsection, and a nurse or other medical technician under the supervision of a practitioner licensed by law in this State to administer depressant or stimulant drugs, while such employee, nurse, or medical technician is acting in the course of his employment or occupation and not on his own account.

(b) No person other than:

(1) a person described in subsection (a), while such person is acting in the ordinary and authorized course of his business, profession, occupation, or employment, or

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any depressant or stimulant drug or counterfeit drug is the usual course of his business or employment as such, shall sell, deliver or otherwise dispose of any depressant or stimulant drug or counterfeit drug to any other person.

(c) No person, other than a person described in subsection (a) or subsection (b) (2) shall possess any depressant or stimulant drug unless (1) such drug was obtained upon a valid prescription, or (2) such drug was delivered by a practitioner in the course of his professional practice.

(d) No person shall use a depressant or stimulant drug unless (1) such drug was obtained upon a valid prescription,

or (2) such drug was obtained from a practitioner in the course of his professional practice.

(e) No person other than a person described in subsection (a) (7) shall obtain or attempt to obtain a depressant or stimulant drug by (1) fraud, deceit, misrepresentation or subterfuge; (2) falsely assuming the title of or representing himself to be a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other persons authorized to possess stimulant or depressant drugs; (3) the use of a forged or altered prescription; or (4) the use of a false name or a false address on a prescription; provided this subsection shall not apply to drug manufacturers, their agents or employees, when such manufacturers, their agents or employees are authorized to engage in and are actually engaged in investigative activities directed toward the safeguarding of said drug manufacturer's trademark and detection of counterfeits.

(f) (1) Every person engaged in manufacturing, compounding, processing, selling, delivering or otherwise disposing of any depressant or stimulant drug shall, upon the effective date of this Act, prepare a complete and accurate record of all stocks of each drug on hand and shall keep such record for three years; except that if this record has already been prepared in accordance with § 511 (d) of the Federal Act, no additional record shall be required provided that all records prepared under § 511 (d) of the Federal Act have been retained and are made available to the State Board of Pharmacy upon request. When additional depressant or stimulant drugs are designated after the effective date of this Act, a similar record must be prepared upon the effective date of their designation. On and after the effective date of this Act, every person manufacturing, compounding, or processing any depressant or stimulant drug shall prepare and keep, for not less than three years, a complete and accurate record of the kind and quantity of each drug manufactured, compounded, or processed and the date of such manufacture, compounding, or processing; and every person selling, delivering, or otherwise disposing of any depressant or stimulant drug shall prepare or obtain, and keep for not less than three years, a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address from whom it was

received and to whom it was sold, delivered, or otherwise disposed of, and the date of such transaction.

(2) (A) Every person required by paragraph (1) of this subsection to prepare or obtain, and keep, records, and any carrier maintaining records with respect to any shipment containing any depressant or stimulant drug, and every person in charge, or having custody, of such records, upon request of an officer or employee designated by the State Board of Pharmacy permit such officer or employee at reasonable times to have access to and copy such records. For the purposes of verification of such records and of the enforcement of this Act, officers or employees designated by the Board of Pharmacy are authorized to enter, at reasonable times, any factory, warehouse, establishment, or vehicle in which any depressant or stimulant drug is held, manufactured, compounded, processed, sold, delivered, or otherwise disposed of and to inspect, within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished material, containers and labeling therein, and all things therein (including records, files, papers, processes, controls, and facilities); and to inventory any stock of any such drug therein and obtain samples of any such drug.

(B) No inspection authorized by subparagraph (A) shall extend to (i) financial data, (ii) sales data other than shipment data, (iii) pricing data, (iv) personnel data, or (v) research data.

(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to a licensed practitioner described in subsection (a) (5) with respect to any depressant or stimulant drug received, prepared, processed, administered, or dispensed by him in the course of his professional practice, unless such practitioner regularly engages in dispensing any such drug or drugs to his patients for which they are charged, either separately or together with charges for other professional services.

(g) No prescription (issued before or after the effective date of this act) for any depressant or stimulant drug may be filled or refilled more than six months after the date on which such prescription was issued and no such prescription which is authorized to be refilled may be refilled more than five times,

except that nothing in this Act shall be construed as preventing a practitioner from issuing a new prescription for the same drug either in writing or orally. Any oral prescription for such drug shall be promptly reduced in writing on a new prescription blank and filed by the pharmacist filling it.

(h) Depressant or stimulant drugs exempted under § 511 (f) of the Federal Act are exempted from the application of this section.

§ 4904. Unlawful use, consumption or possession of a central nervous system depressant or stimulant drug; penalty

Whoever knowingly and unlawfully uses, consumes or has in his possession a central nervous system depressant or stimulant drug is guilty of a misdemeanor and shall be fined not more than \$500 and imprisoned for not more than two years.

§ 4905. Unlawful sale, attempt to sell or possession with intent to sell of a central nervous system depressant or stimulant drug; penalty

Whoever knowingly and unlawfully sells, attempts to sell or has in his possession with intent to sell a central nervous system depressant or stimulant drug is guilty of a felony and shall be fined not less than \$1,000 nor more than \$10,000 and imprisoned not less than 5 years nor more than 10 years.

§ 4906. Unlawful sale of a central nervous system stimulant or depressant drug to a person less than 18; penalty

Whoever knowingly and unlawfully sells a central nervous system depressant or stimulant drug to a person less than 18 years of age is guilty of a felony and shall be imprisoned for a term not less than seven years nor more than 15 years and fined in such amount as the Court, in its discretion, may determine.

§ 4907. Conviction of a lesser offense

In any prosecution for any violation of the following sections of this Chapter, the defendant may be convicted under

any one of the following respective sections of this Chapter in accordance with the table set forth below establishing lesser included offenses:

A. The lesser included offenses under Section 4906 are Sections 4905 and 4904.

B. The lesser included offense under Section 4905 is Section 4904.

§ 4908. Additional, minimum and reduced penalties

(a) Previous conviction. In any case in which a defendant has previously been convicted of any offense under the laws of this State, the District of Columbia or any other state or the United States involving the elements of possession or sale or attempt to sell or possession with intent to sell of a dangerous drug, a narcotic drug, or a depressant or stimulant drug as those terms are defined in this Chapter and in Chapter 47 of this title, the penalties set forth in Section 4904 through 4906 shall be increased by adding the following additional years to the minimum and maximum terms of imprisonment:

(1) The additional minimum and maximum terms applicable to the following respective Sections shall be increased in accordance with the following table so that the minimum and maximum terms shall read respectively as follows:

(A) § 4904, not less than 2 nor more than 7 years.

(B) § 4905, not less than 7 nor more than 15 years.

(C) § 4906, not less than 15 nor more than 25 years.

(2) The following portions of the minimum terms set forth in subsection (1) above with respect to the following respective sections of this Chapter are mandatory minimum terms of imprisonment and shall not be subject to suspension and no person shall be eligible for probation or parole during such portion of such minimum term:

(A) § 4905, 3 years.

(B) § 4906, 7 years.

(b) Mitigating circumstances and reduced penalties.

(1) In any prosecution for a violation of Section 4905 or Section 4906, such violation shall be deemed to be a misdemeanor and the maximum penalty shall be a fine of \$1,000 or 2 years imprisonment or both and there shall be no minimum sentence, if all of the following elements are found to be present:

(A) that the defendant is under the age of 21 years; and

(B) that the transaction was an isolated incident and the defendant did not make a profit in the transaction or assist another in making a profit and that the defendant is not engaged in the business of selling central nervous system depressant or stimulant drugs; and

(C) that the sale was made by one who was 15 years of age or older and had been acquainted with the defendant for a period of at least one year before any sale took place.

(2) In any prosecution for a violation of Section 4904 the maximum penalty provided in this Chapter shall be a fine of \$500 or 90 days imprisonment or both if all of the following elements are found to be present:

(A) that the defendant is under the age of 21 years; and

(B) that the defendant had used or consumed or had in his possession a central nervous system stimulant or depressant drug; and

(C) that the defendant is not engaged in the business of selling central nervous system depressant or stimulant drugs; and

(D) that the central nervous system depressant or stimulant drug was obtained from one whom the defendant reasonably believed was at the time under the age of 21 and did not make a profit or assist another in making a profit in the transaction and was not engaged in the business of selling central nervous system depressant or stimulant drugs and had been acquainted with the defendant for a period of at least one year before any sale took place.

(3) The burden shall be on the defendant to establish the foregoing mitigating circumstances by a preponderance of the evidence. At the option of the defendant the mitigating circum-

stances may be pleaded and presented to either (but not both) : (A) the trier of fact, or (B) the Court at a hearing after conviction and prior to sentencing.

(4) Subsection (b) of this section shall not be applicable if the defendant has any previous conviction within the meaning of subsection (a) of this section, and the penalties provided in subsection (a) of this section shall apply fully. A conviction for which the penalty is mitigated and reduced as herein provided shall nevertheless be deemed to be a previous conviction for purposes of subsection (a) of this section.

§ 4909. Medical and/or psychiatric examination and/or treatment

After conviction and prior to sentencing for violation of Section 4904, or prior to conviction if the defendant consents, the Court may order the defendant to submit to a medical and/or psychiatric examination and/or treatment. The Court may order such examination by the Department of Mental Health or by a private physician, hospital or clinic and the Court may make such order regarding the terms and conditions of such examination and/or treatment and the payment therefor by the defendant as the Court in its discretion shall determine. The Department of Mental Health or the private physician, hospital or clinic shall report to the Court within such time as the Court shall order, not more than 90 days from the date of such order. After such report and upon conviction of such violation, the Court shall impose sentence or suspend sentence, and may impose probation and/or a requirement of future medical and/or psychiatric examination and/or treatment including hospitalization or out-patient care upon such terms and conditions and for such period of time as the Court shall order.

§ 4910. Violations and penalties

Whoever violates or fails to comply with any of the provisions of any section of this Chapter other than Sections 4904, 4905 and 4906 shall be fined not more than \$3,000 or imprisoned not more than 10 years, or both.

§ 4911. Applicability of certain sections in chapter 47

The following sections of Chapter 47, Title 16, Delaware Code, shall apply to this Chapter, and for the purpose of this Chapter only the words "stimulant or depressant drugs" shall be deemed to appear in the same places that the words "narcotic or dangerous drugs" appear: sections 4710, 4711, 4714, 4717, 4718, 4719 and 4720.

§ 4912. Jurisdiction

The Superior Court of the State of Delaware shall have exclusive original jurisdiction of any violence of this Chapter, notwithstanding any other provision of the Delaware Code to the contrary.

Section 2. Severability

If any Section, subsection sentence, phrase or word of this Act shall be declared unconstitutional under the Constitution of the State of Delaware or of the United States or by a State or Federal Court of competent jurisdiction, the remainder of this Act shall be unimpaired and shall continue in full force and effect and prosecutions thereunder shall not be affected.

Section 3. Savings

This Act shall not apply to prosecutions for offenses committed prior to its effective date. For the purpose of this Section, an offense was committed prior to the effective date of this Act if any of the elements of the offense occurred prior thereto.

Approved May 26, 1969.

CHAPTER 103

AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PROVIDE AN INCREASE IN SALARY FOR THE MAYOR AND EACH MEMBER OF THE CITY COUNCIL.

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 3, Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby amended by striking out all of said Section 3 and substituting in lieu thereof the following:

STRUCTURE OF GOVERNMENT

Section 2. The Government of the City and the exercise of all power conferred by this Charter, except as otherwise provided herein, shall be vested in a Mayor and City Council. The term of the Mayor of the City of Seaford shall be a period of two (2) years and he shall receive an annual salary of Seven Hundred Fifty Dollars (\$750.00). The City Council shall be composed of five (5) members whose terms shall be a period of three (3) years. Each member of the City Council shall receive an annual salary of Five Hundred Dollars (\$500.00).

Section 3. The salaries authorized under this Act shall be paid and be retroactive to March 11, 1969 upon approval of this Act by the Governor of the State of Delaware.

Approved May 26, 1969.

CHAPTER 104

AN ACT TO AMEND CHAPTER 5, SUBCHAPTER VI, TITLE 7, SECTION 589, DELAWARE CODE, RELATING TO THE LAWS AND REGULATIONS GOVERNING ACTIVITIES CONDUCTED PURSUANT TO SUBCHAPTER VI, TITLE 7, DELAWARE CODE, AND PROVIDING VIOLATIONS AND PENALTIES THEREFOR.

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

Section 1. Chapter 5, Subchapter VI, Title 7, Section 589, Delaware Code, is hereby repealed and a new section 589 is enacted in lieu thereof as follows:

§ 589. Game laws governing violations and penalties

All activities conducted pursuant to this subchapter shall be subject to all of the game laws and regulations of this State, except only insofar as the same are in conflict with the express provisions of this chapter and except that persons who trespass upon any restricted preserve authorized by Chapter 5, Subchapter VI, Title 7, Delaware Code, for the purpose of shooting or harassing any kind of wildlife, without first obtaining permission to do so from the owner or occupant shall be fined not less than \$100 nor more than \$200 for each offense and for purposes of this section the owner and his duly authorized agents may be authorized, at the discretion of the Board, to make arrests under this section.

Approved May 26, 1969.

CHAPTER 105

AN ACT TO AMEND CHAPTER 1, TITLE 1, § 108, DELAWARE CODE, RELATING TO THE DISTRIBUTION AND SALE OF THE DELAWARE CODE.

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

Section 1. Chapter 1, Title 1, § 108 (a), is amended by striking out the words "Secretary of State" where they appear therein and inserting in lieu thereof the words "Director of Research of the Legislative Council."

Section 2. Chapter 1, Title 1, § 108 (a) (3), is amended by striking out the words "Director of the Legislative Reference Bureau" where they appear therein and inserting in lieu thereof the words "Director of Research of the Legislative Council."

Section 3. Chapter 1, Title 1, § 108 (e), is amended by striking out the words "Legislative Reference Bureau" where they appear therein and inserting in lieu thereof the words "Legislative Council."

Section 4. Chapter 1, Title 1, § 108 (f), is amended by striking out the words "Director of the Legislative Reference Bureau" where they appear therein and inserting in lieu thereof the words "Director of Research of the Legislative Council."

Approved May 26, 1969.

CHAPTER 106

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION.

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

Section 1. There is appropriated to the State Board of Education the sum of \$192,000 or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the purposes set forth in 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 of utility and service areas, construction, repairing, remodeling, equipping, landscaping and inspection costs but are not to be used for ordinary or normal maintenance expense of 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 \$192,000 shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable. For purposes of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Capital Improvements Bonds of 1970."

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 sum of \$192,000 appropriated herein, or so much thereof as is necessary to carry out the purposes of this Act, shall be expended by the State Board of Education for construction or improvement of school facilities as more particularly set forth in Section 8 of this Act.

Section 8. The sum of \$192,000 appropriated by Section 7 of this Act to the State Board of Education for school construction or improvement 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 Newark Special School District for the purpose of constructing a dormitory for the Margaret S. Sterck School for the Hearing Impaired.

Section 9. 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 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 before July 1, 1969. 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, 1971, and the actual work on the contract is commenced prior to July 1, 1971.

Section 11. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after June 30, 1975, except as provided in Chapter 75, Title 29, Delaware Code.

Section 12. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1970".

Approved May 28, 1969.

CHAPTER 107

AN ACT TO AMEND AN ACT, BEING CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, ENTITLED, "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS"; TO PERMIT THE COMMISSIONERS OF BETHANY BEACH TO EXPEND UP TO \$20,000 TO PURCHASE REAL AND PERSONAL PROPERTY WITHIN ITS BOUNDARIES FOR ANY MUNICIPAL PURPOSE AND TO SELL, LEASE, HOLD, MANAGE, CONTROL AND MORTGAGE SUCH PROPERTY.

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 9, Chapter 212, Volume 25, Laws of Delaware, as amended, is hereby further amended by adding at the end of Section 9, a new sentence to read as follows:

The said Commissioners shall have the power to expend up to Twenty Thousand Dollars (\$20,000.00) to purchase both real and personal property within its boundaries for any municipal purpose and may sell, lease, hold, manage, control and mortgage any such property as its interest may require and may lawfully do all other things to carry out and effect the object and purposes of the municipality.

Approved May 29, 1969.

CHAPTER 108

AN ACT TO INSERT A NEW SECTION 4608A IN CHAPTER 46, TITLE 9, DELAWARE CODE, AND TO AMEND SECTIONS 4617 AND 4632 OF CHAPTER 46, TITLE 9, DELAWARE CODE, RELATED TO SEWAGE DISTRICTS IN KENT COUNTY.

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

Section 1. Title 9, Delaware Code, is hereby amended by inserting a new section after Section 4608 but before Section 4609, which said section shall read as follows :

§ 4608A. Validation of prior establishment of districts

Any district heretofore established pursuant to the provisions of this Chapter is hereby declared and determined to have been validly established regardless of the failure of the Levy Court or any of its officials or employees to comply with the requirements as to the establishment of such district set forth in this Chapter and not withstanding that any of the proceedings taken to establish such district were not validly taken and not withstanding that the area of the district is less than the area in which the proposed sewage improvements are to be constructed and that such sewage improvements will serve an area greater than the area of such district; provided, however, that any assessment levied on the lots and parcels of land in such district or any extension thereof shall be in proportion as nearly as may be to the benefit which each parcel would derive from such proposed sewage improvements regardless of the total cost of such sewage improvements. Sewage disposal systems may be constructed on behalf of any such district either within or without the area of the district, to serve such district and any other district heretofore or hereafter established and any municipality or other political subdivision of the State or agency thereof which may contract for the use and services of such sewage system. Bonds of the Levy Court may be issued to finance the cost of such sewage system whether authorized by bond resolutions heretofore or hereafter adopted

by the Levy Court. Such bonds shall be payable in the manner provided by Section 4655 of this Chapter.

Section 2. Title 9, Delaware Code, Section 4617 is hereby amended to read as follows:

§ 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 County on behalf of 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 levy a tax, unlimited as to rate or amount, upon the assessable property within the County in the amount of the estimate of expenditures. In making such levy the Levy Court shall take into account the estimates of revenues as set forth in the estimate so prepared at a time to be fixed by it and the amount of any assessments levied on behalf of said County as hereafter provided and due and payable in the fiscal year for which the estimates are prepared.

The Levy Court 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 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.

(2) 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.

(3) 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 objects 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.

Section 3. Title 9, Delaware Code, Section 4632, is hereby amended to read as follows:

§ 4632. Payment of bonds

The bonds may be payable at such time or times as may be determined in the bond resolution, or by resolution adopted subsequent to the adoption of the bond resolution, within the limitations provided in this Chapter.

Approved May 28, 1969.

CHAPTER 109

AN ACT TO AMEND CHAPTER 41, TITLE 29, DELAWARE CODE, IN ORDER TO EFFECT CERTAIN CHANGES IN THE STATE DEVELOPMENT DEPARTMENT, TO ADD THE RESPONSIBILITY OF PROMOTING EMPLOYMENT OPPORTUNITIES, TO BROADEN THE QUALIFICATIONS AND RESPONSIBILITIES OF THE DIRECTOR, TO DESIGNATE CERTAIN STAFF POSITIONS, TO REQUIRE INTERAGENCY COOPERATION AND TO ASSURE THAT PROPER CONSIDERATION BE GIVEN TO EXISTING RESOURCES IN INSTITUTING NEW DEVELOPMENT PROGRAMS.

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

Section 1. Chapter 41, Title 29, Delaware Code, is hereby amended by striking said chapter and substituting in lieu thereof a new Chapter 41 as follows:

CHAPTER 41. DELAWARE STATE DEVELOPMENT DEPARTMENT

§ 4101. Creation and purpose

(a) There shall be a Delaware State Development Department, hereafter in this chapter referred to as the "Department".

(b) The Department's primary purpose shall be to attract new investors and business to the State, promote tourism, and create new and improved employment opportunities for all citizens of the State at every economic level, provided that such State development is carried out with a view to preserving existing agricultural, commercial, industrial and recreational opportunities to be had within the State and conserving the natural resources and wildlife of the State.

§ 4102. Director of the Department

The Governor shall appoint a Director of the Department, who shall administer the Department in conformity with

the provisions of this chapter. The Director shall possess such qualifications as the Governor shall prescribe, and shall serve at the pleasure of the Governor.

§ 4103. Powers and duties of Director; staff.

(a) The Director shall be responsible for the organization and administration of the Department, as well as the execution of its functions as enumerated in this chapter. He may hire such experts and administrative aides, clerks and research personnel, and such other employees, as are, in his judgment, required to carry out the provisions of this chapter.

(b) There shall be a Deputy Director of the Department, who shall be in charge of all operations in the absence of the Director, and who shall perform such specific duties as the Director shall prescribe.

(c) The Director shall appoint a person or persons who shall be immediately responsible for the developing of new and improved employment opportunities by the Department and coordination with all other State and local agencies and private organizations in this field. The Governor and the Director shall be kept fully appraised by such person or persons of all State, local and private activities in the employment development field.

§ 4104. Collection and publication of information

The Department shall collect, compile and audit the information and data necessary to discharge its principal functions. Where such data cannot be secured from Federal, State, or local agencies or private organizations, the Department may engage in the required research. Before publishing any historical information, the information shall be reviewed and approved by the State Archivist.

§ 4105. Distribution of information

The Department may to the extent and in the manner the Director deems appropriate disseminate data dealing with the investment, business, employment and recreational opportunities and advantages existing within the State, and the potential for future development. This dissemination may be secured

through any of the accepted advertising media or directly by the Department. The Department may prepare publications, pamphlets, folders, brochures, booklets and maps describing the State or particular sections or areas thereof and the investment, business, employment and recreational features to be found therein. The Director shall determine whether and to what extent such publications are to be distributed without charge. In those cases where a prospective investor or business requests the assistance of the Department prior to organization within the State, the Department shall extend its prompt and full cooperation.

§ 4106. Interagency planning and cooperation

The Director shall be responsible for maintaining liaison and initiating reciprocal cooperation with other governmental agencies which are likely to be affected by the activities of the Department or the results of its development programs, including the State Planning Office.

§ 4107. Annual report

The Department shall make an annual report to the Governor, which shall summarize its activities during the preceding year. The report shall be submitted on the first day of October of each year and shall contain a statement of revenues and expenditures and such other information which may be deemed useful or necessary. Such report shall outline all projects and programs in which the Department has engaged during the year and shall designate those deemed successful, those which were unsuccessful and those which cannot at the time be evaluated.

Section 2. The effective date of this Act shall be July 1, 1969.

Approved May 29, 1969.

CHAPTER 110

AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, BY ADDING THE LEGISLATIVE COUNCIL TO THE LIST OF EXEMPT AGENCIES.

WHEREAS, Senate Bill No. 94, 125th General Assembly of the State of Delaware, was passed by both Houses of the Legislature; and

WHEREAS, the Senate Bill No. 94, as aforesaid, contained a technical defect in that the new subsection to be added to the Delaware Code was numbered incorrectly; and

WHEREAS, Senate Bill No. 94 was vetoed by the Governor for the aforesaid reason.

NOW, THEREFORE:

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

Section 1. Section 5903, Title 29, Delaware Code, is amended by adding thereto a new subsection (20) to read as follows:

(20) All members and employees of the Legislative Council except that said exclusion herein granted shall not extend beyond and shall terminate on June 30, 1970.

Approved May 29, 1969.

CHAPTER 111

AN ACT TO AMEND TITLE 28, SECTION 366 (a), RELATING TO HORSE RACING.

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

Section 1. Title 28, Section 366 (a), Delaware Code, is amended by striking the figure "8½%" as such appears after the words "licensee operating a racing meet," and inserting in lieu thereof the figure "9½%".

Approved May 29, 1969.

CHAPTER 112

AN ACT TO AMEND SECTION 2702 (a) OF TITLE 14, DELAWARE CODE, BY REQUIRING SCHOOL ATTENDANCE BETWEEN THE AGES OF 6 AND 16.

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

Section 1. Section 2702 (a), Title 14, Delaware Code, is amended to read as follows:

(a) Every parent, guardian or other person in the State having control of a child between the ages of six and sixteen is required to and shall send such child to a free public school in the district of the residence of the parents except as determined in accordance with Chapter 6, Title 14, Delaware Code, and shall send him to that school each day of the minimum school term of 180 days beginning the first day of the school year in the calendar year in which such child reaches the age of six, unless the local school authorities determine that such beginning is not in the best interest of the child. In the event of parental objections to a decision of the local school authorities, an appeal may be made to the State Board of Education whose decision shall be final.

Approved May 29, 1969.

CHAPTER 113

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY
MAKING CERTAIN CORRECTIONS TO PROVIDE FOR
THE EDUCATIONAL ADVANCEMENT ACT.**

WHEREAS, House Bill Number 438 of the 124th General Assembly as amended by House Amendment Number 2, appearing as Chapter 292, Volume 56, Laws of Delaware, provides for the reorganization of school districts and school boards; and

WHEREAS, Section 36 of said bill provides that "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,' and

WHEREAS, Section 37 of said bill provides that "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 board of reorganized school districts' or 'the school board of a reorganized school district', as the case may be:"

NOW, THEREFORE,

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

Section (1) Where the words "School District(s)" or "Special School Districts(s)" appear in the Delaware Code or in any other law of this State, such words shall be stricken and inserted in lieu thereof the words "reorganized school district(s)."

Where the words "Board(s) of School Trustees" or "the Board(s) of Education of a Special School District" appear in the Delaware Code or in any other law of this State, such words shall be stricken and inserted in lieu thereof the words "school boards of reorganized school districts" or "the school board of a reorganized district," as the case may be.

The following chart is to be used for amending the Delaware Code or any other law of this State by deleting and inserting words, phrases, sentences, and paragraphs in compliance with this Act.

TITLE 14
Education

| <i>Section</i> | <i>Paragraph</i> | <i>Delete</i> | <i>Insert</i> |
|----------------|------------------|---|--|
| 109 | 1 | School District or Special School District | reorganized school district |
| 121 | (1) | In its entirety | (1) The consultation with, and the advising and cooperation with the boards of education of reorganized school districts, superintendents of schools of reorganized school districts, and other officers, principals, teachers and interested citizens in matters relating to education and to the conduct of schools; |
| 121 | (6) | Special School Districts, Boards of School Trustees (first sentence) | reorganized school districts |
| 121 | (6) | Special School Districts (last sentence) | reorganized school districts |
| 121 | (11) | Special School District | reorganized school districts |
| 122(b) | (3) | and particularly establishing the standards for two teacher schools and three teacher schools in the rural districts; | — |
| 122 | (6) | Special School Districts | reorganized school districts |
| 122 | (10) | In its entirety | — |
| 122 | (11) | <i>Delete following figures only,</i> | <i>insert the following figures</i> |
| | (19) | (11), (12), (13), (14), (15), (16), (17), (18), (19) | (10), (11), (12), (13), (14), (15), (16), (17), (18) to replace figures (11)-(19) |
| 602 | (a) | or Board of School Trustees (first sentence) | — |
| 602 | (a) | or Board of School Trustees (last sentence) | — |
| 603 | (c) | Special (wherever it appears) | — |
| 603 | (e) | Special (wherever it appears) | — |
| 604 | (a) | or the Board of School Trustees (last sentence) | — |
| 1201 | 1 | Boards of Education of Special School Districts | |

| <i>Section</i> | <i>Paragraph</i> | <i>Delete</i> | <i>Insert</i> |
|----------------|------------------|---|---|
| 1301 | 2 | In its entirety | "District" means a reorganized school district, or the school district of the City of Wilmington. |
| 1302 | 1 | special school district | — |
| 1321 | (e) | The first paragraph of (e) | The Board of Public Education in Wilmington and the boards of education of school districts may employ: |
| 1323 | (a) | Special School Districts | The word "the" before Board of Education for the City of Wilmington |
| 1323 | (b) | | |
| | 1 | Board of Trustees or | — |
| 1401 | 2 | In its entirety | "Board" means a board of education of a reorganized school district, the Board of Education in Wilmington, and the State Board of Education; |
| 1504 | 1 | School Trustees of the School Districts and to the Boards of Education of the Special School Districts, and of the City of Wilmington (at end of section) | Education of the school districts and of the Board of Education of the School District of the City of Wilmington |
| 1506 | (a) | In its entirety | (a) The Budget Commission shall each year, as soon as possible after July first, audit the investments, the business and financial transactions, the records and accounts of the trustee of the school fund and all other accounts of the State Board of Education and the boards of education of the school districts. |
| 1507 | 1 | Special (first sentence) | — |
| 1708 | (a) | the State Board of Education for the support of one, two and three teacher schools, | — |
| 1708 | (a) | <i>delete wherever it appears under Section 1708(a):</i> State Board of Education for One, two and three teacher schools) | — |
| 1715 | 2 | or Board of School Trustees | — |

| <i>Section</i> | <i>Paragraph</i> | <i>Delete</i> | <i>Insert</i> |
|----------------|------------------|--|--|
| 1716 | 1 | In its entirety | There shall be a revolving fund established under the State Board of Education to be used for the payment of architects' fees for actual work done when architects are asked to do advanced planning by school districts prior to the organization of a school construction program or presentation of a construction program to a session of the General Assembly when such prior planning is requested by a school district. |
| 1716 | 3 | or Board of School Trustees | — |
| 1716 | 4 | Board of School Trustees | — |
| 1901 | 2 | In its entirety | "District" means a reorganized school district and the School District of the City of Wilmington |
| 1901 | 3 | In its entirety | "School board" means a board of education of a reorganized school district and the Board of Education of the School District of the City of Wilmington |
| 1909 | 1 | and to the Board of Education of a Special School District if the election is held in a Special School District, | — |
| 1910 | (a) | or the Board of Education of any Special School District, if the election is held in any Special School District | — |
| 2001 | 2 | In its entirety | "District" means a reorganized school district. |
| 2001 | 3 | In its entirety | "School board" means a board of education of a reorganized school district. |
| 2101 | 2 | In its entirety | "District" means a reorganized school district |
| 2101 | 3 | In its entirety | "School Board" means a board of education of a reorganized school district |
| 2119 | 1 | Special School District or the Board of School Trustees of any (first sentence) | — |
| 2119 | 1 | Special School Districts or (last sentence) | — |

| <i>Section</i> | <i>Paragraph</i> | <i>Delete</i> | <i>Insert</i> |
|----------------|------------------|---|---|
| 2301 | 2 | In its entirety | "District" means a reorganized school district |
| 2301 | 3 | In its entirety | "School board" means a board of education of a reorganized school district. |
| 2303(a) | 5 | or Board of School Trustees (first sentence) | — |
| 2602 | 1 | Trustees (appearing 3 times) | education (to replace Trustee 3 times) |
| 2703 | (a) | of Schools of a Special School District, or in the case | — |
| 2706 | 1 | In its entirety | Subject to the rules and regulations of the State Board of Education, necessary and legal absences of pupils enrolled in the free public schools may be excused by the superintendent of schools or person authorized by him |
| 2708 | 1 | or in the case of School District, by the official designated by the State Board of Education | — |
| 2710 | 1 | In its entirety | The fines provided for by Section 2709 of this Title shall, when collected, be paid over by the officers collecting the same to the treasurer of the board of education of a reorganized school district according to the residence of the person convicted, to be accounted for by such treasurer or by the State Board as other moneys raised for school purposes |
| 2711 | 1 | In its entirety | All truancy and incorrigibility shall be deemed evidence of delinquency, and in case no special school, as prescribed in Section 143 of this Title, has been established, the State Board of Education and the superintendents of school districts shall proceed against such truant or incorrigible pupil as a delinquent person, and if adjudged delinquent, the pupil may be committed to the Ferris School for Boys, or Woods Haven School for Girls, or Kruse School |

| <i>Section</i> | <i>Paragraph</i> | <i>Delete</i> | <i>Insert</i> |
|----------------|------------------|---|--|
| 2712 | 1 | In its entirety | The State Treasurer shall pay to the authorities of the Woods Haven School for Girls on a claim submitted by the authorities in such school and countersigned by the superintendent of the school district concerned, the sum of fifty cents per day, from money not otherwise appropriated, for each day any pupil is confined in the institution |
| 3505 | 1 | Special (first sentence) | — |
| 4105 | (a) | and every Board of School Trustees (first sentence) | — |
| 4112 | (b) | Board of School Trustees and (first sentence) | — |
| 4113 | 1 | In its entirety | Whoever disturbs a public school in session or wilfully destroys any public school property shall be fined \$20, to be collected as other fines, and paid to the board of education of the school district for the benefit of the respective district, or imprisoned not more than 30 days, or both |
| 7121 | (a) | In its entirety | "School district" means re-organized school districts in this State. |
| 7121 | (b) | In its entirety | "Board" means board of education |
| 7147 | 1 | Special (first line) | — |
| 7168 | 1 | or Board of School Trustees (first sentence) | — |
| 7168 | 1 | or Board of School Trustees (second sentence) | — |
| 7168 | 1 | or chairman of the Board of School Trustees (fourth sentence) | — |
| 7168 | 1 | or clerk (fourth sentence) | — |
| 7168 | 1 | or Board of School Trustees (fourth sentence) | — |

Approved May 29, 1969.

CHAPTER 114

AN ACT TO AMEND THE EDUCATIONAL ADVANCEMENT ACT RELATING TO MATCHING FUNDS.

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

Section 1. Section 1707 (a), Chapter 17, Title 14, Delaware Code, is amended by striking the first sentence and substituting in lieu thereof the following:

For the fiscal year beginning July 1, 1969, and for each fiscal year thereafter, any school district which provides funds from local taxation for current expenses in excess of basic state appropriations under Division 1 and Division 11 of this chapter shall be eligible for state funds on a matching basis in accordance with the formula set out in this section.

Section 2. Section 1707 (b), (1), Chapter 17, Title 14, Delaware Code, is amended by striking the words "September 30" and inserting in lieu thereof the following: "July 1".

Approved May 29, 1969.

CHAPTER 115

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE PENSIONS BY ALLOWING A COVERED EMPLOYEE TO RECEIVE CONTRIBUTIONS PAID IN WITH INTEREST WHEN QUALIFIED TO DO SO.

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

Section 1. Section 5562 (c), Title 29, Delaware Code, is amended by adding thereto the following words after the word "refunded":

"with interest at the rate of 3½% per year".

Approved May 29, 1969.

CHAPTER 116

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE UNIVERSITY OF DELAWARE FOR THE DIVI-
SION OF URBAN AFFAIRS.**

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

Section 1. The sum of \$5,000 is appropriated to the University of Delaware, Division of Urban Affairs, for the Governor's Summer Fellows Program for the fiscal year ending June 30, 1969.

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

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund on June 30, 1970.

Approved May 29, 1969.

CHAPTER 117

**AN ACT AUTHORIZING THE BOARD OF EDUCATION
OF THE CLAYMONT SPECIAL SCHOOL DISTRICT
TO EXPEND BOND PROCEEDS FOR THE CONSTRUCTION
OF AN ELEMENTARY SCHOOL.**

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

Section 1. Notwithstanding the proposition approved by the voters of the Claymont Special School District at the special election held on June 11, 1966, the Board of Education of the Claymont Special School District is hereby authorized to expend the unexpended balance of proceeds of the \$1,990,000 School Building Bonds of 1967 dated April 1, 1967, for the purpose of constructing an elementary school building which school building may have fewer classrooms and may be smaller in size than the school building referred to in the certification of Certificate of Necessity dated November 24, 1965 under Item 192-2.

Section 2. This Act shall take effect immediately.

Approved May 29, 1969.

CHAPTER 118

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO SOCIAL SECURITY CONTRIBUTION FUND OF
THE STATE OF DELAWARE (AGENCY NUMBER 530).**

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

Section 1. The sum of \$250,000 is appropriated to Social Security Contribution Fund of the State of Delaware (Agency Number 530) for the fiscal year ending June 30, 1969, to supplement the State of Delaware share of contributions to Social Security.

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 May 29, 1969.

CHAPTER 119

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE UNIVERSITY DRAMA GROUP, INC. FROM ASSESSMENT AND TAXATION.

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

Section 1. 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation the University Drama Group, Inc.

Approved May 14, 1969.

CHAPTER 120

AN ACT TO AMEND § 4179 A, CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO THE PAYMENT OF COURT COSTS AND A REQUIREMENT OF A RECEIPT.

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

Section 1. § 4179 A, Chapter 41, Title 21, Delaware Code, is hereby amended by striking the last sentence of this section and inserting in lieu thereof:

Court costs shall not be assessed if a fine is paid pursuant to this section any other statute, law, or Court Rule of this State notwithstanding. The Court shall not be required to mail a receipt indicating the payment of a fine paid pursuant to this section. The Court shall, however, mail a receipt if the person paying such fine makes a written request for a receipt and encloses a self-addressed envelope with proper postage affixed.

Approved June 6, 1969.

CHAPTER 121

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT FOR THE
INSTALLATION OF SIDEWALKS.**

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

Section 1. The sum of \$1,000 is hereby appropriated to the State Highway Department to authorize them to install sidewalks along Washington Street in the City of New Castle.

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

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund on June 30, 1970.

Approved June 6, 1969.

CHAPTER 122

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DELAWARE NATIONAL GUARD.**

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

Section 1. The sum of \$1,223 is appropriated to the Delaware National Guard for the fiscal year June 30, 1969, and to be placed in the Personal Services Account of the Delaware National Guard for the purpose of paying an invoice rendered to the Delaware National Guard by Van Demark & Lynch, Inc., consulting engineer and surveyors, for the layout of test holes with grades at the State Rifle Range and soil borings at said location.

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 6, 1969.

CHAPTER 123

AN ACT TO AMEND SECTION 5919, CHAPTER 59, TITLE 11, DELAWARE CODE, RELATING TO THE RECORDING OF FINES COLLECTED BY JUSTICES OF THE PEACE FOR VIOLATIONS OF 21 DELAWARE CODE, SECTION 4179 A.

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

Section 1. Section 5919, Chapter 59, Title 11, Delaware Code, is hereby amended by re-lettering the present subparagraph "(b)" as subparagraph "(c)", and inserting the following new subparagraph "(b)":

(b) Notwithstanding the provisions of subparagraph (a) above as to the entry and recording of fines and costs collected, all fines and costs collected for violations of 21 Delaware Code, Section 4179 A, relating to unattended motor vehicles shall be recorded and kept otherwise than in the ledger referred to in subparagraph (a) above and pursuant to the Rules of the Justices of the Peace.

Approved June 6, 1969.

CHAPTER 124

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE TAX DEPARTMENT FOR THE PUR-
POSES OF RELOCATING THEIR OFFICES AND THE
OFFICES OF THE DEPARTMENT OF HOUSING,
TRANSPORTATION, AND THE GOVERNOR'S OFFICE.**

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

Section 1. The sum of \$28,972.00 is appropriated to the State Tax Department for the fiscal year ending June 30, 1969:

| | |
|------------------------------|-------------|
| Contractual Services | \$26,242.00 |
| Supplies and Materials | 1,050.00 |
| Wages and Salaries | 1,680.00 |

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, 1969.

Approved June 6, 1969.

CHAPTER 125

AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, BY PROVIDING PENALTIES FOR ANY PERSON DRIVING DURING THE PERIOD OF SUSPENSION OF HIS OPERATOR'S, CHAUFFEUR'S OR TAXI-CAB DRIVER'S LICENSE.

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

Section 1. Chapter 27, Title 21, Delaware Code, is amended by striking § 2746 in its entirety and inserting in lieu thereof a new § 2746 to read as follows:

§ 2746. Driving vehicle while license is suspended or revoked; penalty

Any person whose drivers license or driving privileges has been suspended or revoked, as provided in this chapter, and who drives any motor vehicle upon the highways of this State during the period of suspension or revocation shall, for the first offense, be imprisoned not less than thirty days nor more than six months, and may, in addition, be fined not more than \$200. For each subsequent like offense, he shall be imprisoned not less than sixty days nor more than six months, and may, in addition, be fined not more than \$200.

Approved June 7, 1969.

CHAPTER 126

AN ACT TO AMEND CHAPTER 27, SUBCHAPTER II, TITLE 21, SECTION 2733, DELAWARE CODE, RELATING TO DISCRETIONARY SUSPENSION OR REVOCATION OF LICENSE AND DRIVING PRIVILEGES.

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

Section 1. Chapter 27, Subchapter II, Title 21, Section 2733 (a), Delaware Code, is hereby amended by inserting in the first line thereof after the word "license" and before the word "of" the following:

"and/or driving privileges"

Section 2. Chapter 27, Subchapter II, Title 21, Section 2733 (a) (1), Delaware Code, is hereby amended by inserting in the second line thereof after the word "license" and before the word "is" the following:

"and/or driving privileges"

Section 3. Chapter 27, Subchapter II, Title 21, Section 2733 (f), Delaware Code, is amended by inserting after the word "license" and before the word "of" the following:

"and/or driving privileges"

Approved June 7, 1969.

CHAPTER 127

AN ACT TO AMEND TITLE 8, DELAWARE CODE, RELATING TO CORPORATIONS BY ADDING A NEW CHAPTER TO BE KNOWN AS "CHAPTER 6" TO PERMIT THE FORMATION OF PROFESSIONAL SERVICE CORPORATIONS AND TO SET FORTH THE LAW RELATING THERETO.

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, Delaware Code, is hereby amended by adding thereto a new chapter to be known as "Chapter 6" as follows:

CHAPTER 6.

PROFESSIONAL SERVICE CORPORATIONS

§ 601. Legislative intent

It is the legislative intent to provide for the incorporation of an individual or group of individuals to render the same professional service to the public for which such individuals are required by law to be licensed or to obtain other legal authorization.

§ 602. Short title

This chapter may be cited as "The Professional Service Corporation Act."

§ 603. Definitions

As used in this chapter the following words shall have the meaning indicated:

(1) The term "professional service" shall mean any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to the ef-

fective date of this chapter and by reason of law could not be performed by a corporation. In addition, and by way of example and without limiting the generality thereof, the personal services which come within the provisions of this chapter are the personal services rendered by architects, certified or other public accountants, chiroprodists, chiropractors, doctors of dentistry, doctors of medicine, optometrists, osteopaths, professional engineers, veterinarians and, subject to the Rules of the Supreme Court, attorneys-at-law.

(2) The term "professional corporation" means a corporation which is organized under this chapter for the sole and specific purpose of rendering professional service and which has as its shareholders only individuals who themselves are duly licensed or otherwise legally authorized within this State to render the same professional service as the corporation.

§ 604. Exemptions

This chapter shall not apply to any individual or groups of individuals within this State who prior to the effective date of this chapter were permitted to organize a corporation and perform personal services to the public by the means of a corporation, and this chapter shall not apply to any corporations organized by such individual or group of individuals prior to the effective date of this chapter; unless, any such individual or group of individuals or any such corporation bring themselves and such corporation within the provisions of this chapter by amending the certificate of incorporation in such a manner so as to be consistent with all the provisions of this chapter and by affirmatively stating in the amended certificate of incorporation that the shareholders have elected to bring the corporation within the provisions of this chapter, or be incorporating initially under the provisions of this chapter.

§ 605. Authority to organize; law governing

One or more persons, each of whom is duly licensed or otherwise legally authorized to render the same professional services within this State, may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of the General Corporation Law

of Delaware for the sole and specific purpose of rendering the same professional services.

§ 606. Number of directors; officers

A professional corporation which has only one shareholder need have only one director, who shall be such shareholder. Such one shareholder shall also serve as the president of the corporation. The other officers of the corporation in such a case need not be licensed or otherwise legally authorized to render the same professional service within this State, as such one shareholder. A professional corporation which has only two shareholders need have only two directors who shall be such shareholders. The two shareholders shall, between them, fill all the offices of the professional corporation.

§ 607. Rendition of professional services through licensed officers, employees and agents

No corporation organized and incorporated under this chapter may render professional services except through its officers, employees and agents who are duly licensed or otherwise legally authorized to render such professional services within this State; provided, however, this provision shall not be interpreted to include in the term "employee" as used herein clerks, secretaries, nurses, administrators, bookkeepers, technicians and other assistants who are not usually and ordinarily considered by law, custom and practice to be rendering professional services to the public for which a license or other legal authorization is required in connection with the profession to be practiced, nor does the term "employee" include any other person who performs all his employment under the direct supervision and control of an officer, employee or agent who is himself rendering professional service to the public on behalf of the professional corporation; provided that, no person shall, under the guise of employment, practice a profession unless duly licensed to practice that profession under the laws of this State. Notwithstanding any other or contrary provisions of the laws of this State, a professional corporation organized under this chapter may charge for the services of its officers, employees, and agents, may collect such charges, and may compensate those who render such professional services.

§ 608. Chapter not to affect professional relationship legal liabilities and standards for professional conduct; negligence; attachment of assets

Nothing contained in this chapter shall be interpreted to abolish, repeal, modify, restrict or limit the law now in effect in this State applicable to the professional relationship and the contract, tort and other legal liabilities between the person furnishing the professional services and the person receiving such professional service and to the standards for professional conduct, including the confidential relationship between the person rendering the professional services and the person receiving such professional service, if any; and all confidential relationships previously enjoyed under the laws of this State or hereafter enacted shall remain inviolate. Any officer, employee, agent or shareholder of a corporation organized under this chapter shall remain personally and fully liable and accountable for any negligent or wrongful acts or misconduct committed by him, or by any person under his direct supervision and control, while rendering professional service on behalf of the corporation to the person for whom such professional services were being rendered. The corporation shall be liable up to the full value of its property for any negligent or wrongful acts or misconduct committed by any of its officers, employees, agents or shareholders while they are engaged on behalf of the corporation in the rendering of professional services. The assets of a professional corporation shall not be liable to attachment for the individual debts of its shareholders. Notwithstanding the foregoing, the relationship of an individual to a professional corporation organized under this chapter, with which such individual is or may be associated, whether as officer, employee, agent, or shareholder director, shall in no way modify, extend or diminish the jurisdiction over such individual, of and by whatever State, agency or office which licensed or otherwise legally authorized him for or to render service in a particular field of endeavor.

§ 609. Engaging in other business prohibited

No corporation organized under this chapter shall engage in any business other than the rendering of the professional services for which it was specifically incorporated; provided,

however, nothing in this chapter or in any other provisions of existing law applicable to corporations shall be interpreted to prohibit such corporation from investing its funds in real estate, mortgages, stocks, bonds or any other type of investments, or from owning real or personal property necessary for, or appropriate or desirable in, the fulfillment or rendering of its professional services.

§ 610. Issuance of capital stock to licensed individuals; voting trust agreements prohibited; holding of stock by shareholder's estate

No corporation organized under the provisions of this chapter may issue any of its capital stock to anyone other than an individual who is duly licensed or otherwise legally authorized to render the same specific professional services as those for which the corporation was incorporated. No shareholder of a corporation organized under this chapter shall enter into a voting trust agreement or proxy or any other type agreement vesting another person with the authority to exercise the voting power of any or all of his stock. Subject to the provisions of the corporation's certificate of incorporation, the estate of a shareholder who was a person duly licensed or otherwise legally authorized to render the same professional service as that for which the professional corporation was organized may continue to hold stock pursuant to the certificate of incorporation for a reasonable period of administration of the estate, but shall not be authorized to participate in any decisions concerning the rendering of professional service.

§ 611. Disqualification of officer, shareholder, agent or employee

If any officer, employee, agent or shareholder of a corporation organized under this chapter becomes legally disqualified to render such professional services within this State, or is elected to a public office or accepts employment that, pursuant to existing law, places restrictions or limitations upon his continued rendering of such professional services, he shall sever all employment with, and financial interests in, such corporation, forthwith. A corporation's failure to require compliance with this provision shall constitute a ground for the forfeiture of its

charter and its dissolution. When a corporation's failure to comply with this provision is brought to the attention of the office of the Secretary of State, the Secretary of State forthwith shall certify that fact to the Attorney General for appropriate action to dissolve the corporation.

§ 612. Sale or transfer of shares

Except as provided in Section 616, no shareholder of a corporation organized under this chapter may sell or transfer his shares in such corporation except to the corporation or to another individual who is eligible to be a shareholder of such corporation, and such sale or transfer may be made only after the same shall have been approved, at a stockholders' meeting specially called for such purpose, or at an annual meeting with ten days' notice of such additional purpose, by such proportion, not less than a majority, of the outstanding stock entitled to be voted on that question as may be provided in the certificate of incorporation or in the by-laws. At such shareholders' meeting the shares of stock held by the shareholder proposing to sell or transfer his shares may not be voted or counted for any purpose. The certificate of incorporation may provide specifically for additional restraints on the alienation of shares and may require the redemption or purchase of such shares by the corporation at prices and in a manner specifically set forth in such certificate or the certificate may specifically authorize the corporation's board of directors or its shareholders to adopt by-laws restraining the alienation of shares and providing for the purchase or redemption by the corporation of its shares; provided, however, such provisions dealing with the purchase or redemption by the corporation of its share may not be invoked at a time or in a manner that would impair the capital of the corporation.

§ 613. Price for shares

If the certificate of incorporation or by-laws of a professional corporation fail to fix a price at which a professional corporation or its shareholders may purchase the shares of a deceased, retired, expelled, or disqualified shareholder, and if the certificate of incorporation or by-laws do not otherwise provide, then the price for such share or shares shall be the book value of such share or shares at the end of the month immediately

preceding the death of or disqualification of the shareholder. Book value shall be determined by an independent certified public accountant employed by the professional corporation. The determination by the certified public accountant of book value shall be conclusive on the professional corporation and its shareholders.

§ 614. Perpetual corporate existence

A corporation under this chapter shall have perpetual existence until dissolved in accordance with other provisions of this chapter.

§ 615. Conversion into business corporation

Whenever all shareholders of a corporation licensed under this chapter shall cease at any time and for any reason to be licensed, certified or registered in the particular field of endeavor for which such corporation was organized, said corporation shall thereupon be treated as converted into and shall operate henceforth solely as a business corporation under applicable provisions of Chapter I of this Title, exclusive of this chapter.

§ 616. Time for transfer of shares upon death or disqualification

Within 375 days following the date of death of a shareholder, or within 30 days following his disqualification as hereinbefore provided, to own shares in the corporation, all of the shares of such shareholder shall be transferred to, and acquired by, the corporation or persons qualified to own such shares. If no other provision to accomplish such transfer and acquisition is in effect and carried out within said period, the corporation shall thereafter purchase and redeem all of his shares of its stock at the book value thereof, determined as of the end of the month immediately preceding death or disqualification. For this purpose, the book value shall be determined from the books and records of the corporation in accordance with the regular methods of accounting used by it for the purposes of determining its net taxable income for Federal income tax purposes; and no subsequent adjustment of such income, whether by the cor-

poration itself, by Federal income tax audit made and agreed to, or by a court decision which has become final, shall alter the redemption price. Nothing contained in this section shall prevent the parties involved from making any other arrangement or provision in the certificate of incorporation, by-laws, or by contract to transfer the shares of a deceased or disqualified shareholder to the corporation or to persons qualified to own the same, whether made before or after the death or disqualification of the shareholder, provided that within the period herein specified all the stock involved shall have been so transferred.

§ 617. Corporate name

The corporate name of a corporation organized under this chapter shall contain the last names of one or more of its shareholders and shall also contain the words "chartered" or "professional association", or the abbreviation "P.A.". The use of the word "company", "corporation" or "incorporated", or any other word, words, abbreviations, affix or prefix indicating that it is a corporation, in the corporate name of a corporation organized under this chapter, other than the words "chartered" or "professional association", or the abbreviation "P.A.", is specifically prohibited. It shall be permissible, however, for the corporation and the shareholders to render professional services and to exercise its authorized powers under a name which is identical to its corporate name except that the words "chartered" or "professional association" or the abbreviation "P.A." is omitted.

§ 618. Applicability of General Corporation Law; consolidation or merger of corporations; annual report

The General Corporation Law of Delaware shall be applicable to a corporation organized pursuant to this chapter except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions of the General Corporation Law of Delaware, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized pursuant to the provisions of this chapter. A professional corporation organized under this chapter may consolidate or merge only with another professional corporation organized under this chapter, empowered to render

the same specific professional service; and a merger or consolidation with any foreign corporation is prohibited. A corporation organized and operating under this chapter shall furnish a report to the office of the Secretary of State on or before the second day of January of each year showing the names and post office addresses of all its shareholders, directors, and officers, which shall certify, that all such persons are duly licensed, certified, registered or otherwise legally authorized to render the same professional or other personal service in this State. This report shall be made on forms prescribed and furnished by the Secretary of State, but shall contain no fiscal or other information except that expressly called for by this section. It shall be signed by the president or vice-president and the secretary or an assistant secretary of the corporation, and acknowledged before a notary public by one of the persons signing the report, shall be filed in the office of the Secretary of State, and shall be in lieu of the regular annual report of corporations otherwise required by the General Corporation Law of Delaware.

§ 619. Partial invalidity; repeal of conflicting laws

If any provision of this chapter or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. All laws and parts of laws in conflict with any of the provisions of this chapter are hereby repealed, to the extent so in conflict.

§ 620. Construction of chapter

The provisions of this chapter shall not be construed as repealing, modifying or restricting the applicable provisions of law relating to incorporations, sales of securities or regulating the several professions enumerated in this chapter except insofar as such laws conflict with the provisions of this chapter.

Approved June 7, 1969.

CHAPTER 128

AN ACT TO PERMIT MILLSBORO SCHOOL DISTRICT NO. 23 TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS 1969 MINOR CAPITAL IMPROVEMENT 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. Millsboro School District No. 23 is authorized to transfer the sum of \$5,000 from its Local Debt Service Account to its 1969 Minor Capital Improvement Account; the funds transferred to be used to implement its 1969 Minor Capital Improvement program.

Approved June 7, 1969.

CHAPTER 129

AN ACT TO AMEND TITLE 13, DELAWARE CODE, RELATING TO PERSONS WHO MAY SOLEMNIZE MARRIAGES.

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

Section 1. Section 106 (a), Title 13, Delaware Code, is amended by striking the first sentence thereof and inserting in lieu thereof the following:

Any ordained minister of the gospel and every minister in charge of a recognized church, and the several Clerks of the Peace of various counties may solemnize marriages between persons who may lawfully enter into the matrimonial relation. Within the City of Wilmington, the Mayor of the City of Wilmington may solemnize marriages between persons who may lawfully enter into the matrimonial relation, but only if one of the parties to be married is a resident of the State of Delaware.

Section 2. This Act shall become effective thirty days after its adoption.

Approved June 7, 1969.

CHAPTER 130

AN ACT RELATING TO PENSIONS FOR ELIZABETH H. HITCHENS, EDNA CALHOUN, AND MARY REED, FORMER SUSSEX COUNTY EMPLOYEES.

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

WHEREAS, Elizabeth H. Hitchens, Edna Calhoun, and Mary Reed are former Sussex County employees, all for periods of more than 20 years; and

WHEREAS, the Sussex County Employees' Pension Plan as set forth in Chapter 64, Title 9, Delaware Code, does not provide for pension benefits for Elizabeth H. Hitchens, Edna Calhoun, and Mary Reed; and

WHEREAS, Elizabeth H. Hitchens, Edna Calhoun, and Mary Reed should receive pension benefits under the Sussex County Employees' Pension Plan for their long and loyal service to Sussex County;

NOW, THEREFORE,

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

Section 1. The Levy Court of Sussex County is directed to accept the applications of Elizabeth H. Hitchens, Edna Calhoun, and Mary Reed for pension benefits under the Sussex County Employees' Pension Plan, set forth in Chapter 64, Title 9, Delaware Code; and the Levy Court of Sussex County is further directed to determine that the said Elizabeth H. Hitchens, Edna Calhoun, and Mary Reed shall be eligible for Retirement Pension Benefits as determined by Section 6406, Title 9, Delaware Code, any other provisions of Chapter 64, Title 9, Delaware Code, notwithstanding.

Approved June 7, 1969.

CHAPTER 131

AN ACT TO PERMIT THE BOARD OF SCHOOL TRUSTEES OF MARSHALLTON 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 School District No. 77 is authorized to transfer the sum of \$44,000 from its local Debt Service Account to its Minor Capital Improvements Program for the purpose of providing the said District's share of the funds required for making 1969 miscellaneous minor capital improvements as authorized by 56 Laws of Delaware, Chapter 469, Section 13.

Approved June 7, 1969.

CHAPTER 132

AN ACT RELATING TO A PENSION FOR JAMES E. CHEFFINS FORMER NEW CASTLE COUNTY AND STATE OF DELAWARE EMPLOYEE.

WHEREAS, James E. Cheffins is a former New Castle county and State of Delaware employee, for a total of more than 17 years; and

WHEREAS, the New Castle County Employees' Pension Plan as set forth in Chapter 17, Title 9, Delaware Code, does not provide for pension benefits for James E. Cheffins; and

WHEREAS, James E. Cheffins should receive pension benefits under the New Castle County Employees' Pension Plan for his long and loyal service to New Castle county and the State of Delaware; and

WHEREAS, James E. Cheffins is in necessitous circumstances being in excess of 85 years of age;

NOW, THEREFORE,

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

Section 1. The County Council of New Castle county is directed to accept the application of James E. Cheffins for pension benefits under the New Castle County Employees' Pension Plan, set forth in Chapter 17, Title 9, Delaware Code; and the County Council of New Castle County is further directed to determine that the said James E. Cheffins shall be eligible for Retirement Pension Benefits as determined by Section 1705, Title 9, Delaware Code, any other provisions of Chapter 17, Title 9, Delaware Code, notwithstanding.

Approved June 7, 1969.

CHAPTER 133

AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO APPEALS BY THE STATE IN CRIMINAL CASES; WHEN APPEALS MAY BE TAKEN, THE PROCEDURE TO BE FOLLOWED, AND THE TIME FOR TAKING SUCH APPEALS.

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

Section 1. Title 10, Delaware Code, is hereby amended by adding a new Chapter 6 to read as follows:

CHAPTER 6. APPEALS BY THE STATE**§ 101. Appeals by the State in criminal cases**

An appeal may be taken by the State from a lower court to an appellate court in the following instances:

(1) Appeal as of right. The State shall have an absolute right to appeal to an appellate court a final order of a lower court where the order constitutes a dismissal of an indictment or information or any count thereof or the granting of any motion vacating any verdict or judgment of conviction where the order of the lower court is based upon the invalidity or construction of the statute upon which the indictment or information is founded or where the order is based on the lack of jurisdiction of the lower court over the person or subject matter.

(2) Appeal in the discretion of the appellate court. The State may apply to the appellate court to permit an appeal to determine a substantial question of law or procedure, and the appellate court may permit the appeal in its absolute discretion. The appellate court shall have the power to adopt rules governing the allowance of such an appeal; but, in no event shall the decision or result of the appeal affect the rights of the defendant and he shall not be obligated to defend the appeal, but the Court may require the Public Defender of the State of Delaware to defend the appeal and to argue the cause; provided, however, that if the order appealed from is an order suppressing or

excluding substantial and material evidence the Court may permit an interlocutory appeal of any pretrial order, and if the order suppressing such evidence is reversed, the defendant may be subjected to a trial.

(3) The appeal or application for appeal shall be filed with the appellate court within 60 days from entry of the order appealed from.

§ 103. Definitions relating to section 101

As used in section 101 of this subchapter:

(1) "Appellate court" means a court of this State having direct appellate jurisdiction over a lower court.

(2) "Lower court" means any court of this State over which an appellate court of this State has direct appellate jurisdiction. The Superior Court is a lower court for the purposes of an appeal to the Supreme Court whether the action of the Superior Court which is subject to review by the Supreme Court is action resulting from the original jurisdiction of that court in a trial de novo in a proceeding initiated there or initiated in a lower court, or action resulting from a review of action of a lower court under section 101 or any other provision permitting appellate review in the Superior Court.

(3) "Order" includes any judgment, order, ruling, decision, memorandum, opinion, or equivalent entry of the lower court which constitutes a fixed determination by the lower court.

Approved June 9, 1969.

CHAPTER 134

**AN ACT GIVING MINORS OVER THE AGE OF 19 YEARS
THE ABILITY TO MARRY WITHOUT CONSENT.**

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

Section 1. Section 123, Title 13, Delaware Code, is amended by striking the figure "21" as is appears in line 2 of subsection (b), and inserting in lieu thereof the figure "19"; and by striking the figure "18" as it appears in line 3 of subsection (b), and inserting in lieu thereof the figure "19".

Section 2. Section 123, Title 13, Delaware Code, is amended by striking the figure "21" as it appears in line 2 of the Consent Form for Males in subsection (d), and inserting in lieu thereof the figure "19"; and by striking the figure "18" as it appears in line 2 of the Consent Form for Females in subsection (d), and inserting in lieu thereof the figure "19".

Approved June 12, 1969.

CHAPTER 135

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1970.**

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, 1970, are hereby appropriated and authorized to be paid out of the Treasury of this State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the limitations of this Act and to the provisions of Part VI, Title 29, Delaware Code, as amended or qualified by this Act, all 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, 1970, 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, 1970</i> |
|-------------------------------------|----------------------------------|
| (001) Salaries—House Members | \$ 234,000 |
| (002) Salaries—Senate Members | 114,000 |
| | <hr/> |
| TOTAL | \$ 348,000 |

(006) Delaware Commission on Interstate Cooperation

Travel

| | |
|-------------------------------|----------|
| Legislative Travel Only | \$ 7,500 |
| Other Travel | 1,000 |

Year Ending June 30, 1970

Contractual Services

| | |
|--|------------------|
| Council of State Governments | 7,375 |
| Delaware River Basin Advisory Committee | 68,500 |
| National Legislative Leaders Conference | 1,000 |
| Southern Nuclear Board | 8,554 |
| Other Contractual Services | 1,200 |
| Supplies and Materials | 100 |
| TOTAL | \$ 95,229 |

(013) Legislative Council

| | |
|---|-------------------|
| Salary of Director | \$ 19,000 |
| Salaries—Part-time | 5,000 |
| Salaries and Wages of Employees (6) | 50,500 |
| Travel | 7,500 |
| Contractual Services | 10,000 |
| Supplies and Materials | 17,500 |
| Capital Outlay | 10,000 |
| TOTAL | \$ 119,500 |

(016) State Election Commissioner

| | |
|---|------------------|
| Salary of Office Manager | \$ 7,000 |
| Salaries and Wages of Employees (2) | 11,580 |
| Contractual Services | 8,524 |
| Supplies and Materials | 2,250 |
| Capital Outlay | 500 |
| TOTAL | \$ 29,854 |

(017) New Castle County Department of Elections

| | |
|------------------------------------|-----------|
| Salaries of Board Members | \$ 11,500 |
| Salary of Secretary to Board | 11,500 |

Year Ending June 30, 1970

| | |
|---|------------|
| Salaries and Wages of Employees (13) | 65,108 |
| Personal Services—Registration Officers | 1,000 |
| Travel | 600 |
| Contractual Services | 7,500 |
| Supplies and Materials | 1,500 |
| Capital Outlay | 1,400 |
| | <hr/> |
| TOTAL | \$ 100,108 |

(018) Kent County Department of Elections

| | |
|---|-----------|
| Salaries of Board Members | \$ 8,500 |
| Salary of Secretary to Board | 5,400 |
| Salaries and Wages of Employees (2) | 10,188 |
| Personal Services—Registration Officers | 200 |
| Travel | 100 |
| Contractual Services | 1,900 |
| Supplies and Materials | 200 |
| Capital Outlay | 500 |
| | <hr/> |
| | \$ 26,988 |

(019) Sussex County Department of Elections

| | |
|---|-----------|
| Salaries of Board Members | \$ 8,500 |
| Salary of Secretary to Board | 6,100 |
| Salaries—Part Time | 2,400 |
| Salaries and Wages of Employees (2) | 10,272 |
| Personal Services—Registration Officers | 200 |
| Travel | 200 |
| Contractual Services | 3,700 |
| Supplies and Materials | 500 |
| Capital Outlay | 500 |
| | <hr/> |
| TOTAL | \$ 32,872 |

Total Legislative and Elections \$ 752,051

EXECUTIVE AND FINANCIAL*Year Ending June 30, 1970***(020) Governor**

| | | |
|---|----|---------|
| Salary of Governor | \$ | 35,000 |
| Salaries and Wages of Employees (14.5) | | 144,000 |
| Travel | | |
| Governors Conference | | 750 |
| Other Travel | | 12,250 |
| Contractual Services | | 12,000 |
| Supplies and Materials | | 8,500 |
| Capital Outlay | | 2,000 |
| Reorganization Task Force | | 25,000 |
| Contingent Expense | | 5,000 |
| | | <hr/> |
| TOTAL | \$ | 244,500 |

(021) Lieutenant Governor

| | | |
|---|----|--------|
| Salary of Lieutenant Governor | \$ | 9,000 |
| Salaries and Wages of Employees (1) | | 6,000 |
| Travel | | |
| Other than Legislative | | 2,000 |
| Contractual Services | | 700 |
| Supplies and Materials | | 200 |
| | | <hr/> |
| TOTAL | \$ | 17,900 |

(022) Secretary of State

| | | |
|--|----|---------|
| Salary of Secretary of State | \$ | 20,000 |
| Salary of Assistant Secretary of State | | 12,000 |
| Salaries and Wages of Employees (58) | | 263,900 |
| Travel | | 4,000 |
| Contractual Services | | |
| Printing and Binding Session Laws | | 29,000 |
| Dissolution Account | | 2,000 |
| Other Contractual Services | | 30,800 |

Year Ending June 30, 1970

Supplies and Materials

| | |
|---|-------------------|
| Contingency—Departmental Supplies . . . | 10,000 |
| Other Supplies and Materials | 37,600 |
| Capital Outlay | 12,200 |
| Contingency—Moving Expenses | 11,500 |
| TOTAL | \$ 433,000 |

(024) State Treasurer

| | |
|--|-------------------|
| Salary of State Treasurer | \$ 12,000 |
| Salary of Deputy Treasurer | 13,000 |
| Overtime | 3,000 |
| Salaries and Wages of Employees (22) | 113,000 |
| Travel | 1,000 |
| Contractual Services | 17,700 |
| Supplies and Materials | 71,400 |
| Capital Outlay | 8,550 |
| Lost and Outdated Checks | 2,500 |
| TOTAL | \$ 242,150 |

(026) Budget Director

| | |
|--|-------------------|
| Salary of Budget Director | \$ 21,000 |
| Salaries and Wages of Employees (41) | 267,500 |
| Overtime | 2,000 |
| Personal Services | 10,000 |
| Travel | 2,500 |
| Contractual Services | |
| Data Processing Equipment Rental | 210,100 |
| Other Contractual Services | 21,800 |
| Supplies and Materials | 8,500 |
| Capital Outlay | 5,000 |
| TOTAL | \$ 548,400 |

(030) Auditor of Accounts *Year Ending June 30, 1970*

| | | |
|--|-----------|----------------|
| Salary of Auditor | \$ | 12,000 |
| Salary of Deputy Auditor | | 13,000 |
| Salaries—Part-time | | 7,800 |
| Salaries and Wages of Employees (25) | | 183,560 |
| Personal Services | | 35,000 |
| Travel | | 3,000 |
| Contractual Services | | 4,000 |
| Supplies and Materials | | 8,000 |
| Capital Outlay | | 7,900 |
| TOTAL | \$ | 274,260 |

(032) Bond Issuing Officers

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

(034) Tax Department

| | | |
|---|-----------|------------------|
| Salaries of Board Members | \$ | 3,000 |
| Salary of Commissioner | | 17,000 |
| Salary of Deputy Tax Commissioner | | 13,000 |
| Salaries—Part-time | | 4,000 |
| Overtime | | 3,000 |
| Salaries and Wages of Employees (154) | | 753,100 |
| Personal Services | | 2,300 |
| Travel | | 3,500 |
| Contractual Services | | 239,000 |
| Supplies and Materials | | 31,500 |
| Capital Outlay | | 4,200 |
| TOTAL | \$ | 1,073,600 |

(036) Revenue Collector

| | | |
|-----------------------------------|-----------|--------------|
| Salary of Revenue Collector | \$ | 2,500 |
| TOTAL | \$ | 2,500 |

*(038) Development Department**Year Ending June 30, 1970*

| | |
|---|-------------------|
| Salary of Director | \$ 13,000 |
| Salaries and Wages of Employees (12) | 82,000 |
| Personal Services | 6,000 |
| Travel | 14,000 |
| Contractual Services | 55,000 |
| Supplies and Materials | 12,000 |
| Capital Outlay | 4,000 |
| Grant—Delmarva Advisory Council | 13,000 |
| Grant—Opportunities Industrialization Center, Inc. (See Section 30 of this Act) | 200,000 |
| Miss America Pageant | 1,000 |
| TOTAL | \$ 400,000 |

(040) Planning Office

| | |
|--|-------------------|
| Salary of Director | \$ 20,000 |
| Salaries and Wages of Employees (21) | 162,000 |
| Personal Services | 2,000 |
| Travel | |
| State Planning Council | 1,100 |
| Other Travel | 3,100 |
| Contractual Services | |
| New Castle County Land Use Study | 20,000 |
| State Planning Council | 200 |
| Printing | 3,000 |
| Other Contractual Services | 19,750 |
| Supplies and Materials | |
| State Planning Council | 250 |
| Other Supplies and Materials | 6,600 |
| Capital Outlay | 2,200 |
| TOTAL | \$ 240,200 |

(042) Personnel Commission **Year Ending June 30, 1970**

| | |
|--|--------------|
| Salaries of Commissioners | \$ 2,250 |
| Salary of Director | 19,000 |
| Salaries and Wages of Employees (11) | 77,000 |
| Personal Services | 4,800 |
| Travel | 2,000 |
| Contractual Services | |
| Examination Services | 6,500 |
| Wilmington Office Rental | 4,200 |
| Other Contractual Services | 6,300 |
| Supplies and Materials | 3,550 |
| Capital Outlay | 600 |
| Computer Service Contingency | 1,000 |
| | <hr/> |
| TOTAL | \$ 127,200 |
| | <hr/> |
| Total Executive and Financial | \$ 3,633,710 |

JUDICIAL AND LEGAL**(050) Supreme Court**

| | |
|---|------------|
| Salary of Chief Justice | \$ 25,000 |
| Salaries of Associate Justices | 49,000 |
| Salaries—Part Time | 600 |
| Salaries and Wages of Employees (8) | 53,400 |
| Travel | 2,550 |
| Contractual Services | 7,500 |
| Supplies and Materials | 2,500 |
| Capital Outlay | 4,000 |
| | <hr/> |
| TOTAL | \$ 144,550 |

(051) Court of Chancery

| | |
|---|-----------|
| Salary of Chancellor | \$ 24,000 |
| Salaries of Vice-Chancellors | 47,000 |
| Salaries and Wages of Employees (8) | 58,400 |
| Personal Services | 750 |

Year Ending June 30, 1970

| | |
|------------------------------|------------|
| Travel | 3,000 |
| Contractual Services | 2,000 |
| Supplies and Materials | 3,000 |
| Capital Outlay | 3,800 |
| | <hr/> |
| TOTAL | \$ 141,950 |

(052) Superior Court

| | |
|--|------------|
| Salary of President Judge | \$ 24,000 |
| Salaries of Associate Judges | 188,000 |
| Salaries and Wages of Employees (22) | 169,300 |
| Personal Services | 1,600 |
| Travel | 15,200 |
| Contractual Services | 4,460 |
| Supplies and Materials | 6,000 |
| Capital Outlay | 9,510 |
| | <hr/> |
| TOTAL | \$ 418,070 |

(055) Common Pleas Court—Kent County

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

(056) Common Pleas Court—Sussex County

| | |
|-----------------------|-----------|
| Salary of Judge | \$ 21,000 |
| | <hr/> |
| TOTAL | \$ 21,000 |

(060) Family Court for New Castle County

| | |
|--|-----------|
| Salaries of Judges | \$ 63,000 |
| Salary of Director | 15,000 |
| Salaries—Part Time | 3,000 |
| Salaries and Wages of Employees (77) | 455,550 |

Year Ending June 30, 1970

| | |
|---------------------------------|-------------------|
| Personal Services—Masters | 4,500 |
| Travel | 4,000 |
| Contractual Services | 6,200 |
| Supplies and Materials | 4,500 |
| Capital Outlay | 3,000 |
| TOTAL | \$ 558,750 |

(061) Family Court for Kent and Sussex Counties

| | |
|--|-------------------|
| Salaries of Judges | \$ 42,000 |
| Salary of Director | 8,000 |
| Salaries and Wages of Employees (29) | 159,820 |
| Personal Services—Masters | 7,000 |
| TOTAL | \$ 216,820 |

(070) New Castle County Law Library

| | |
|---|------------------|
| Salaries and Wages of Employees (1) | \$ 5,800 |
| Contractual Services | 1,300 |
| Supplies and Materials | 50 |
| Capital Outlay | 11,000 |
| TOTAL | \$ 18,150 |

(071) State Law Library in Kent County

| | |
|---|------------------|
| Salaries and Wages of Employees (2) | \$ 8,650 |
| Contractual Services | 1,800 |
| Supplies and Materials | 100 |
| Capital Outlay | 9,500 |
| TOTAL | \$ 20,050 |

(072) Sussex County Law Library

| | |
|----------------------------|--------|
| Personal Services | \$ 750 |
| Contractual Services | 1,000 |

Year Ending June 30, 1970

| | |
|------------------------------|----------|
| Supplies and Materials | 100 |
| Capital Outlay | 7,000 |
| | <hr/> |
| TOTAL | \$ 8,850 |

(080) Department of Justice

| | |
|---|------------|
| Salary of Attorney General | \$ 20,000 |
| Salary of Chief Deputy Attorney General ... | 20,000 |
| Salary of State Prosecutor | 15,000 |
| Salary of State Solicitor | 15,000 |
| Salaries of County Deputy Attorneys General. | 45,000 |
| Salaries of Assistant Deputy Attorneys General | 120,000 |
| Salaries of State Detectives (5) | 31,500 |
| Salaries—Part Time | 3,500 |
| Salaries and Wages of Employees (25) | 153,900 |
| Personal Services | 6,000 |
| Travel | 6,000 |
| Contractual Services | 20,270 |
| Supplies and Materials | 8,800 |
| Capital Outlay | 5,500 |
| | <hr/> |
| TOTAL | \$ 470,470 |

(081) Board of Post Mortem Examiners

| | |
|---|------------|
| Salary of Medical Examiner | \$ 28,000 |
| Salaries of Assistant Medical Examiners (2) . | 19,000 |
| Salaries and Wages of Employees (11) | 66,756 |
| Overtime | 2,000 |
| Personal Services | 7,500 |
| Travel | 2,500 |
| Contractual Services | 8,950 |
| Supplies and Materials | 5,750 |
| Capital Outlay | 5,000 |
| | <hr/> |
| TOTAL | \$ 145,456 |

(082) Public Defender *Year Ending June 30, 1970*

| | |
|--|-------------------|
| Salary of Public Defender | \$ 13,000 |
| Salary and Wages of Employees (6) | 38,300 |
| Personal Services | |
| Lawyers | 57,000 |
| Court Reporters and Other Personal Services | 9,000 |
| Travel | 2,000 |
| Contractual Services | 8,500 |
| Supplies and Materials | 2,000 |
| Capital Outlay | 1,000 |
| TOTAL | \$ 130,800 |

(091) Supervisor of Justices of Peace

| | |
|---|---------------------|
| Salary of Deputy Administrator | \$ 17,000 |
| Salary of Assistant Deputy Administrator .. | 13,000 |
| Salaries of Justices of Peace (53) | 424,000 |
| Salaries of Constables (26) | 130,000 |
| Salaries of Chief Clerks (15) | 78,500 |
| Salaries of Deputy Clerks (45) | 209,000 |
| Salaries and Wages of Employees (4) | 19,490 |
| Personal Services | 8,600 |
| Travel | |
| Constables | 30,500 |
| Other Travel | 500 |
| Contractual Services | |
| J. P. Court Rental | 52,650 |
| Other Contractual Services | 21,200 |
| Supplies and Materials | 17,050 |
| Capital Outlay | 34,000 |
| TOTAL | \$ 1,055,490 |
| Total Judicial and Legal | \$ 3,371,406 |

PROFESSIONAL AND OCCUPATIONAL BOARDS**(100) Board of Accountancy Year Ending June 30, 1970**

| | | |
|---------------------------------------|----|-------|
| Salaries of Board Members | \$ | 1,000 |
| Salaries and Wages of Employees | | 1,300 |
| Personal Services | | 100 |
| Travel | | 500 |
| Contractual Services | | 1,900 |
| Supplies and Materials | | 100 |
| | | <hr/> |
| TOTAL | \$ | 4,900 |

(103) Board of Examiners and Registration of Architects

| | | |
|---|----|-------|
| Salaries and Wages of Employees (0.5) | \$ | 2,200 |
| Travel | | 250 |
| Contractual Services | | 900 |
| Supplies and Materials | | 100 |
| | | <hr/> |
| TOTAL | \$ | 3,450 |

(106) Board of Barber Examiners

| | | |
|---------------------------------|----|-------|
| Salaries of Board Members | \$ | 1,400 |
| Salary of Secretary | | 300 |
| Travel | | 700 |
| Contractual Services | | 800 |
| Supplies and Materials | | 300 |
| | | <hr/> |
| TOTAL | \$ | 3,500 |

(109) Board of Chiropody and/or Podiatry Examiners

| | | |
|---------------------------------|----|-----|
| Salaries of Board Members | \$ | 160 |
| Travel | | 100 |
| Contractual Services | | 140 |
| Supplies and Materials | | 50 |

Year Ending June 30, 1970

| | |
|----------------------|---------------|
| Capital Outlay | 50 |
| TOTAL | \$ 500 |

(112) Board of Chiropractic Examiners

| | |
|---------------------------------|---------------|
| Salaries of Board Members | \$ 150 |
| Travel | 50 |
| Contractual Services | 140 |
| Supplies and Materials | 40 |
| TOTAL | \$ 380 |

(115) 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 |

(118) Board of Dental Examiners

| | |
|---------------------------------------|-----------------|
| Salaries of Board Members | \$ 780 |
| Salaries and Wages of Employees | 500 |
| Travel | 500 |
| Contractual Services | 800 |
| Supplies and Materials | 150 |
| TOTAL | \$ 2,730 |

(121) Board of Registration for Professional Engineers and Land Surveyors

| | |
|---|--------|
| Salaries—Part time | \$ 800 |
| Salaries and Wages of Employees (1) | 4,740 |

Year Ending June 30, 1970

| | |
|------------------------------|-----------|
| Travel | 1,200 |
| Contractual Services | 4,300 |
| Supplies and Materials | 1,200 |
| | <hr/> |
| TOTAL | \$ 12,240 |

(124) Medical Council of Delaware

| | |
|---|-----------|
| Salaries of Board Members | \$ 2,500 |
| Salaries and Wages of Employees (1) | 7,356 |
| Personal Services | 100 |
| Travel | 3,200 |
| Contractual Services | 1,200 |
| Supplies and Materials | 750 |
| | <hr/> |
| TOTAL | \$ 15,106 |

(127) Board of Nursing

| | |
|---|-----------|
| Salaries of Board Members | \$ 800 |
| Salary of Executive Director | 12,600 |
| Salaries and Wages of Employees (2) | 11,412 |
| Travel | |
| Mileage—Board Members | 1,990 |
| Other Travel | 800 |
| Contractual Services | 6,718 |
| Supplies and Materials | 400 |
| Capital Outlay | 700 |
| | <hr/> |
| TOTAL | \$ 35,420 |

(130) Board of Examiners in Optometry

| | |
|---------------------------------|--------|
| Salaries of Board Members | \$ 300 |
| Travel | 150 |
| Contractual Services | 100 |
| Supplies and Materials | 50 |
| Capital Outlay | 80 |
| | <hr/> |
| TOTAL | \$ 680 |

(133) Board of Pharmacy **Year Ending June 30, 1970**

| | | |
|---------------------------------|----|-------|
| Salaries of Board Members | \$ | 1,500 |
| Personal Services | | 4,200 |
| Travel | | 1,750 |
| Contractual Services | | 1,000 |
| Supplies and Materials | | 100 |
| Capital Outlay | | 100 |
| | | <hr/> |
| TOTAL | \$ | 8,650 |

(136) Examining Board of Physical Therapists

| | | |
|------------------------------|----|-------|
| Personal Services | \$ | 100 |
| Travel | | 35 |
| Contractual Services | | 158 |
| Supplies and Materials | | 25 |
| Capital Outlay | | 100 |
| | | <hr/> |
| TOTAL | \$ | 418 |

(139) Board of Examiners of Psychologists

| | | |
|------------------------------|----|-------|
| Personal Services | \$ | 200 |
| Travel | | 100 |
| Contractual Services | | 300 |
| Supplies and Materials | | 50 |
| Capital Outlay | | 50 |
| | | <hr/> |
| TOTAL | \$ | 700 |

(142) Real Estate Commission

| | | |
|---|----|-------|
| Salaries of Board Members | \$ | 1,080 |
| Salaries and Wages of Employees (0.5) | | 2,500 |
| Travel | | 200 |
| Contractual Services | | 1,200 |
| Supplies and Materials | | 400 |
| | | <hr/> |
| TOTAL | \$ | 5,380 |

(145) Board of Examiners of Undertakers*Year Ending June 30, 1970*

| | | |
|---------------------------------------|----|-------|
| Salaries of Board Members | \$ | 300 |
| Salaries and Wages of Employees | | 100 |
| Personal Services | | 200 |
| Travel | | 150 |
| Contractual Services | | 350 |
| Supplies and Materials | | 100 |
| Capital Outlay | | 100 |
| | | <hr/> |
| TOTAL | \$ | 1,300 |

(148) Board of Veterinary Examiners

| | | |
|---------------------------------|----|-------|
| Salaries of Board Members | \$ | 150 |
| Personal Services | | 25 |
| Travel | | 160 |
| Contractual Services | | 35 |
| Supplies and Materials | | 10 |
| Capital Outlay | | 50 |
| | | <hr/> |
| TOTAL | \$ | 430 |

(149) Board of Electrical Examiners

| | | |
|---|----|--------|
| Salary of Board Members | \$ | 1,260 |
| Salary of Secretary-Treasurer | | 300 |
| Salaries and Wages of Employees (1) | | 4,800 |
| Travel | | 1,400 |
| Contractual Services | | 3,000 |
| Supplies and Materials | | 300 |
| | | <hr/> |
| TOTAL | \$ | 11,060 |

**Total Professional and
Occupational Boards** \$ 118,894

REGULATORY BOARDS AND AGENCIES**(150) Alcoholic Beverage Control Commission***Year Ending June 30, 1970*

| | | |
|--|----|---------|
| Salaries of Board Members | \$ | 3,600 |
| Salary of Secretary | | 15,000 |
| Salaries and Wages of Employees (22) | | 124,500 |
| Personal Services | | |
| Court Reporters | | 5,000 |
| Accountant | | 4,000 |
| Travel | | 6,500 |
| Contractual Services | | 30,000 |
| Supplies and Materials | | 3,600 |
| Capital Outlay | | 2,000 |
| | | <hr/> |
| TOTAL | \$ | 194,200 |

(153) Athletic Commission

| | | |
|---------------------------------------|----|-------|
| Salaries of Board Members | \$ | 900 |
| Salaries and Wages of Employees | | 150 |
| Travel | | 500 |
| Contractual Services | | 100 |
| Supplies and Materials | | 50 |
| Capital Outlay | | 100 |
| | | <hr/> |
| TOTAL | \$ | 1,800 |

(156) Bank Commissioner

| | | |
|---|----|--------|
| Salaries of Board Members | \$ | 240 |
| Salary of Bank Commissioner | | 16,300 |
| Salaries—Part-time | | 200 |
| Salaries and Wages of Employees (6) | | 49,000 |
| Travel | | 5,000 |
| Contractual Services | | |
| Printing Banking Regulations | | 900 |

Year Ending June 30, 1970

| | |
|----------------------------------|-----------|
| Other Contractual Services | 1,900 |
| Supplies and Materials | 1,350 |
| Capital Outlay | 1,200 |
| | <hr/> |
| TOTAL | \$ 76,090 |

(159) Bingo Control Commission

| | |
|---|-----------|
| Salaries of Board Members | \$ 2,000 |
| Salaries—Part-time | 138 |
| Salaries and Wages of Employees (2.6) | 12,912 |
| Travel | 3,100 |
| Contractual Services | 500 |
| Supplies and Materials | 100 |
| | <hr/> |
| TOTAL | \$ 18,750 |

(162) Board of Boiler Rules

| | |
|---|-----------|
| Salary of Chief Inspector | \$ 9,000 |
| Salaries and Wages of Employees (5) | 26,800 |
| Travel | 3,600 |
| Contractual Services | 3,150 |
| Supplies and Materials | 500 |
| Capital Outlay | 300 |
| | <hr/> |
| TOTAL | \$ 43,350 |

*(165) Fire Prevention Commission—
Office of State Fire Marshal*

| | |
|---|-----------|
| Salary of Fire Marshal | \$ 12,000 |
| Salaries and Wages of Employees (9) | 54,300 |
| Travel | 1,500 |
| Contractual Services | |
| Printing Fire Codes | 700 |
| New Castle County Office | 1,000 |

Year Ending June 30, 1970

| | |
|----------------------------------|------------------|
| Other Contractual Services | 4,000 |
| Supplies and Materials | 4,500 |
| Capital Outlay | 6,000 |
| Fire Prevention Conference | 750 |
| TOTAL | \$ 84,750 |

*(166) Fire Prevention Commission—
State Fire School*

| | |
|---|------------------|
| Salary of Director | \$ 12,000 |
| Salaries and Wages of Employees (4) | 24,936 |
| Travel | 5,600 |
| Contractual Services | |
| Instructional Services | 10,000 |
| Other Contractual Services | 4,700 |
| Supplies and Materials | 3,500 |
| Capital Outlay | 6,500 |
| TOTAL | \$ 67,236 |

(168) Human Relations Commission

| | |
|---|------------------|
| Salary of Executive Secretary | \$ 4,500 |
| Salaries and Wages of Employees (1.4) | 7,464 |
| Travel | 1,500 |
| Contractual Services | 4,500 |
| Supplies and Materials | 1,000 |
| Capital Outlay | 200 |
| TOTAL | \$ 19,164 |

(171) Insurance Commissioner

| | |
|--|-----------|
| Salary of Commissioner | \$ 12,000 |
| Salary of Deputy | 13,000 |
| Salaries and Wages of Employees (10) | 66,600 |

Year Ending June 30, 1970

| | |
|--|-------------------|
| Travel | 3,800 |
| Contractual Services | |
| Insurance Premiums (See Section 19 of this Act) | 536,500 |
| Other Contractual Services | 10,600 |
| Supplies and Materials | 8,000 |
| Capital Outlay | 800 |
| TOTAL | \$ 651,300 |

(174) Public Service Commission

| | |
|---|------------------|
| Salaries of Board Members | \$ 13,500 |
| Salaries and Wages—Part-time | 750 |
| Salaries and Wages of Employees (6) | 43,950 |
| Personal Services | 4,000 |
| Travel | 2,800 |
| Contractual Services | 4,925 |
| Supplies and Materials | 2,300 |
| Capital Outlay | 2,200 |
| Contingency Fund—Hearings | 5,000 |
| TOTAL | \$ 79,425 |

(177) Delaware Harness Racing Commission

| | |
|---|------------------|
| Salaries of Board Members | 3 |
| Salaries—Part-time | 1,000 |
| Salary of Executive Secretary | 12,500 |
| Salaries and Wages of Employees (3) | 17,088 |
| Travel | 6,500 |
| Contractual Services | |
| Association Dues | 1,000 |
| Other Contractual Services | 3,600 |
| Supplies and Materials | 1,450 |
| Capital Outlay | 400 |
| TOTAL | \$ 43,541 |

(178) Delaware Racing Commission**Year Ending June 30, 1970**

| | |
|---------------------------------------|-----------------|
| Salaries of Board Members | 4 |
| Salaries and Wages of Employees | 2,400 |
| Travel | 1,500 |
| Contractual Services | 4,230 |
| Supplies and Materials | 250 |
| Capital Outlay | 550 |
| TOTAL | \$ 8,934 |

**Total Regulatory Boards and
Agencies\$ 1,288,540**

DEFENSE**(180) Delaware National Guard**

| | |
|--|-------------------|
| Salary of Adjutant General | \$ 20,000 |
| Salaries and Wages of Employees (15) | 83,000 |
| Travel | 6,000 |
| Contractual Services | |
| Exterior Painting | 12,000 |
| Other Contractual Services | 112,000 |
| Supplies and Materials | |
| Uniform Allowance—Officers | 20,000 |
| Building Materials | 13,000 |
| Other Supplies and Materials | 16,000 |
| Capital Outlay | 10,000 |
| Unit Fund Allowance | 15,000 |
| Bethany Beach Contingency | 9,000 |
| TOTAL | \$ 316,000 |

(185) Department of Civil Defense

| | |
|--|----------|
| Salary of Director (Total \$13,000; State \$6,500; Other Sources \$6,500) ... | \$ 6,500 |
|--|----------|

Year Ending June 30, 1970

| | |
|---|------------|
| Salaries and Wages of Employees (7) | 47,400 |
| Travel | 800 |
| Contractual Services | 6,900 |
| Supplies and Materials | 3,300 |
| Capital Outlay | 10,000 |
| | <hr/> |
| TOTAL | \$ 74,900 |
| | <hr/> |
| Total Defense | \$ 390,900 |

LABOR*(190) Department of Labor and Industrial Relations*

| | |
|--|------------|
| Salary of Executive Secretary | \$ 13,000 |
| Salaries and Wages of Employees (14) | 90,900 |
| Travel | 4,500 |
| Contractual Services | 14,200 |
| Supplies and Materials | 2,600 |
| Capital Outlay | 900 |
| | <hr/> |
| TOTAL | \$ 126,100 |

(191) Apprenticeship and Training Council

| | |
|---|-----------|
| Salaries of Board Members | \$ 1,440 |
| Salaries and Wages of Employees (2) | 12,228 |
| Travel | 400 |
| Contractual Services | 300 |
| Supplies and Materials | 150 |
| Capital Outlay | 100 |
| | <hr/> |
| TOTAL | \$ 14,618 |

(195) Industrial Accident Board

| | |
|---------------------------------|-----------|
| Salaries of Board Members | \$ 15,000 |
| Salary of Secretary | 6,000 |

Year Ending June 30, 1970

| | |
|---|-----------|
| Salaries and Wages of Employees (4) | 20,000 |
| Personal Services— Court Reporters | 6,000 |
| Travel | 3,800 |
| Contractual Services | 9,300 |
| Supplies and Materials | 800 |
| Capital Outlay | 200 |
| | <hr/> |
| TOTAL | \$ 61,100 |

(196) Office of Economic Opportunity

| | |
|--|------------|
| Contingency—Matching Federal Programs (Administered by Development Department, Agency 038) | \$ 25,000 |
| | <hr/> |
| TOTAL | \$ 25,000 |
| | <hr/> |
| Total Labor | \$ 226,818 |

CULTURAL, HISTORIC AND RECREATIONAL*(200) Public Archives Commission*

| | |
|--|------------|
| Salary of Archivist | \$ 17,000 |
| Salaries—Part-time | 5,000 |
| Salaries and Wages of Employees (16) | 100,200 |
| Travel | 1,000 |
| Contractual Services | |
| Sussex County Courthouse | 300 |
| Robinson House—Blockhouse | 300 |
| Other Contractual Services | 5,500 |
| Supplies and Materials | |
| Film | 3,500 |
| Robinson House—Blockhouse | 500 |
| Other Supplies and Materials | 1,375 |
| Capital Outlay | |
| Historic Markers | 1,000 |
| Other Capital Outlay | 700 |
| | <hr/> |
| TOTAL | \$ 136,375 |

(201) Public Archives Commission—**State Museum****Year Ending June 30, 1970**

| | | |
|---|----|--------|
| Salaries—Part-time | \$ | 1,000 |
| Salaries and Wages of Employees (9) | | 45,820 |
| Travel | | 250 |
| Contractual Services | | 1,600 |
| Supplies and Materials | | 1,200 |
| Capital Outlay | | 3,000 |
| | | <hr/> |
| TOTAL | \$ | 52,870 |

(202) Public Archives Commission—**John Dickinson Mansion**

| | | |
|---|----|--------|
| Salaries—Part-time | \$ | 1,500 |
| Salaries and Wages of Employees (3) | | 17,100 |
| Contractual Services | | 400 |
| Supplies and Materials | | 500 |
| Capital Outlay | | 800 |
| | | <hr/> |
| TOTAL | \$ | 20,300 |

(203) Public Archives Commission—**Fort Christina Monument**

| | | |
|---|----|--------|
| Salaries—Part-time | \$ | 400 |
| Salaries and Wages of Employees (2) | | 7,440 |
| Contractual Services | | 1,800 |
| Supplies and Materials | | 500 |
| Capital Outlay | | 200 |
| | | <hr/> |
| TOTAL | \$ | 10,340 |

**(205) Public Archives Commission—
Governor's House**

Year Ending June 30, 1970

| | | |
|------------------------------|----|--------|
| Salaries—Part-time | \$ | 600 |
| Supplies and Materials | | 8,000 |
| Capital Outlay | | 4,000 |
| | | <hr/> |
| TOTAL | \$ | 12,600 |

**(206) Public Archives Commission—
Buena Vista**

| | | |
|---|----|--------|
| Salaries—Part-time | \$ | 1,500 |
| Salaries and Wages of Employees (5.5) | | 28,164 |
| Contractual Services | | 5,100 |
| Supplies and Materials | | 5,000 |
| Capital Outlay | | 2,500 |
| | | <hr/> |
| TOTAL | \$ | 42,264 |

(208) Portrait Commission

| | | |
|------------------------------|----|-------|
| Travel | \$ | 25 |
| Contractual Services | | 150 |
| Supplies and Materials | | 25 |
| Capital Outlay | | 2,500 |
| | | <hr/> |
| TOTAL | \$ | 2,700 |

(209) Lewes Memorial Commission

| | | |
|---|----|--------|
| Salaries—Part-time | \$ | 500 |
| Salaries and Wages of Employees (3) | | 15,540 |
| Travel | | 100 |
| Contractual Services | | 1,600 |

Year Ending June 30, 1970

| | |
|------------------------------|------------------|
| Supplies and Materials | 300 |
| Capital Outlay | 2,400 |
| TOTAL | \$ 20,440 |

(220) Public Archives Commission—***New Castle Historic Buildings Division***

| | |
|---|------------------|
| Salaries and Wages of Employees (4) | \$ 14,904 |
| Contractual Services | 3,100 |
| Supplies and Materials | 500 |
| Capital Outlay | 500 |
| TOTAL | \$ 19,004 |

(222) Delaware Day Commission

| | |
|----------------------------|---------------|
| Contractual Services | \$ 450 |
| TOTAL | \$ 450 |

(224) Delaware Archaeological Board

| | |
|---|------------------|
| Salary of Archaeologist | \$ 9,300 |
| Salaries—Part-time | 4,220 |
| Salaries and Wages of Employees (4) | 23,530 |
| Personal Services | 1,000 |
| Travel | 500 |
| Contractual Services | 2,700 |
| Supplies and Materials | 1,100 |
| Capital Outlay | 1,000 |
| TOTAL | \$ 43,350 |

(227) Library Commission

| | |
|--|----------|
| Salary of Librarian (Total \$17,000; State \$9,000; Other Sources \$8,000) | \$ 9,000 |
|--|----------|

Year Ending June 30, 1970

| | |
|---|------------|
| Salary of Assistant Librarian (Total \$13,000; State \$6,500; Other Sources \$6,500) | 6,500 |
| Salaries—Part-time | 1,000 |
| Salaries and Wages of Employees (9) | 44,496 |
| Travel | 1,000 |
| Contractual Services | |
| Library Service—Blind and Handicapped | 17,000 |
| Other Contractual Services | 2,200 |
| Supplies and Materials | 2,000 |
| Capital Outlay | 21,000 |
| | <hr/> |
| TOTAL | \$ 104,196 |

(230) Park Commission

| | |
|--|------------|
| Salary of Director | \$ 15,500 |
| Salaries and Wages of Employees (60) | 389,000 |
| Personal Services | 100 |
| Travel | 2,900 |
| Contractual Services | |
| Nature Center Contract | 18,000 |
| Other Contractual Services | 73,700 |
| Supplies and Materials | 51,650 |
| Capital Outlay | 58,450 |
| | <hr/> |
| TOTAL | \$ 609,300 |

**Total Cultural, Historic and
Recreational** \$ 1,074,189

STATE PROPERTIES*(250) Custodian*

| | |
|-------------------------------|-----------|
| Salary of Custodian | \$ 12,000 |
| Salary of Deputy | 8,000 |
| Salaries—Over-time | 5,000 |
| Salaries—Part-time | 4,000 |

Year Ending June 30, 1970

| | |
|--|-------------------|
| Salaries and Wages of Employees (83) | 408,600 |
| Personal Services | 1,000 |
| Travel | 500 |
| Contractual Services | 297,000 |
| Supplies and Materials | 38,700 |
| Capital Outlay | |
| Building Alterations | 10,000 |
| Other Capital Outlay | 8,000 |
| Contingency—Office Rental | 3,395 |
| TOTAL | \$ 796,195 |

(260) Buildings and Grounds Commission

| | |
|------------------------------|---------------|
| Personal Services | \$ 200 |
| Travel | 250 |
| Contractual Services | 150 |
| Supplies and Materials | 200 |
| TOTAL | \$ 800 |

(270) Distribution Agency

| | |
|--|-------------------|
| Salary of Director | \$ 10,500 |
| Salaries—Part-time | 2,000 |
| Salaries and Wages of Employees (25) | 143,000 |
| Personal Services | 1,100 |
| Travel | 1,500 |
| Contractual Services | 47,600 |
| Supplies and Materials | 12,400 |
| Capital Outlay | |
| Tractor and two trailers | 15,000 |
| New roof for warehouses | 12,000 |
| Other Capital Outlay | 1,000 |
| TOTAL | \$ 246,100 |

Total State Properties \$ 1,043,095

HEALTH AND WELFARE**(300) Board of Health****Year Ending June 30, 1970**

| | |
|---|---------------------|
| Salary of Executive Secretary | \$ 26,000 |
| Salary of Assistant Executive Secretary | 23,000 |
| Salaries and Wages of Employees (137) | 932,000 |
| Personal Services | |
| School Examination Fees | 31,200 |
| Other Personal Services | 8,000 |
| Travel | 5,000 |
| Contractual Services | |
| New Jersey Virus Laboratory Service .. | 10,000 |
| Other Contractual Services | 58,800 |
| Supplies and Materials | |
| Glasses—Optometry Division | 3,000 |
| Polio, Measles and Other Vaccine | 25,000 |
| Other Supplies and Materials | 30,350 |
| Capital Outlay | |
| X-Ray Buses (2) | 84,000 |
| Other Capital Outlay | 16,000 |
| Contingency—Family Planning | 100,000 |
| Contingency—Wilmington Health Program (Section 29 of this Act) | 187,000 |
| TOTAL | \$ 1,539,350 |

(306) Emily P. Bissell Hospital

| | |
|--|-----------|
| Salary of Hospital Administrator | \$ 15,360 |
| Salaries and Wages of Employees (139) | 787,000 |
| Salaries, Overtime and Part-time | 37,000 |
| Personal Services | |
| Medical Fees | 12,000 |
| Other Personal Services | 3,000 |
| Travel | 3,000 |
| Contractual Services | |
| Contracts—Other Hospitals | 9,000 |
| Repair and Service, Buildings and Grounds | 24,150 |

Year Ending June 30, 1970

| | |
|------------------------------------|--------------|
| Other Contractual Services | 69,200 |
| Supplies and Materials | |
| Food | 75,000 |
| Drugs and Medical Supplies | 70,000 |
| Other Supplies and Materials | 32,800 |
| Capital Outlay | 50,000 |
| | <hr/> |
| TOTAL | \$ 1,187,510 |

(310) Water and Air Resources Commission

| | |
|--|------------|
| Salary of Executive Director (Total \$20,500; State \$9,500; Other Sources \$11,000) ... \$ | 9,500 |
| Salaries and Wages of Employees (41) | 298,000 |
| Personal Services | 2,200 |
| Travel | 7,500 |
| Contractual Services | 36,000 |
| Supplies and Materials | 20,000 |
| Capital Outlay | 25,000 |
| | <hr/> |
| TOTAL | \$ 398,200 |

(325) Department of Mental Health—**Administration**

| | |
|--|------------|
| Salary of Board Members | \$ 3,300 |
| Salary of Commissioner | 34,000 |
| Salaries and Wages of Employees (45) | 313,200 |
| Overtime | 2,000 |
| Travel | 5,500 |
| Contractual Services | |
| A.D.P. Equipment Rental | 16,500 |
| Other Contractual Services | 30,100 |
| Supplies and Materials | 7,200 |
| Capital Outlay | 5,800 |
| Small Group Living Center Program..... | 20,000 |
| | <hr/> |
| TOTAL | \$ 437,600 |

(330) Department of Mental Health—**Delaware State Hospital****Year Ending June 30, 1970**

| | |
|---|--------------|
| Salaries and Wages of Employees (800) | \$ 4,150,000 |
| Salary—Overtime | 30,000 |
| Salary—Holidays | 35,000 |
| Personal Services | |
| Payments to Patients | 22,000 |
| Other Personal Services | 75,500 |
| Travel | 4,500 |
| Contractual Services | |
| Buildings and Grounds Repairs | 60,000 |
| Other Contractual Services | 211,000 |
| Supplies and Materials | |
| Food | 404,000 |
| Drugs | 155,000 |
| Buildings Repair Materials | 32,000 |
| Other Supplies and Materials | 139,300 |
| Capital Outlay | 84,100 |
| | <hr/> |
| TOTAL | \$ 5,402,400 |

(331) Department of Mental Health—**Mental Hygiene Clinic**

| | |
|--|------------|
| Salaries and Wages of Employees (59) | \$ 460,000 |
| Personal Services | 1,200 |
| Travel | 2,500 |
| Contractual Services | 29,000 |
| Supplies and Materials | |
| Drugs and Medical Supplies | 75,000 |
| Other Supplies and Materials | 4,000 |
| Capital Outlay | 12,000 |
| Drug Abuse Program | 5,000 |
| | <hr/> |
| TOTAL | \$ 588,700 |

**(332) Department of Mental Health—
Governor Bacon Health Center**

Year Ending June 30, 1970

| | |
|---|---------------------|
| Salaries and Wages of Employees (281) | \$ 1,448,000 |
| Salaries—Overtime | 25,000 |
| Personal Services | |
| Payments to Patients | 1,750 |
| Other Personal Services | 18,600 |
| Travel | 1,400 |
| Contractual Services | |
| Repair and Service—Buildings and Grounds | 10,000 |
| Hospital Contracts | 5,000 |
| Other Contractual Services | 72,200 |
| Supplies and Materials | |
| Drugs and Medical Supplies | 25,000 |
| Other Supplies and Materials | 131,600 |
| Capital Outlay | 20,000 |
| TOTAL | \$ 1,758,550 |

**(333) Department of Mental Health—
Hospital for the Mentally Retarded**

| | |
|---|---------------------|
| Salary—Overtime | \$ 30,000 |
| Salaries and Wages of Employees (430) | 1,970,000 |
| Personal Services | |
| Payments to Patients | 9,600 |
| Other Personal Services | 24,000 |
| Travel | 1,300 |
| Contractual Services | |
| Repairs and Service, Buildings and Grounds | 20,000 |
| Other Contractual Services | 122,500 |
| Supplies and Materials | 287,000 |
| Capital Outlay | 32,500 |
| TOTAL | \$ 2,496,900 |

(334) Department of Mental Health—**Daytime Care Centers Year Ending June 30, 1970**

| | | |
|--|----|---------|
| Salary—Substitute Aides | \$ | 3,000 |
| Salaries—Part-time | | 900 |
| Salaries and Wages of Employees (49) | | 233,400 |
| Travel | | 700 |
| Contractual Services | | 16,000 |
| Supplies and Materials | | 19,200 |
| Capital Outlay | | |
| Buses and/or Carryalls | | 7,000 |
| Other Capital Outlay | | 3,300 |
| | | <hr/> |
| TOTAL | \$ | 283,500 |

(335) Department of Mental Health—**Children's Hospital**

| | | |
|---|----|---------|
| Salaries and Wages of Employees (8.5) | \$ | 74,800 |
| Personal Services | | 6,000 |
| Travel | | 2,500 |
| Contractual Services | | 26,000 |
| Supplies and Materials | | |
| Drugs and Medical Supplies | | 5,000 |
| Other Supplies and Materials | | 14,800 |
| Capital Outlay | | 6,600 |
| | | <hr/> |
| TOTAL | \$ | 135,700 |

(340) Delaware Home and Hospital for**Chronically Ill at Smyrna**

| | | |
|--|----|-----------|
| Salary of Board Members | \$ | 840 |
| Salary of Medical Director | | 22,500 |
| Salary—Overtime | | 20,000 |
| Salary—Shift Differential | | 25,000 |
| Salaries and Wages of Employees (551) | | 2,490,000 |
| Personal Services | | 24,000 |

Year Ending June 30, 1970

| | |
|---|--------------|
| Travel | 2,500 |
| Contractual Services | |
| A.D.P. Equipment Rental | 8,250 |
| Repairs and Service, Buildings and Grounds | 15,000 |
| Food Service Contract | 33,000 |
| Other Contractual Services | 129,000 |
| Supplies and Materials | |
| Drugs and Medical Supplies | 100,000 |
| Other Supplies and Materials | 425,000 |
| Capital Outlay | 45,000 |
| | <hr/> |
| TOTAL | \$ 3,340,090 |

(341) Commission for the Aging

| | |
|---|------------|
| Salary of Director (Total \$11,000; State \$5,500; Other Sources \$5,500) | \$ 5,500 |
| Salaries and Wages of Employees (2.5) | 13,800 |
| Travel | 1,000 |
| Contractual Services | 2,100 |
| Supplies and Materials | 350 |
| Older American Act Grants | 99,250 |
| Employment of Elderly Program | 25,000 |
| | <hr/> |
| TOTAL | \$ 147,000 |

(350) Commission for the Blind

| | |
|---|----------|
| Salary of Director (Total \$14,200; State \$6,100; Other Sources \$8,100) | \$ 6,100 |
| Salaries—Part-time | 1,200 |
| Salaries and Wages of Employees (18) | 101,000 |
| Personal Services | 6,000 |
| Travel | 5,000 |
| Contractual Services | |
| Education Services | 95,000 |

Year Ending June 30, 1970

| | |
|------------------------------------|-------------------|
| Other Contractual Services | 11,800 |
| Supplies and Materials | |
| Vocational Training | 20,000 |
| Other Supplies and Materials | 3,000 |
| Capital Outlay | |
| Stand Construction | 5,000 |
| Other Capital Outlay | 4,400 |
| Assistance Grants | 230,000 |
| TOTAL | \$ 488,500 |

(360) Department of Public Welfare

| | |
|---|-----------|
| Salary of Director (Total \$20,000; State \$10,000; Other Sources \$10,000) ..\$ | 10,000 |
| Salary of Intake, P.A., C.W.S. and G.A. Supervisors (20) | 158,000 |
| Salary of Intake, P.A., C.W.S. and G.A. Caseworkers (80) | 484,000 |
| Salaries and Wages of Employees (70) | 460,000 |
| Personal Services | 3,000 |
| Travel | 5,500 |
| Contractual Services | |
| Blue Cross Contract | 140,000 |
| Other Contractual Services | 83,200 |
| Supplies and Materials | 28,000 |
| Capital Outlay | 12,000 |
| G.A. Pensions | 9,260 |
| Old Age Assistance Grants | 500,000 |
| Aid to Disabled Grants | 700,000 |
| Aid and Service to Needy Families | 1,250,000 |
| Direct Care—Child Welfare Service | 1,585,000 |
| Medical Aid Program—Drugs | 250,000 |
| General Assistance Grants | 660,000 |
| Title 19 Federal Program | |
| Program for other than State Institutions | 1,850,000 |
| (See Section 20) | |

Year Ending June 30, 1970

| | |
|--|---------------------|
| Program for State institutions | 400,000 |
| (Section 21) | |
| TOTAL | \$ 8,587,960 |

(365) Department of Housing

| | |
|---|---------------------|
| Salary of Secretary | \$ 22,500 |
| Salary of Assistant Secretary | 15,000 |
| Salaries and Wages of Employees (3) | 24,000 |
| Personal Services | 10,000 |
| Travel | 3,000 |
| Contractual Services | |
| Rental—Offices | 15,000 |
| Other Contractual Services | 9,410 |
| Supplies and Materials | 4,650 |
| Capital Outlay | 6,800 |
| TOTAL | \$ 110,360 |
| Total Health and Welfare | \$26,902,320 |

REHABILITATION*(370) Department of Correction*

| | |
|---|-----------|
| Salary of Board Members | \$ 4,500 |
| Salary of Commissioner | 21,000 |
| Salary of Parole and Probation Program (35) | 242,000 |
| Salary of Casual and Part-time | 30,000 |
| Salary—Overtime | 60,000 |
| Salaries and Wages of Employees (212) | 1,394,200 |
| Personal Services | |
| Payments to Inmates | 25,000 |
| Other Personal Services | 44,100 |
| Travel | 9,700 |
| Contractual Services | 235,200 |

Year Ending June 30, 1970

| | |
|------------------------------|--------------|
| Supplies and Materials | 293,000 |
| Capital Outlay | 30,000 |
| Halfway House for Men | 45,000 |
| | <hr/> |
| TOTAL | \$ 2,433,700 |

(375) Youth Services Commission

| | |
|---|--------------|
| Salary of Executive Director | \$ 19,000 |
| Salary of Casual and Part-time | 32,000 |
| Salary—Overtime | 12,000 |
| Salaries and Wages of Employees (182) | 1,130,000 |
| Personal Services | 22,000 |
| Travel | 5,500 |
| Contractual Services | 92,500 |
| Supplies and Materials | |
| Food | 105,000 |
| Other Supplies and Materials | 83,000 |
| Capital Outlay | 26,000 |
| | <hr/> |
| TOTAL | \$ 1,527,000 |

(380) Board of Parole

| | |
|---|-----------|
| Salaries of Board Members | \$ 2,160 |
| Salary of Executive Secretary | 7,500 |
| Salaries and Wages of Employees (1) | 5,496 |
| Travel | 2,000 |
| Contractual Services | 1,600 |
| Supplies and Materials | 200 |
| Capital Outlay | 300 |
| | <hr/> |
| TOTAL | \$ 19,256 |

(385) Board of Pardons

| | |
|---------------------------|--------|
| Salary of President | \$ 244 |
| Personal Services | 96 |

Year Ending June 30, 1970

| | | |
|----------------------------|----|-----------|
| Travel | | 100 |
| | | <hr/> |
| TOTAL | \$ | 440 |
| Total Rehabilitation | \$ | 3,980,396 |

AGRICULTURE, FORESTRY AND CONSERVATION*(400) Board of Agriculture*

| | | |
|--|----|---------|
| Salaries of Board Members | \$ | 1,950 |
| Salary of Secretary | | 13,000 |
| Salaries—Casual and Part-time | | 9,000 |
| Salaries and Wages of Employees (31) | | 222,500 |
| Personal Services | | |
| Veterinary Fees | | 23,000 |
| Other Personal Services | | 240 |
| Travel | | 4,500 |
| Contractual Services | | |
| U.S.D.A. Market News | | 1,250 |
| U.S.D.A. Inspector Service | | 12,000 |
| Hog Cholera Indemnities | | 10,000 |
| Other Contractual Services | | 13,450 |
| Supplies and Materials | | 18,500 |
| Capital Outlay | | 14,950 |
| Educational Contracts | | 2,000 |
| Interstate Pest Control Contract | | 3,800 |
| | | <hr/> |
| TOTAL | \$ | 350,140 |

(401) Board of Agriculture—Meat Inspection Division

| | | |
|--|----|---------|
| Salaries and Wages of Employees (11) | \$ | 95,100 |
| Personal Services | | 1,000 |
| Travel | | 4,000 |
| Contractual Services | | 3,600 |
| Supplies and Materials | | 4,330 |
| Capital Outlay | | 3,000 |
| | | <hr/> |
| TOTAL | \$ | 111,030 |

(402) Board of Agriculture—Weights and Measures**Year Ending June 30, 1970**

| | |
|---|------------------|
| Salaries and Wages of Employees (8) | \$ 54,000 |
| Travel | 1,000 |
| Contractual Services | 2,200 |
| Supplies and Materials | 3,250 |
| Capital Outlay | 6,000 |
| TOTAL | \$ 66,450 |

(405) Soil and Water Conservation Commission

| | |
|--|-------------------|
| Director | \$ 14,000 |
| Salaries and Wages of Employees (8) | 58,000 |
| Travel | 2,100 |
| Contractual Services | |
| Highway Crossing Contracts | 65,000 |
| Other Contractual Services | 5,750 |
| Supplies and Materials | |
| Highway Crossings | 48,000 |
| Other Supplies and Materials | 22,000 |
| Capital Outlay | 2,300 |
| Tax Ditches—Sussex County* | 22,500 |
| Tax Ditches—Kent County* | 10,000 |
| Tax Ditches—New Castle County* | 30,000 |
| *Pursuant to Chapter 414, Vol. 155, Delaware Code | |
| TOTAL | \$ 279,650 |

(407) 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 |

(415) Forestry Department—Administration**Year Ending June 30, 1970**

| | |
|---|------------------|
| Salary of State Forester (Total \$13,000; State \$6,500; Other Sources \$6,500) \$ | 6,500 |
| Salaries—Part-time | 420 |
| Salaries and Wages of Employees (15) | 79,000 |
| Personal Services—Forest Patrol | 400 |
| Travel | 600 |
| Contractual Services | 5,000 |
| Supplies and Materials | 4,000 |
| Capital Outlay | 1,600 |
| TOTAL | \$ 97,520 |

(416) Forestry Department—**Special Fire Protection and Extinction**

| | |
|--|------------------|
| Salaries and Wages of Employees (5) \$ | 13,850 |
| Personal Services | |
| Fire Wardens | 1,200 |
| Other Personal Services | 100 |
| Travel | 50 |
| Contractual Services | 2,400 |
| Supplies and Materials | 1,200 |
| Capital Outlay | 1,100 |
| TOTAL | \$ 19,900 |

(420) Game and Fish Commission

| | |
|--|---------|
| Salaries of Board Members \$ | 2,700 |
| Salary of Director (Total \$13,000; State \$8,000; Other Sources \$5,000) | 8,000 |
| Salaries and Wages of Employees (22) | 121,000 |
| Personal Services | 100 |
| Travel | 1,000 |

Year Ending June 30, 1970

| | |
|-------------------------------------|------------|
| Contractual Services | |
| New Castle County Dog Control | 25,000 |
| Kent County Dog Control | 10,000 |
| Other Contractual Services | 18,600 |
| Supplies and Materials | 16,600 |
| Capital Outlay | 11,900 |
| | <hr/> |
| TOTAL | \$ 214,900 |

(425) Commission of Shell Fisheries

| | |
|---|------------|
| Salary of Executive Secretary | \$ 5,000 |
| Salary of Assistant Secretary and Field Director | 10,000 |
| Salaries and Wages of Employees (14) | 71,800 |
| Personal Services | 300 |
| Travel | 1,200 |
| Contractual Services | |
| University of Delaware— | |
| Research on Crabs and Clams | 15,000 |
| Boat Repairs | 3,000 |
| Other Contractual Services | 6,200 |
| Supplies and Materials | 6,925 |
| Capital Outlay | 16,200 |
| | <hr/> |
| TOTAL | \$ 135,625 |

(430) Atlantic States Marine Fisheries Commission

| | |
|----------------------------|----------|
| Travel | \$ 300 |
| Contractual Services | 1,500 |
| | <hr/> |
| TOTAL | \$ 1,800 |

(435) State Geologist

| | |
|---|-----------|
| Salaries and Wages of Employees (6.4) | \$ 57,280 |
| Salaries—Casual and Part-time | 1,200 |

Year Ending June 30, 1970

| | |
|---|--------------|
| Travel | 1,100 |
| Contractual Services | |
| River Master Program | 15,600 |
| Federal Co-op Program | 30,000 |
| Other Contractual Services | 3,000 |
| Supplies and Materials | 1,200 |
| Capital Outlay | 600 |
| | <hr/> |
| TOTAL | \$ 109,980 |
| | <hr/> |
| Total Agriculture, Forestry and Conservation | \$ 1,401,545 |

HIGHWAYS, POLICE, ETC.*(451) Highway Department—**Controller's Office*

| | |
|---|--------------|
| Salary of Controller | \$ 17,850 |
| Salaries and Wages of Employees (43) | 302,150 |
| Salaries—Overtime | 4,000 |
| Personal Services | |
| State Police Criminal File Program | 50,000 |
| Other Personal Services | 2,000 |
| Travel | 2,500 |
| Contractual Services | |
| Office and E.D.P. Equipment Rental | 379,500 |
| Other Contractual Services | 12,600 |
| Supplies and Materials | 28,000 |
| Capital Outlay | 1,500 |
| Social Security Contribution (Administered by State Treasurer) | 352,000 |
| | <hr/> |
| TOTAL | \$ 1,152,100 |

(452) Highway Department— Year Ending June 30, 1970**Engineering Division**

| | |
|--|---------------------|
| Salary of Director of Operations | \$ 24,000 |
| Salaries—Overtime | 90,000 |
| Base Wages—Hourly Employees (580) | 2,643,000 |
| Base Salaries—Salaried Employees (350) .. | 2,146,000 |
| Personal Services | 6,000 |
| Travel | 10,000 |
| Contractual Services | |
| Resurfacing Contracts | 1,600,000 |
| Mowing Contracts | 90,000 |
| Bridge Repair Contracts | 200,000 |
| Other Contractual Services | 465,000 |
| Supplies and Materials | 1,400,000 |
| Capital Outlay | 500,000 |
| Lines, Center and Edges of Highways | 70,000 |
| Contingency Fund: Salaries Emergency Per- sonnel, Overtime, Contractual Snow Re- moval and Ice Control | 250,000 |
| TOTAL | \$ 9,494,000 |

(460) Highway Department—**Motor Vehicle Division**

| | |
|--|---------------------|
| Salary of Commissioner | \$ 16,250 |
| Salaries and Wages of Employees (171) | 806,250 |
| Salaries—Part-time | 4,800 |
| Salaries—Overtime | 1,600 |
| Travel | 1,500 |
| Contractual Services | 67,350 |
| Supplies and Materials | |
| Tags, Stickers and Numerals | 140,000 |
| Other Supplies and Materials | 32,000 |
| Capital Outlay | 8,700 |
| TOTAL | \$ 1,078,450 |

(462) Highway Department— Year Ending June 30, 1970***Safety Responsibility Division***

| | | |
|---|----|--------|
| Salary of Director | \$ | 9,000 |
| Salaries and Wages of Employees (5) | | 21,400 |
| Travel | | 300 |
| Contractual Services | | 1,650 |
| Supplies and Materials | | 1,100 |
| Capital Outlay | | 300 |
| | | <hr/> |
| TOTAL | \$ | 33,750 |

(464) Highway Department—***Motor Fuel Tax Division***

| | | |
|---|----|--------|
| Salary of Director | \$ | 9,000 |
| Salaries and Wages of Employees (5) | | 31,500 |
| Salaries—Part-time | | 1,000 |
| Travel | | 4,000 |
| Contractual Services | | 2,075 |
| Supplies and Materials | | 1,600 |
| Capital Outlay | | 1,500 |
| | | <hr/> |
| TOTAL | \$ | 50,675 |

(470) Highway Department—***State Police Division***

| | | |
|--|----|-----------|
| Salary of Superintendent | \$ | 20,000 |
| Salary of Director of Operations | | 17,000 |
| Salaries of Uniformed Division (358) | | 2,716,835 |
| Salaries and Wages of Employees (72) | | 369,440 |
| Personal Services | | 900 |
| Travel | | 9,300 |
| Contractual Services | | 189,900 |
| Supplies and Materials | | 285,900 |
| Capital Outlay | | |
| Vehicles and Related Equipment | | 142,500 |

Year Ending June 30, 1970

| | |
|---------------------------------|---------------------|
| Other Capital Outlay | 73,400 |
| Pension Fund Contribution | 55,100 |
| TOTAL | \$ 3,880,275 |

(472) Highway Department—***Communications Division***

| | |
|--|-------------------|
| Salaries and Wages of Employees (15) | \$ 105,000 |
| Travel | 1,700 |
| Contractual Services | |
| School Contracts | 500 |
| Other Contractual Services | 7,300 |
| Supplies and Materials | |
| Materials for Resale | 18,000 |
| Other Supplies and Materials | 4,200 |
| Capital Outlay | 15,000 |
| TOTAL | \$ 151,700 |

(474) Highway Department—***Mosquito Control Division***

| | |
|--|-------------------|
| Salary of Superintendent | \$ 11,000 |
| Salaries—Salaried Employees (8) | 52,450 |
| Base Wages—Hourly Employees (14) | 69,360 |
| Travel | 600 |
| Contractual Services | |
| Research Contracts—University of Spraying | 70,000 |
| Delaware | 15,000 |
| Other Contractual Services | 24,000 |
| Supplies and Materials | |
| Insecticides | 50,000 |
| Other Supplies and Materials | 26,500 |
| Capital Outlay | 17,500 |
| TOTAL | \$ 336,410 |

(475) Federal-State Highway Safety Coordinator**Year Ending June 30, 1970**

| | |
|---|------------------|
| Salary of Coordinator (Total \$15,000; State \$7,500; Other \$7,500) | 7,500 |
| Salaries and Wages of Employees (1) | 7,500 |
| Travel | 1,300 |
| Contractual Services | 4,000 |
| Supplies and Materials | 600 |
| Capital Outlay | 100 |
| TOTAL | \$ 21,000 |

(478) Department of Transportation

| | |
|---|------------------|
| Salary of Secretary | \$ 25,000 |
| Salaries and Wages of Employees (2) | 15,750 |
| Personal Services | 10,000 |
| Travel | 3,500 |
| Contractual Services | 10,300 |
| Supplies and Materials | 1,500 |
| Capital Outlay | 2,000 |
| Local Authorities Subsidies | 25,000 |
| TOTAL | \$ 93,050 |

Law Enforcement Planning Agency**(Administered by Governor)**

| | |
|------------------------------|------------------|
| Personal Services | \$ 3,250 |
| Travel | 250 |
| Contractual Services | 800 |
| Supplies and Materials | 600 |
| Capital Outlay | 100 |
| Program Grants | 25,000 |
| TOTAL | \$ 30,000 |

Total Highways, Police, Etc. \$16,321,410

MISCELLANEOUS**(480) Delaware Veterans Military Pay Commission****Year Ending June 30, 1970**

| | | |
|--|-----------|---------------|
| Salaries of Board Members | \$ | 2,400 |
| Salary of Deputy Director | | 10,000 |
| Salary of Public Information Officer | | 7,200 |
| Salary of Applications Processor | | 6,300 |
| Salaries of Clerk-Typists (2) | | 8,184 |
| Travel | | 2,000 |
| Contractual Services | | 7,400 |
| Supplies and Materials | | 6,000 |
| TOTAL | \$ | 49,484 |
| Total Miscellaneous | \$ | 49,484 |

(500) DEBT SERVICE

| | |
|---|---------------------|
| Redemptions | \$26,321,194 |
| Interest (Total \$10,976,283; General Fund \$9,676,283; Capital Investment Fund estimated interest \$1,300,000) | 9,676,283 |
| TOTAL | \$35,997,477 |

County Obligations

| | |
|---------------------------------|---------------------|
| Redemptions | 50,000 |
| Interest | 1,875 |
| TOTAL | \$ 51,875 |
| Total Debt Service | \$36,049,352 |

PENSIONS AND SOCIAL SECURITY**(510) State Employees Pension Plan**

| | | |
|------------------------------|----|-----|
| Salaries—Board Members | \$ | 200 |
|------------------------------|----|-----|

Year Ending June 30, 1970

| | |
|---|---------------------|
| Salaries—Part-time | 600 |
| Salaries and Wages of Employees (2) | 9,132 |
| Travel | 100 |
| Contractual Services | 1,800 |
| Supplies and Material | 500 |
| Capital Outlay | 800 |
| Benefits | 3,485,000 |
| Survivors' Pension Spouse | 315,000 |
| TOTAL | \$ 3,813,132 |

(511) Board of State Employees Pension Trustees

Salaries and Wages of Employees (2) \$9,804
to be paid from the State Employees Retirement Fund

(512) State Judiciary Retirement Fund

| | |
|---------------------|------------------|
| Contributions | \$ 56,000 |
| TOTAL | \$ 56,000 |

(516) State Police Retirement Fund

| | |
|--------------------------------------|-------------------|
| Personal Services | \$ 250 |
| Supplies and Materials | 250 |
| Contributions—Regular Pensions | 435,000 |
| Survivors' Pensions | 122,900 |
| TOTAL | \$ 558,400 |

(518) Paraplegic Veterans' Pensions

| | |
|--------------------|-----------------|
| Benefits | \$ 8,400 |
| TOTAL | \$ 8,400 |

Year Ending June 30, 1970

(520) Retired and Disabled Teachers' Pensions

| | | |
|----------------|----|---------|
| Benefits | \$ | 160,000 |
| | | |
| TOTAL | \$ | 160,000 |

(530) State Share—Social Security

| | | |
|---------------------|----|-----------|
| Contributions | \$ | 3,900,000 |
| | | |
| TOTAL | \$ | 3,900,000 |

Total Pensions and Social Security . \$ 8,495,932

GRANTS-IN-AID

(580) Municipalities

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

(582) Peninsula Horticultural Society

| | | |
|----------------------------|----|-----|
| Contractual Services | \$ | 900 |
| | | |
| TOTAL | \$ | 900 |

(584) Crop Improvement Association

| | | |
|----------------------------|----|-----|
| Contractual Services | \$ | 800 |
| | | |
| TOTAL | \$ | 800 |

(588) Public Libraries

| | | |
|----------------------------------|----|---------------------|
| Grants-in-Aid | \$ | 33,740 |
| | | |
| TOTAL | \$ | 33,740 |
| Total Grants-in-Aid | | \$ 2,035,440 |

(540) CONTINGENCY FUND**(Administered by State Budget Commission)***Year Ending June 30, 1970*

| | |
|-------------------------------------|-------------------|
| Emergency Fund Only | \$ 250,000 |
| Boiler and Roof Repair | 50,000 |
| Fire and Storm Damage | 100,000 |
| Public Service Commission— | |
| Hearing Contingency | 5,000 |
| Commission of Status of Women | 2,500 |
| TOTAL | \$ 407,500 |

**Total Agencies, Grants-in-Aid
and Contingency Fund \$107,537,982**

EDUCATION**(600) University of Delaware**

| | |
|---|---------------------|
| Operations | \$10,836,434 |
| Diagnostic Poultry Service | 10,000 |
| General Scholarships | 93,000 |
| Aid to Needy Students (§§ 5520-5524, Title 14, Delaware Code) | 57,000 |
| Teaching Scholarships (§ 5502, Title 14, Del- aware Code) | 50,000 |
| Scholarship Fund (§ 5501, Title 14, Delaware Code) | 100,000 |
| Shellfish Research | 10,000 |
| Farmland Evaluation Committee Program (Chapter 83, Title 9, Delaware Code) ... | 15,000 |
| Employer's Share, Social Security (Adminis- tered by State Treasurer) | 462,600 |
| State Employees' Pension Benefits (Adminis- tered by State Treasurer) | 245,520 |
| TOTAL | \$11,879,554 |

(610) Delaware State College Year Ending June 30, 1970

| | |
|---|--------------|
| Salaries and Wages of Employees (220) | \$ 1,326,722 |
| Salaries of Security Guards (12) | 58,600 |
| Personal Services | |
| Work Study Program | 20,000 |
| Other Personal Services | 13,000 |
| Travel | 6,000 |
| Contractual Services | 210,000 |
| Supplies and Materials | 144,000 |
| Capital Outlay | 120,000 |
| Scholarships (§6510, Title 14, Delaware Code) | 50,000 |
| State Matching Grants-in-Aid | 50,000 |
| | <hr/> |
| TOTAL | \$ 1,998,322 |

**(620) Delaware Technical and Community College
Administration**

| | |
|---|------------|
| Salary of Executive Director | \$ 24,000 |
| Salaries and Wages of Employees (7) | 61,450 |
| Personal Services | 2,500 |
| Travel | 3,500 |
| Contractual Services | 9,600 |
| Supplies and Materials | 1,800 |
| Capital Outlay | 1,000 |
| | <hr/> |
| TOTAL | \$ 103,850 |

Northern and Southern Branches

| | |
|---|-----------|
| Salaries and Wages of Employees (179) | 1,650,000 |
| Personal Services | 7,000 |
| Travel | 7,800 |
| Contractual Services | |
| University of Delaware | 200,000 |
| Rental of Buildings | 169,000 |
| Other Contractual Services | 300,000 |
| Supplies and Materials | 90,000 |

Year Ending June 30, 1970

| | |
|---|--------------|
| Capital Outlay..... | 400,000 |
| Contingency | 30,000 |
| | <hr/> |
| TOTAL | \$ 2,853,800 |
| | <hr/> |
| Total—Delaware Technical and Community College | \$ 2,957,650 |
| | <hr/> |
| Total Higher Education | \$16,835,526 |

PUBLIC EDUCATION*(650) State Board of Education***DIVISION I—SALARIES**

| | | |
|---|----|---------|
| Board Members | \$ | 2,700 |
| Superintendent | | 30,000 |
| Deputy Superintendent (All Other Funds) | | — |
| Assistant Superintendents (3) | | 51,298 |
| Directors | | |
| Level 2 (3) State Funds | | 50,520 |
| Level 1 (6) | | |
| (4) State Funds | | 64,880 |
| (2) All Other Funds .. | | — |
| Administrative Assistant (1) | | |
| All Other Funds, Director 1 Level | | — |
| Supervisors | | |
| Level 2 (21) | | |
| (9) State Funds | | 130,440 |
| (6) State \$44,610 | | |
| and other | | 44,610 |
| (6) All Other Funds .. | | — |
| Level 1 (23) | | |
| (12) State Funds | | 163,022 |
| (2) State \$11,930 | | |
| and other | | 11,930 |
| (9) All Other Funds .. | | — |

Year Ending June 30, 1970

| | | |
|----------------------|---|--------------|
| Specialists | | |
| | (1) State Funds | 10,620 |
| | (4) All Other Funds | — |
| TEACHERS | | |
| | Driver Education (64—10 months) | 489,800 |
| | Homebound (10—10 months) | 68,000 |
| | Substitutes in Districts | 570,000 |
| CLERICAL (48) | | 256,000 |
| JANITORIAL (1) | | 3,320 |
| OTHERS | | |
| | Education of the Foreign Born | 8,960 |
| | Bus Drivers and Attendants | 160,000 |
| | E.D.P. Coordinator— | |
| | State \$3,500 and other | 3,500 |
| | E.D.P. Operations Manager— | |
| | State \$2,000 and other | 2,000 |
| | E.D.P. Programmer— | |
| | State \$2,500 and other | 2,500 |
| | Graphic Arts—All Other Funds | — |
| | Machine Operator—All Other Funds | — |
| | Public Information (Writer)— | |
| | All Other Funds | — |
| | Nonpublic School and Summer Driver Edu- cation | 138,000 |
| | | <hr/> |
| | TOTAL SALARIES FROM STATE FUNDS | \$ 2,262,100 |

DIVISION II

| | | |
|---|----|-----------|
| Personal Services | \$ | 4,500 |
| Travel | | |
| Staff Travel | | 15,000 |
| Contractual Services | | |
| Tuition and Initiation of Deaf Pro- gram | | 102,100 |
| Transportation—Bus Contracts | | 4,200,000 |
| Reimbursement to Parents | | 132,000 |
| James H. Groves High School | | 132,000 |
| Moving Costs—Townsend Building . | | 8,000 |
| Other Contractual Services | | 80,000 |

Year Ending June 30, 1970

| | |
|--|---------------------|
| Supplies and Materials | 45,000 |
| Capital Outlay | |
| Films | 15,000 |
| Vehicles other than Buses | 6,600 |
| Other Capital Outlay | 10,000 |
| Scholarship Fund (Chapter 34, Title 14, Delaware Code) | 120,000 |
| Guaranteed Loan Reserves (Chapter 81, Title 14, Delaware Code) (See § 28 of this Act) | 80,000 |
| Delaware Educational Council—Compact | 9,000 |
| | <hr/> |
| Total Non-Salaries—State Fund ... | \$ 4,852,200 |
| Total State Board of Education— State Funds | \$ 7,114,300 |

(660) State Board for Vocational Education

DIVISION I—SALARIES

| | |
|---|--------------------|
| Director—Level 2 (1) State \$8,340 | |
| | and other \$ 8,340 |
| Supervisor | |
| Level 2 (2) State \$14,560 and other . | 14,560 |
| (1) All Other Funds | — |
| Level 1 (4) State \$27,600 and other.. | 27,600 |
| (5) All Other Funds | — |
| Teachers | |
| Vocational Programs | 23,000 |
| Apprentice Programs | 50,000 |
| Clerical (3½) | 19,725 |
| Student Work Study Program | 10,000 |
| | <hr/> |
| TOTAL SALARIES—STATE FUNDS | \$ 153,225 |

DIVISION II—OTHER COSTS

| | |
|----------------------------|----------|
| Personal Services | \$ 1,100 |
| Travel | 4,500 |
| Contractual Services | 3,000 |

Year Ending June 30, 1970

| | |
|------------------------------------|-----------|
| Apprentice Registration | 10,000 |
| Supplies and Materials | |
| Textbooks and Supplies— | |
| Vocational Programs | 10,000 |
| Other Supplies and Materials | 2,600 |
| Capital Outlay | 2,000 |
| War Orphans | 15,000 |
| | <hr/> |
| TOTAL NON-SALARIES | \$ 48,200 |
| | <hr/> |

**Total—State Board for
Vocational Education** \$ 201,425

*(665) State Board for Vocational Education—**Rehabilitation Division*

| | |
|--------------------------------|---------|
| Salaries—All Other Funds | \$ — |
| Personal Services | 87,300 |
| Travel | 7,700 |
| Contractual Services | 159,200 |
| Supplies and Materials | 26,000 |
| | <hr/> |

Total—Rehabilitation Division \$ 280,200

SCHOOL DISTRICTS*(700) Caesar Rodney***DIVISION I—SALARIES**

| | |
|---------------------------------|--------------|
| Chief School Officer | \$ 14,760 |
| Directors | 1-2/3 23,800 |
| Supervisors | 4 38,668 |
| Principals—Full Time | 5 61,480 |
| Vice-Principals | 1 9,900 |
| Administrative Assistants | 1 12,980 |

TOTAL ADMINISTRATIVE

| | |
|-----------------------|-------------------|
| SALARIES | \$ 161,588 |
| Teachers | 215 \$ 1,570,160 |

Year Ending June 30, 1970

| | | |
|--------------------------------|--------|---------------------|
| Teachers—Psychologists | 1-2/3 | 15,668 |
| Teachers—Speech and Hearing .. | 1-2/3 | 11,667 |
| Teachers—Visiting | 1-2/3 | 12,733 |
| Clerical | 18-2/3 | 95,000 |
| Janitorial | 33 | 174,375 |
| Health | 5 | 30,050 |
| Cafeteria | 6 | 31,400 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 219 | 197,100 |
| Capital Outlay | 219 | 32,850 |
| TOTAL | | \$ 2,332,591 |

(701) Caesar Rodney Trainable School
(Administered by Caesar Rodney)

| | | |
|--------------------------------|-----|------------------|
| DIVISION I—SALARIES | | |
| Teachers | 5 | \$ 34,800 |
| Clerical | 1/2 | 1,800 |
| Janitorial | 1 | 5,650 |
| Health | 1 | 6,650 |
| Attendants and Aides | 5 | 16,550 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 10 | 9,000 |
| Capital Outlay | 10 | 1,500 |
| TOTAL | | \$ 75,950 |

(705) Claymont

| | | |
|---------------------------------|---|------------------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 14,760 |
| Principals | 4 | 49,700 |
| Vice-Principals | 1 | 11,580 |
| Administrative Assistants | 1 | 12,260 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | \$ 88,300 |

Year Ending June 30, 1970

| | | |
|----------------------------------|-----|---------------------|
| Teachers | 148 | 1,169,200 |
| Teachers—Psychologists | 1 | 9,400 |
| Teachers—Speech and Hearing ... | 1 | 9,400 |
| Clerical | 9 | 48,850 |
| Janitorial | 22 | 121,750 |
| Health | 3 | 19,950 |
| Cafeteria | 5 | 25,800 |
| Kindergarten Teachers | 3 | 22,800 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 147 | 132,300 |
| Capital Outlay | 147 | 22,050 |
| All Other Costs—Kindergartens .. | 3 | 2,700 |
| Capital Outlay—Kindergartens ... | 3 | 450 |
| TOTAL | | <u>\$ 1,672,950</u> |

(710) Dover

DIVISION I—SALARIES

| | | |
|---------------------------------|----|-----------|
| Chief School Officer | | \$ 14,760 |
| Directors | 1 | 14,280 |
| Principals | 10 | 115,920 |
| Vice-Principals | 1 | 11,780 |
| Administrative Assistants | 1 | 12,980 |

TOTAL ADMINISTRATIVE

| | | |
|---------------------------------|-----|--------------|
| SALARIES | | \$ 169,720 |
| Teachers | 261 | \$ 1,984,300 |
| Teachers—Psychologists | 1 | 9,400 |
| Teachers—Speech and Hearing ... | 1 | 6,400 |
| Teachers—Visiting | 1 | 8,200 |
| Transportation Supervisor | 1 | 9,400 |
| Clerical | 17 | 87,050 |
| Janitorial | 53 | 279,600 |
| Health | 7 | 43,050 |
| Cafeteria | 9 | 46,150 |
| Attendants and Aides | 3 | 9,450 |

Year Ending June 30, 1970

DIVISION II—OTHER COSTS

| | | |
|-----------------------|-----|---------|
| All Other Costs | 265 | 238,500 |
| Capital Outlay | 265 | 39,750 |

TOTAL\$ 2,930,970

(715) Alexis I. duPont

DIVISION I—SALARIES

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 14,760 |
| Principals | 3 | 38,220 |
| Vice-Principals | 1 | 11,060 |
| Administrative Assistants | 1 | 13,460 |

TOTAL ADMINISTRATIVE

| | | |
|--------------------------------|-----|------------|
| SALARIES | \$ | 77,500 |
| Teachers | 113 | \$ 911,000 |
| Teachers—Speech and Hearing .. | 1 | 8,000 |
| Clerical | 8 | 45,100 |
| Janitorial | 33 | 180,500 |
| Health | 3 | 19,750 |
| Cafeteria | 6 | 28,600 |
| Kindergarten Teachers | 4 | 29,000 |
| Psychologist | 1 | 8,300 |

DIVISION II—OTHER COSTS

| | | |
|----------------------------------|-----|---------|
| All Other Costs | 116 | 104,400 |
| Capital Outlay | 116 | 17,400 |
| All Other Costs—Kindergartens .. | 4 | 3,600 |
| Capital Outlay—Kindergartens .. | 4 | 600 |

TOTAL\$ 1,433,750

Total Rehabilitation Division\$ 280,200

(806) Alfred I. duPont

DIVISION I—SALARIES

| | | |
|--------------------------------|----|--------|
| Chief School Officer | \$ | 14,760 |
| Assistant Superintendent | 1 | 15,280 |

Year Ending June 30, 1970

| | | |
|---------------------------------|----|---------|
| Directors | 3 | 43,320 |
| Supervisors | 8 | 83,136 |
| Principals | 11 | 140,080 |
| Vice-Principals | 2 | 22,740 |
| Administrative Assistants | 1 | 13,460 |

TOTAL ADMINISTRATIVE

| | | |
|--|-----|------------|
| SALARIES | | \$ 332,776 |
| Teachers | 432 | 3,403,700 |
| Teachers—Psychologists | 3 | 28,600 |
| Teachers—Speech and Hearing ... | 3 | 28,200 |
| Teachers—Visiting | 1 | 8,800 |
| Teachers—Alfred I. duPont Institute | 2 | 15,000 |
| Clerical | 35 | 180,150 |
| Janitorial | 76 | 298,550 |
| Health | 10 | 62,900 |
| Cafeteria | 12 | 56,850 |
| Transportation Supervisor | 1 | 9,400 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|-----|---------|
| All Other Costs | 438 | 394,200 |
| Capital Outlay | 438 | 65,700 |

TOTAL\$ 4,884,826

(807) C. W. Bush Trainable School

(Administered by Alfred I. duPont)

DIVISION I—SALARIES

| | | |
|------------------|---|-----------|
| Principals | 1 | \$ 12,480 |
|------------------|---|-----------|

TOTAL ADMINISTRATIVE

| | | |
|------------------|---|-----------|
| SALARIES | | \$ 12,480 |
| Teachers | 9 | \$ 66,700 |
| Clerical | 1 | 5,450 |
| Janitorial | 1 | 5,550 |
| Health | 1 | 5,050 |

Year Ending June 30, 1970

| | | | |
|--------------------------------|----|----|----------------|
| Cafeteria | 1 | | 3,850 |
| Attendants and Aides | 9 | | 30,550 |
| DIVISION II—OTHER COSTS | | | |
| All Other Costs | 18 | \$ | 16,200 |
| Capital Outlay | 18 | | 2,700 |
| | | | <hr/> |
| TOTAL | | \$ | 148,530 |

(720) Georgetown

| | | | |
|----------------------------------|----|----|----------------|
| DIVISION I—SALARIES | | | |
| Chief School Officer | | \$ | 14,280 |
| Principals | 2 | | 23,820 |
| Vice-Principals | 1 | | 10,860 |
| Administrative Assistants | 1 | | 12,980 |
| TOTAL ADMINISTRATIVE | | | |
| SALARIES | | \$ | 61,940 |
| Teachers | 76 | \$ | 593,300 |
| Clerical | 7 | | 37,373 |
| Janitorial | 10 | | 57,000 |
| Health | 2 | | 13,700 |
| Cafeteria | 1 | | 4,750 |
| Kindergarten Teachers | 2 | | 14,200 |
| DIVISION II—OTHER COSTS | | | |
| All Other Costs | 78 | | 70,200 |
| Capital Outlay | 78 | | 11,700 |
| All Other Costs—Kindergarten ... | 2 | | 1,800 |
| Capital Outlay—Kindergarten | 2 | | 300 |
| | | | <hr/> |
| TOTAL | | \$ | 866,263 |

(725) Harrington

| | | | |
|----------------------------|---|----|--------|
| DIVISION I—SALARIES | | | |
| Chief School Officer | | \$ | 13,060 |
| Principals | 2 | | 24,080 |
| | | | <hr/> |

Year Ending June 30, 1970

| | | |
|-------------------------|-------|---------|
| TOTAL ADMINISTRATIVE | | |
| SALARIES | \$ | 37,140 |
| Teachers | 61 \$ | 476,300 |
| Clerical | 5 | 27,450 |
| Janitorial | 10 | 55,500 |
| Health | 1 | 6,650 |
| Cafeteria | 2 | 8,750 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 62 | 55,800 |
| Capital Outlay | 62 | 9,300 |
| TOTAL | \$ | 676,890 |

(730) Laurel

| | | |
|----------------------------------|-------|-----------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | 14,280 |
| Principals | 3 | 36,500 |
| Vice-Principals | 1 | 10,280 |
| Administrative Assistant | 1 | 12,260 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | \$ | 73,320 |
| Teachers | 91 \$ | 706,680 |
| Teachers—Speech and Hearing ... | 1 | 8,000 |
| Clerical | 7 | 39,650 |
| Janitorial | 17 | 96,050 |
| Health | 2 | 13,300 |
| Cafeteria | 3 | 12,750 |
| Kindergarten Teachers | 1 | 6,400 |
| Psychologist | 1 | 8,300 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 93 | 83,700 |
| Capital Outlay | 93 | 13,950 |
| All Other Costs—Kindergarten ... | 1 | 900 |
| Capital Outlay—Kindergarten | 1 | 150 |
| TOTAL | \$ | 1,063,150 |

(735) Lewes**Year Ending June 30, 1970****DIVISION I—SALARIES**

| | | | |
|---------------------------------|---|----|--------|
| Chief School Officer | | \$ | 14,280 |
| Principals | 2 | | 25,360 |
| Vice-Principals | 1 | | 10,660 |
| Administrative Assistants | 1 | | 10,500 |

TOTAL ADMINISTRATIVE

| | | | |
|-----------------------------|----|----|---------|
| SALARIES | | \$ | 60,800 |
| Teachers | 71 | \$ | 554,200 |
| Clerical | 6 | | 32,700 |
| Janitorial | 13 | | 70,650 |
| Health | 1 | | 6,650 |
| Cafeteria | 3 | | 13,350 |
| Kindergarten Teachers | 2 | | 15,200 |

DIVISION II—OTHER COSTS

| | | | |
|----------------------------------|----|--|--------|
| All Other Costs | 73 | | 65,700 |
| Capital Outlay | 73 | | 10,950 |
| All Other Costs—Kindergarten ... | 2 | | 1,800 |
| Capital Outlay—Kindergarten ... | 2 | | 300 |

| | | | |
|--------------------|--|----|----------------|
| TOTAL | | \$ | 832,300 |
|--------------------|--|----|----------------|

(740) Milford**DIVISION I—SALARIES**

| | | | |
|---------------------------------|---|----|--------|
| Chief School Officer | | \$ | 13,560 |
| Principals | 5 | | 59,420 |
| Vice-Principals | 1 | | 9,560 |
| Administrative Assistants | 1 | | 12,980 |

TOTAL ADMINISTRATIVE

| | | | |
|---------------------------------|-----|----|-----------|
| SALARIES | | \$ | 95,520 |
| Teachers | 141 | \$ | 1,076,900 |
| Teachers—Psychologists | 1 | | 7,800 |
| Teachers—Speech and Hearing ... | 1 | | 7,800 |
| Teachers—Visiting | 1 | | 8,200 |
| Clerical | 10 | | 52,200 |

Year Ending June 30, 1970

| | | |
|-----------------------------|----|---------|
| Janitorial | 25 | 138,750 |
| Health | 3 | 18,550 |
| Cafeteria | 5 | 23,950 |
| Kindergarten Teachers | 3 | 20,000 |

DIVISION II—OTHER COSTS

| | | |
|----------------------------------|-----|---------|
| All Other Costs | 144 | 129,600 |
| Capital Outlay | 144 | 21,600 |
| All Other Costs—Kindergarten ... | 3 | 2,700 |
| Capital Outlay—Kindergarten ... | 3 | 450 |

TOTAL \$ 1,604,020

(745) Mount Pleasant

DIVISION I—SALARIES

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 14,760 |
| Directors | 1 | 14,280 |
| Principals | 7 | 86,600 |
| Vice-Principals | 1 | 11,680 |
| Administrative Assistants | 1 | 12,260 |

TOTAL ADMINISTRATIVE

| | | |
|---------------------------------|-----|-----------|
| SALARIES | \$ | 139,580 |
| Teachers | 250 | 2,061,150 |
| Teachers—Psychologists | 1 | 9,800 |
| Teachers—Speech and Hearing ... | 1 | 7,400 |
| Teachers—Visiting | 1 | 8,200 |
| Clerical | 16 | 89,300 |
| Janitorial | 41 | 216,400 |
| Health | 6 | 39,900 |
| Cafeteria | 8 | 40,950 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|-----|---------|
| All Other Costs | 253 | 227,700 |
| Capital Outlay | 253 | 37,950 |

TOTAL \$ 2,878,330

*(750) New Castle**Year Ending June 30, 1970*

DIVISION I—SALARIES

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 13,560 |
| Directors | 1 | 14,280 |
| Principals | 8 | 98,760 |
| Vice-Principals | 1 | 11,780 |
| Administrative Assistants | 1 | 12,980 |

TOTAL ADMINISTRATIVE

| | | |
|---------------------------------|-----|--------------|
| SALARIES | \$ | 151,360 |
| Teachers | 292 | \$ 2,205,800 |
| Teachers—Psychologists | 2 | 18,800 |
| Teachers—Speech and Hearing ... | 2 | 12,400 |
| Transportation Supervisor | 1 | 9,400 |
| Clerical | 18 | 98,400 |
| Janitorial | 44 | 228,375 |
| Health | 7 | 45,150 |
| Cafeteria | 9 | 43,150 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|-----|---------|
| All Other Costs | 296 | 266,400 |
| Capital Outlay | 296 | 44,400 |

| | | |
|-------------|----|-----------|
| TOTAL | \$ | 3,123,635 |
|-------------|----|-----------|

(755) Newark

DIVISION I—SALARIES

| | | |
|---------------------------------|----|---------|
| Chief School Officer | \$ | 14,760 |
| Assistant Superintendents | 1 | 15,760 |
| Directors | 4 | 58,080 |
| Supervisors | 13 | 121,704 |
| Principals | 17 | 211,160 |
| Vice-Principals | 2 | 22,540 |
| Administrative Assistants | 1 | 12,860 |

TOTAL ADMINISTRATIVE

| | | |
|---------------------------------|-----|--------------|
| SALARIES | \$ | 456,864 |
| Teachers | 571 | \$ 4,391,860 |
| Teachers—Psychologists | 4 | 37,600 |
| Teachers—Speech and Hearing ... | 4 | 28,800 |

Year Ending June 30, 1970

| | | |
|----------------------------------|-----|---------------------|
| Teachers—Visiting | 2 | 17,200 |
| Transportation Supervisor | 1 | 9,400 |
| Clerical | 50 | 238,698 |
| Janitorial | 81 | 428,350 |
| Health | 15 | 90,950 |
| Cafeteria | 18 | 82,200 |
| Kindergarten Teachers | 22 | 154,600 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 579 | 521,100 |
| Capital Outlay | 579 | 86,850 |
| All Other Costs—Kindergarten ... | 22 | 19,800 |
| Capital Outlay—Kindergarten | 22 | 3,300 |
| TOTAL | | \$ 6,567,572 |

*(756) Margaret S. Sterck School***(Administered by Newark)****DIVISION I—SALARIES**

| | | | |
|------------------------------------|---|----|--------|
| Principals—(Exclusive of the Unit) | 1 | \$ | 11,360 |
|------------------------------------|---|----|--------|

| | | | |
|----------------------------------|----|-----------|---------------|
| TOTAL ADMINISTRATIVE | | | |
| SALARIES | | \$ | 11,360 |
| Teachers | 10 | \$ | 76,300 |
| Teachers—Media Specialists | 1 | | 7,600 |
| Clerical | 1 | | 4,375 |
| Janitorial | 1 | | 4,800 |
| Health | 1 | | 4,650 |
| Attendants and Aides | 7 | | 22,050 |

DIVISION II—OTHER COSTS

| | | |
|---------------------------|----|-------|
| All other Costs | 10 | 9,000 |
| Capital Outlay | 10 | 1,500 |
| Consultant Services | | 5,000 |

| | | | |
|--------------------|--|-----------|----------------|
| TOTAL | | \$ | 146,635 |
|--------------------|--|-----------|----------------|

(760) Rehoboth**Year Ending June 30, 1970****DIVISION I—SALARIES**

| | | |
|----------------------------|----|--------|
| Chief School Officer | \$ | 12,400 |
| Principals | 1 | 12,280 |

TOTAL ADMINISTRATIVE

| | | |
|-----------------------------|----|------------|
| SALARIES | \$ | 24,680 |
| Teachers | 29 | \$ 228,800 |
| Clerical | 3 | 14,950 |
| Janitorial | 6 | 33,900 |
| Cafeteria | 2 | 9,500 |
| Kindergarten Teachers | 1 | 7,000 |

DIVISION II—OTHER COSTS

| | | |
|----------------------------------|----|--------|
| All Other Costs | 30 | 27,000 |
| Capital Outlay | 30 | 4,500 |
| All Other Costs—Kindergartens .. | 1 | 900 |
| Capital Outlay—Kindergartens ... | 1 | 150 |

| | | |
|--------------------|----|---------|
| TOTAL | \$ | 351,380 |
|--------------------|----|---------|

(765) Seaford**DIVISION I—SALARIES**

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 14,280 |
| Directors | 1 | 13,560 |
| Principals | 5 | 61,060 |
| Vice-Principals | 1 | 11,780 |
| Administrative Assistants | 1 | 12,980 |

TOTAL ADMINISTRATIVE

| | | |
|---------------------------------|-----|--------------|
| SALARIES | \$ | 113,660 |
| Teachers | 164 | \$ 1,251,200 |
| Teachers—Psychologists | 1 | 9,600 |
| Teachers—Speech and Hearing ... | 1 | 8,000 |
| Teachers—Visiting | 1 | 8,200 |
| Transportation Supervisor | 1 | 9,400 |
| Clerical | 12 | 66,300 |
| Janitorial | 31 | 169,200 |
| Health | 5 | 30,450 |

Year Ending June 30, 1970

| | | |
|----------------------------------|-----|--------------|
| Cafeteria | 6 | 29,600 |
| Attendants and Aides | 5 | 16,550 |
| Kindergarten Teachers | 6 | 41,800 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 167 | 150,300 |
| Capital Outlay | 167 | 25,050 |
| All Other Costs—Kindergartens .. | 6 | 5,400 |
| Capital Outlay—Kindergartens ... | 6 | 900 |
| TOTAL | | \$ 1,935,610 |

(770) Smyrna

| | | |
|---------------------------------|-----|--------------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 14,040 |
| Principals | 5 | 60,160 |
| Vice-Principals | 1 | 10,280 |
| Administrative Assistants | 1 | 12,020 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | \$ 96,500 |
| Teachers | 116 | \$ 893,200 |
| Teachers—Speech and Hearing ... | 1 | 8,000 |
| Psychologist | 1 | 8,300 |
| Clerical | 8 | 43,800 |
| Janitorial | 18 | 100,000 |
| Health | 2 | 12,700 |
| Cafeteria | 6 | 30,150 |
| Attendants and Aides | 1 | 3,550 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 119 | 107,100 |
| Capital Outlay | 119 | 17,850 |
| TOTAL | | \$ 1,321,150 |

(800) Gunning Bedford, Jr. School No. 53

| | | |
|----------------------------|--|-----------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 13,780 |

Year Ending June 30, 1970

| | | |
|----------------------------------|----|------------|
| Principals | 2 | 24,240 |
| <hr/> | | |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | \$ 38,020 |
| Teachers | 49 | \$ 378,000 |
| Clerical | 4 | 22,400 |
| Janitorial | 12 | 67,200 |
| Health | 1 | 6,650 |
| Cafeteria | 3 | 14,400 |
| Kindergarten Teachers | 2 | 12,200 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 50 | 45,000 |
| Capital Outlay | 50 | 7,500 |
| All Other Costs—Kindergartens .. | 2 | 1,800 |
| Capital Outlay—Kindergartens ... | 2 | 300 |
| <hr/> | | |
| TOTAL | | \$ 593,470 |

(802) Henry C. Conrad School No. 131

| | | |
|----------------------------|----|------------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 14,280 |
| Principals | 1 | 13,280 |
| Vice-Principals | 1 | 11,780 |
| <hr/> | | |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | \$ 39,340 |
| Teachers | 71 | \$ 580,400 |
| Clerical | 5 | 27,850 |
| Janitorial | 9 | 49,350 |
| Health | 1 | 5,250 |
| Cafeteria | 1 | 4,750 |
| Teachers—Visiting | 1 | 8,200 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 73 | 65,700 |
| Capital Outlay | 73 | 10,950 |
| TOTAL | | \$ 791,790 |

Year Ending June 30, 1970

(804) John Dickinson No. 133

DIVISION I—SALARIES

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 14,280 |
| Principals | 2 | 25,040 |
| Vice-Principals | 2 | 22,840 |
| Administrative Assistants | 1 | 12,980 |

**TOTAL ADMINISTRATIVE
SALARIES**

| | | |
|---------------------------------|----|------------|
| | \$ | 75,140 |
| Teachers | 96 | \$ 760,700 |
| Clerical | 8 | 42,500 |
| Janitorial | 20 | 113,000 |
| Health | 2 | 12,700 |
| Cafeteria | 2 | 7,850 |
| Transportation Supervisor | 1 | 9,400 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|-----|--------|
| All Other Costs | 100 | 90,000 |
| Capital Outlay | 100 | 15,000 |

TOTAL \$ 1,126,290

(808) Marshallton School No. 77

DIVISION I—SALARIES

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 14,280 |
| Directors | 1 | 14,280 |
| Principals | 5 | 60,440 |
| Administrative Assistants | 1 | 12,980 |

**TOTAL ADMINISTRATIVE
SALARIES**

| | | |
|---------------------------------|-----|--------------|
| | \$ | 101,980 |
| Teachers | 144 | \$ 1,110,900 |
| Teachers—Psychologists | 1 | 8,800 |
| Teachers—Speech and Hearing ... | 1 | 6,600 |
| Clerical | 11 | 61,400 |
| Janitorial | 24 | 133,350 |
| Health | 3 | 18,550 |

Year Ending June 30, 1970

| | | |
|-----------------------------|---|--------|
| Cafeteria | 6 | 29,600 |
| Kindergarten Teachers | 7 | 46,800 |

DIVISION II—OTHER COSTS

| | | |
|----------------------------------|-----|---------|
| All Other Costs | 146 | 131,400 |
| Capital Outlay | 146 | 21,900 |
| All Other Costs—Kindergartens .. | 7 | 6,300 |
| Capital Outlay—Kindergartens ... | 7 | 1,050 |

TOTAL\$ 1,678,630

(810) Middletown School No. 60

DIVISION I—SALARIES

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 14,280 |
| Principals | 4 | 48,800 |
| Administrative Assistants | 1 | 13,460 |

TOTAL ADMINISTRATIVE

| | | |
|----------------------------|-----|------------|
| SALARIES | \$ | 76,540 |
| Teachers | 101 | \$ 758,680 |
| Clerical | 7 | 39,650 |
| Janitorial | 18 | 95,200 |
| Health | 2 | 13,700 |
| Cafeteria | 3 | 16,500 |
| Attendants and Aides | 1 | 3,150 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|-----|--------|
| All Other Costs | 103 | 92,700 |
| Capital Outlay | 103 | 15,450 |

TOTAL\$ 1,111,570

(812) Newport School No. 21

DIVISION I—SALARIES

| | | |
|----------------------------|----|--------|
| Chief School Officer | \$ | 14,280 |
|----------------------------|----|--------|

Year Ending June 30, 1970

| | | |
|--------------------------------|----|------------|
| Principals | 3 | 34,900 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | \$ 49,180 |
| Teachers | 73 | \$ 570,600 |
| Clerical | 5 | 27,650 |
| Janitorial | 11 | 62,200 |
| Health | 1 | 6,650 |
| Cafeteria | 2 | 8,900 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 74 | 66,600 |
| Capital Outlay | 74 | 11,100 |
| TOTAL | | \$ 802,880 |

(814) Oak Grove School No. 130

| | | |
|---------------------------------|----|------------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 14,280 |
| Principals | 3 | 35,480 |
| Administrative Assistants | 1 | 12,980 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | \$ 62,740 |
| Teachers | 85 | \$ 642,800 |
| Clerical | 7 | 38,150 |
| Janitorial | 11 | 59,150 |
| Health | 2 | 13,300 |
| Cafeteria | 2 | 10,550 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 87 | 78,300 |
| Capital Outlay | 87 | 13,050 |
| TOTAL | | \$ 918,040 |

(816) Odessa School No. 61

| | | |
|----------------------------|---|-----------|
| DIVISION I—SALARIES | | |
| Teachers | 6 | \$ 44,800 |
| Janitorial | 1 | 5,050 |

Year Ending June 30, 1970

| | | |
|-------------------------|---|-----------|
| Cafeteria | 1 | 4,750 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 6 | 5,400 |
| Capital Outlay | 6 | 900 |
| | | <hr/> |
| TOTAL | | \$ 60,900 |

(818) Richardson Park School No. 20

| | | |
|----------------------------------|----|------------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 13,780 |
| Principals | 1 | 11,560 |
| | | <hr/> |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | \$ 25,340 |
| Teachers | 48 | \$ 355,800 |
| Clerical | 4 | 18,600 |
| Janitorial | 6 | 33,100 |
| Health | 1 | 6,650 |
| Cafeteria | 1 | 4,750 |
| Kindergarten Teachers | 2 | 11,900 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 49 | 44,100 |
| Capital Outlay | 49 | 7,350 |
| All Other Costs—Kindergartens .. | 2 | 1,800 |
| Capital Outlay—Kindergartens ... | 2 | 300 |
| | | <hr/> |
| TOTAL | | \$ 509,690 |

(820) De La Warr School No. 47

| | | |
|---------------------------------|---|-----------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 14,760 |
| Directors | 1 | 14,280 |
| Principals | 6 | 73,260 |
| Vice-Principals | 1 | 9,320 |
| Administrative Assistants | 1 | 12,780 |
| | | <hr/> |

Year Ending June 30, 1970

| | | |
|----------------------------------|-----|--------------|
| TOTAL ADMINISTRATIVE | | |
| SALARIES | \$ | 124,400 |
| Teachers | 194 | \$ 1,477,500 |
| Teachers—Visiting | 1 | 8,200 |
| Teachers—Psychologists | 1 | 9,400 |
| Teachers—Speech and Hearing ... | 1 | 8,800 |
| Clerical | 14 | 73,900 |
| Janitorial | 28 | 147,850 |
| Health | 5 | 32,450 |
| Cafeteria | 7 | 35,050 |
| Kindergarten Teachers | 4 | 27,400 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 196 | 176,400 |
| Capital Outlay | 196 | 29,400 |
| All Other Costs—Kindergartens .. | 4 | 3,600 |
| Capital Outlay—Kindergartens ... | 4 | 600 |
| TOTAL | \$ | 2,154,950 |

(821) John G. Leach School

(Administered by De La Warr No. 47)

| | | |
|----------------------------|----|-----------|
| DIVISION I—SALARIES | | |
| Principals | 1 | \$ 11,560 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | \$ | 11,560 |
| Teachers | 9 | \$ 64,400 |
| Clerical | 1 | 5,450 |
| Janitorial | 2 | 10,650 |
| Health | 1 | 6,650 |
| Attendants and Aides | 9 | 23,550 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 9 | 8,100 |
| Capital Outlay | 9 | 1,350 |
| TOTAL | \$ | 131,710 |

(822) Stanton School No. 38 **Year Ending June 30, 1970****DIVISION I—SALARIES**

| | | |
|---------------------------------|----|--------|
| Chief School Officer | \$ | 14,280 |
| Directors | 1 | 14,280 |
| Principals | 6 | 73,120 |
| Administrative Assistants | 1 | 13,460 |

TOTAL ADMINISTRATIVE

| | | |
|--------------------------------|---------------|----------------|
| SALARIES |\$ | 115,140 |
| Teachers | 178 | \$ 1,364,000 |
| Teachers—Psychologists | 1 | 9,400 |
| Teachers—Speech and Hearing .. | 1 | 7,200 |
| Clerical | 13 | 70,350 |
| Janitorial | 31 | 167,700 |
| Health | 4 | 25,200 |
| Cafeteria | 7 | 34,400 |
| Kindergarten Teachers | 10 | 73,100 |

DIVISION II—OTHER COSTS

| | | |
|----------------------------------|-----|---------|
| All Other Costs | 190 | 162,000 |
| Capital Outlay | 190 | 27,000 |
| All Other Costs—Kindergartens .. | 10 | 9,000 |
| Capital Outlay—Kindergartens .. | 10 | 1,500 |

TOTAL \$ 2,065,990

(823) Stanton Trainable**(Administered by Stanton No. 38)****DIVISION I—SALARIES**

| | | |
|------------------|----|--------|
| Principals | \$ | 12,480 |
|------------------|----|--------|

TOTAL ADMINISTRATIVE

| | | |
|----------------------------|---------------|---------------|
| SALARIES |\$ | 12,480 |
| Teachers | 12 | \$ 90,100 |
| Clerical | 2 | 10,700 |
| Janitorial | 2 | 10,450 |
| Health | 1 | 6,250 |
| Cafeteria | 1 | 4,000 |
| Attendants and Aides | 9 | 29,400 |

Year Ending June 30, 1970

DIVISION II—OTHER COSTS

| | | |
|-----------------------|----|------------|
| All Other Costs | 22 | 19,800 |
| Capital Outlay | 22 | 3,300 |
| | | <hr/> |
| TOTAL | | \$ 186,480 |

(830) Felton School No. 54

DIVISION I—SALARIES

| | | |
|----------------------------|---|-----------|
| Chief School Officer | | \$ 14,260 |
| Principals | 2 | 24,240 |
| | | <hr/> |

TOTAL ADMINISTRATIVE

| | | |
|------------------|----|------------|
| SALARIES | | \$ 38,500 |
| Teachers | 53 | \$ 388,400 |
| Clerical | 4 | 21,900 |
| Janitorial | 7 | 38,725 |
| Health | 1 | 5,650 |
| Cafeteria | 1 | 4,750 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|----|-----------|
| All Other Costs | 55 | 49,500 |
| Capital Outlay | 55 | 8,250 |
| | | <hr/> |
| TOTAL | | \$ 55,675 |

(832) Frederica School No. 32

DIVISION I—SALARIES

| | | |
|----------------------------|--|-----------|
| Chief School Officer | | \$ 12,060 |
| | | <hr/> |

TOTAL ADMINISTRATIVE

| | | |
|------------------|----|------------|
| SALARIES | | \$ 12,060 |
| Teachers | 17 | \$ 172,600 |
| Clerical | 1 | 5,450 |
| Janitorial | 2 | 11,100 |
| Cafeteria | 1 | 4,750 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|----|--------|
| All Other Costs | 17 | 15,300 |
|-----------------------|----|--------|

Year Ending June 30, 1970

| | | |
|----------------------|----|-------------------|
| Capital Outlay | 17 | 2,550 |
| TOTAL | | \$ 178,810 |

(834) Hartly School No. 96

DIVISION I—SALARIES

| | | |
|----------------------------|--|-----------|
| Chief School Officer | | \$ 11,100 |
|----------------------------|--|-----------|

TOTAL ADMINISTRATIVE

| | | |
|----------------|--|-----------|
| SALARIES | | \$ 11,100 |
|----------------|--|-----------|

| | | |
|------------------|----|-----------|
| Teachers | 13 | \$ 94,700 |
| Clerical | 1 | 5,450 |
| Janitorial | 2 | 10,400 |
| Cafeteria | 1 | 4,750 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|----|--------|
| All Other Costs | 13 | 11,700 |
| Capital Outlay | 13 | 1,950 |

| | | |
|--------------------|--|-------------------|
| TOTAL | | \$ 140,050 |
|--------------------|--|-------------------|

(836) Houston School No. 125

DIVISION I—SALARIES

| | | |
|------------------|---|-----------|
| Teachers | 4 | \$ 31,200 |
| Janitorial | 1 | 5,750 |
| Cafeteria | 1 | 4,700 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|---|-------|
| All Other Costs | 4 | 3,600 |
| Capital Outlay | 4 | 600 |

| | | |
|--------------------|--|------------------|
| TOTAL | | \$ 45,850 |
|--------------------|--|------------------|

(838) Magnolia School No. 50

DIVISION I—SALARIES

| | | |
|----------------|----|-----------|
| Teachers | 12 | \$ 90,500 |
|----------------|----|-----------|

Year Ending June 30, 1970

| | | |
|-------------------------|----|-------------------|
| Clerical | 1 | 5,450 |
| Janitorial | 2 | 10,650 |
| Cafeteria | 1 | 4,450 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 12 | 10,800 |
| Capital Outlay | 12 | 1,800 |
| TOTAL | | <u>\$ 123,650</u> |

(842) Woodbridge School

DIVISION I—SALARIES

| | | |
|--------------------------------|---|-----------|
| Chief School Officer | | \$ 14,760 |
| Principals | 4 | 45,720 |
| Administrative Assistant | 1 | 12,260 |

TOTAL ADMINISTRATIVE

| | | |
|---------------------------------|----|------------------|
| SALARIES | | <u>\$ 72,740</u> |
| Teachers | 90 | \$ 668,800 |
| Teachers—Speech and Hearing ... | 1 | 8,000 |
| Psychologist | 1 | 8,300 |
| Clerical | 7 | 37,650 |
| Janitorial | 15 | 82,600 |
| Health | 2 | 12,100 |
| Cafeteria | 3 | 13,950 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|----|--------|
| All Other Costs | 92 | 82,800 |
| Capital Outlay | 92 | 13,800 |

TOTAL

\$ 1,000,740

(846) Indian River School

DIVISION I—SALARIES

| | | |
|----------------------------|---|-----------|
| Chief School Officer | | \$ 14,280 |
| Principals | 3 | 35,240 |

Year Ending June 30, 1970

| | | |
|----------------------------------|-------|---------|
| TOTAL ADMINISTRATIVE | | |
| SALARIES | \$ | 49,520 |
| Teachers | 68 \$ | 504,700 |
| Clerical | 5 | 27,650 |
| Janitorial | 13 | 71,600 |
| Health | 2 | 13,300 |
| Cafeteria | 3 | 13,500 |
| Kindergarten Teachers | 2 | 12,600 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 70 | 63,000 |
| Capital Outlay | 70 | 10,500 |
| All Other Costs—Kindergarten ... | 2 | 1,800 |
| Capital Outlay—Kindergarten ... | 2 | 300 |
| TOTAL | \$ | 768,470 |

(848) Delmar School No. 163

| | | |
|----------------------------|-------|---------|
| DIVISION I—SALARIES | | |
| Chief School Officer | \$ | 13,280 |
| Principal—Part Time | 1 | 9,400 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | \$ | 22,680 |
| Teachers | 30 \$ | 246,500 |
| Clerical | 3 | 17,850 |
| Janitorial | 7 | 38,950 |
| Cafeteria | 1 | 4,750 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 31 | 27,900 |
| Capital Outlay | 31 | 4,650 |
| TOTAL | \$ | 363,280 |

(850) Ellendale School No. 125

| | | |
|---------------------|-------|--------|
| DIVISION I—SALARIES | | |
| Teachers | 10 \$ | 76,200 |

Year Ending June 30, 1970

| | | |
|-------------------------|----|------------------|
| Janitorial | 1 | 5,650 |
| Cafeteria | 1 | 4,150 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 10 | 9,000 |
| Capital Outlay | 10 | 1,500 |
| TOTAL | | <u>\$ 96,500</u> |

(856) Lincoln School No. 3

| | | |
|-------------------------|---|------------------|
| DIVISION I—SALARIES | | |
| Teachers | 9 | \$ 61,000 |
| Janitorial | 2 | 11,250 |
| Cafeteria | 1 | 4,750 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 9 | 8,100 |
| Capital Outlay | 9 | 1,350 |
| TOTAL | | <u>\$ 86,450</u> |

(860) Millsboro School No. 23

| | | |
|-----------------------------|----|------------------|
| DIVISION I—SALARIES | | |
| Chief School Officer | | \$ 14,280 |
| Principals | 2 | 21,280 |
| TOTAL ADMINISTRATIVE | | |
| SALARIES | | <u>\$ 35,560</u> |
| Teachers | 66 | \$ 485,600 |
| Clerical | 5 | 27,650 |
| Janitorial | 11 | 58,050 |
| Health | 1 | 5,850 |
| Cafeteria | 3 | 12,450 |
| Kindergarten Teachers | 2 | 14,200 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 67 | 60,300 |

Year Ending June 30, 1970

| | | |
|----------------------------------|----|------------|
| Capital Outlay | 67 | 10,050 |
| All Other Costs—Kindergartens .. | 2 | 1,800 |
| Capital Outlay—Kindergartens ... | 2 | 300 |
| | | <hr/> |
| TOTAL | | \$ 711,810 |

(862) Milton School No. 8

DIVISION I—SALARIES

| | | |
|----------------------------|---|-----------|
| Chief School Officer | | \$ 13,780 |
| Principals | 1 | 12,540 |
| | | <hr/> |

TOTAL ADMINISTRATIVE

| | | |
|-----------------------------|----|------------|
| SALARIES | | \$ 26,320 |
| Teachers | 50 | \$ 385,100 |
| Clerical | 4 | 23,100 |
| Janitorial | 9 | 52,250 |
| Health | 1 | 6,650 |
| Cafeteria | 2 | 8,750 |
| Kindergarten Teachers | 2 | 13,900 |

DIVISION II—OTHER COSTS

| | | |
|----------------------------------|----|--------|
| All Other Costs | 51 | 45,900 |
| Capital Outlay | 51 | 7,650 |
| All Other Costs—Kindergartens .. | 2 | 1,800 |
| Capital Outlay—Kindergartens .. | 2 | 300 |
| | | <hr/> |

TOTAL

\$ 571,720

(864) Selbyville School No. 32

DIVISION I—SALARIES

| | | |
|----------------------------|---|-----------|
| Chief School Officer | | \$ 12,930 |
| Principals | 2 | 21,120 |
| | | <hr/> |

TOTAL ADMINISTRATIVE

| | | |
|----------------|----|------------|
| SALARIES | | \$ 34,050 |
| Teachers | 38 | \$ 292,600 |

Year Ending June 30, 1970

| | | |
|---------------------------------|---|--------|
| Teacher—Visiting | 1 | 8,200 |
| Transportation Supervisor | 1 | 9,400 |
| Clerical | 3 | 15,350 |
| Janitorial | 7 | 38,250 |
| Health | 1 | 6,450 |
| Cafeteria | 2 | 8,600 |
| Kindergarten Teachers | 2 | 11,500 |

DIVISION II—OTHER COSTS

| | | |
|----------------------------------|----|--------|
| All Other Costs | 39 | 35,100 |
| Capital Outlay | 39 | 5,850 |
| All Other Costs—Kindergartens .. | 2 | 1,800 |
| Capital Outlay | 2 | 300 |

TOTAL\$ 467,450

(878) 1-2-3 Teacher School

DIVISION I—SALARIES

| | | |
|------------------|----|-----------|
| Teachers | 7 | \$ 56,100 |
| Clerical | PT | 900 |
| Janitorial | 1 | 3,400 |
| Health | PT | 1,400 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|---|-------|
| All Other Costs | 7 | 6,300 |
| Capital Outlay | 7 | 1,050 |

TOTAL\$ 69,150

(886) Kenton No. 9

DIVISION I—SALARIES

| | | |
|------------------|---|-----------|
| Teachers | 6 | \$ 44,600 |
| Janitorial | 1 | 5,050 |
| Cafeteria | 1 | 3,850 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|---|-------|
| All Other Costs | 7 | 6,300 |
|-----------------------|---|-------|

Year Ending June 30, 1970

| | | |
|----------------------|---|------------------|
| Capital Outlay | 7 | 1,050 |
| TOTAL | | \$ 60,850 |

(892) New Castle County Vocational-Technical High School (67 units)

DIVISION I—SALARIES

| | | |
|----------------------------|----|--------|
| Chief School Officer | \$ | 13,780 |
| Principals | | 13,080 |
| Vice Principals | | 9,900 |

TOTAL ADMINISTRATIVE

| | | |
|-----------------------------|----|---------|
| SALARIES | \$ | 36,760 |
| Teachers (10 months) | \$ | 444,000 |
| Clerical | | 33,800 |
| Janitorial | | 68,150 |
| Health (10 months) | | 10,100 |
| Cafeteria (10 months) | | 6,200 |

| | | |
|-----------------------------|-----------|----------------|
| TOTAL SALARIES | \$ | 599,010 |
|-----------------------------|-----------|----------------|

DIVISION II—OTHER COSTS

| | | |
|--|----|---------|
| All Other Costs—General Education | \$ | 114,950 |
| Capital Outlay—General Education | | 20,812 |

| | | |
|--------------------|-----------|----------------|
| TOTAL | \$ | 734,772 |
|--------------------|-----------|----------------|

(894) Kent County Vocational-Technical Center

DIVISION I—SALARIES

| | | |
|----------------------------|----|--------|
| Chief School Officer | \$ | 13,280 |
| Principals—Full Time | 1 | 10,880 |

TOTAL ADMINISTRATIVE

| | | |
|--|----|------------|
| SALARIES | \$ | 24,160 |
| Teachers—Vocational Education (10 Months) | 30 | \$ 228,000 |

Year Ending June 30, 1970

| | | |
|--------------------------------|----|------------|
| Clerical | 3 | 15,350 |
| Janitorial | 7 | 36,650 |
| Health (10 months) | 1 | 5,250 |
| Cafeteria (10 months) | 1 | 4,150 |
| DIVISION II—OTHER COSTS | | |
| All Other Costs | 31 | 83,700 |
| Capital Outlay | 31 | 13,950 |
| | | <hr/> |
| TOTAL | | \$ 411,210 |

*(896) Sussex County Vocational-Technical Center***DIVISION I—SALARIES**

| | | |
|----------------------------|---|-----------|
| Chief School Officer | | \$ 12,210 |
| Principals—Full Time | 1 | 12,480 |

TOTAL ADMINISTRATIVE

| | | |
|-----------------------------|----|------------|
| SALARIES | | \$ 24,690 |
| Teachers (10 Months)* | 25 | \$ 198,170 |
| Clerical | 2 | 11,500 |
| Janitorial | 5 | 27,450 |
| Cafeteria (10 Months) | 1 | 3,830 |

DIVISION II—OTHER COSTS

| | | |
|-----------------------|----|--------|
| All Other Costs | 26 | 70,200 |
| Capital Outlay | 26 | 11,700 |

| | | |
|-------------|--|------------|
| TOTAL | | \$ 347,540 |
|-------------|--|------------|

*See Section 9 (d) of this Act.

*(780) Wilmington Board of Education***DIVISION I—SALARIES**

| | | |
|---------------------------------|---|-----------|
| Superintendent | | \$ 14,760 |
| Assistant Superintendents | 2 | 31,040 |
| Directors | 4 | 56,880 |

Year Ending June 30, 1970

| | | |
|--------------------------------|----|---------|
| Supervisors | 14 | 145,905 |
| Principals | 18 | 225,280 |
| Vice-Principals | 2 | 22,120 |
| Administrative Assistant | 1 | 12,260 |

TOTAL ADMINISTRATIVE

| | | |
|----------------|----|---------|
| SALARIES | \$ | 508,245 |
|----------------|----|---------|

Teachers

| | | |
|-----------------------------|-----|--------------|
| General Education | 652 | \$ 5,180,680 |
| Vocational Education | 5 | 45,980 |
| Visiting Teachers | 3 | 27,000 |
| Psychologists | 5 | 45,600 |
| Speech and Hearing | 5 | 44,400 |
| Homebound Instruction | | 5,000 |
| Kindergarten | 26 | 201,000 |
| Clerical | 56 | 332,450 |
| Janitorial | 105 | 570,500 |
| Health | 16 | 108,400 |
| Cafeteria | 21 | 103,350 |
| Attendants—Trainable | 6 | 20,500 |

| | | |
|----------------------|----|-----------|
| TOTAL SALARIES | \$ | 7,193,105 |
|----------------------|----|-----------|

DIVISION II—OTHER COSTS

All Other Costs

| | | |
|----------------------------|-----|------------|
| General Education | 661 | \$ 594,900 |
| Vocational Education | 7 | 18,900 |
| Kindergartens | 26 | 23,400 |

| | |
|----|---------|
| \$ | 637,200 |
|----|---------|

Capital Outlay

| | | |
|----------------------------|-----|--------|
| General Education | 661 | 99,150 |
| Vocational Education | 7 | 3,150 |
| Kindergartens | 26 | 3,900 |

| | |
|----|---------|
| \$ | 106,200 |
|----|---------|

TOTAL WILMINGTON BOARD

| | | |
|--------------------|----|-----------|
| OF EDUCATION | \$ | 7,936,505 |
|--------------------|----|-----------|

Year Ending June 30, 1970

(790) Educational Contingency Fund

| | |
|---|----------------------|
| Growth and Upgrading | \$ 1,000,000 |
| Growth and Upgrading—Kindergartens | 644,000 |
| Kent and Sussex Vocational— | |
| Technical Summer School Program | 32,000 |
| School Building Maintenance— | |
| State Board of Education | 500,000 |
| Sterck School—Residence | 50,000 |
| Division III—Equalization Fund— | |
| 5700 Units | 1,140,000 |
| All Federal funds received from Federal Ele- mentary 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 11) | |
| Total Educational Contingency Fund | \$ 3,366,000 |
| Total Public Education | \$ 72,611,299 |
| Total Education | \$ 89,446,825 |
| Total Agencies, Grants-in-Aid, and Contingency Fund | \$107,537,982 |

GRAND TOTAL

| | |
|--|----------------------|
| Agencies, Education, Grants-in-Aid, and Contingency Funds | \$196,984,807 |
|--|----------------------|

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 as otherwise specifically indicated and 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, 1970 shall be paid from the Capital Investment Fund for the payment of interest on the State's bonded indebtedness.

Section 3. (a) 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.

(3) 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.

(b) If at any time during the fiscal year ending June 30, 1970, but prior to June 15, 1970, there should be a temporary insufficiency of General Fund monies in the State Treasury to

pay then current General Fund obligations, the State Treasurer shall pay such obligations from any other funds on deposit with the State Treasurer. Any other funds so used to pay General Fund obligations shall be reimbursed as soon as sufficient General Fund monies become available but not later than June 15, 1970. Subsection (a) of this Section shall not become operative until such time as the Budget Commission determines that the total of all funds on deposit with the State Treasurer are insufficient to meet all current obligations chargeable against such funds or until June 15, 1970, whichever is the earlier date.

Section 4. All monies received by the State Treasurer from the sale of the revenue anticipation notes or certificates of indebtedness shall be specially pledged and appropriated to and for the payment of the several appropriations in whole or in part.

Section 5. In the case of any school district consolidation as defined in Sections 1108 and 1109, Title 14, or elsewhere in the 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 6. Any amount of money derived as income from the Public School Funds shall be deposited by the State Treasurer in the General Fund and shall be fully expended for the purpose of meeting the expense of teachers' salaries incurred in accordance with appropriations for the public schools provided in Section 1 of this Act.

Section 7. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by the Congress of the United States, the State Board of Education and the State Board for Vocational Education are 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.

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, 1969, than the number of units for which appropriations is made in this Act, such district is hereby authorized and empowered:

(a) To employ additional teachers with State Funds not to exceed the difference between the number of certified units of pupils as of September 30, 1969, and the number of units of pupils for which teachers are provided by Section 1 of this Act.

(b) To employ an additional number of administrative, 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 the provisions of Title 14, Delaware Code, and based on the number of certified pupil units in the district on September 30, 1969, and the number of such employees provided for the district by Section 1 of this Act. In cases which use a school building or parts thereof in the determination of the number of employees, such employees shall be charged against State appropriated funds, according to State Board of Education regulations.

(c) In the event that any school district shall have fewer certified units of pupils base on the actual enrollment for September 30, 1969, than the number of units for which appropriation is made in this Act, such district's appropriation shall be reduced by the State Board of Education and the Budget Director to comply with the number of units based on the actual enrollment for September 30, 1969.

(d) Authorizations to the Vocational Technical High Schools for staffing summer school programs may be granted

upon application to and approval by the State Board of Education and the Budget Commission.

Section 10. The State Board of Education and the State Board for 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 11 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 for Vocational Education and paid wholly or in part from the funds appropriated by this Act and allocated in the line item under the headings "Deputy Superintendents", "Associate Superintendents", "Assistant Superintendents", "Directors", "Supervisors", "Specialists", "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, 1969, except in the event such employee is reduced in classification or in months employed.

Section 11. (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 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 classified 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. This subsection shall not be construed to prohibit the employment of professional personnel to teach special classes such as night school and in-service courses in the same or other districts.

Section 12. The sum appropriated to the State Board of Education in Section 1 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 number of full units of 25 pupils in the building on a full-time basis as of September 30, 1968.

(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 and the Budget Director shall establish such rules and regulations as deemed 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 to 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 as otherwise specifically provided by law and to maintain the salary schedules set forth for school employees in Chapter 13, Title 14, Delaware Code.

Section 16. (a) Except as specifically authorized to the contrary by the Delaware Code or subsection (b) of this Section, no State employee whose title is designated in a line item in Section 1 of this Act shall receive total compensation, whether in wages, Salary, wages-in-kind or food allotment, bonus or overtime, from 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 amount of the appropriation from the General Funds 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 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 State appropriation is hereby increased 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 prospective employees an allowance for moving his household. In the event an agency elects to transfer employees, who have worked for it for more than one year, from one of its facilities to another facility, where the move exceeds 25 miles, the agency may pay moving costs, actually expended, up to \$300.

(b) A State employee whose salary is a line item in this Act may perform additional duties for a State agency other than his principal employer, with the consent of his principal em-

ployer, and be paid additional compensation therefor, provided such additional duties are not a part of the regular duties of the principal employer.

Section 17. (a) For the purpose of this Section the term "agency" means all State agencies except public school districts.

(b) Where the number of employee positions have been set forth in the salary or wage line appropriation for an agency in Section 1 of this Act such number shall be interpreted to mean equivalent full time positions. Each agency having such a designation shall file with the Budget Director a listing of the employee positions as provided and the salary or wage for each such position. The total of such salaries and wages for each agency shall not exceed the appropriation therefor plus a reasonable estimate of salary savings and, regardless of the amount of the appropriation, the number of employee positions shall not be changed except upon approval by the Governor as provided in subsection (c) of this section.

(c) In the event the number of employees positions for an agency has been specified as indicated in subsection (b), and in the event such positions are covered in the classified service, the pay grade level for each such position and the salary or wage of the employee filling such position shall be in accordance with the rules and regulations of the State Personnel Commission. The classification of a position shall not be changed by the Personnel Commission after July 1, 1969, except within the limit of the agency's salary and wage appropriation as certified by the Budget Director. The total number of employee positions as specified shall not be changed except upon approval by the Governor based upon certification by the Budget Director that the change is necessary for the agency in the accomplishment of its function and the necessary funds are available in the agency's salary and wage appropriation.

(d) In the event an agency whose employees are in the classified service has excess funds in its line item appropriation for salaries and wages of employees after salary allocation has been made for the number of full time equivalent positions specified for such agency based upon the State Personnel Commission's Classification and Pay Plan, the Budget Director shall have the authority to transfer such excess salary funds to another agency whose employees are in the classified service if

such transfer is necessary in order to provide adequate salary funds for the number of full time equivalent positions specified for such agency in Section 1 of this Act and based upon the State Personnel Commission's Classification and Pay Plan. Such excess salary funds shall not be so transferred to any agency whose number of employees has been increased or whose positions have been upgraded to higher pay grade levels pursuant to subsection (c) of this section.

Section 18. The sums appropriated to the Communications Division of the State Highway Department in Section 1 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 any purposes not 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 any purposes not specifically authorized in such Bond Authorization Act.

Section 19. Appropriations for insurance as required to be purchased by the State Insurance Commissioner pursuant to Chapter 380, Volume 56, Laws of Delaware, and heretofore purchased by the individual agencies are included in the appropriation to the State Insurance Commissioner in Section 1 of this Act. The State Insurance Commissioner is hereby authorized and empowered to purchase such insurance and to issue memoranda to each agency for whom such insurance was purchased.

Section 20. The sum of \$1,850,000 appropriated to the Department of Public Welfare for Title 19 Federal Programs other than in State institutions shall be expended solely in accordance with the following conditions and limitations:

(a) This appropriation shall be used for the purpose of continuing the program of medical assistance within the re-

quirements 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.

(b) The State Plan of Medical Care to be carried out by the Department of Public Welfare shall meet the requirements for federal financial participation under the aforementioned Title XIX, and 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,
- (5) physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home or elsewhere, and
- (6) health services for the migrant health program not to exceed \$25,000 to be disbursed by the Department of Public Welfare to the hospitals participating in this program on a per diem basis for the cost of services provided.

(c) The Department of Public Welfare shall endeavor to assure that each hospital listed herein shall receive during the fiscal year payments from the Department of Public Welfare for medical benefits delivered to eligible beneficiaries by the following hospitals:

Beebe Hospital of Sussex County, Inc.
Kent General Hospital
Milford Memorial Hospital, Inc.
Nanticoke Memorial Hospital
Riverside Hospital
St. Francis Hospital, Inc.
Wilmington Medical Center, Inc.

(d) The State Auditor may from time to time verify the expenditures and the cost basis for billing by said hospitals and report to the State Treasurer, the Budget Director and the General Assembly.

Section 21. The sum of up to \$400,000 appropriated to the Department of Public Welfare for Title 19 Federal Programs in State institutions shall be expended solely in accordance with the following conditions and limitations:

(a) The sum of up to \$380,000 shall be expended for the purpose of providing medical services to patients eligible under the Federal Title XIX Medicaid Program residing in the various facilities of, or under the jurisdiction of, the Department of Mental Health.

(b) The sum of up to \$20,000 may be expended by the Department of Public Welfare for administrative costs involved in carrying out the purposes of this section.

(c) The funds hereby appropriated shall be expended only on the condition that the program is approved and federal matching funds are provided by the appropriate federal agency.

Section 22. In the event the Youth Services Commission shall open a security facility on or before June 30, 1970, and in the event persons under the jurisdiction of said Commission and previously held in custody in the First Offenders' Building or elsewhere in the facilities of the Department of Correction are transferred to such security facility the Budget Director, with the advice of the Budget Commission, shall transfer such appropriations, personnel supplies and equipment from the Department of Correction to the Youth Services Commission as he deems reasonable and necessary to effectuate this transfer of persons.

Section 23. In the event the sum appropriated in Section 1 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 Employee's Pension Plan, such additional sums as may be required for these purposes are hereby appropriated and shall be paid from the General Fund.

Section 24. Any agency, other than those covered by the classified service or the provisions of Section 11 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, established rates that are comparable to rates paid from State appropriated funds to employees with similar training and experience and in similar positions.

Section 25. The funds appropriated to the State Personnel Commission in Section 1 of this Act shall be considered as having been appropriated to each agency having personnel covered by the Classification Plan, and as paid by such agencies to the State Personnel Commission in proportion to the number of classified positions in such agency on July 1, 1969. Any agency employing classified personnel from funds other than the General Fund shall pay to the State Personnel Commission such pro-rata share for each such employee from its special funds and such payments shall be used by the Personnel Commission to reduce to this extent the General Fund appropriation provided in Section 1 of this Act.

Section 26. All purchases of passenger motor vehicles and standard motor vehicles by agencies of this State from monies appropriated by Section 1 of this Act, or otherwise available to such agencies, except by the State Highway Department for the State Police and school buses by the State Board of Education, shall be made by the State Distribution Agency and the State Distribution Agency shall, on behalf of the agencies, dispose of all surplus passenger motor vehicles and standard motor vehicles by trade-in, auction, and/or sealed bid, the provisions of Section 7002, Title 29, Delaware Code, notwithstanding.

Section 27. (a) All State-owned boats and motor vehicles shall bear prominent identification, at least on the rear thereof, identifying such vehicles as State-owned vehicles. Exceptions are the Governor's car, vehicles of the State Police, State Detectives, Alcoholic Beverages Control Commission, and certain vehicles operated by the Department of Correction and the Youth Services Commission.

(b) A policy shall be implemented for all State agencies, to be coordinated and enforced under rules to be established by

the Budget Director, to eliminate use of State-owned vehicles for personal use or for transportation from home to place of work, unless a clear need for use outside of regular working hours is established.

Section 28. The responsibilities, duties and authority heretofore devolving upon the Higher Education Aid Advisory Commission under Sections 8109, 8110 and 8111 of Title 14, Delaware Code, with particular reference to the administration and control of the State and Federal funds provided thereunder, are hereby transferred to the State Board of Education, Executive Order No. 28 or any other prior statute notwithstanding.

Section 29. As of July 1, 1969, the State Board of Health is to provide the City of Wilmington with public health services consistent with those provided to the balance of the State, in accordance with appropriation in Section 1 of this Act.

Section 30. The sum herein appropriated to the State Development Department (Agency Code No. 038) for a grant to be made to the Opportunities Industrialization Center, Inc. is contingent upon: (a) the immediate election of two voting members to the Board of Directors of the Opportunities Industrialization Center, Inc., who shall be members of and be named by the Joint Finance Committee; and (2) the enactment by the General Assembly of the proposed appropriation in the sum of \$200,000 for the Opportunities Industrialization Center, Inc., program for the fiscal year ending June 30, 1969.

Section 31. 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, 1970 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 125th General Assembly.

Section 32. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Approved June 12, 1969.

CHAPTER 136

AN ACT TO AMEND TITLES 30, 28, 21 AND 4 OF THE DELAWARE CODE ACCOMPLISHING A GENERAL REVISION OF STATE BUSINESS TAXES BY INCREASING THE RATES OF CERTAIN TAXES, INCLUDING ADDITIONAL SUBJECT MATTER FOR TAXATION, INCLUDING CERTAIN ADDITIONAL PERSONS OR OPERATIONS SUBJECT TO LICENSING REQUIREMENTS AND TAXATION, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF, BY AUGMENTING AND AMENDING IN TITLE 30 CERTAIN PROVISIONS OF CHAPTER 19 RELATING TO CORPORATION INCOME TAXES, CHAPTER 21 RELATING TO GENERAL PROVISIONS, CHAPTER 23 RELATING TO OCCUPATIONAL LICENSES, CHAPTER 25 RELATING TO CONTRACTORS' LICENSE TAX, CHAPTER 27 RELATING TO MANUFACTURERS' LICENSE TAX, CHAPTER 29 RELATING TO WHOLESALERS AND RETAILERS' LICENSE TAX, CHAPTER 30 RELATING TO MOTOR VEHICLE DOCUMENT, HANDLING AND LICENSE FEES, CHAPTER 43 RELATING TO PERSONAL PROPERTY LEASING TAX, AND IN TITLE 28 CERTAIN PROVISIONS RELATING TO HARNESS RACING, IN TITLE 21 PROVISIONS RELATING TO MOTOR VEHICLE REGISTRATION, IN TITLE 4 PROVISIONS RELATING TO ALCOHOLIC BEVERAGES, AND BY BOARDENING CERTAIN CRIMINAL VIOLATIONS RELATING TO ENFORCEMENT OF SUCH TAXES.

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

Section 1. Section 1902 (a), Chapter 19, Title 30, Delaware Code, is amended by striking therefrom the phrase "five per cent" and substituting in lieu thereof the phrase "six per cent".

Section 2. Section 1903 (a), Chapter 19, Title 30, Delaware Code, is amended to read as follows:

(a) The "entire net income" of a corporation for any income year means the amount of its federal taxable income for such year as computed for purposes of the federal income tax increased by any interest income (including discount) on obligations issued by states of the United States or political subdivisions thereof other than the State of Delaware and its subdivisions, and adjusted by eliminating—

1. any deduction for the tax imposed by this chapter or for any net operating loss sustained prior to January 1, 1958;

2. dividends received on shares of stock, or voting trust certificates, of foreign corporations for which foreign tax credit is provided under the applicable provisions of the United States Internal Revenue Code;

3. interest income (including discount) from securities issued by the United States or agencies or instrumentalities thereof, and interest income arising from obligations representing advances or loans between corporations which are members of an affiliated group of corporations, as defined in section 1906 of this title, if the debtor corporation eliminates such interest in determining its entire net income;

4. gains and losses from the sale or other disposition of securities issued by the United States agencies or instrumentalities thereof of the State of Delaware or political subdivisions thereof.

Section 3. Section 1903 (b), Chapter 19, Title 30, Delaware Code, is amended by striking and repealing paragraph 5 thereof and by renumbering paragraphs "6" and "7" as paragraphs "5" and "6" respectively.

Section 4. Section 2102, Chapter 21, Title 30, Delaware Code, is amended to read as follows:

All State licenses with the exception of liquor, automobiles, motorcycles, operators, stallion or jackass, circus, carrying deadly weapons, oysters or clams, and marriage licenses shall expire annually upon the last day of June next succeeding the date of issue, unless otherwise provided by law.

Section 5. Section 2103, Chapter 21, Title 30, Delaware Code, is amended to read as follows:

§ 2103. Duties of the Tax Department; adoption of rules and regulations; penalty

(a) The Tax Department shall keep a record of all licenses. All provisions of law relative to the duties and powers of the Auditor of Accounts in auditing and adjusting accounts shall apply with equal force and effect to the Tax Department relative to the licenses mentioned in this title.

(b) The State Tax Commissioner shall have the power and authority to make, issue, promulgate, and enforce such rules and regulations which shall not be inconsistent with the law as he shall deem necessary for the enforcement, administration, and implementation of this Part. Without limiting the generality of the foregoing grant of power to the State Tax Commissioner, he shall have the following specific powers.

1. the power to examine the books and records of all persons subject to this Part or believed to be subject to this Part;
2. the power to subpoena and examine witnesses;
3. the power to require reports and the furnishing of information by the taxable or any other person;
4. the power to issue forms and to require compliance with such forms as to the furnishing of information;
5. the power to interpret the application of the provisions of this Part in specific situations for the purpose of requiring maximum yield of taxation consistent with fairness and equity.

(c) A failure to deposit to the credit of the General Fund of the State all money received for fees or taxes as required by law, shall render the State Tax Commissioner liable for money due the State, and, in addition, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(d) Except as otherwise specifically provided in this Part, as soon as practical after any return, license application or statement in connection with any license fee is filed, the Tax Department shall examine the same and verify the correctness of the computation of the fee payable thereon and ascertain whether or not the amount submitted is the proper fee.

(e) If the Tax Department discovers from the examination of the return, license application, statement or otherwise that the license fee or tax or any portion thereof has not been paid, it may, at any time within three years from the August 1 following the June 30 expiration date of the license to which the return, license application or statement relates, assess the amount due on the same and give notice to the person to which the license relates of such assessment; and at the termination of 30 days from the date of such notice, the additional amount due determined by the Tax Department shall be due and payable unless the person so notified, or his agent or attorney, shall have, within the aforesaid 30 days, filed a complaint or appeal in writing over his signature from the assessment of the Tax Commissioner and request a hearing before the Tax Board. The limitation of three years to the assessment of such additional amount due shall not apply to the assessment of additional amounts due upon returns, license applications or statements which are fraudulent; or where no such returns, license applications or statements have been filed; or where the amounts shown on said returns, license applications or statements are grossly understated.

(f) For purposes of subsection (e), the word "person" shall have the same meaning as the definition contained in section 2701 of Chapter 27 of this Part.

Section 6. Section 2105, Chapter 21, Title 30, Delaware Code, is amended to read as follows:

§ 2105. Civil penalties and interest for nonpayment or delayed payment of license taxes

In addition to the criminal penalties provided under Section 2119, failure to pay the fees or the tax required under any of the provisions of this Part at the time when the same shall be due shall subject the taxable to a liability for interest at the rate of one per cent per month on the principal amount due and a civil penalty of five per cent per month upon the principal amount due up to a maximum total penalty of one hundred per cent of the principal amount due and payable.

Section 7. Section 2108, Chapter 21, Title 30, Delaware Code, is amended to read as follows:

§ 2108. Claims for refund

(a) Except as otherwise specifically provided in this Part, any person may submit to the Tax Commissioner, Tax Board and the Superior Court, in the order named, as provided, a Claim for Refund of any tax or license fee imposed by this Part alleged to have been erroneously or illegally assessed or paid; or of any interest or penalty alleged to have been collected without authority; or of any sum alleged to have been excessive; or in any manner wrongfully collected from such person at any time within three years from the August 1 following the June 30 expiration date of the license to which such payment relates; or 30 days from the date of payment of any such amount, whichever is later.

(b) If the Tax Commissioner fails to act upon or reject any claim referred to in subsection (a) hereof within 60 days from the filing of such claim, the person filing such claim shall, from the last day of such 60-day period, have 30 days in which to file a complaint or appeal in writing over his signature, or the signature of his agent or attorney, incorporating the Claim for Refund with the Tax Board.

(c) For purposes of this section, the term "person" shall have the same meaning as the definition contained in Section 2701, Chapter 27, of this Part.

Section 8. Section 2114, Chapter 21, Title 30, Delaware Code, is amended to read as follows:

§ 2114. Additional licenses for more than one occupation or business

(a) In each case where more than one occupation or business for which a license is required is carried on by the same person at the same time, a license must be taken out for each such occupation or business. Where any provision of this Part is based upon a percentage of the volume of the business of a taxpayer as defined in any chapter of this Part, nothing contained in this Part shall be construed to require the imposition of more than one tax or license fee upon such volume where the same goods, product or services are involved in the activity of the same taxpayer; provided, however, subject to the provisions

of Section 2908, where the taxpayer is engaged in separate occupations or businesses covered by this Part, the volume of each such separate occupation or business of the taxpayer covered by any provisions of this Part shall be taxed or subject to a license fee at least once and at the highest rate applicable to such occupation or business. For purposes of Chapter 29 of this Part, unless shown to the contrary by the taxpayer, (a) it shall be deemed that Section 2905 is applicable to each business rather than Section 2902; and (b) it shall be deemed that all goods sold by a wholesaler to which Section 2902 applies were sold within the State of Delaware. The State Tax Commissioner shall issue rules and regulations specifically governing the implementation of this section in accordance with the power granted in Section 2103 of this chapter.

(b) For purposes of determining the amount of license fees due as provided in this Part for the privilege of carrying on any separate business or occupation, all entities comprising an enterprise with common direction, control and purpose shall be considered as one.

Section 9. Section 2119, Chapter 21, Title 30, Delaware Code, is amended by adding the words "or business" immediately following the word "occupation".

Section 10. Chapter 21, Title 30, Delaware Code, is amended by inserting therein a new Section 2120 to read as follows:

§ 2120. Computation of gross receipts

Wherever the provisions of this Part use the term "gross receipts," no deduction shall be made therefrom on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, Federal or State taxes, or any other expense whatsoever paid or accrued or losses.

Section 11. Section 2301 (a), Chapter 23, Title 30, Delaware Code, is amended by striking said subsection in its entirety and substituting in lieu thereof a new subsection as follows:

(a) Persons engaged in the occupations listed and defined

in this section shall pay annual license taxes at the rates specified below.

Advertising Agency, \$150. "Advertising Agency" includes every person engaged in the business of displaying advertising matter by bill boards, posters or circulars, signs or window display, or of undertaking the writing or composition of advertisements for other persons on a commission, rental or flat fee basis.

Air Line Company, \$200. "Air Line Company" includes every person engaged in the business of providing public air transportation by aircraft or the services or equipment with which the system operates.

Amusement Conductor, \$150. "Amusement Conductor" includes every person engaged in the business of conducting or maintaining, or furnishing on a commission, or other basis, mechanical devices for the product sale to or entertainment of the general public, for which a charge is made for the use thereof; provided further than an owner of certain of such mechanical devices operated automatically by insertion of a coin or token shall pay an additional license fee for the business as defined and at the rates prescribed as follows:

(1) "Vending Machine Owner" embracing every person engaged in the business of owning and operating on his own account or by his agent, or by lease to another from such person or his agent, certain of the mechanical devices hereinbefore referred to for selling, vending, or otherwise distributing goods, wares or merchandise to the public, a fee for license at the rate of \$10 for each vending machine owned and operated, provided the coin or token necessary to operate such machine is worth 5 cents or more.

(2) "Amusement Machine Owner" embracing every person engaged in the business of owning and operating either on his own account or by his agent, or by lease to another from such person or his agent, certain of the mechanical devices hereinbefore referred to for furnishing to the public music by the playing of records or transcriptions, or which constitute a game or other device designed for public amusement, a fee for a license at the rate of \$50 for each machine so owned and operated, provided the coin or token necessary to operate such machine is worth 5 cents or more.

Amusement Park Operator, \$250. "Amusement Park Operator" includes every person engaged in the business of exhibiting in an open area, park, or other open space any two or more public amusements, such as rides, demonstrations, or sideshows, or any theatrical performance or musical presentation, but not including the conducting or exhibiting of a circus or carnival.

Architect, \$150. "Architect" includes every person engaged in the business of designing, planning and technically supervising the construction of any building, edifice or other structural unit.

Art School, \$100. "Art School" includes every person engaged in the business of teaching fine arts, or the art whose aim is beauty rather than utility, though not necessarily to the exclusion of utility where the two can be obtained.

Attorney-at-Law, \$200. "Attorney-at-law" includes every individual duly admitted to the Bar of any court of this State and engaged in the active practice of such profession, whether self-employed or a member or employee of a law firm or private corporation.

Auctioneer, \$50. "Auctioneer" includes every person engaged in the business of crying sales of real or personal property on behalf of other persons for profit, except as otherwise provided by the provisions of this chapter. Any auctioneer not a citizen of this State shall be required to pay \$150 for each county in which he acts as auctioneer. No auctioneer shall be authorized by virtue of the license granted to employ any other person to act as auctioneer in his behalf, except in his own store or warehouse, or in his presence, nor shall the term "auctioneer" apply or extend to judicial or executive officer making sales in pursuance of any execution, judgment, or decree of any court, nor to public sales made by executors or administrators.

Automobile Driving School, \$100. "Automobile Driving School" includes every person in the business of teaching for a consideration the techniques of operating a motor vehicle.

Automobile Race Operator, \$250. "Automobile Race Operator" includes every person in the business of conducting motor vehicle races for profit, including competition involving all recognized classes of stock, modified or sports cars, midget racers, drag racers, and every type of motor vehicle in any form

of race, competition or time trial; for purposes of this license, motorcycle races shall be included.

Barber, \$30 for first two chairs and \$5 for each additional chair used. "Barber" includes every person engaged in the business of shaving the beard and cutting, trimming, washing, waving or otherwise dressing the hair of human beings.

Barber School, \$100. "Barber School" includes every person engaged in the business of teaching, for a consideration, the art of shaving the beard and cutting, trimming, washing, waving or otherwise dressing the hair of human beings.

Beautician, \$30 for the first two chairs and \$5 for each additional chair used. "Beautician" includes any person engaged in the business of doing work which is generally and usually performed by so-called hairdressers, cosmetologists, cosmeticians, beauticians or beauty culturists, and however denominated in so-called hairdressing and beauty shops, which work is for the embellishment, cleanliness and beautification of women.

Beauty School or School of Cosmetology, \$100. "Beauty School or School of Cosmetology" includes every person engaged in operating a place or part thereof wherein or whereupon cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students.

Bowling Alley Operator, \$100. "Bowling Alley Operator" includes every person in the business of operating public facilities for the sport of bowling; where more than one alley is operated, an additional license fee of \$25 per alley shall be paid for the second alley and for each additional alley.

Broadcasting Station, \$300. "Broadcasting Station" includes every person engaged in the business of transmitting radio or television communications over assigned frequency and wave lengths and subject to the jurisdiction of the Federal Communications Commission.

Broker, \$200. "Broker" includes every person engaged in the business of buying and selling for the account of other persons for a commission, or for profit, stocks, bonds, currency, nego-

tible paper, securities, and any other intangible personal property.

Car Wash, \$100. "Car Wash" includes every person operating a continuing business of cleaning, washing or waxing motor vehicles for profit and not for charitable or educational purposes.

Certified Public Accountant, \$200. "Certified Public Accountant" includes every person qualified and registered under the laws of the State to practice as a certified public accountant and engaged in the active practice of such profession.

Cesspool Cleaner, \$30. "Cesspool Cleaner" includes every person engaged in the business of cleaning cesspools for profit or reward.

Chiropodist, \$150. "Chiropodist" includes every person engaged in the practice of caring for the feet of human beings.

Chiropractor, \$150. "Chiropractor" includes every person engaged in the practice of treating human ailments by means of muscular or bone manipulation.

Circus Exhibitor, \$500. "Circus Exhibitor" includes every person engaged in the business of exhibiting in a tent, arena, or other open space feats of horsemanship, acrobatic stunts, freaks, trained or wild animals, and other forms of entertainment commonly known as circus. This paragraph shall not be construed to include any circus or carnival for private profit sponsored by or in which any fire company of the State, or any fraternal, veteran's or religious organization, shall share in the profits. The license fee for such circus or carnival shall be \$200.

Coat and Towel Supplier, \$100. "Coat and Towel Supplier" includes every person actively engaged in or holding himself out to do the business of supplying, furnishing or making available coats, caps, aprons, uniforms, or towels, dresses, diapers, industrial wipers, smocks, linens, or other like articles and laundering and of otherwise renewing such supplies for profit.

Dancing School, \$100. "Dancing School" includes every person engaged in the business of using any room, place, or space for the purpose of holding classes in dancing and where instruction in dancing is given for hire.

Dentist, \$200. "Dentist" includes every person qualified

under the laws of the State to practice dentistry and engaged in active practice of such profession.

Distributor, \$50. "Distributor" includes every person engaged in the business of distributing samples, handbills or posters for compensation or on commission.

Drayman or Mover, \$75. "Drayman or Mover" includes every person engaged in the business of transporting for profit tangible personal property of other persons.

Employment Agent, \$150. "Employment Agent" includes every person engaged, for profit, in the business of hiring laborers or securing positions for other persons to be employed within the limits of the State.

Entertainment Agent, \$250. "Entertainment Agent" includes every person engaged in or holding himself out to do the business of collecting fees or commissions or other payments for himself or another or others for the exercise by another of the privileges of furnishing musical entertainment for the general public.

Finance or Small Loan Agency, \$200. "Finance or Small Loan Agency" includes every person engaged in the business of lending money, with or without security, to other persons, with repayments of the loans to be made by instalments or otherwise, but shall not include, either in reference to future or past transactions, banks or trust companies authorized to do banking business in Delaware under the provision of Title 5.

Floor Show Operator, \$150. "Floor Show Operator" includes every person engaged in the business of conducting or maintaining or exhibiting in his place of business entertainment of the type commonly known as a floor show by one or more entertainers, paid or otherwise, including members of an orchestra furnishing entertainment by song or other means, excepting the playing of instruments as members of such orchestra, provided further that conduct of the business of floor show operator as defined herein shall not be such as to render the person liable for a license as a showman under this section.

Florist, \$50. "Florist" includes every person engaged in the business of cultivating or dealing in ornamental flowers or plants. It includes each person conducting the business of florist

from a regular place of business (and each person selling cut flowers, shrubs, or potted plants on the streets or at other places outside a regular store).

General Repairman, \$30. "General Repairman" includes every person engaged in the business of repairing, reconditioning or otherwise restoring to useful service personal property of very kind and description not otherwise provided for under this section.

Health Spa or Health Club, \$150. "Health Spa or Health Club" includes every person engaged in the business of operating private health, weight control or physical culture facilities designed to establish and maintain the optimum weight or physical conditioning of other persons.

Hotel, \$10 for each room and \$15 for each suite. "Hotel" includes every person engaged in the business of operating a place where the public may, for a consideration, obtain sleeping accommodations and meals and which, in an incorporated town, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests.

Income Tax Consultant, \$150. "Income Tax Consultant" includes every person, not licensed as an attorney or accountant under this section, engaged in the business of providing federal or state income tax assistance to other persons for a fee.

Incorporator, \$200. "Incorporator" includes every person engaged in the business of procuring corporate charters, or acting as resident, registration or transfer agent of domestic corporations, except attorneys-at-law having a license to practice such profession in this State.

Junk Dealer, \$30. "Junk Dealer" includes every person engaged in the business of buying and selling old iron, brass, lead, copper, or other metals, or combinations thereof, paper, old automobile tires, second-hand personal property of any kind or description whatever, commonly known as junk, and who is not a salvage yard operator as defined in this section.

Laundry Operator, \$100. "Laundry Operator" includes every person engaged in the business of operating a laundry, and/or of securing goods or fabrics to be so laundered whether the actual work of laundering such goods or fabrics is done within or without the State.

Manicurist, \$30. "Manicurist" includes every person engaged in the business of caring for the appearance of hands.

Manufacturer's Agent or Representative, \$75. "Manufacturer's Agent or Representative" includes every independent contractor in the business of representing one or more manufacturers for purposes of promoting the sale of the goods, product, or line of goods or products of such manufacturer or manufacturers within the State.

Mercantile Agency or Collection Agency, \$150. "Mercantile Agency or Collection Agency" includes every person engaged in the business of investigation of financial ratings and credit and/or the collection of commercial accounts for other persons, except attorneys-at-law having a license to practice such profession in this State.

Modeling or Charm School, \$100. "Modeling or Charm School" includes every person engaged in the business of teaching, or who holds himself out as capable of teaching, modeling, charm, poise or personal appearance to other persons of either sex. It includes courses in public speaking conducted for profit.

Motel, \$10 for each room. "Motel" includes every person engaged in the business of furnishing for a consideration, transient guests with sleeping accommodations, private bath and toilet facilities, linen service and a place to park an automobile, and who is not in the business of operating a hotel or tourist home as defined in this section.

Motion Picture Operator, \$250. "Motion Picture Operator" includes every person engaged in the business of displaying motion pictures for public entertainment regardless of the physical location of the projection facilities, and shall include drive-in theaters.

Motor Vehicle Serviceman, \$30. "Motor Vehicle Serviceman" includes every person engaged in the business of repairing, rebuilding, repainting, or otherwise re-conditioning of motor vehicles or their parts.

Music School, \$100. "Music School" includes every person engaged in the business of teaching music to 20 or more pupils for a consideration. It includes the teaching of musical composition as well as the instruction in the use of musical instruments.

Nursing, Rest or Convalescent Home (Private), \$50. "Nursing, Rest or Convalescent Home (Private)" includes every person engaged in the business of operating any institution, building, or agency in which accommodation is maintained furnished or offered for any fee, gift, compensation, or reward for the care of aged, infirm, chronically ill, or convalescent persons.

Optometrist, \$150. "Optometrist" includes every person qualified under the laws of the State to practice optometry and engaged in active practice of such profession.

Osteopath, \$150. "Osteopath" includes every person qualified under the laws of the State to practice osteopathy and engaged in active practice of such profession.

Parking Lot or Garage Operator, \$100 for the first lot or garage facility and \$25 for each additional facility. "Parking Lot or Garage Operator" includes every person engaged in the business of operating any motor vehicle parking facility whether open or enclosed, with space for ten or more vehicles.

Pawnbroker, \$75. "Pawnbroker" includes every person engaged in the business of lending money on pledge of tangible personal property, or purchasing the same on condition of returning it to the seller at a stipulated price, and of selling the property in default of the pawner.

Pharmacist, \$75. "Pharmacist" includes every person qualified under the laws of the State to practice pharmacy and engaged in active practice of such profession.

Photographer, \$75. "Photographer" includes every person engaged in the business of taking, making and/or developing photographs, or pictures by action of light for profit or reward. Transient photographers without a regular and established place of business within the State shall pay an additional license tax of \$25 for each day of operation within the State.

Physical Therapist, \$100. "Physical Therapist" includes every person engaged in the business of practicing physical therapy as defined in Chapter 26 of Title 24.

Physician and/or Surgeon, \$200. "Physician and/or Surgeon" includes every person qualified under the laws of the State to practice medicine and surgery and engaged in active practice of such profession.

Plant Nursery, \$50. "Plant Nursery" includes every person engaged in the business of operating a place where trees, shrubs, plants, and the like, are propagated from seed or otherwise for transplanting for use as stock for grafting and for sale.

Pool Table Operator, \$100. "Pool Table Operator" includes every person engaged in the business of managing or operating a pool or billiard table for public use. Where more than one table is operated, an additional license fee of \$10 per table shall be paid for the second table and for each additional table.

Private Detective Agency, \$100. "Private Detective Agency" includes every person engaged in the business of practicing as a private detective as defined in Chapter 13 of Title 24; provided nothing in this section shall be construed to include any person exclusively employed as a guard, watchman or private patrolman.

Professional Engineer, \$150. "Professional Engineer" includes every person qualified under the laws of the State to practice professional engineering and engaged in active practice of such profession.

Psychologist, \$150. "Psychologist" includes every person qualified under the laws of the State to practice psychology and engaged in active practice of such profession.

Public Accountant, \$75. "Public Accountant" includes every person actively engaged in the business of general public accounting who is not qualified and registered under the laws of the State to practice as a certified public accountant.

Public Bath Keeper, \$75. "Public Bath Keeper" includes every person engaged in the business of maintaining or operating for the use of the general public for profit, an establishment for baths of any kind or description.

Public Stenographer, \$35. "Public Stenographer" includes every person engaged in the business, whether full time or part time, of providing stenographic services to the general public.

Purchase Order System Operator, \$150. "Purchase Order System Operator" includes every person engaged in or holding himself out to do the business of selling orders for or furnishing or guaranteeing the credit on the account of any person for the purchase of goods, wares, or merchandise at any store or other

establishment for the profit of such operator, and shall include factors engaged in such activities, but shall not include persons engaged in a business otherwise herein defined as a finance or small loan agency, nor any bank, savings bank or other like financial institutions.

Real Estate Broker, \$175. "Real Estate Broker" includes every person certified as such by the Delaware Real Estate Commission and engaged in the real estate business. It includes those among such persons who deal exclusively or partly with rental property.

Real Estate Salesmen, \$50. "Real Estate Salesmen" includes every person certified as such by the Delaware Real Estate Commission and engaged in the real estate business. It includes those among such persons who deal exclusively or partly with rental property.

Sales Representative, \$30. "Sales Representative" includes every person whose occupation is to sell goods or merchandise door to door. It includes soliciting orders and home demonstrations.

Salvage Yard Operator, \$100. "Salvage Yard Operator" includes every person in the business of operating a junk yard, salvage yard, automobile graveyard or similar business dealing primarily with scrap metal, salvage materials, junked motor-vehicles and other such used or abandoned personal property.

Scientific Laboratory, \$150. "Scientific Laboratory" includes every person who operates as a private business for a profit a scientific or medical laboratory offering testing, research, analytical and other such technical services to the public.

Self Service Laundry or Dry Cleaner, \$75. "Self Service Laundry or Dry Cleaner" includes every person engaged in the business of operating a laundry or dry cleaning establishment where the objects to be cleaned may be and frequently are placed in and removed from the laundering and/or drying machines or other machines by the customers whether or not such machines are operated by deposit of coins and whether or not an attendant is available to assist the customers in the operation of the machines. A person operating a self service laundry shall not be regarded as a laundry operator within the meaning

of this section unless such person also operates laundry services which do not fall within the above definition of a self-service laundry or dry cleaner.

Showman, \$250. "Showman" includes every person engaged in the business of conducting or operating for profit a public theatre, house, or other enclosed place for the exhibition of stage shows or musical presentations, animal shows, carnivals for private profit, and all other amusements of like character.

Taxicab or Bus Operator, \$30, for the first motor vehicle; \$20, for each additional motor vehicle. "Taxicab or Bus Operator" includes every person engaged in the business of the operation of motor vehicles in transporting persons for hire in the accommodation of the general public.

Taxidermist, \$30. "Taxidermist" includes every person who prepares, stuffs or mounts the skins of birds, quadrupeds, fish or other animals for hire.

Television Repairman, \$30. "Television Repairman" includes every person engaged in the business of installing, adjusting, repairing, or reconditioning television receivers.

Telephone Answering Service, \$150. "Telephone Answering Service" includes every person engaged in the business of providing private operators or automatic equipment for answering private or business telephones in order to take messages from and/or provide information to callers on the lines thereby served.

Textile Renovator, \$75. "Textile Renovator" includes every person engaged in the business, other than in a private capacity, of pressing, cleaning, washing, scouring, bleaching, dyeing, or otherwise reconditioning and/or accepting for reconditioning any article of clothing, or of any woven or knitted fabric of every form and nature, whether the actual reconditioning is done within or without the State.

Tourist Home, \$5 for each room. "Tourist Home" includes every person who operates a place where tourists or transient guests, for a consideration, may obtain sleeping accommodations and which has at least 5 permanent bedrooms for the use of tourists or transient guests, and who is not in the hotel or motel business as defined in this section.

Trailer Park, \$4 for each trailer space. "Trailer Park" includes every person engaged in the business of operating any place or space where trailers may park and hook up to sanitary and/or electrical facilities.

Transportation Agent, \$50. "Transportation Agent" includes every person engaged in the business of selling tickets, on behalf of other persons, for transportation by common carriers on a commission basis or for profit.

Travel Agency, \$150. "Travel Agency" includes every person in the business of operating a full service travel bureau or department which assists in the planning and acquisition of tickets for contemplated trips of its customers by land, sea or air and for related accommodations.

Tree Surgeon, \$40. "Tree Surgeon" includes every person skilled in the science of tree care who presents himself to the public for compensation as a practicing tree expert, whether he terms himself tree expert, arborist, tree specialist, tree surgeon, et cetera.

Undertaker, \$200. "Undertaker" includes every person engaged in the business, and qualified under the law of the State to be so engaged, of undertakers and in active conduct thereof.

Veterinarian, \$150. "Veterinarian" includes every person qualified under the laws of the State to practice veterinary medicine and engaged in active practice of such profession.

Warehouseman, \$75. "Warehouseman" includes every person engaged in the business of public storage of tangible personal property, including all services in connection therewith.

Section 12. Section 2301, Chapter 23, Title 30, Delaware Code, is amended by striking subsection (b) thereof and substituting a new subsection (b), and by adding subsections (c) and (d) as follows:

(b) Upon every person engaging or continuing to engage in any service industry, business, calling or profession not otherwise specifically licensed and taxed under subsection (a) of this section, there is hereby levied and there shall be collected an annual general service license fee of \$30.

(c) Any person licensed under subsections (a) or (b) of this section whose business activity or operation is not limited solely to the rendition of services for other persons and who sells or exchanges goods or personal property of any kind shall be subject to the merchantile license fees set forth in Chapter 29 of this Part.

(d) Any person 65 years of age or older whose gross income is less than \$2,400 per year shall pay one-fourth ($\frac{1}{4}$) of the annual occupational license tax specified in subsection (a) of this section.

Section 13. Section 2302, Chapter 23, Title 30, Delaware Code, is amended by striking subsections (a) and (c) of said section and substituting in lieu thereof new subsections (a) and (c) as follows:

(a) Owners of coin operated vending machines and amusement machines, as referred to in Section 2301, of this Chapter, shall affix to each such machine a decalomania stamp to be provided by the Tax Department to evidence the payment of the respective license fee.

* * * *

(c) Whoever being the owner of a coin operated vending machine or amusement machine fails to affix to each such machine the decalomania stamp required by this section shall be fined not less than \$25 nor more than \$50 for each machine not having such stamp affixed.

Section 14. Chapter 25, Title 30, Delaware Code, is amended by striking out said Chapter as it presently exists and inserting in lieu thereof a new Chapter 25, as follows:

CHAPTER 25. CONTRACTORS' LICENSE REQUIREMENTS AND TAXES

§ 2501. Definitions

For purposes of this Chapter the following definitions shall apply:

"Contractor" includes every person engaged in the business of furnishing labor or both labor and materials in connection

with all or any part of the construction, alteration, repairing, dismantling, demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains and every other type of structure as an improvement, alteration or development of real property; a person is a contractor regardless of whether he is a general contractor or a subcontractor, or whether he is a resident or a nonresident.

"Gross receipts" includes all sums received by a contractor for any work done or materials supplied in connection with any real property located in the State of Delaware.

"Person" includes an individual, partnership, firm, cooperative, corporation or any association of persons acting individually or as a unit.

§ 2502. License requirements; license fee payable; rates; statements required

(a) Any resident person desiring to engage in business in this State as a contractor shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00). If quarterly payments thereafter are made in accordance with subsection (c) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the contractor makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) plus the license fee required in subsection (c) of this section.

(b) Any nonresident person desiring to engage in the business in this State as a contractor shall be subject to the same requirements as a resident contractor shall be subject to the same requirements as a resident contractor except that a nonresident shall be required to obtain a license for each single project and to pay the tax required by this Chapter for each single project and shall, as a condition to obtaining a license for each such project, post a bond equal to double the amount of the gross payment under the contract for such project multiplied by the rate set forth in subparagraph (c) of this section. The bond required by this section shall be entered upon such terms and conditions as shall be set forth in the regulations promulgated by the State Tax Commissioner.

(c) In addition to the license fee required by subsection (a) and (b) of this section, every contractor shall pay an annual license fee in quarterly installments payable on or before the first day of each of the months of November, February, May and August of each year at the rate of one-half of one per cent ($1\frac{1}{2}\%$) of the aggregate gross receipts paid to such contractor during the next preceding respective three-month period ending on the last day of the months of September, December, March, and June of each year. The license fee imposed for each three-month period referred to in the previous sentence shall be an amount equal to the excess of—(1) a fee imposed at the rate set forth in the previous sentence on the aggregate sum of all gross receipts paid to such contractor for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rate set forth in the previous sentence on the aggregate gross receipts paid to such contractor during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of all quarterly gross receipts included in computing the fee due.

(d) Notwithstanding the provisions of subsection (c) of this section, the license fee attributable to gross receipts paid to such contractor under contracts entered into prior to July 1, 1969, shall be payable on a quarterly basis and computed in the same manner as provided in subsection (c) except that the rate shall be one-tenth of one per cent ($1/10\%$) of the first \$100,000 of annual gross receipts and one-twentieth of one per cent ($1/20\%$) of all annual gross receipts in excess of \$100,000.

§ 2503. Duties of architects, mechanical engineers and general contractors as to non-resident contractors' licenses

Every architect, and/or mechanical engineer and/or general contractor engaging in the practice of such profession shall furnish to the State Tax Department within 10 days after any contract in the preparation or plans for which they were engaged are entered into with a contractor or subcontractor not a resident of this State, a statement of the total value of such con-

tract or contracts together with the names and addresses of the contracting parties. Failure to furnish each such statement shall subject each architect and/or mechanical engineer and/or general contractor to a penalty of \$25.00 which shall be collected and paid in the same manner as provided for the collection of delinquent licenses as provided in this title.

Every architect and/or mechanical engineer and/or general contractor engaging in the practice of such profession, before the payment of any award or amount payable to any contractor or subcontractor not a resident of this State, shall ascertain from said non-resident contractor or subcontractor and/or the State Tax Department, whether he has obtained a license and satisfied his liability to the State under this chapter, and if said license has not been obtained and the license liability paid by the non-resident contractor or subcontractor, the architect and/or mechanical engineer and/or general contractor shall deduct from the award or amount payable to said non-resident contractor or subcontractor the amount of said license liability and shall pay same to the State Tax Department within ten days after final payment and settlement with the non-resident contractor or subcontractor. Failure to ascertain the payment of license liability of any contractor or subcontractor not a resident of this State, by any architect and/or mechanical engineer and/or general contractor, in accordance with this section, shall render the architect and/or mechanical engineer and/or general contractor personally liable for the license liability of the non-resident contractor or subcontractor.

Section 15. Chapter 27, Title 30, Delaware Code, is amended by striking out said chapter as it presently exists and inserting a new Chapter 27, as follows:

CHAPTER 27. MANUFACTURERS' LICENSE REQUIREMENTS AND TAXES

§ 2701. Definitions

For the purposes of this Chapter the following definitions shall apply.

"Gross receipts" includes all proceeds received by any person engaged in manufacturing within this State for products

manufactured in whole or in part within this State where such products are sold to another person or the fair market value of any such products consumed by the manufacturer or any person affiliated with it where the fair market value of such products is not received; provided, however, if a product is partially manufactured within this State and partially manufactured elsewhere by the same manufacturer, the gross receipts realized on the ultimate sale, transfer or consumption of said product to be included for purposes of this chapter shall be apportioned to the State of Delaware in the proportion that the cost of manufacturing thereof in Delaware bears to the full cost of manufacturing the product expended by the same manufacturer, such apportionment to be computed in accordance with regulations of the State Tax Commissioner.

"Manufacturing", except as provided in the definition of "wholesaler" in section 2901 of this Part, includes any processing, working, development, change, conditioning or reconditioning of raw materials or products into products of a different character, finished or unfinished, or effecting any combination or composition of materials the inherent nature of which is changed.

"Person" includes an individual, partnership, firm, cooperative, corporation or any association of persons acting individually or as a unit.

"Product" includes any goods, materials, wares, merchandise, machinery, vehicles, solids, liquids or gases or any other item, object or thing which is produced as part of a manufacturing process.

§ 2702. License requirements; license fee payable; rates; statements required

(a) Any person desiring to engage in business in this State as a manufacturer shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business. If quarterly payments thereafter are made in accordance with subsection (b) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the manufacturer makes application therefor and payment to the State Tax Department of thirty

dollars (\$30.00) for each place of business plus the license fee required by subsection (b) of this section.

(b) In addition to the license fee required by subsection (a) of this section, every manufacturer shall pay an annual license fee in quarterly installments on or before the first day of each of the months of November, February, May and August of each year at the rate of one-tenth of one per cent (1/10%) of the aggregate gross receipts of such manufacturer during the next preceding respective three-month period ending on the last day of the months of September, December, March and June of each year. The license fee imposed for each three-month period referred to in the previous sentence shall be an amount equal to the excess of—(1) a fee imposed at the rate set forth in the previous sentence on the aggregate sum of all gross receipts of such manufacturer for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rate set forth in the previous sentence on the aggregate gross receipts of such manufacturer during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of all quarterly gross receipts included in computing the fee due.

§ 2703. Exemptions

This chapter shall not apply to the production or manufacture of steam, gas, or electricity for heat, light or power, or to the production of the usual farm products for home consumption or market purposes.

Section 16. Chapter 29, Title 30, Delaware Code, is amended by striking said chapter as it presently exists and inserting in lieu thereof a new Chapter 29 to read as follows:

CHAPTER 29. RETAIL AND WHOLESALE MERCHANTS' LICENSE REQUIREMENTS AND TAXES

§ 2901. Definitions

(a) "Goods" includes produce, merchandise, goods, wares,

items, products, crops, livestock, animals, metals, gems, or any tangible personal property of whatever description, whether new or used, and includes alcoholic beverages of every nature.

(b) "Gross receipts" includes total consideration received by a wholesaler or retailer for all goods sold within the State of Delaware.

(c) "Person" includes an individual, partnership, firm, cooperative, corporation or any association of persons acting individually or as a unit.

(d) "Purchase price" includes the value of any cash or other consideration paid or agreed to be paid by a retailer for the goods purchased by him for sale in the course of business; where a retailer has manufactured a product in whole or in part, his purchase price of a product includes the price of the component parts and the cost of manufacturing such product; purchase price does not include gasoline taxes paid or payable to the State under the provisions of Part IV of this Title.

(e) "Retailer," for purposes of this Part, except as provided in the definition of "Wholesaler," includes every person engaged as owner or agent in the business of selling or exchanging goods for cash or barter or any consideration on the assumption that the purchaser of such goods has acquired the same for ultimate consumption or use and not resale; and where engaged in the foregoing business, includes trading stamp redemption stores, and catalog stores; and includes branch stores, warehouses and houses and distributing depots of persons whose principal place of business is located inside or outside the State to the extent that goods are sold or exchanged for ultimate consumption or use and not resale.

(f) "Wholesaler," for purposes of this Part, includes:

(1) Every person engaged, as owner or agent, in the business of selling to or exchanging with another person goods for cash or barter or any consideration for the purpose of resale by the person acquiring the goods sold or exchanged, and includes without limitation goods sold or exchanged through outlets, warehouses and distribution depots of persons whose principal place of business is located inside or outside this State;

(2) Every person engaged in the processing of food or foodstuffs, which food or foodstuffs are to be resold by the person acquiring the food or foodstuffs from the person engaged in the processing. For purposes of this Part, every person engaged in the bakery, poultry processing or cannery business shall be considered engaged in the processing of food or foodstuffs and a wholesaler.

(3) Persons engaged in the business of buying, selling or shipping of grains and commercial feeds; and

(4) Persons engaged in the business of selling any form of combustible fuel for heating or cooking, regardless of whether purchased for resale or ultimate consumption.

§ 2902. Wholesaler license requirements; license fee payable; rates; statements required

(a) For the purposes of this section, "wholesaler" shall not include those wholesalers included in paragraphs (2) and (3) of section 2901 (f) of this chapter.

(b) Any person desiring to engage in business in this State as a wholesaler shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business. If quarterly payments thereafter are made in accordance with subsection (c) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the wholesaler makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) for each place of business plus the fee required by subsection (c) of this section.

(c) In addition to the license fee required by subsection (b) of this section, every wholesaler shall pay an annual license fee payable in quarterly installments on or before the first day of each of the months of November, February, May and August of each year at the rate of one-fifth of one per cent of the aggregate gross receipts attributable to all goods sold by the wholesaler within this State during the last preceding respective three-month period ending on the last day of the months of September, December, March and June. The license fee imposed for

each three-month period referred to in the previous sentence shall be an amount equal to the excess of —(1) a fee imposed at the rate set forth in the previous sentence on the aggregate sum of all gross receipts attributable to goods sold by the wholesaler within this State for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rate set forth in the previous sentence on the aggregate gross receipts attributable to goods sold by the wholesaler within this State during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of all quarterly gross receipts attributable to all goods sold included in computing the fee due.

§ 2903. Food processor license requirements; license fee payable; rates; statements required

(a) Every person described in paragraph (2), Section 2901 (f) of this chapter engaged in the business of food processor shall be exempt from the provisions of Section 2902 of this chapter and shall be subject to the provisions of this section.

(b) All persons defined in subsection (a) of this section desiring to engage in business in this State shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business. If quarterly payments thereafter are made in accordance with subsection (c) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the food processor makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) for each place of business plus the fee required by subsection (c) of this section.

(c) In addition to the license fee required by subsection (b) of this section, every food processor shall pay an annual license fee payable in quarterly installments on or before the first day of each of the months of November, February, May and August of each year at the rate of one-tenth of one per-

cent of the aggregate gross receipts attributable to all goods sold by the food processor within this State during the last preceding respective three-month period ending on the last day of the months of September, December, March and June. The license fee imposed for each three-month period referred to in the previous sentence shall be an amount equal to the excess of—(1) a fee imposed at the rate set forth in the previous sentence on the aggregate sum of all gross receipts attributable to goods sold by the food processor within this State for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rate set forth in the previous sentence on the aggregate gross receipts attributable to goods sold by the food processor within this State during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of all quarterly gross receipts attributable to all goods sold included in computing the fee due.

§ 2904. Grain and feed dealer license requirements; license fee payable; rates; statements required

(a) Every person described in paragraph (3), section 2901 (f) of this chapter engaged in the business of buying, selling and shipping grain and commercial feeds shall be exempt from the provisions of section 2902 of this chapter and shall be subject to the provisions of this section.

(b) All persons defined in subsection (a) of this section desiring to engage in business in this State shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business. If quarterly payments thereafter are made in accordance with subsection (c) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the grain and feed dealer makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) for each place of business plus the fee required by subsection (c) of this section.

(c) In addition to the license fee required by subsection (b) of this section, every grain and feed dealer shall pay an annual license fee payable in quarterly installments on or before the first day of each of the months of November, February, May and August of each year at the rate of one-twentieth of one per cent of the aggregate gross receipts attributable to all goods sold by the grain and feed dealer within this State during the last preceding respective three-month period ending on the last day of the months of September, December, March and June. The license fee imposed for each three-month period referred to in the previous sentence shall be an amount equal to the excess of (1) a fee imposed at the rate set forth in the previous sentence on the aggregate sum of all gross receipts attributable to goods sold by the grain and feed dealer within this State for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rate set forth in the previous sentence on the aggregate gross receipts attributable to goods sold by the grain and feed dealer within this State during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of all quarterly gross receipts attributable to all goods sold included in computing the fee due.

§ 2905. Retailer license requirements; license fee payable; rates; statements required

(a) Any person desiring to engage in business in this State as a retailer shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business. If quarterly payments thereafter are made in accordance with subsection (c) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the retailer makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) for each place of business plus the fee required by subsection (b) of this section.

(b) In addition to the license fee required by subsection (a) of this section every retailer shall pay an annual license fee at the rate of one-half of one percent ($\frac{1}{2}\%$) of the aggregate purchase price attributable to all goods purchased amounting to one hundred thousand dollars (\$100,000.00) or less for sale within this State; plus one per cent (1%) of the aggregate purchase price attributable to all goods purchased by the retailer in excess of one hundred thousand dollars (\$100,000.00) and up to and including one million dollars (\$1,000,000.00) for sale within this State; plus one and one-half per cent ($1\frac{1}{2}\%$) of the aggregate purchase price attributable to all goods purchased by the retailer in excess of one million dollars (\$1,000,000.00) for sale within this State. The aggregate purchase price attributable to all goods purchased upon which the license fee is computed shall be reduced by eight thousand dollars (\$8,000.00) annually.

(c) Every retailer shall pay the annual license fee in quarterly installments on or before the first day of each of the months of November, February, May and August of each year based upon all goods purchased by the retailer for sale within this State during the last preceding respective three-month period ending on the last day of the months of September, December, March and June.

(d) The license fee imposed for each three-month period referred to in this section shall be an amount equal to the excess of (1) a fee imposed at the rates set forth in subsection (b) on the aggregate sum of the purchase price of all goods purchased by the retailer for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rates set forth in the subsection (b) on the aggregate purchase price of all goods purchased by the retailer during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of the quarterly purchase price of all goods purchased for each quarter included in computing the fee due.

§ 2906. Restaurant retailer license requirements; license fee payable; rates; statements required

(a) Every person engaged in the business of operating a restaurant, snack bar, soda fountain, take-out food service, catering service, food or drink vending machine service, private eating or drinking club, or other eating establishment or service shall be exempt from the provisions of section 2905 of this chapter and shall be subject to the provisions of this section.

(b) All persons defined in subsection (a) of this section desiring to engage in business in this State shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business. If quarterly payments thereafter are made in accordance with subsection (d) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the restaurant retailer makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) for each place of business plus the fee required by subsection (c) of this section.

(c) In addition to the license fee required by subsection (b) of this section every restaurant retailer shall pay an annual license fee at the rate of one tenth of one per cent (1/10%) of the aggregate gross receipts attributable to all goods sold in excess of one hundred thousand dollars (\$100,000.00) up to and including one million dollars (\$1,000,000.00) within this State; plus one fifth of one per cent (1/5%) of the aggregate gross receipts attributable to all goods sold in excess of one million dollars (\$1,000,000.00) within this State.

(d) Every restaurant retailer shall pay an annual license fee in quarterly installments on or before the first day of each of the months of November, February, May and August of each year based upon all goods sold by the restaurant retailer within this State during the last preceding respective three-month period ending on the last day of the months of September, December, March and June.

(e) The license fee imposed for each three-month period referred to in this section shall be an amount equal to the excess of—(1) a fee imposed at the rates set forth in subsection (c)

on the aggregate sum of the gross receipts of all goods sold by the restaurant retailer for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rates set forth in subsection (c) on the aggregate gross receipts of all goods sold by the restaurant retailer during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of all quarterly gross receipts attributable to all goods sold included in computing the fee due.

§ 2907. Farm machinery retailer license requirements; license fee payable; rates; statements required

(a) To the extent that any person is engaged in the business of selling farm machinery, supplies or materials which are to be directly consumed or used by the purchaser in the conduct of any business, such person shall be exempt from the provisions of section 2905 of this chapter and shall be subject to the provisions of this section. All other sales by farm machinery retailers shall be governed by the provision of section 2905.

(b) All persons defined in subsection (a) of this section desiring to engage in business in this State shall obtain a license upon making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business. If quarterly payments thereafter are made in accordance with subsection (c) of this section, such license shall be valid until the first day of July at which time it may be renewed for a full year and every year thereafter provided that the farm machinery retailer makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) for each place of business plus the fee required by subsection (c) of this section.

(c) In addition to the license fee required by subsection (b) of this section, every farm machinery retailer shall pay an annual license fee payable in quarterly installments on or before the first day of each of the months of November, February, May and August of each year at the rate of one-twentieth of one

per cent of the aggregate gross receipts attributable to all goods sold by the farm machinery retailer for sale within this State during the last preceding respective three-month period ending on the last day of the months of September, December, March and June. The license fee imposed for each three-month period referred to in the previous sentence shall be an amount equal to the excess of—(1) a fee imposed at the rate set forth in the previous sentence on the aggregate sum of the gross receipts of all goods sold by the farm machinery retailer for the three-month period for which the quarterly installment is due and each of the preceding three-month periods to which the license is applicable, over (2) a fee imposed at the rate set forth in the previous sentence on the aggregate gross receipts of all goods sold by the farm machinery retailer during each of the three-month periods to which the license is applicable preceding the three-month period for which the installment is payable. The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of all quarterly gross receipts attributable to all goods sold included in computing the fee due.

§ 2908. Exemptions

(a) No person who is licensed as a manufacturer under Chapter 27 of this Part shall be required to be licensed under this chapter as a wholesaler or retailer in connection with the sale of goods he has manufactured in this State which are to be consumed or used by the purchaser in the conduct of any business; provided, however, the wholesaler and retailer licensing requirements and tax shall apply to all other goods sold by such person.

(b) This chapter shall not apply to the sale of unprocessed agricultural products by the owner or operator of a farm nor shall this chapter apply to the incidental sale by the owner or operator of a farm of processed agricultural products on the assumption that the purchaser of such products has acquired the same for consumption or use and not for resale.

(c) This chapter shall not apply to any transaction subject to the automobile dealer handling fee as set forth in section 3004 of this title.

(d) The provisions of chapter 29 shall not apply to any alcoholic liquor retailer licensed pursuant to the provisions of section 516 of title 4.

Section 17. A new Chapter 30, Title 30, Delaware Code, is added to read as follows:

**CHAPTER 30. MOTOR VEHICLE DOCUMENT FEE AND
AUTOMOBILE DEALER HANDLING FEE AND
LICENSE FEE**

§ 3001. Definitions

“Automobile dealer” includes every person in the business of buying, selling, or trading new or used motor vehicles, trailers, truck trailers or motorcycles.

“Motor vehicle”—the definition of motor vehicle shall be the same as that found in section 101, Title 21, Delaware Code.

“Motorcycle”—the definition of motorcycle shall be the same as that found in section 101, Title 21, Delaware Code.

“Owner”—the definition of owner shall be the same as that found in section 101, Title 21, Delaware Code.

“Purchase price”—means the value or any other consideration given by the owner to the seller for a motor vehicle; where trade-ins or allowances are given in conjunction with the purchase of any motor vehicle the purchase price shall be the gross purchase price less any trade-in or allowance given by the seller of the motor vehicle to the owner of said motor vehicle.

“Trailers”—the definition of trailers shall be the same as that found in section 101, Title 21, Delaware Code.

“Truck trailer”—the definition of truck trailer shall be the same as that found in section 101, Title 21, Delaware Code.

“Used vehicle”—the definition of used vehicle shall be the same as that found in section 101, Title 21, Delaware Code.

§ 3002. Motor Vehicle Document Fee

(a) There is imposed upon the sale, transfer or registration of any new or used motor vehicle, trailer or motorcycle in the State of Delaware, a motor vehicle document fee in the amount

of three-quarters of one per cent (.75%) of the purchase price of said vehicle, which fee is to be paid by the owner and shall be collected by the Department of Motor Vehicles for deposit in the General Fund. This motor vehicle document fee shall not be imposed on the sale, transfer or registration of motor vehicles, trailers or motorcycles in the following circumstances:

- (1) renewal registration in the name of the same owner;
- (2) motor vehicles, trailers or motorcycles which are transferred or sold for the purpose of resale; or
- (3) motor vehicles with three or more axles;
- (4) motor vehicles, trailers or motorcycles which are bought by the owner and registered outside the State and then are subsequently registered in the State pursuant to section 2102, Title 21, Delaware Code.

(b) The amount of the purchase price shall be evidenced by a notarized bill of sale.

§ 3003. Enforcement; rules and regulations

The Commissioner of the Department of Motor Vehicles shall have the power and authority to make, issue, promulgate and enforce such rules and regulations which shall not be inconsistent with the law as he shall deem necessary for administration and implementation provisions of section 3002, Title 30, Delaware Code.

§ 3004. Automobile Dealer Handling Fee and Payment

(a) Every automobile dealer shall pay a handling fee of two dollars (\$2.00) on the sale of every new or used motor vehicle, trailer, truck trailer or motorcycle sold to the owner thereof. The handling fee shall be paid in quarterly installments payable to the State Tax Department on or before the first day of each of the months of November, February, May and August of each year for the next preceding three-month period ending on the last day of the months of September, December, March and June of each year.

(b) The State Tax Department shall prescribe the form of the returns necessary for the payment of the handling fee in

such manner as it may deem necessary for the proper administration of this chapter.

§ 3005. Automobile Dealer License Fee

Every automobile dealer shall pay an annual license fee of \$100 to the State Tax Department.

Section 18. Title 30, Delaware Code, is amended by inserting therein a new Chapter 43, said new Chapter to read as follows:

CHAPTER 43. USE TAX ON LEASES OF TANGIBLE PERSONAL PROPERTY

§ 4301. Definitions

As used in this Chapter—

“Lease” means an agreement (either written or oral) under which a lessor grants to a lessee the right to use property for a specified period or at the will of either the lessor or lessee. An agreement which purports to be a sale but which is in substance a lease shall be considered a lease.

“Lessor” means any person who grants a lease.

“Lessee” means any person to whom a lease is made.

“Person” means and includes an individual, partnership, firm, cooperative, corporation or any association of persons acting individually or as a unit.

“Person required to collect the tax” shall include every lessor of property the use of which is subject to tax under §4302 of this title, and shall also include any officer or employee of a corporate lessor of such property and any member of a partnership lessor of such property.

§ 4302. Imposition of tax on lessees

There is hereby imposed on every lessee a use tax for the use within this State on and after July 1, 1969 under a lease of tangible personal property (other than household furniture, household fixtures or household furnishings), equal to two per cent (2%) of the rent under such lease.

§ 4303. Collection of tax

(a) Every person required to collect the tax under this chapter shall collect the tax from the lessee when collecting the rent under the lease to which the tax applies. Th tax shall be paid to the person required to collect it as trustee for and on account of the State.

(b) For the purpose of the proper administration of this chapter and to prevent evasion of the tax hereby imposed, it shall be presumed that all rental payments under leases are subject to the tax until the contrary is established and the burden of proving that any rental payment is not taxable hereunder shall be upon the person required to collect the tax or the lessee.

§ 4304. Liability for the tax

(a) Every person required to collect the tax imposed by this chapter shall be personally liable for the tax imposed, collected, or required to be collected under this chapter. Any such person shall have the same right in respect to collecting the tax from his lessee or in respect to non-payment of the tax by the lessee as if the tax were part of the rent and payable at the same time.

(b) Where a lessee has failed to pay the tax imposed by this chapter to the person required to collect the same, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the lessee directly to the State Tax Department and it shall be the duty of the lessee to file a return with the State Tax Department and to pay the tax to it within 20 days of the date the tax was required to be paid.

(c) The State Tax Department may, whenever it deems it necessary for the proper enforcement of this chapter, provide that a lessee shall file returns and pay directly to the State Tax Department any tax imposed under this chapter at such time as returns are required to be filed and payment made by the persons required to collect the tax.

§ 4305. Licensing of lessors; license fee payable

On or before August 1, 1969, or in the case of persons

commencing business as lessors after such date within twenty days after such commencement, every person desiring to engage in business in this State as a lessor shall obtain a license by making application to the State Tax Department and paying a fee of thirty dollars (\$30.00) for each place of business within this State. Such license shall be valid until the first day of July, at which time it may be renewed for a full year and every year thereafter, provided that the lessor makes application therefor and payment to the State Tax Department of thirty dollars (\$30.00) for each place of business within this State, plus compliance with the provisions of this chapter.

§ 4306. Records to be kept

Every person required to collect the tax under this chapter shall keep records of every lease the rent under which is subject to tax under this chapter in such form as the State Tax Department may require. Such records shall be available for inspection and examination at any time upon demand by the State Tax Department and shall be preserved for a period of six years, except that the State Tax Department may consent to their destruction within that period or may require that they be kept longer.

§ 4307. Filing returns and payment of tax

(a) Every person required to register with the State Tax Department under §4305 of this title shall file a return quarterly with the State Tax Department showing the amount of rental payments received during the period covered by the return which are subject to tax under this chapter, and the amount of taxes required to be collected with respect to such use.

(b) The returns required by this section shall be filed on or before the first day of each of the months of November, February, May and August of each year for the next preceding three month period ending on the last day of the months of September, December, March and June of each year.

(c) The form of returns shall be prescribed by the State Tax Department and shall contain such information as it may deem necessary for the proper administration of this chapter.

(d) Every person required to file a return under this section shall, at the time of filing such return, pay to the State Tax Department the tax imposed by this chapter. All the taxes for the period for which the return is filed shall be due and payable to the State Tax Department on the date prescribed for filing the return for such period without regard to whether a return is filed or whether the return which is filed correctly shows the taxes due.

Section 19. Chapter 53, Title 29, Delaware Code, is amended by striking the title of said chapter and substituting in lieu thereof a new title as follows:

TOBACCO PRODUCT TAX

Section 20. Section 5301, Chapter 53, Title 30, Delaware Code, is amended by striking said section and substituting in lieu thereof a new section as follows:

§ 5301. Definitions

As used in this chapter—

(a) "Affixing agent" means any tobacco products dealer or any other person within or without this State appointed by the Tax Department as an agent to affix the stamps to be used in paying the excise tax imposed by this chapter. The first vendor who has possession of unstamped tobacco products in this State for sale in this State shall be deemed an affixing agent.

(b) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and irrespective of the tobacco being flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(c) "Tobacco product tax stamps" means any adhesive stamps, tax meter impression or other stamps, labels or prints authorized by the Tax Department to evidence the payment of the tax imposed by this chapter.

(d) "Tobacco product vending machine" means any mechanical device from which tobacco products are dispensed for a consideration.

(e) "Consumer" means any person who has possession of tobacco products for any purpose other than transportation or sale thereof.

(f) "Package" or "pack" means, as to cigars, the smallest individual container which contains more than one cigar in or from which retail sales are normally made or intended to be made, and means, as to other tobacco products, the smallest individual container in or from which retail sales of such products are normally made or intended to be made.

(g) "Place of business" means any place where tobacco products are sold, or where tobacco products are bought or kept for the purpose of sale or consumption, including so far as applicable, any vessel, airplane, train or vending machine dispensing tobacco products.

(h) "Retail dealer" means any person who purchases or receives stamped tobacco products from any source whatsoever for the purpose of sale to the ultimate consumer.

(i) "Sale" means in addition to its usual meaning, any sale, transfer, exchange, theft, barter, gift, or offer for sale and distribution, in any manner or by any means whatsoever.

(j) "Tax Department" or "Department" means the State Tax Department.

(k) "Tax Commissioner" or "Commissioner" means the State Tax Commissioner.

(l) "Unstamped tobacco products" means any pack or package of tobacco products to which the proper amount of genuine Delaware tobacco product tax stamps has not been affixed.

(m) "Use" means the exercise of any right or power over tobacco products including the retention for any length of time for any purpose other than sale or transportation as allowed under the provisions of this chapter.

(n) "Wholesale dealer" means any person who regularly sells tobacco products within this State to others who buy for the purpose of resale.

(o) "Vending machine operator" means any person who

places one or more vending machines, owned, leased or operated by him, at locations where tobacco products are sold therefrom. The owner or lessee of the premises upon which a vending machine is placed, shall not be considered the operator of the machine, if he does not own or lease the machine and if his sole remuneration therefrom is a flat rental fee or a commission, based upon the number or value of tobacco products sold from the machine, or a combination of both.

(p) "Tobacco products" means all products, including but not limited to cigarettes, cigars and pipe tobacco, made primarily from tobacco for individual consumption.

Section 21. Section 5305, Chapter 53, Title 30, Delaware Code, is amended by striking said section and substituting in lieu thereof a new section as follows:

§ 5305. Levy of tax, limitation; exemption

(a) An excise tax is imposed and assessed upon the sale or use of cigarettes within this State at the rate of five and one-half cents per ten cigarettes, or fraction thereof. This tax shall apply only once to the same pack of cigarettes.

(b) An excise tax is imposed and assessed upon the sale or use of all tobacco products other than cigarettes within this State at the rate of 30% of the wholesale price on such product. This tax shall apply only once to the same pack or package of a tobacco product.

(c) No tax imposed by this chapter shall be levied upon the possession or sale of tobacco products which this State is prohibited from taxing under the Constitution or statutes of the United States.

(d) If the seller and purchaser have registered with the Department and obtained exemption certificates, the following sales are exempt:

(1) Sales to veterans' organizations approved by the Department, if the tobacco products are being purchased by the organization for gratuitous issue to veteran patients in federal, state, or state-aided hospitals.

(2) Sales to patients in Veterans Administration Hospitals by retail dealers located in such hospitals.

Section 22. Section 5308, Chapter 53, Title 30, Delaware Code, is amended by striking the figure "\$1" from subsection (b) and substituting the figure "\$5", and by striking the figure "\$1" from subsection (c) and substituting the figure "\$10".

Section 23. Sections 5306, 5307, 5308, 5309, 5315, 5316, 5317, 5318, 5321, 5322, 5324, 5325, 5326, 5327, 5330, 5341, 5344, 5345, 5351, 5352, 5353, 5354, Chapter 53, Title 30, Delaware Code, are amended by striking the word "cigarette" wherever it appears and substituting in lieu thereof the words "tobacco product" and by striking the word "cigarettes" wherever it appears and substituting in lieu thereof the words "tobacco products".

Section 24. Subchapter II, Chapter 53, Title 30, Delaware Code, is amended by adding a new section as follows:

§ 5319. Alternate method of collection; other tobacco products

If in the judgment of the Department the collection of the excise tax imposed in Section 5305 of this chapter upon tobacco products other than cigarettes will be more efficiently and economically collected by a system which does not employ tax stamps as authorized by this chapter, such alternative system may be utilized by the Department in its discretion. Such alternative system may include self-assessment by any wholesale or retail tobacco products dealer on forms supplied by the Department. If instituted such alternative collection system shall be set forth in the rules and regulations of the Department, which shall be distributed to all affected dealers at least ninety days in advance of the effective date of such rules and regulations.

Section 25. Section 5324, Chapter 53, Title 30, Delaware Code, is amended by striking said section and substituting a new section as follows:

§ 5324. Sample packs

The Department shall promulgate regulations governing

the receipt, distribution of, and the payment of tax on sample packs of tobacco products used for free distribution. Such regulations may provide that any licensed dealer may receive and make free distribution of sample packs of tobacco products without affixing Delaware tobacco product tax stamps thereto so long as the proper tax thereon has been paid.

Section 26. Section 5328, Chapter 53, Title 30, Delaware Code, is amended by striking said section and substituting a new section as follows:

§ 5328. Invoices or delivery tickets and purchase orders required in certain cases

Every person who shall possess or transport 10 or more packs or packages (or an equivalent amount unpackaged) of unstamped tobacco products upon the public highways, roads or streets of this State for the purpose of delivery, sale or disposition shall be required to have in his possession invoices or delivery tickets and purchase orders for such tobacco products which shall show the true name and complete and exact address of the consignor or seller, the true name and complete and exact address of the person transporting the tobacco products, the quantity and brand of the tobacco products transported, and the true name and complete and exact address of the person who has been licensed to assume the payment of the Delaware tax or the tax, if any, of the state or foreign country at the point of ultimate destination; provided, that any common carrier which has issued a bill of lading for shipment of tobacco products and is without notice to itself or to any of its agents or employees that said tobacco products are not stamped as required by this chapter, shall be deemed to have complied with this chapter. The absence of such proper invoices or delivery tickets and purchase orders shall be prima facie evidence that such person is in violation of this chapter and subject to the penalties of this chapter.

Section 27. Section 5342, Chapter 53, Title 30, Delaware Code, is amended by striking said section and substituting a new section as follows:

§ 5342. Possession of untaxed tobacco products

(a) No person, not being an affixing agent or not holding an unexpired exemption certificate, shall have in his possession within this State 10 or more packs or packages (or an equivalent amount unpackaged) of tobacco products upon which the Delaware tobacco product tax has not been paid, or to which Delaware Tobacco product tax stamps are not affixed in the amount required.

(b) Whenever any tobacco products are found at the place of business of a dealer, whether a stamp affixing agent or not, and such tobacco products do not have the proper amount of stamps affixed and cancelled, or it is determined that the Delaware tobacco product tax has not been paid on such tobacco products, and the boxes, cartons or other containers have not been marked as having been received within 72 hours, such dealer shall be deemed guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$1000, or imprisoned not more than 90 days, or both.

Section 28. Section 555, subchapter IV, Chapter 4, Title 28, Delaware Code, is amended by striking subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) as follows:

(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% 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, plus one-half of the odd cents of all redistributions to be made on pari-mutuel or totalizator pool contributions exceeding the sum equal to the lowest multiple of 10, such odd cents to be calculated upon the basis of each dollar wagered. 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 the payment to be correct, it shall forthwith transmit the check to the State Treasurer.

Section 29. Section 2301, Chapter 23, Title 21, Delaware Code, is amended by adding subsection (c) as follows:

(c) The Department shall not register any motor vehicle, trailer or motorcycle after July 1, 1969, until the motor vehicle document fee imposed by title 30, section 3002, has been paid to the Department, unless such motor vehicle is exempted from such fee by title 30, Section 3002.

Section 30. Section 581 (a), subchapter VIII, Chapter 4, Title 4, Delaware Code, is amended by striking from subpart (4) thereof the figure "\$1.15" and substituting in lieu thereof the figure "\$1.65".

Section 31. If any chapter, section, subsection, sentence, phrase, or word of this Act is declared unconstitutional under the Constitution of the State of Delaware or of the United States, by any State or federal court of competent jurisdiction, or is otherwise held to be invalid, the remainder of this Act shall be unimpaired and shall continue in full force and effect and criminal prosecutions thereunder shall not be affected.

Section 32. This Act shall be inapplicable to criminal offenses any element of which occurred prior to the effective date hereof. Prosecutions for violations relating to unstamped or untaxed cigarettes committed before the effective date hereof shall be governed by the prior law contained in Chapter 53, Title 30, Delaware Code, which is continued in effect for such purposes. Pending forfeiture proceedings shall likewise be resolved pursuant to the law in effect prior to the effective date of this Act.

Section 33. This Act shall be effective July 1, 1969; provided, however, that the one per cent increase of corporation income tax (resulting in a six per cent rate) embodied in Section 1 hereof shall only apply to taxable income attributable to the period after June 30, 1969. Where a corporate taxpayer's income year begins before July 1, 1969 but ends on or after such date, the taxpayer's total taxable income for such income year shall be apportioned to the period prior to that date and to the period beginning with that date on the ratio that the number of calendar days in each period is to 365 days. The taxable income apportioned to the period prior to July 1, 1969 shall be

taxed at the rate under the prior law of five per cent and the taxable income apportioned to the period beginning July 1, 1969 shall be taxed at six per cent as provided in Section 1 of this Act.

Approved June 12, 1969.

CHAPTER 137

AN ACT TO AMEND TITLE 19, DELAWARE CODE, PERTAINING TO EMPLOYMENT PRACTICES.

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

Section 1. Section 702, Title 19, Delaware Code, is repealed and a new section is enacted to read as follows:

§ 702. Order on employer to pay employee's loan carrying excessive interest rate; penalty for payment

No employer in this State shall knowingly pay any warrant or order, issued by any employee against his salary and intended to be in payment or part payment of any indebtedness due any person for borrowed money, in cases where a greater rate of interest than lawful has been received or charged for such borrowed money.

Any employer, whether an individual, member of a firm, agent, or officer of a corporation, who shall knowingly violate the provisions of this section, shall be fined not less than \$100 nor more than \$500, and in the default of payment of such fine, together with the costs, may be imprisoned for not more than 6 months.

Approved June 12, 1969.

CHAPTER 138

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DE-
PARTMENT FOR PROMOTION OF THE STATE OF
DELAWARE AT THE 50TH ANNUAL NATIONAL CON-
VENTION OF UNITED STATES JAYCEES IN LOUIS-
VILLE, KENTUCKY.**

*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, 1969 for the purpose of promoting the State of Delaware at the 50th Annual National Convention of United States Jaycees to be held in June, 1969, in Louisville, Kentucky.

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, 1969.

Approved June 12, 1969.

CHAPTER 139

AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, PERTAINING TO THE COMPOSITION, APPOINTMENT, TERM, QUALIFICATIONS, VACANCIES, QUORUM, AND CHAIRMAN OF THE PUBLIC SERVICE COMMISSION.

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

Section 1. Section 102, title 26, Delaware Code, is amended to read as follows:

§ 102. Composition; appointment; term; qualifications; vacancies; chairman

(a) The Public Service Commission shall consist of 5 members each of whom shall be appointed by the Governor and confirmed by a majority of the members elected to the Senate. Not more than 3 of the Commissioners shall be a member of the same political party. One of the members shall be a resident of the City of Wilmington, two of the members shall be a resident of Rural New Castle County, one of the members shall be a resident of Kent County, and one of the members shall be a resident of Sussex County. Each person appointed as a member of the Commission shall be at least 30 years of age.

(b) The original appointments of the members of the Commission authorized to be appointed by this Act shall be staggered so that one Commissioner shall be appointed for a term of 1 year, one Commissioner shall be appointed for a term of 2 years, one Commissioner shall be appointed for a term of 3 years, one Commissioner shall be appointed for a term of 4 years, and one Commissioner shall be appointed for a term of 5 years, and thereafter all such Commissioners shall be appointed for a term of 5 years.

(c) A Commissioner shall continue to reside in the political subdivision of which he was a resident at the time of his appointment.

(d) In case of a vacancy on the Commission for any

reason other than expiration of the term of office, the Governor shall fill such vacancy for the unexpired term by and with the consent of a majority of the members elected to the Senate.

(e) The Governor shall designate one of the Commissioners as Chairman of the Commission.

Section 2. Section 106, title 26, Delaware Code, is amended to read as follows:

§ 106. Quorum

A majority of the members of the Commission shall constitute a quorum and shall be sufficient for any action by the Commission.

Section 3. The provisions of this Act Amending Section 102 of Title 26 shall not affect the terms of the member of the Commission serving at the time this Act becomes law and they shall continue to serve out the terms for which they were originally appointed unless they resign or die. Upon the expiration of the term of office of any member serving at the time this Act becomes law, or in the event that such member resigns or dies, his position on the Commission shall be abolished.

Section 4. The initial appointment of members to the Public Service Commission, as authorized by Section 1 of this Act, shall not be limited by the existence of holdover members of the Commission, therefore, the Governor may make the initial appointments authorized by Section 1 of this Act without being limited in any way by the existence of holdover members of the Commission in office at the time this Act becomes law.

Approved June 13, 1969.

CHAPTER 140

AN ACT TO AMEND CHAPTER 47, TITLE 29, DELAWARE CODE RELATING TO THE BOARD OF POST-MORTEM EXAMINERS AND THE POST OF CHIEF STATE MEDICAL EXAMINER AND TO REPEAL CHAPTER 95, TITLE 9, DELAWARE CODE RELATING TO CORONERS.

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

Section 1. Chapter 47, Title 29, Delaware Code, is hereby repealed in its entirety and the following new Chapter 47 is enacted in lieu thereof:

**CHAPTER 47. BOARD OF POST-MORTEM EXAMINERS
(NEW)**

Sec.

- 4701. Creation
- 4702. Composition and President of Board
- 4703. Appointment of Chief Medical Examiner
- 4704. Qualifications of Chief Medical Examiner
- 4705. Compensation of Chief Medical Examiner
- 4706. Rules and regulations
- 4707. Appointment of professional and other personnel
- 4708. Duties of Medical Examiners
- 4709. Office and equipment
- 4710. Investigation of deaths
- 4711. Post-mortem examination; autopsy reports
- 4712. Power to administer oaths
- 4713. Records and reports; evidence
- 4714. Burial of body by State

§ 4701. Creation

There is created a Board of Post-Mortem Examiners for the State of Delaware.

§ 4702. Composition and President of Board

(a) The Board shall consist of the President of the State Board of Health, the Attorney General or a Deputy Attorney General designated by him, the Superintendent of the State Police or a member of the State Police designated by him, a physician resident of each County of this State licensed to practice in the State of Delaware to be appointed by the Governor of this State from a list of physicians submitted by the Council of the Medical Society of Delaware, and an osteopathic physician resident and licensed to practice in the State of Delaware to be appointed by the Governor of this State from a list of physicians submitted by the Delaware State Osteopathic Medical Society. The persons appointed by the Governor shall be confirmed by a majority of the members elected to the Senate.

(b) The original appointments of the physicians, authorized to be appointed by this Act, shall be staggered so that one person shall be appointed for a term of 1 year, one person shall be appointed for a term of 2 years, one person shall be appointed for a term of 3 years and one person shall be appointed for a term of 4 years and thereafter all such persons shall be appointed for a term of 4 years and may be reappointed.

(c) In case of a vacancy on the Board of any person mentioned in (b) above for any reason other than expiration of the term of office, the Governor shall fill such vacancy for the unexpired term, from lists as prescribed in (a) above, by and with the consent of a majority of the members elected to the Senate.

(d) The members of the Board shall serve without compensation except for necessary travel expenses, and the President of the State Board of Health shall act as President of the Board.

§ 4703. Appointment of Chief Medical Examiner

The Board shall appoint a Chief Medical Examiner for a term of 10 years, subject to reappointment, but always subject to removal for cause. The Chief Medical Examiner shall act as the Executive Secretary of the Board.

§ 4704. Qualifications of Chief Medical Examiner

The Chief Medical Examiner shall be a physician licensed

to practice in the State of Delaware who shall be a Board certified pathologist and preference shall be given to applicants with training and experience in the field of forensic pathology.

§ 4705. Compensation of Chief Medical Examiner

The Chief Medical Examiner shall be compensated at a rate to be determined by the Board. He shall also be reimbursed for any necessary travel expenses.

§ 4706. Rules and regulations

The Board may adopt and promulgate rules and regulations to carry into effect the provisions of this chapter.

§ 4707. Appointment of professional and other personnel

(a) The Chief Medical Examiner may appoint, with the approval of the Board, two Assistant Medical Examiners who shall be physicians with 2 years or more of training or experience in Pathology; and necessary numbers of Deputy Medical Examiners who shall be practicing physicians; and a Toxicologist who shall have a Ph.D. degree in Toxicology or Pharmacology or a Master degree in Toxicology or Pharmacology with a minimum of 3 years of experience in Analytical Toxicology; at such compensation as shall be determined by the Board. The Chief Medical Examiner may also appoint in accordance with the State Merit System Regulations, other technical, clerical and other personnel as may be necessary for proper administration of his office.

(b) The Chief Medical Examiner may employ, with the approval of the Board, physicians on a contract basis for part-time services, as may be required. All professional, technical and clerical personnel appointed by the Chief Medical Examiner in accordance with the provisions of this section are directly responsible to the Chief Medical Examiner and are subject to removal by him for cause, in accordance with the State Merit System Regulations.

§ 4708. Duties of Medical Examiners

(a) It shall be the duty of the Chief Medical Examiner, the Assistant Medical Examiners and the Deputy Medical Ex-

aminers to attend to all the medical and other functions now devolving upon the coroners, deputy coroners, and coroners' physicians in the counties of this State and in the City of Wilmington, and to perform all the duties imposed upon them by the provisions of this chapter.

(b) The Chief Medical Examiner shall at all times be subject to the order and directions of the Board of Post-Mortem Examiners.

§ 4709. Office and equipment

The Office of the Chief Medical Examiner shall be maintained in a suitable place which shall be designated by the Board. The Board shall provide or arrange for proper and necessary equipment for use of the Medical Examiners.

§ 4710. Investigation of deaths

(a) When any person shall die in this State, as a result of violence, or by suicide, or by casualty if such occurred not longer than one year and one day prior to death, or while under anesthesia, or by abortion or suspected abortion, or by poison or suspicion of poison, or suddenly when in apparent health or when unattended by physician, or in any prison or penal institution, or when in police custody, or from a disease resulting from employment including disease related to injury, or from an undiagnosed cause which may be related to a disease constituting a threat to public health, or in any suspicious or unusual manner, or if there is any unclaimed body, or if any body is to be cremated, it shall be the duty of the person having knowledge of such death or the person issuing a permit for cremation under the provisions of Section 3162, Title 16, immediately to notify the Chief Medical Examiner, an Assistant Medical Examiner or a Deputy Medical Examiner, as the case may be, who in turn shall notify the Attorney General, of the known facts concerning the time, place, manner and circumstances of such death. Any person who shall willfully neglect or refuse to report such death, or who shall refuse to make available prior medical or other information pertinent to the death investigation, or who without an order from the office of the Chief Medical Examiner, shall willfully touch, remove or disturb the

clothing or any article upon or near such body shall be declared guilty of a misdemeanor and upon conviction be subject to imprisonment for not more than one year or pay a fine of not more than one thousand dollars (\$1,000.00) or both such fine and imprisonment.

(b) Immediately upon receipt of such notification, the said Medical Examiner shall take charge of the dead body if either he or the Attorney General shall deem it necessary.

(c) Such Medical Examiner shall fully investigate the essential facts concerning the medical causes of death and may take the names and addresses of as many witnesses thereto as may be practicable to obtain and shall reduce such facts as he may deem necessary to writing and file the same in the office of the Chief Medical Examiner.

(d) Such Medical Examiner or his duly authorized investigator, in the absence of the next of kin, shall take possession of the personal property found on the deceased and make an exact inventory thereof on his report. If necessary an attending police officer may take temporary possession of such property in behalf of such Medical Examiner or his authorized investigator.

(e) Such Medical Examiner shall take possession of any object or articles which, in his opinion, may be useful in establishing the identity of the deceased person or the cause of death, and deliver them to the Attorney General. The balance of the personal property of the deceased remaining in the possession of the Medical Examiner shall be released to the next of kin of the deceased, or the personal representative of the deceased.

§ 4711. Post-mortem examination; autopsy reports

(a) When the cause of death shall have been established within reasonable medical certainty by a Medical Examiner, he shall prepare a written report and file it in the office of the Chief Medical Examiner within 30 days after his investigation of such deaths.

(b) If, however, in the opinion of such Medical Examiner an autopsy is necessary in the public interest or as shall be requested by the Attorney General, the same shall be performed by

the Chief Medical Examiner, an Assistant Medical Examiner or by such other competent pathologists as may be designated by the Chief Medical Examiner. No person who authorizes or performs an autopsy pursuant to the provisions of this chapter shall be liable in any civil action for damages.

(c) A detailed report of the findings written during the progress of such autopsy, and related laboratory analysis, and the conclusions drawn therefrom, shall be filed in the office of the Chief Medical Examiner.

§ 4712. Power to administer oaths

The Chief Medical Examiner, the Assistant Medical Examiners and the Deputy Medical Examiners shall in the course of investigation of a death have the power to administer oaths and affirmations, and take affidavits and make examinations as to any matter within the jurisdiction of their respective offices, but the Chief Medical Examiner, Assistant Medical Examiners, and Deputy Medical Examiners, shall not have the power or be required to summon a jury of inquisition.

§ 4713. Records and reports; evidence

(a) It shall be the duty of the Chief Medical Examiner to keep full and complete records in his office, properly indexed, giving the name, if known, of every deceased person investigated, the place where the body was found, the date and the cause of death, and all other available information relating thereto. The original report of Medical Examiners, and the detailed findings of the autopsy and subsequent laboratory examinations, if any, shall be attached to the record of each case.

(b) The Chief Medical Examiner shall deliver to the Attorney General copies of all records relating to every death in which, in the judgment of the investigating Medical Examiner, further investigation may be deemed advisable.

(c) The Attorney General may obtain from the office of the Chief Medical Examiner copies of all records or other information which he may deem necessary.

(d) The records of the office of the Chief Medical Exam-

iner prepared by the Chief Medical Examiner or by anyone under his direction or supervision, or a true copy thereof certified by the Chief Medical Examiner, shall be received as competent evidence in any Court in this State of the matters and facts therein contained.

§ 4714. Burial of body by State

In any case, where it is incumbent on the State or any political subdivision thereof to bury a person found dead, the Chief Medical Examiner shall procure an undertaker to bury the body, who upon presenting a bill to the Treasurer of the State of Delaware, approved by the Chief Medical Examiner, shall be allowed and paid by the State Treasurer, the sum of \$100 for the burial of an adult person, and the sum of \$75 for the burial of a child.

Section 2. Chapter 95, Title 9, Delaware Code, is hereby repealed in its entirety.

Section 3. The provisions of any act or parts of acts or laws of this State which are inconsistent with this Act are repealed as to such inconsistency.

Section 4. This act shall become effective on July 1, 1970.

Approved June 14, 1969.

CHAPTER 141

AN ACT TO AMEND TITLE 21, SECTION 4103 (b), RELATING TO OBEDIENCE TO POLICE OFFICERS.

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

Section 1. Title 21, Section 4103 (b) is amended by deleting this subsection in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

(b) Any driver who, having received a visual or audible signal from a police officer identifiable by uniform, by motor vehicle, or by a clearly discernible police signal to bring his vehicle to a stop, operates his vehicle in disregard of the signal or interferes with or endangers the operation of the police vehicle, or who increases his speed or extinguishes his lights and attempts to flee or elude the police officer, shall be fined for the first offense, not less than \$500 nor more than \$2000 or imprisoned for not less than 60 days nor more than 6 months, or both. Upon receiving notice of such conviction the Commissioner, at his discretion, may forthwith revoke the operator's or chauffeur's license of the person so convicted for a period of two years. For each subsequent like offense, he shall be fined not less than \$1000 nor more than \$3000 and imprisoned not less than 60 days nor more than 18 months. Upon receiving a court notice of conviction for a subsequent like offense, the Commissioner shall revoke the operator's or chauffeur's license for an additional three year period.

Approved June 14, 1969.

CHAPTER 142

AN ACT TO AMEND CHAPTER 49, TITLE 10, DELAWARE CODE, RELATING TO NOTICE OF PUBLIC SALE OF REAL ESTATE.

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

Section 1. Section 4973 (a), Title 10, Delaware Code, is amended by striking the sentence "Notice of such sale shall also be advertised for two weeks previous to the time of the sale in two newspapers of general circulation published in the county wherein the property is situated to be selected by the sheriff." where it appears therein and inserting in lieu thereof the following:

Notice of such sale shall also be advertised for two weeks previous to the time of the sale in (1) a newspaper of general circulation published in the county wherein the property is situated and (2) a newspaper of general or limited circulation published nearest to the place where the property is situated. Both newspapers are to be selected by the sheriff.

Approved June 14, 1969.

CHAPTER 143

AN ACT TO INCORPORATE THE TOWN OF SOUTH BETHANY.

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

Section 1. Incorporation

The Commissioners elected pursuant to Section 36 and their successor in office chosen as hereinafter provided shall hereby be constituted a body politic and corporate, in fact and in law, shall be known as the "Commissioners of South Bethany", and shall have a common seal and may sue and be sued by that name.

Section 2. Boundaries

The boundaries of the Town of South Bethany are hereby established and declared to be as follows:

Beginning at an iron pipe at the high water line of the Atlantic Ocean at a corner for the lands of York Beach, Inc.; thence with the high water line of the Atlantic Ocean northerly a distance of approximately 3,180 feet to the line of the Middlesex Development; thence in a west northwest direction with the line of the Middlesex Development to a common corner for Middlesex and South Bethany; thence westerly and perpendicular to Canal Drive to the center of the Assawoman Canal; thence southeasterly along the center of the Canal to the Jefferson Creek Canal; thence along Jefferson Creek to the east until a point in the center of the lagoon separating South Bethany and York Beach, Inc.; thence along the center line of said lagoon easterly until the lagoon turns at right angle to the south; thence southerly along the center of said lagoon until the end of said lagoon; thence from the last mentioned point in a straight line, a distance of approximately 1,100 feet, easterly to the iron pipe at the high water line of the Atlantic Ocean, the point of the BEGINNING.

The commissioners of South Bethany, as hereinafter defined, may at any time and from time to time hereafter, cause a survey and a plot to be made of the aforescribed lines and of any subsequently acquired lands by annexation procedures as hereinafter provided, and when made and approved by the Commissioners shall be recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, and shall be evidential in all courts of law and equity in this State.

Section 3. Annexation

The said Corporation shall have the power to annex any additional contiguous territory when a majority of the qualified voters and real estate owners in such contiguous territory have a special election held for that purpose and voted in favor of being included within the limits of the Town of South Bethany and the said majority of voters and real estate owners have presented a petition seeking to have the territory annexed to the Town of South Bethany.

Before any additional territory shall be annexed to the Town, the Commissioners of South Bethany shall pass a resolution accurately describing and defining the territory proposed to be annexed and notice of the petition for annexation shall be posted in at least four public places in the Town. After the expiration of 14 days from the posting of the said notice and within 35 days after the posting of the said notices the Commissioners of South Bethany shall by resolution order a special election to be held no later than ninety days from the posting of said notice, and such territory shall become a part of the Town of South Bethany only if a majority of those voting vote in favor of such annexation. Qualifications of voters and procedures for such special election shall follow generally those set forth in sections 5, 6, and 7 of this Act.

Section 4. Powers of Government

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Commissioners of South Bethany, seven in number, whose presiding officer shall be called "Mayor".

Section 5. Elections

(a) An election shall be held in the Town of South Bethany for Town Commissioners, Treasurer and Assessor on the first Saturday in July, 1970, and annually thereafter on the first Saturday in July, from Noon until eight o'clock in the evening, and at such places as shall be determined and fixed by the Town Commissioners. At least ten days previous to such election, due notice thereof and of the time and place thereof shall be received by three qualified voters of said Town appointed by the Commissioners. At all such elections the votes shall be received by three qualified voters of said Town appointed by the Commissioners at any regular or special meeting of said Commissioners, held in the month of May, preceding such election. Said persons so appointed shall be known as Judges of Election, and the result of the balloting for said officers of said Town shall be ascertained by the said Judges of Election. The persons who shall conduct such election as provided in this Act shall be the Judges thereof, and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted, and the persons having the highest number of votes for Assessor or Treasurer shall be declared elected.

(b) The seven candidates for Commissioner having the highest number of votes for such office shall be declared elected, the four highest thereof for a two-year term, and the remaining three thereof for a one-year term. In case of a tie of any of the persons voted for, the election shall be determined by lot, that is, the names of the persons having a tie vote shall be written on identical slips and concealed from the person who shall draw the same, and one of the said Judges of Election shall draw one of said slips, and the person whose name appears on said slip shall be the person elected. Immediately after such election, said Judges of Election shall enter in a book to be provided for that purpose, a minute of such election, containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each, and they shall subscribe to the same and deliver said book to said Commissioners at their organization meeting. They shall also give to the persons so elected certificates of their election. The book containing such minutes shall be preserved by the Commissioners and shall be evidence in all Courts in this

State or elsewhere. In case of the absence, inability or failure of any of said Judges of Election to serve and perform his duties, as required by this Act, then and in such case it shall be the duty of the Commissioners of South Bethany, or a majority of them without formal meeting, to select an additional Judge of Election, and who shall possess the same qualifications of the other Judges of Election and who shall perform the duties herein required in connection with the conduct of said election.

(c) At least four of the Commissioners serving at one time shall be residents of Delaware.

Section 6. Ballots

Immediately after the expiration of the time for filing names of candidates, the said Town Commissioners shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for; for instance, "Vote for one", or "Vote for two", or as many as the voters shall be entitled to vote for in any particular case. The voters shall designate their choice of candidates to be voted for under each particular office at such election, by drawing a line through the names of all persons who are candidates for each particular office, except those candidates in each group desired to be voted for; provided, however, that no elector at any such election shall be allowed to vote for more candidates for any particular office (but may vote for less) than the number to be elected at such election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. The form of ballot shall be substantially as follows:

OFFICIAL BALLOT

**Candidates for Election to Elective Officers in the
Town of South Bethany
FOR COMMISSIONERS**

.....
.....
.....

(Vote for Four)

FOR TREASURER

.....
.....
.....

(Vote for One)

FOR ASSESSOR

.....
.....
.....

(Vote for One)

The method of voting shall be by striking out the names of those not voted for, so that the eligible number of candidates for any particular office shall remain on the ballot.

Any qualified voter who for any reason cannot appear to vote in person shall be permitted to cast an absentee ballot by mail. The Commissioners shall make fair and adequate provision for the casting of such ballot and notice thereof shall be included in the posted and printed notice calling for such election.

Section 7. Qualifications for voting

Every person who shall have reached the age of twenty-one years, who is a citizen of the United States, who for at least three months preceding the day of election has been the legal owner of real estate in the Town of South Bethany, and who on the day of election is not delinquent in the payment of taxes either to the State of Delaware, County of Sussex, or the Town of South Bethany Beach shall be entitled to vote at the annual municipal elections, special elections and referenda, except as otherwise provided in this Charter.

Section 8. Registration of voters

The Commissioners shall by ordinance provide for the registration of voters and may prescribe registration and voting places, provided there shall be at least two registration days per year, the last one not more than thirty (30) days prior to any election or referendum. The hours of registration shall be as provided by ordinance. The ordinance may provide for permanent registration lists.

Section 9. Qualifications for office

(a) *Commissioners.* No person shall be eligible to hold office as a Commissioner except a person who at the time of filing as a candidate has been a real property owner of the Town for a period of one year immediately preceding the date of filing, is a citizen of the United States, has attained the age of twenty-one years, and is a non-delinquent taxpayer.

(b) *Treasurer and Assessor.* No person shall be eligible to hold office as Treasurer or Assessor except a person who at the time of filing as a candidate has been a real property owner of the Town for a period of one year immediately preceding the date of filing, is a citizen of the United States, has attained the age of twenty-one years, and is a non-delinquent taxpayer.

Section 10. Filing for office

No person shall be voted upon as a candidate for the offices of Commissioner, Treasurer or Assessor unless at least thirty (30) days before the date set for the election of said officers he shall have filed with the Secretary or Mayor of the Commissioners of South Bethany a letter or other certificate setting forth that he will be a candidate for a certain designated office. The Commissioners of South Bethany shall not permit the name of any such candidate to be filed except as shall meet the requirements of Section 9 of this Charter.

Section 11. Organization meeting

An organization meeting of the Commissioners of South Bethany shall be held within one day following the annual election of officers. At the organization meeting the Commissioners elected shall select one of the Commissioners as the presiding officer of the commissioners of South Bethany for the term of one year. If the Commissioners are unable to select one of their number as a presiding officer then such officer shall be chosen for the Commissioners by lot by the Commissioners. The presiding officer shall be called the "Mayor".

Section 12. Meeting of Commissioners

In addition to the organization meeting there shall be three

stated meetings of the said Commissioners in every year, viz: one on the second Saturday in June, July and August, and special meetings upon two days' notice at such times as the same shall be called by any four of the Commissioners. All meetings except organization meetings shall be open to attendance by the public.

Section 13. Compensation

Compensation for each Commissioner shall be fixed by the Commissioners except that such compensation shall not exceed one hundred dollars (\$100) per annum. The Commissioners also shall fix the compensation for the Mayor, Treasurer, Assessor, Secretary, Collector of Taxes, and other officials, except that such compensation for any official shall not exceed two hundred dollars (\$200) per annum. Any compensation to such officials for special services, in addition to that fixed for regular services, shall be fixed by the Commissioners.

Section 14. Procedure

The Commissioners shall determine their own rules of procedure and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection. Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have the affirmative vote of a majority of the Commissioners. Vote on any ordinance shall be by voice vote and the vote of each Commissioner on any ordinance shall be entered on the record.

Section 15. Vacancies in office

(a) *Temporary Absence or Inability to Act.* In case of the temporary absence or inability to act of the Mayor, the Commissioners shall appoint a President Pro tempore from among themselves to act in such temporary absence or inability of the Mayor. The President pro tempore when lawfully acting as Mayor shall have all the powers conferred upon the Mayor by this Charter. The compensation of the President pro tempore shall be fixed by the Commissioners as provided in Section 13 of this Charter.

In case of the temporary absence or inability to act of the Secretary, Treasurer, Assessor or a Commissioner, the majority

of the Commissioners may appoint an officer pro tempore to act in any such temporary absence or inability.

(b) *Permanent Vacancies.* If, by death, resignation or otherwise, any vacancy shall occur in the office of Mayor, Commissioner, Treasurer, Assessor or Secretary, a majority of the Commissioners are hereby authorized to fill said vacancies at the next regular meeting or at a special meeting for the unexpired term of said office or offices.

Section 16. Duties of Mayor

It shall be the duty of the Mayor to preside at all meetings of the Commissioners and he shall have a vote therein and in case of his absence a President pro tempore shall be appointed in his place. He shall execute on behalf of the Town when authorized by a majority of the Commissioners all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. He shall have the power to appoint the other six Commissioners to be in charge of any departments or divisions of the Town Government created by the Commissioners. At least one Commissioner must be appointed to each department or division created by the Commissioners. The Mayor shall also have the power to appoint the Secretary of the Town. It shall be the duty of the Mayor to see that the laws and ordinances of the said Town are faithfully executed and the Mayor shall perform all duties imposed upon him by this Charter. The Mayor shall also have the power to administer oath and affirmation.

Section 17. Duties of Secretary

It shall be the duty of the Secretary to record all the proceedings of the Commissioners and keep a correct journal of the same in a book or books provided for that purpose, said journal must show all bills approved by the Commissioners, the amount of said bills and to whom payable. The Secretary shall file and keep in a safe place the Seal of the Town, and deliver the same to his successor in office. The Secretary shall attest the Seal of the Town when authorized by the Commissioners and shall perform such duties and such other powers as may be prescribed by the Commissioners. All records, books, papers, and documents in the custody of the Secretary shall be always open for

the inspection of the Commissioners. The Secretary may also serve as a Commissioner.

Section 18. Duties of Treasurer

(a) *Duties.* It shall be the duty of the Treasurer to deposit all moneys in his possession belonging to said Town, in the name of the Town of South Bethany, in a bank selected by the Commissioners; the said Treasurer shall be the custodian of all moneys belonging to said Town and shall pay out of any moneys in his possession belonging to said Town all bills approved in writing the Commissioners or a majority of them and presented to him for payment, and take a receipt for the same to be preserved and delivered to his successor in office; he shall settle his accounts with the said Commissioners annually at the end of each calendar year and at such other times as the said Commissioners may require. The Treasurer shall attend all meetings of the Commissioners. The Treasurer may be a Commissioner.

(b) *Audit of Accounts.* The Commissioners are hereby required to appoint one or more suitable and capable persons to audit the account of the Treasurer at the end of each calendar year and at such other times as said Commissioners may deem advisable.

(c) *Bond of Treasurer.* The Treasurer before entering upon the duties of his office shall give bond to the Commissioners, with sufficient surety, to be approved by the Commissioners in penal sum equal to the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of said office, and for the delivery to his successor in office all books, papers, etc., relating to said Treasurer and all sums of money belonging to the Town which are in his hands upon the termination of his office and the settlement of his final account; to which said bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty. The cost of said bond shall be paid out of Town funds.

(d) *Failure to Give Bond.* If the Treasurer shall fail to bond as required by this section, he shall thereby forfeit his office and the same shall become vacant; in case such vacancy occurs the Commissioners are authorized to appoint a Treasurer to serve for the unexpired term.

Section 19. Collector of Taxes

The Commissioners shall elect some suitable person Tax Collector for the Town; and after having ascertained the sum necessary to be raised on the said Town for the purpose of this Act, and having apportioned the same on the assessment and valuation aforesaid, shall, annually, on or before the fifteenth day of May, furnish the Tax Collector of said Town with a list containing the names of the taxables, as well as the owners of real estate, and opposite the names of each the amount of the real estate, the tax levied on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the Commissioners or a majority of them and the taxes so assessed shall be a lien upon said realty until paid.

The Tax Collector, on the fifteenth day of May, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collectors of the county rates and levies. All taxes, which taxes shall not exceed those paid to the Tax Collector, Sussex County, Delaware, shall be due and payable on the fifteenth day of May of the year during which said taxes are levied. A discount of five per centum may be allowed on all taxes paid on or before the last day of June; five per centum shall be added to all taxes paid after the last day of August. No legal proceedings shall be instituted for the collection of taxes until after the last day of August of the year during which said taxes are levied, provided, that if any person or persons shall remove from said Town his or their taxes shall become due and collectible by law.

The said Tax Collector shall also before entering upon his duties give bond to the Commissioners of South Bethany, with sufficient surety to be approved by the Commissioners of said Town in the penal sum equal to the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of his office; to which said bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty. The cost of said bond shall be paid out of money belonging to said Town.

The said Tax Collector shall render an account, and pay unto the Town Treasurer all money in his hands, on the first Monday of every third month and upon the expiration of his term of office and at such other time or times as the Commis-

sioners, or a majority of them, shall require. He shall have all the power conferred upon or vested in the Receiver of Taxes and the County Treasurer for Sussex County.

The citizens of the Town of South Bethany are hereby exempted from the payment of all Hundred and Road Taxes.

Section 20. Constables

The Commissioners may appoint such number of Town Constables as deemed necessary who shall constitute the Town Police and who shall have such authority as shall be vested in them by the Commissioners for enforcing the laws and ordinances of the Town.

Section 21. Assessor

The Assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed before one of the Commissioners or a Justice of the Peace to diligently, faithfully and impartially perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the Commissioners containing the certificate of the election of the Alderman, Commissioners and Assessor.

Section 22. Assessment procedure

The Assessor of the Town shall, annually, in the month of March, make a true, just and impartial valuation or assessment of the real estate within said Town, said assessment shall be made of all registered real estate owners in said Town above the age of twenty-one years which assessment may be done by adoption of the current year's assessment made by the Sussex County Board of Tax Assessors, but which in no event shall exceed the same, and the said Assessor shall forthwith after making such assessment deliver to the Commissioners a duplicate containing the name of all the persons assessed and the amount of their assessment. The Commissioners shall, between the first and fifteenth day of April, cause a full and complete transcript of said duplicate to be posted in a public place in said Town, there to remain for the space of twenty days thereafter for pub-

lic inspection, and said Commissioners shall on the Wednesday next after the expiration of the said twenty days hold a court of appeals, which shall continue open from six o'clock p.m. until ten o'clock p.m. of the same day, when they shall hear and determine appeals from said assessments. Notice of the posting of the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said Town. The decision of the Commissioners upon any appeals shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the other Commissioners.

After the valuation and assessment shall be examined and adjusted by the said Commissioners, all taxes shall be levied, assessed and raised on the real estate thus valued and assessed.

Section 23. Powers of the Town

The Town of South Bethany shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The Town of South Bethany shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be superseded by the enactment of this Charter.

The Town of South Bethany may have and use a corporate seal, may sue and be sued; and except as prohibited by the Constitution of the State of Delaware or restricted by this Charter, the Town shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Chapter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of South Bethany shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town, whether express or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Commissioners.

Section 24. Powers of the Commissioners

The Commissioners shall constitute the legislative body of the Town of South Bethany and together shall be designated as the Commissioners.

The Commissioners shall have power to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the Town, which power shall extend to the area outside the Town limits and within one mile from said limits.

The Commissioners may also pass ordinances to ascertain and fix boundaries of streets, squares and lanes, or repair and amend the same, and provide for the paving thereof; or to alter, extend or widen any street, square, or lane; to open and lay out new ones subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets and lanes; to fix the building lines upon the same; to provide police and the lighting of streets at the expense of the Town; and generally to prescribe and regulate the use of the streets, and lanes of the Town and to have and exercise control over the same, subject to the provisions in that behalf hereinafter contained.

The Commissioners shall have the power to prescribe the rules and regulations directed toward the prevention of fires and explosions; to adopt municipal zoning regulations; to adopt traffic regulations; to regulate itinerant peddlers and canvassers within the Town; to regulate signs and billboards and to provide for permits for the erection and maintenance thereof.

The Commissioners shall have the power to provide for the regulation of public amusements, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the heights, thickness of walls, and materials of buildings and the mode of erecting the same within said Town; and for providing for and securing the safety of the inmates thereof, and make provisions for the enforcements of such regulations.

The Commissioners shall have the power to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets or other public places within the Town of South Bethany, and to fix the license fee thereof and to license the conduct of business generally within the Town and fix license fees for same and to make all necessary rules and regulations and provide necessary penalties for the enforcement of such ordi-

nances and the collection of such license fees; provided, however, that no license fee shall exceed \$50.00 per year and in its discretion to provide for the payment of the expenses thereof.

The Commissioners shall have the power to lay and collect fines on the owners of any domestic or other animal which may be found at-large in any of the streets, squares or lanes aforesaid, and in general shall have power to do all those matters and things for the well being of the said Town, which shall not be in a contravention of any existing laws of this State or the Constitution thereof.

The Commissioners shall not have the power to exempt any individual from the operation of any general ordinance or municipal regulation. The Commissioners shall have power to require all persons owning or keeping any male or female dog or dogs within the limits of the said Town to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have power to fix the time and manner of registering the amount of the annual fee thereof, and the penalty for not registering by ordinance.

The Commissioners shall have all other powers requisite to and appropriate for the government of the Town of South Bethany, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well being of its population, and for the protection and preservation of public and private property.

Section 25. Business operations

The Town of South Bethany shall have the right and power to acquire, own and maintain, within the corporation limits of such Town, all real estate for municipal purposes for sites and rights-of-way, for public buildings, or other municipal and general welfare purposes; and for the location, erection and maintenance thereof of public facilities for the uses aforesaid.

Section 26. Control of streets

The several posts and mark stones now set and fixed or which may hereafter be established in the middle of the streets of said town, as well as all such other posts and mark stones as shall from time to time set and fixed in the earth by the Town

shall in all cases and in all courts of law within the State be deemed, taken and allowed as land marks. The said Town by itself or by its servants or agents shall have the right to enter upon any land within the limits of the Town and thereon set and fix such posts and mark stones as in the judgment of the Commissioners are necessary; and if any person shall willfully tamper with or remove any of said posts or mark stones such person shall, for each such offense, forfeit and pay a fine of one hundred dollars (\$100).

The Commissioners shall have the power and authority to lay out, locate and open new streets and to widen or to alter existing streets or parts thereof, whenever they shall deem it for the best interests of the Town.

Section 27. Paving

The paving, graveling, or guttering of the streets shall be done by the Commissioners at the expense of the Town.

Section 28. Acquisition of property

The Town of South Bethany is hereby authorized and empowered whenever it shall deem it necessary and expedient for any municipal purpose to obtain and acquire property by purchase, gift, devise or lease within the boundaries of said Town and to obtain legal title to said property by appropriate conveyance. If the town fails to reach an agreement with an owner or owners of said property it shall have the power to take such property by condemnation in the manner and according to the procedure as set forth in Title 10, Chapter 61, Delaware Code of 1953; provided, however, that the right of condemnation shall not extend to property owned by the State of Delaware or any agency thereof.

Section 29. Special assessments

The Town of South Bethany is hereby authorized and empowered to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement; and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the

proceeds of such special assessments; provided, however, that special assessments which are to be levied against all property in the town shall first be approved by a referendum of the voters of the Town in a regular election provided in section 5 of this Act.

The Commissioners may provide for the payment of special assessments, for whatever purpose levied, by installments, but assessments for permanent improvement shall be within ten years in annual or more frequent installments, and assessments for current services shall be payable within one year.

The amount assessed against any property for any work or improvement shall not exceed the value of the benefits accruing to the property therefrom.

Section 30. Power to raise revenue

The Commissioners shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than the sum determined by applying the Sussex County tax rate to the total assessments appearing on the Assessor's duplicate, as hereinbefore provided, in any one year clear of all delinquencies and expenses of collection, without a referendum vote as hereinafter provided. The Commissioners shall have the right to grant or refuse, and to charge fees for licenses, and other businesses of any description within the limits of the Town, to control their use of any property within the Town. The Commissioners shall also have the power to levy and collect franchise fees.

The Commissioners shall have the power by ordinance to allow discounts for early payment of taxes and to impose reasonable penalties and forfeitures for tax delinquencies. Nothing in this Act shall be interpreted as giving the Commissioners the power to exempt from taxation any property, except property owned by the Town, County of Sussex, State of Delaware, or the United States.

The Commissioners shall have the power to fix the rates for general utility services operated by the Town and to collect and utilized revenues from such utility services for the benefit of the Town.

Section 31. Power to borrow money

The Commissioners under the restrictions hereinafter provided may borrow for municipal purposes on the credit of the Town such sum or sums of money at such time or times as they may deem proper not to exceed ten percent of the assessed value of the real estate of said Town and issue bonds for the payment of same.

If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town within the meaning of the bonded indebtedness limitation set out above; provided, however, that in the event of some emergency, the Town may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the Town out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Commissioners shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking including reserves therefor.

Before the Town may incur indebtedness by the issuance of bonds as aforesaid, the borrowings of money shall have been authorized by the Commissioners and shall have been approved in the following manner:

1. The Commissioners shall by resolution propose to the freeholders of the Town the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in the Town

at least once a week for three successive weeks prior to the hearing date.

2. A public hearing shall be held at which time all persons of interest wishing to be heard shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Commissioners.

3. If the Commissioners desire to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than thirty days nor more than sixty days after the date of such resolution.

4. The notice of the time and place for holding the said special election shall be printed in a newspaper of general circulation in the Town once a week for three successive weeks prior to the election.

5. The Commissioners shall cause to be prepared, printed and made available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said referendum all freeholders of the Town shall be entitled to one vote.

6. All votes for and against the proposed loan shall be counted and the results announced and delivered to the Commissioners and entered on the minutes of the Commissioners. Provided, however, no bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.

7. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Commissioners. The bonds shall be sold to the highest bidder after at least one month's notice published at least twice in a newspaper of general circulation in the Town and at least once in publication carrying municipal bond notices and devoted primarily to financial news. The Commissioners shall provide, in its budget, for revenues sufficient to pay the interest and principal on said bonds or certificates of indebtedness at the maturity or maturities thereof. The faith and credit of the Town shall be deemed pledged for the due payment of

the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.

Section 32. Borrowing for current expenses

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Commissioners shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed; provided, however, the amount of such indebtedness shall not at any time exceed the sum of one-half percent of the assessed value of real estate.

To exercise the power aforesaid the Commissioners shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Commissioners. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledge thereby. Such short-term debt shall not be considered as part of the bonded debt of the Town when limitations under indebtedness, as set forth elsewhere in this Charter, are computed.

Section 33. Collection of taxes and special assessments

In addition to all existing methods and authority for the collection of taxes or special assessments due to the Town of South Bethany, the following methods and authority are hereby established:

The Tax Collector may recover the amount of tax in an action of debt against the person taxed, before any Justice of the Peace in Sussex County, or before the Court of Common Pleas or Superior Court of Sussex County; and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions.

If judgment be rendered in favor of the Tax Collector, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, not in excess of five per centum of the amount of taxes plus accrued interest, to be taxed by the Court in the costs, and execution shall issue against the

real estate of the defendant; provided, no execution against the real estate shall issue except out of the Superior Court of Sussex County.

Where such judgment is recovered before a Justice of the Peace or Court of Common Pleas, and it is the desire of the Tax Collector to proceed against the real estate of the defendant, the said Tax Collector shall take a transcript of the judgment from the Justice of the Peace or Court of Common Pleas and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered, the subsequent proceedings, including enforcement, shall be the same as upon other judgments.

Section 34. Limitation of action for damages

No action, suit, or proceedings shall be brought or maintained against the Commissioners of South Bethany for damages on account of physical injuries, death or injury to property by reason of the negligence of the said Commissioners or any of its departments, officers, agents, or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall notify the Commissioners in writing on the time, place, cause and character of the injuries sustained, within 90 days thereof.

Section 35. Severability of charter provisions

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

Section 36. Effective date of public act

(a) This Act shall be deemed and considered to be a Public Act and the unincorporated association known as South Bethany Association shall be deemed to be a municipal corporation under the style and name of Commissioners of South Bethany upon the approval of a majority of voters voting at a Special Election called for the purpose of approving the Charter

as passed by the General Assembly and approved by the Governor of the State of Delaware.

(b) No later than fifteen (15) days following the approval of this Act by the Governor, the Resident Judge of Sussex shall name as Temporary Commissioners three persons, two of whom shall be residents of Delaware, who shall have been the legal owner of real estate in the area described in Section 2 hereof for at least three months preceding the date of said approval. Not later than thirty (30) days following the approval of this Act by the Governor, the Temporary Commissioners shall by resolution propose to the electors of the Town of South Bethany the approval of the Charter. The resolution as passed by the Commissioners shall fix a time and place for a public hearing on the said resolution.

(c) Notice of the time and place of the said public hearing shall be posted in at least five (5) places within the proposed limits of the Town of South Bethany as described in Section 2 of this Act at least three weeks prior to the date of the public hearing and shall be printed in a newspaper of general circulation in the Town once a week for three successive weeks.

(d) After the public meeting, a second resolution shall then be passed by the Temporary Commissioners named in subsection (c) of this section ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days following the date of the public hearing for the purpose of voting for or against the approval of the Charter.

(e) Notice of the time and place of holding the said Special Election shall be posted in at least five (5) places within the proposed limits of the Town of South Bethany as described in Section 2 of this Act at least three weeks prior to the date of said Special Election and shall be printed in a newspaper of general circulation in the Town once a week for three successive weeks.

(f) At the Special Election every person over the age of twenty-one years who for at least three months preceding the date of the election has been the legal owner of real estate in the Town of South Bethany shall be entitled to vote for or against the approval of this Act. Each such voter shall be entitled to one vote.

(g) Any qualified voter who for any reason cannot appear to vote in person at said Special Election shall be permitted to cast an absentee ballot by mail. The Temporary Commissioners named in subsection (b) of this Section shall make fair and adequate provisions for the casting of such ballot and notice thereof shall be included in the posted and printed notice pursuant to subsection (e) of this Section.

(h) The polls for the said Special Election shall open at noon in the afternoon and shall close at eight o'clock in the evening on the day advertised.

(i) The vote shall be by ballot on which is printed or written the following:

- For the Approval of the Charter
- Against the approval of the Charter

(j) The Temporary Commissioners named in subsection (b) of this Section shall act as a Board of Election and shall count the votes for and against the approval of the Charter; shall announce the results thereof; shall make a certificate under their hands of the number of votes cast for and against the approval of this Act and the number of void votes. The original of said certificate shall be filed with the papers of the Commissioners.

(k) If the majority of the votes cast at the Special Election are cast in favor of the Approval of this Act, the Temporary Commissioners shall by resolution order an Election to be held no less than forty (40) nor more than forty-five (45) days from the date of the Special Election, at which Commissioners, Treasurer and Assessor shall be chosen who shall serve until the election to be held in July 1970. Such Election shall be conducted in the manner prescribed in this Section except that the Ballot used shall comply with Section 6. The Temporary Commissioners shall serve as Judges of the Election and perform the duties prescribed for that office in Section 5. Section 5 (c) and 7 shall apply to the Election. The Temporary Commissioners shall perform the duties imposed on the Commissioners by Sections 8 and 10, except that a candidate may file for office for this Election only at least fifteen (15) days before the date set for the election.

(l) The Commissioners of South Bethany, elected at the Election provided by subsection (j) hereof, shall, be deemed and considered to be a municipal corporation of this State as of the date of the said Election.

(m) In the event of the resignation, death, or disability of a Temporary Commissioner, a successor Temporary Commissioner shall be chosen by the Resident Judge of Sussex County.

Approved June 14, 1969.

CHAPTER 144

AN ACT TO AMEND CHAPTER 441, VOLUME 56, LAWS OF DELAWARE, RELATING TO THE CONSTITUTIONAL REVISION COMMISSION.

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

Section 1. Section 3, Chapter 441, Volume 56, Laws of Delaware, is amended by striking the year "1969" and inserting in lieu thereof the year "1970".

Approved June 14, 1969.

CHAPTER 145

AN ACT TO AMEND CHAPTER 17 OF TITLE 24, DELAWARE CODE, RELATING TO LICENSURE TO PRACTICE MEDICINE AND SURGERY, THE TERMINATION OF HUMAN PREGNANCY, AND PENALTIES FOR VIOLATION OF THE SAID CHAPTER.

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

Section 1. Title 24, Delaware Code, § 1741 (a) (2) is hereby amended to read as follows, viz.:

Conviction of a felony, including the termination of human pregnancy in violation of the provisions of subchapter VIII of this chapter.

Section 2. Title 24, Delaware Code, Chapter 17 is hereby amended by the addition at the end thereof a new Subchapter VIII as follows, viz.:

SUBCHAPTER VIII. TERMINATION OF HUMAN PREGNANCY

§ 1790. (a) No person shall terminate or attempt to terminate or assist in the termination or attempt at termination of a human pregnancy otherwise than by birth, except that a physician licensed by the State of Delaware may terminate a human pregnancy or aid or assist or attempt a termination of a human pregnancy if such procedure takes place in a hospital accredited by a nationally recognized medical or hospital accreditation authority, upon authorization therefor by a hospital abortion review authority appointed by such hospital, if one or more of the following conditions exist:

(1) continuation of the pregnancy is likely to result in the death of the mother;

(2) there is substantial risk of the birth of the child with grave and permanent physical deformity or mental retardation;

(3) the pregnancy resulted from

(A) incest, or

(B) a rape committed as a result of force or bodily harm or threat of force or bodily harm, and the Attorney General of this State has certified to the hospital abortion review authority in writing over his signature that there is probable cause to believe that the alleged rape did occur, except that during the first forty-eight hours after the alleged rape no certification by the Attorney General shall be required

(4) continuation of the pregnancy would involve substantial risk of permanent injury to the physical or mental health of the mother.

(b) In no event shall any physician terminate or attempt to terminate or assist in the termination or attempt at termination of a human pregnancy otherwise than by birth unless:

(1) not more than twenty weeks of gestation have passed (except in the case of a termination pursuant to subsection (a) (1) or where the fetus is dead); and

(2) two physicians licensed by this State, one of whom may be the physician proposed to perform the abortion, certify to the abortion review authority of the hospital where such procedure is to be performed that they are of the opinion, formed in good faith, that one of the circumstances set forth in subsection (a) of this section exists (except that no such certification is necessary for the circumstances set forth in subsection (a) (3) (B) hereof).

(3) in the case of an unmarried female under the age of 19 or mentally ill or incompetent, there is filed with the hospital abortion review authority the written consent of such of the parents or guardians as are then residing in the same household with such consenting female, or if such consenting female does not reside in the same household with either of her parents or guardians, then with the written consent of one of her parents or guardians.

(c) The hospital abortion review authority of each hospital in which a procedure or procedures are performed pursuant to this section shall, on or before the first day of March

in each year, file with the State Board of Health a written report of each such procedure performed pursuant to the authorization of such authority during the preceding calendar year setting forth grounds for each such authorization, but not including the names of patients aborted.

§ 1791. (a) No person shall be required to perform or participate in medical procedures which result in the termination of pregnancy; and the refusal of any person to perform or participate in these medical procedures shall not be a basis for civil liability to any person nor a basis for any disciplinary or other recriminatory action against him.

(b) No hospital, hospital director or governing board shall be required to permit the termination of human pregnancies within its institution, and the refusal to permit such procedures shall not be grounds for civil liability to any person nor a basis for any disciplinary or other recriminatory action against it by the state or any person.

(c) The refusal of any person to submit to an abortion or to give consent therefor shall not be grounds for loss of any privileges or immunities to which such person would otherwise be entitled nor shall submission to an abortion or the granting of consent therefor be a condition precedent to the receipt of any public benefits.

§ 1792. No person shall, unless the termination of a human pregnancy has been authorized pursuant to the provision of § 1790 of this chapter:

(1) sell or give, or cause to be sold or given, any drug, medicine, preparation, instrument or device for the purpose of causing, inducing or obtaining a termination of such pregnancy; or

(2) give advice, counsel or information for the purpose of causing, inducing or obtaining a termination of such pregnancy; or

(3) knowingly assist or cause by any means whatsoever the obtaining or performing of a termination of such pregnancy.

Section 3. Title 24, Delaware Code, § 1766 is hereby amended to read as follows, viz.:

§ 1766. Violations and penalties

(a) Whoever practices or attempts to practice medicine, surgery or osteopathy within the State contrary to the provisions of this Chapter, other than Subchapter VIII hereof, shall be fined not less than \$100 or more than \$500 or imprisoned not more than one year.

(b) Whoever violates the provisions of Subchapter VIII of this chapter shall be fined not more than \$5,000 and imprisoned not less than two nor more than ten years.

(c) The Attorney General of the State of Delaware or his deputies shall be charged with the responsibility for enforcement of the provisions of this chapter.

Section 3 (A). Chapter 17, Title 24, Delaware Code, is amended by adding a new Section 1793, to read as follows:

§ 1793. (a) No person shall be authorized to perform a termination of a human pregnancy within the State upon a female who has not been a resident of the State of Delaware for a period of at least 120 days next before the performance of an operative procedure for the termination of a human pregnancy.

(b) This section shall not apply to such female who is gainfully employed in the State of Delaware at the time of conception, or whose spouse is gainfully employed in the State of Delaware at the time of conception, or to such female who has been a patient, prior to conception, of a physician licensed by the State of Delaware, or to such female who is attempting to secure the termination of her pregnancy for the condition specified in § 1790 (a) (1) of this chapter.

Section 4. This Act shall become effective upon its approval by the Governor.

Approved June 17, 1969.

CHAPTER 146

AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, PERMITTING THE USE OF SPEARGUNS AND SPEARS FOR FISHING IN THE DELAWARE RIVER AND BAY.

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

Section 1. Section 905, Chapter 9, Title 7, Delaware Code, is amended to read as follows:

§ 905. Game fish; catching devices; violation and penalty

No person shall catch or fish for any game fish in any part of the Delaware River and Bay lying between the States of New Jersey and Delaware with any device, method or means, except by use of the following devices, methods or means:

(a) Rods and lines or hand lines, commonly called dipsey or throw-lines, each having not more than three hooks; or with trolling lines with spoon or artificial bait, having not more than one burr of three single hooks attached. The number of rods and lines or the number of trolling-lines shall not exceed two of one or the other device named, and the lines shall be under the direct and immediate supervision of the person fishing therewith.

(b) Spearguns and spears, including any type of device used to propel or lance underwater.

Whoever violates any of the provisions of this section shall be fined Twenty Dollars (\$20.00).

Section 2. Section 906, Chapter 9, Title 7, Delaware Code, is amended to read as follows:

§ 906. Fishing with net, hook or line, speargun and spear; regulation of nets

Any person may catch and take from the waters of the Delaware River or Bay, between high and low water mark, any fish of any character, except shell fish, with any net, hook

and line, speargun and spear or other appliances. The meshes of any net shall not be less than two inches long stretched measure. Nothing in this section shall apply to nets used for catching eels.

Section 3. Section 908, Chapter 9, Title 7, Delaware Code, is amended by striking the period at the end of the first paragraph and inserting in lieu thereof the following:

“, or a speargun and spear.”

Section 4. Section 917, Chapter 9, Title 7, Delaware Code, is amended by inserting the words “or speargun and spear” after the comma following the words “hand line” where they appear in the first paragraph thereof.

Section 5. Section 933, Chapter 9, Title 7, Delaware Code, is amended by striking the period at the end of the third paragraph and inserting in lieu thereof the following:

“except by hook and line or speargun and spear.”

Section 6. Chapter 9, Title 7, Delaware Code, is amended by adding thereto a new section to read as follows:

§ 918. Use of spearguns and spears

Wherever fishing is permitted by use of spearguns and spears under this chapter, said use shall be limited to areas of the Delaware Bay and Delaware River only as far north as Liston Point.

Approved June 17, 1969.

CHAPTER 147

AN ACT TO AMEND CHAPTER 15, TITLE 3, DELAWARE CODE BY REGULATING THE LABELING, SALE, OFFERING, EXPOSING OR TRANSPORTING FOR SALE OF AGRICULTURAL, VEGETABLE, FLOWER, AND TREE AND SHRUB SEEDS; TO PREVENT MISREPRESENTATION THEREFOR; AND FOR OTHER PURPOSES.

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

Section 1. Chapter 15, Title 3, Delaware Code, is repealed and a new Chapter 15, Title 3, Delaware Code, is substituted therefor as follows:

§ 1501. Title

This Act shall be known as the "Delaware Seed Law of 1969".

§ 1502. Enforcing agency

This Act shall be administered by the State Board of Agriculture of the State of Delaware, hereinafter referred to as the "Board".

§ 1503. Definitions of words and terms when used in this Act

(a) The term "person" includes any individual, partnership, corporation, company, society, or association.

(b) The term "agricultural seed" includes the seeds of grass, forage, cereal, and fiber crops and other kinds of seeds commonly recognized within this State as agricultural seeds, lawn seeds and mixes of such seeds, and may include noxious weed seeds when the Board determines that such seed is being used as agricultural seed.

(c) The term "vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable seeds in this State.

(d) The term "flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and common known and sold under the name of flower seeds in this State.

(e) The term "tree and shrub seeds" includes seeds of woody plants common known and sold as tree and shrub seeds in this State.

(f) The term "weed seeds" includes the seeds of all plants generally recognized as weeds within this State and includes noxious weed seeds.

(g) Noxious weed seeds are divided into two classes—"Prohibited Noxious Weed Seeds" and "Restricted Noxious Weed Seeds" as defined in (1) and (2) of this subsection:

(1) "Prohibited Noxious Weed Seeds" are the seeds of perennial weeds such as not only reproduce by seed but also spread underground roots, stems, and other reproductive parts, and which when well established, are highly destructive and difficult to control in this State by ordinary good cultural practice. Prohibited noxious weed seeds in this State are the seeds of:

- (i) *Cirsium arvense*, Canada thistle
- (ii) *Agropyron repens*, Quackgrass
- (iii) *Sorghum specie*, Johnson grass, Perennial Sweet Sudan Grass, *Sorghum Almun* and hybrids derived therefrom

and such other seeds or bulblets as the Board from time to time may designate as prohibited noxious seeds in the public interest.

(2) "Restricted Noxious Weed Seeds" are the seeds of such weeds as are very objectionable in fields, lawns, and gardens of this State, but can be controlled by good cultural practices. Restricted noxious weed seeds in this State are the seeds of:

- (i) *Cuscuta spp.*, Dodder
- (ii) *Convolvulus arvensis*, Bindweed
- (iii) *Allium spp.*, Wild onion, Wild garlic
- (iv) *Agrostemma githago*, Corn Cockle
- (v) *Solanum Carolinense*, Horse nettle

- (vi) *Bromus secalinus*, Cheat or Chess
- (vii) *Poa Annu*a, Annual Bluegrass
- (viii) *Setari faberi*, Giant Foxtail.

and such other seeds of bulblets as the Board from time to time may designate as restricted noxious seeds in the public interest.

(h) The term "labeling" includes all labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers, and includes representations on invoices.

(i) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this Act.

(j) The term "record" includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed. For tree and shrub seed, the record will also include all documents supporting statement of origin and elevation of said seed.

(k) The term "stop sale" means an administrative order provided by law, restraining the sale, use, disposition, and movement of a definite amount of seed.

(l) The term "seizure" means a legal process carried out by court order against a definite amount of seed.

(m) The term "kind" means one or more related species or sub-species which singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.

(n) The term "variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

(o) The term "lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

(p) The term "hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross

with an open pollinated variety; or (3) two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation or subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety means.

(q) The terms "pure seed", "germination", and other seed labeling and testing terms in common usage shall be defined as in the *Rules for Testing Seeds*, published by the Association of Official Seed Analysts, effective July 1, 1955, and as subsequently amended.

(r) The term "type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(s) The term "treated" means that the seed has received an application of a substance, or that it has been subjected to a process for which a claim is made.

(t) A "private hearing" may consist of a discussion of facts between the person charged and the enforcement officer.

(u) The term "certifying agency" means (A) an agency authorized under the laws of a State, Territory or Possession to officially certify seed, or (B) an agency of a foreign country determined by the U.S. Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A).

(v) The term "certified seed", "registered seed", or "foundation seed" means seed that has been produced and labeled in accordance with the procedures and in compliance with the requirements of an official certifying agency.

(w) The terms "Fine-Textured Grasses" and "Coarse Kinds" are defined in rules and regulations under this Act.

(x) "Tree seed collector's declaration" is a statement signed by a grower or person having knowledge of the place of collection giving for a lot of seed, the lot number, common or scientific name of the species (and subspecies, if appropriate), origin, elevation, and quantity of tree and shrub seed.

(y) The term "origin" for an indigenous stand of trees is the area on which the trees are growing; for a non-indigenous stand, it is the place from which the seeds as plants were originally introduced.

§ 1504. Label requirements for agricultural, vegetable, and flower seeds

Each container of agricultural, vegetable, and flower seeds which is sold, offered for sale, or exposed for sale, or transported within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container:

(a) For all agricultural, vegetable, and flower seeds treated as defined in this Act (for which a separate label may be used):

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the process used.

(3) If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food, feed, or oil purposes". The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.

(4) If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

(b) For agricultural seeds, except for grass seed mixtures as provided in (c):

(1) The name of the kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each in the order of its predominance; Provided, that if the variety of those kinds generally labeled as to variety as designated in the regulations

is not stated, the label shall show the name of the kind and the words, "Variety Not Stated". Hybrids shall be labeled as hybrids. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number or other lot identification.

(3) Origin (state or foreign country), if known, of alfalfa, red clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.

(4) Percentage by weight of all weed seeds.

(5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present singly or collectively in any amount whatsoever; provided, however, that the amount does not exceed 160 per pound in Group 1 and 10 per pound in Group 2. Except in lawn or turf seed, *Poa Annu*a shall not exceed 256 per pound.

Group 1: *Agropyron* spp., *Agrostis* spp., alfalfa, Bermuda grass, *Brassica* spp., orchard grass, alsike and white clover, crimson clover, Dallis grass, fescues, flax, foxtail millet, lespedezas, poa spp., red clover, reed canary grass, Rhodes grass, ryegrass, sweet clover, smooth brome, timothy, and other agricultural seeds of similar size and weight, or mixtures within this group.

Group 2: Barley, buckwheat, oats, proso, rye, sorghums, Sudan grass, vetches, wheat and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group.

(6) Percentage by weight of agricultural seed (which may be designated as "crop seeds") other than those required to be named on the label.

(7) Percentage by weight of inert matter.

(8) For each named agricultural seed :

(A) Percentage of germination, exclusive of hard seed,

(B) Percentage of hard seeds, if present,

(C) The calendar month and year the test was completed to determine such percentages.

Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.

(9) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.

(c) For seed mixtures for lawn and/or turf purposes in containers of 50 pounds or less.

(1) The word "mixed" or "mixture".

(2) The headings "Fine-Textured Grasses" first and "Coarse Kinds" second and thereunder in tabular form in type no larger than the heading.

(A) Common accepted name, in order of its predominance, of the kind, or kind and variety of each agricultural seed present in excess of 5 percent of the whole and determined to be a "fine-textured grass" or a "coarse kind" in accordance with the rules and regulations under this Act;

(B) Percentage by weight of pure seed of each agricultural seed named;

(C) For each agricultural seed named under (A) above:

1. Percentage of germination, exclusive of hard seed;
2. Percentage of hard seed, if present;
3. Calendar month and year the test was completed to determine such percentages.

(3) The heading "Other Ingredients" and thereunder in type no larger than the heading.

(A) Percentage by weight of all weed seeds.

(B) Percentage by weight of all agricultural seeds other than those stated under § 1504 (c) (A).

(C) Percentage by weight of inert matter.

(4) Lot number or other lot identification.

(5) Name and rate of occurrence per pound of each kind of restricted noxious weed seed present.

(6) Name and address of the person who labeled said

seed or who sells, offers or exposes said seed for sale within this State.

(7) Net weight.

(d) For vegetable seeds in containers of one pound or less:

(1) Name of kind and variety of seed,

(2) For seeds which germinate less than the standard last established by the Board under this Act:

(A) Percentage of germination, exclusive of hard seed,

(B) Percentage of hard seed, if present,

(C) The calendar month and year the test was completed to determine such percentages,

(D) The words "Below Standard" in not less than 8-point type; and

(3) Name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State.

(e) For vegetable seeds in containers of more than one pound:

(1) The name of each kind and variety present in excess of 5 percent and the percentages by weight of each in order of its predominance.

(2) Lot number or other lot identification.

(3) For each named vegetable seed:

(A) The percentage germination exclusive of hard seed,

(B) The percentage of hard seed, if present,

(C) The calendar month and year the test was completed to determine such percentages.

Following (A) and (B) the "total germination and hard seed" may be stated as such if desired.

(4) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.

(5) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

(f) For flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices:

(1) For all kinds of flower seeds:

(A) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this Act;

(B) The calendar month and year the seed was tested or the year for which the seed was packaged; and,

(C) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this State.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of this Act.

(A) The percentage of germination exclusive of hard seeds, and

(B) The words "Below Standard" in not less than 8-point type;

(3) For seeds placed in a germination medium, mat, tape, diluent or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, diluent or device, a statement to indicate the minimum number of viable seeds in the container.

(g) For flower seeds in containers other than packets prepared for use in home flower gardens or household planting and other than preplanted containers, mats, tapes, or other planting devices:

(1) The name of the kind and variety or a statement of type and performance characteristics as prescribed in rules and regulations promulgated under the provisions of this Act,

(2) The lot number or other lot identification.

(3) The calendar month and year that the seed was tested or the year for which the seed was packaged.

(4) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State, and,

(5) For those kinds of seeds for which standard testing procedures are prescribed:

(A) The percentage germinated exclusive of hard seed, and,

(B) The percentage of hard seed, if present.

§ 1504 A. Label requirements for tree and shrub seeds

Each container of tree and shrub seed which is sold, offered for sale, or exposed for sale, or transplanted within this State for sowing purposes shall bear thereon or have attached there-to in a conspicuous place a plainly written or printed label or tag in the English language giving the following information which statement shall not be modified or denied in the labeling or on another label attached to the container—except that labeling of seed supplied under a contractual agreement may be by invoice accompanying the shipment or by an analysis tag attached to said invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not so identified must carry complete labeling.

(a) For all tree and shrub seeds treated as defined in this Act (for which a separate label may be used):

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the process used.

(3) If the substance in the amount present with the seed is harmful to human or other vertebrate animals a caution statement such as "Do not use for food or feed or oil purposes". The

caution for mercurials and similarly toxic substances shall be a poison statement and symbol.

(4) If the seed has been treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

(b) For all tree and shrub seeds subject to this Act:

(1) Common name of the species of seed (and subspecies, if appropriate).

(2) The scientific name of the genus and species (and subspecies if appropriate).

(3) Lot number or other lot identification.

(4) Origin.

(A) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county.

(B) For seed collected from other than a predominantly indigenous stand, identify the area of collection and the origin of the stand or state "Origin not Indigenous".

(5) The elevation or the upper and lower limits of elevation within which said seed was collected.

(6) Purity as a percentage of pure seed by weight.

(7) For those species for which standard germination testing procedures are prescribed by the Board the following:

(A) Percentage germination exclusive of hard seed.

(B) Percentage of hard seed, if present.

(C) Calendar month and year test was completed to determine such percentages.

(8) In lieu of 7A, B, and C above, the seed may be labeled "Test is in process, results will be supplied upon request".

(9) For those species for which standard germination testing procedures have not been prescribed by the Board the calendar year in which the seed was collected.

(10) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State.

§ 1505. Prohibitions

(a) It is unlawful for any person to sell, offer for sale, expose for sale or transport for sale any agricultural, vegetable, flower, or tree and shrub seeds within this State:

(1) If subject to the germination requirements of § 1504, unless the test to determine the percentage of germination required by § 1504 shall have been completed within a 9-month period exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

(2) Not labeled in accordance with the provisions of this Act or having false or misleading labeling.

(3) Pertaining to which there has been false or misleading advertisement.

(4) Consisting of or containing prohibited noxious weed seeds, subject to recognized tolerances.

(5) Consisting of or containing restricted noxious weed seeds per pound in excess of the number prescribed under this Act, or in excess of the number declared on the label attached to the container of the seed or associated with the seed subject to recognized tolerances.

(6) Containing more than 1½ percent by weight of all weed seeds.

(7) Containing more than 20 percent by weight of inert matter in lawn and turf seed.

(8) To which there is affixed the names or terms that create a misleading impression as to the kind, kind and variety, history, productivity, quality, or origin of the seed.

(9) If any labeling, advertising, or other representation subject to this Act represents the seed to be certified or registered seed unless:

(A) It has been determined by a seed certifying agency that such seed was produced, processed, and packaged, and conforms to the standards of purity as to kind, species (and subspecies, if appropriate), or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules and regulations of such agency pertaining to such seed; and,

(B) That the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is certified or registered.

(b) It is unlawful for any person within this State—

(1) To detach, alter, deface, or destroy any label provided for in this Act or the rules and regulations made and promulgated thereunder, or to alter or substitute seed in a manner that may defeat the purposes of this Act.

(2) To disseminate any false or misleading advertisements concerning seeds subject to this Act in any manner or by any means.

(3) To hinder or obstruct in any way, any authorized person in the performance of his duties under this Act.

(4) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with express permission of the enforcing officer, and for the purpose specified thereby.

(5) To use the word "trace" as a substitute for any statement which is required.

(6) To use the word "type" in any labeling in connection with the name of any agricultural seed variety.

§ 1506. Records

Each person whose name appears on the label as handling agricultural or vegetable seeds subject to this Act shall keep for a period of two years complete records of each lot of agricultural or vegetable seed handled; and keep for one year a file sample of each lot of seed after final disposition of said lot. All

such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the Board or its agent during customary business hours.

§ 1507. Exemptions

(a) The provisions of § 1504, 1504A and 1505 do not apply—

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or being transported or consigned to a cleaning or processing establishment for cleaning or processing; provided, that the invoice or labeling accompanying any shipment of said seed bears the statement "seed for processing", and provided that any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this Act.

(3) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier; provided, that such carrier is not engaged in producing, processing, or marketing seeds subject to the provisions of this Act.

(4) To seed sold by one farmer to another if such seed has neither been advertised for sale nor been delivered through a carrier.

(5) To grain sold by farmers for cover crop purposes and not delivered through a common carrier.

(b) No person shall be subject to the penalties of this Act for having sold or offered for sale seeds subject to provisions of this Act which were incorrectly labeled or represented as to kind, species (and subspecies, if appropriate), variety, type or origin, elevation, and year of collection (if required) which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's or tree seed collector's declaration or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated.

(c) The provisions of § 1504A and § 1506 do not apply to tree seed produced by the consumer.

§ 1508. Duties and authority of the board

(a) The duty of enforcing this Act and carrying out its provisions and requirements is vested in the Board. It is the duty of the Board who may act through its authorized agents—

(1) To sample, inspect, make analysis of and test seeds subject to the provisions of this Act that are transported, sold or offered or exposed for sale within the State for sowing purposes, at such time and place and to such extent as it may deem necessary to determine whether said seeds are in compliance with provisions of this Act, and to notify promptly the person who sold, offered or exposed the seed for sale and, if appropriate, the person who labeled or transported said seed of any violation, stop sale order, or seizure.

(2) To prescribe, amend, adopt, and publish after public hearing following due public notice:

(A) Rules and regulations governing the method of sampling, inspecting, analyzing, testing, and examining seeds subject to provisions of this Act and the tolerances to be used and such other rules and regulations necessary to secure efficient enforcement of this Act.

(B) Prohibited and restricted noxious weed seed deletions or additions.

(C) Rules and regulations establishing reasonable standards on germination for vegetable seeds and flower seeds.

(D) Rules and regulations for labeling flower seeds in respect to kind and variety or type and performance characteristics as required by § 1504 of this Act.

(E) A list of the kinds of flower seeds subject to the flower seed germination labeling requirements of § 1504 of this Act.

(F) A list of the tree and shrub seed species subject to germination labeling requirements of § 1504A (b) (7).

(b) Further, for the purpose of carrying out the provisions of this Act, the Board through its authorized agents, is authorized:

(1) To enter upon any public or private premises during regular business hours in order to have access to seeds and the records connected therewith subject to the Act and rules and regulations thereunder, and any truck or other conveyer by land, water, or air at any time when the conveyer is accessible, for the same purpose.

(2) To issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed subject to the provisions of this Act which the Board finds is in violation of any of the provisions of this Act or rules and regulations promulgated thereunder, which order shall prohibit further sale, processing and movement of such seed, except on approval of the enforcing officer, until such officer has evidence that the law has been complied with, and he has issued a release from the "stop sale" order of such seed, provided that in respect to seed which has been denied sale, processing and movement as provided in this paragraph, the owner or custodian of such seed shall have the right to appeal from said order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the justification of such order and for the discharge of such seeds from the order prohibiting the sale, processing and movement in accordance with the findings of the court; and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this Act.

(3) To establish and maintain or make provisions for seed testing facilities, to employ qualified persons, and to incur such expenses as may be necessary to comply with the provisions.

(4) To make or provide for making purity and germination tests of seed for farmers and dealers on request; to prescribe rules and regulations governing such testing; and to fix and collect charges for the tests made. (Any fees shall be transferred to the State Treasurer and paid into the General Fund of the State).

(5) To cooperate with the United States Department of Agriculture and other agencies in seed law enforcement.

(6) To publish the results of analysis, tests, and examinations made under the provisions of this sub-title, together with any other information deemed advisable.

§ 1509. Seizure

Any lot of seed not in compliance with the provisions of this Act shall be subject to seizure on complaint of the Board to a court of competent jurisdiction in the locality in which the seed is located. In the event the court finds the seed to be in violation of this Act and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State; provided, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel it into compliance with this Act.

§ 1510. Injunction

When in the performance of its duties the Board applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rules and regulations under this Act, said injunction is to be issued without bond.

§ 1511. Violations and prosecutions

Every violation of the provisions of this Act shall be deemed a misdemeanor punishable by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred fifty dollars for each subsequent similar offense.

When the Board shall find that any person has violated any of the provisions of this Act, it or its duly authorized agent or agents may institute proceedings in a court of competent jurisdiction in the locality in which the violation occurred, to have such person convicted therefor; or the Board may file with the Attorney General with a view of prosecution, such evidence as may be deemed necessary; provided, however, that no prosecution under this Act shall be instituted without the defendant first having been given an opportunity to appear before the Board or his duly authorized agent, to introduce evidence either

in person or by agent or attorney at a private hearing. If, after such hearing, or without such hearing in case, the defendant or his agent or attorney fails or refuses to appear, the Board is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

It is the duty of the Attorney General to institute proceedings at once against any person charged with a violation of this Act, if, in the judgment of such officer, the information submitted warrants such action.

After judgment by the court in any case arising under this Act, the Board shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

§ 1512. Delegation of duties

All authority vested in the State Board of Agriculture by virtue of the provisions of this Act may with like force and effect be executed by such employees of the State Board of Agriculture as may be designated for said purpose.

Section 2. Any other laws or parts of laws in conflict or inconsistent with the provisions of this Act, are hereby repealed.

Section 3. This Act shall be effective on and after January 1, 1970.

Approved June 17, 1969.

CHAPTER 148

AN ACT TO AMEND CHAPTER 1 OF TITLE 8 OF THE DELAWARE CODE, ENTITLED "GENERAL CORPORATION LAW," BY MAKING CERTAIN CHANGES IN SECTIONS 102, 103, 122, 126, 141, 144, 151, 153, 155, 212, 213, 214, 218, 224, 228, 229, 242, 251, 252, 253, 256, 258, 262, 271, 275, 311, 344, 371 and 379.

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 102 of Title 8 is amended by striking out all of paragraph (3) of subsection (b) and inserting in lieu thereof the following:

(3) Such provisions as may be desired granting to the holders of the stock of the corporation, or the holders of any class or series of a class thereof, the preemptive right to subscribe to any or all additional issues of stock of the corporation of any or all classes or series thereof, or to any securities of the corporation convertible into such stock. No stockholder shall have any preemptive right to subscribe to an additional issue of stock or to any security convertible into such stock unless, and except to the extent that, such right is expressly granted to him in the certificate of incorporation. All such rights in existence on July 3, 1967, shall remain in existence unaffected by this paragraph (3) unless and until changed or terminated by appropriate action which expressly provides for such change or termination.

Section 2. Section 103 of Title 8 is amended by adding a new subsection (f) as follows:

(f) Whenever any instrument authorized to be filed with the Secretary of State under any provision of this title has been so filed and is an inaccurate record of the corporate action therein referred to, or was defectively or erroneously executed, sealed or acknowledged, such instrument may be corrected by filing with the Secretary of State a certificate of correction of such instrument which shall be executed, acknowledged, filed

and recorded in accordance with this section. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth the portion of the instrument in corrected form. The corrected instrument shall be effective as of the date the original instrument was filed, except as to those persons who are substantially and adversely affected by the correction and as to those persons the corrected instrument shall be effective from the filing date.

Section 3. Section 122 of Title 8 is amended by striking out all of subsection (a) and inserting in lieu thereof the following:

(12) Transact any lawful business which the corporation's board of directors shall find to be in aid of governmental authority.

Section 4. Section 126 of Title 8 is amended by striking out all of subsection (a) and inserting in lieu thereof the following:

(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.

Section 5. Section 141 of Title 8 is amended by striking out subsections (a), (b) and (c), and inserting in lieu thereof the following:

(a) The business and affairs 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. If any such provision is made in the certificate of incorporation, the powers and duties conferred or imposed upon the board of directors by this chapter shall be exercised or performed to such extent and by such person or persons as shall be provided in the certificate of incorporation.

(b) The board of directors of a corporation shall consist of one or more members. The number of directors shall be fixed by, or in the manner provided in, the by-laws, unless the certificate of incorporation fixes the number of directors, in which

case a change in the number of directors shall be made only by amendment of the certificate. 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. Any director may resign at any time upon written notice to the corporation. 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 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 one 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. The by-laws may provide that in the absence or disqualification of a member of a committee, 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. Any such committee, to the extent provided in the resolution of the board of directors, or in the by-laws of the corporation, shall have and may exercise all the powers and authority 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; but no such committee shall have the power or authority in reference to amending the certificate of incorporation, adopting an agreement of merger or consolidation, recom-

mending to the stockholders the sale, lease or exchange of all or substantially all of the corporation's property and assets, recommending to the stockholders a dissolution of the corporation or a revocation of a dissolution, or amending the by-laws of the corporation; and, unless the resolution, by-laws, or certificate of incorporation expressly so provide, no such committee shall have the power or authority to declare a dividend or to authorize the issuance of stock.

Section 6. Section 141 of Title 8 is amended by striking out all of subsection (h) and inserting two new subsections (h) and (i) as follows:

(h) Unless otherwise restricted by the certificate of incorporation or by-laws, the board of directors shall have the authority to fix the compensation of directors.

(i) Unless otherwise restricted by the certificate of incorporation or by-laws, members of the board of directors or the governing body of any corporation, or any committee designated by such board or body, may participate in a meeting of such board, body or committee by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at such meeting.

Section 7. Section 144 of Title 8 is amended by striking out all of subsections (a) and (b) and inserting in lieu thereof the following:

(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 relationship or 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 the affirmative votes of a majority of the disinterested directors, even though the disinterested directors be less than a quorum; or

(2) The material facts as to his relationship or 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.

Section 8. Section 151, Title 8, Delaware Code, is amended by striking subsection (e) in its entirety, and inserting in lieu thereof the following:

(e) Any stock of any class or of any series thereof may be made convertible into, or exchangeable for, at the option of either the holder or the corporation or upon the happening of a specified event, shares of any other class or classes or any other series of the same or any other class or classes of stock of the corporation, at such price or prices or at such rate or 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 stock adopted by the board of directors as hereinabove provided.

Section 9. Section 151 of Title 8 is amended by striking out all of subsection (f) and inserting in lieu thereof the following:

(f) If any corporation shall be authorized to issue more than one class of stock or more than one series of any class, the

powers, 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 powers, 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.

Section 10. Section 153 of Title 8 is amended by striking out all of subsections (a), (b), (c) and (d), and inserting in lieu thereof the following:

(a) Shares of stock with par value may be issued for such consideration, having a value not less than the par value thereof, as determined 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 as it determined 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 as may be determined 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 determine the consideration for the issue of any shares, the stockholders shall, unless the certificate requires a greater vote, do so by a vote of a majority of the outstanding stock entitled to vote thereon.

Section 11. Section 155 of Title 8 is amended by strik-

ing out all of said section and inserting in lieu thereof the following:

§ 155. Fractions of shares

A corporation may, but shall not be required to, issue fractions of a share. If it does not issue fractions of a share, it shall (1) arrange for the disposition of fractional interests by those entitled thereto (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 warrants in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip or warrants aggregating a full share. A certificate for a fractional share shall, but scrip or warrants shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause scrip or warrants to be issued subject to the conditions that they shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the conditions that the shares for which scrip or warrants are exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of scrip or warrants, or subject to any other conditions which the board of directors may impose.

Section 12. Section 212 of Title 8 is amended by striking out subsection (a) and inserting in lieu thereof the following:

(a) Unless otherwise provided in the certificate of incorporation and subject to the provisions of section 213 of this title, each stockholder shall be entitled to one vote for each share of capital stock held by such stockholder. If the certificate of incorporation provides for more or less than one vote for any share, on any matter, every reference in this chapter to a majority or other proportion of stock shall refer to such majority or other proportion of the votes of such stock.

Section 13. Section 213 of Title 8 is amended by striking out paragraph (2) of subsection (b), and inserting in lieu thereof paragraphs (2) and (3) as follows:

(2) The record date for determining stockholders entitled to express consent to corporate action in writing without a meeting, when no prior action by the board of directors is necessary, shall be the day on which the first written consent is expressed.

(3) 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.

Section 14. Section 218 of Title 8 is amended by deleting the last sentence of subsection (c), and the whole of subsection (d), and inserting in lieu thereof the following subsections (d) and (e):

(d) The validity of any such voting trust or other voting 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.

(e) This section shall not be deemed to invalidate any voting or other agreement among stockholders or any irrevocable proxy which is not otherwise illegal.

Section 15. Section 224 of Title 8 is amended by striking out said section and inserting in lieu thereof the following:

§ 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, microphotographs, or any other information storage device, provided that the records so kept can be converted into clearly legible written 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, a clearly legible written form produced from the cards, tapes, photographs, micrographs 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, when said written form accurately portrays the record.

Section 16. Section 228 of Title 8 is amended by striking out said section and inserting in lieu thereof the following:

§ 228. Consent of stockholders in lieu of meeting

Unless otherwise provided in the certificate of incorporation, any action required by this chapter to be taken at any annual or special meeting of stockholders of a corporation, or any action which may be taken at any annual or special meeting of such stockholders, may be taken without a meeting, without prior notice and without a vote, if a consent in writing, setting forth the action so taken, shall be signed by the holders of outstanding stock having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all shares entitled to vote thereon were present and voted. Prompt notice of the taking of the corporate action without a meeting by less than unanimous written consent shall be given to those stockholders who have not consented in writing. In the event that the action which is consented to is such as would have required the filing of a certificate under any other section of this title, if such action had been voted upon by stockholders at a meeting thereof, the certificate filed under such other section shall state, in lieu of any statement required by such section concerning a vote of stockholders, that written consent has been given in accordance with the provisions of this section, and that written notice has been given as provided in this section.

Section 17. Section 229 of Title 8 is amended by striking out said section and inserting in lieu thereof the following:

§ 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 shall constitute a waiver of notice of such meeting, except when the person 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, directors, or members of a committee of directors need be specified in any written waiver of notice unless so required by the certificate of incorporation or the by-laws.

Section 18. Section 242 of Title 8 is amended by striking out all of subsections (b) and (c) and inserting in lieu thereof the following:

(b) Whenever an amendment effects any change in the issued shares of the corporation, the aggregate amount of capital represented by all issued shares immediately after the amendment shall not be less than the aggregate amount of capital represented by all issued shares immediately before the amendment and the certificate of amendment shall state that the capital of the corporation will not be reduced under or by reason of the amendment.

Section 19. Section 242 of Title 8 is amended by changing the designation of subsection (d) to subsection (c).

Section 20. Section 242 of Title 8 is amended by striking out the fourth and fifth sentences of paragraph (1) of old subsection (d) and inserting in lieu thereof the following:

At the meeting a vote of the stockholders entitled to vote thereon shall be taken for and against the proposed amendment. If a majority of the outstanding stock entitled to vote thereon, and a majority of the outstanding stock of each class entitled to vote thereon as a class has been 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.

Section 21. Section 242 of Title 8 is amended by striking

out all of paragraph (2) of old subsection (d) and inserting in lieu thereof the following:

(2) The holders of the outstanding shares of a class shall be entitled to vote as a class upon a proposed amendment, whether or not entitled to vote thereon by the provisions of the certificate of incorporation, if the amendment would increase or decrease the aggregate number of authorized shares of such class, increase or decrease the par value of the shares of such class, or alter or change the powers, preferences or special rights of the shares of such class so as to affect them adversely. If any proposed amendment would alter or change the powers, preferences, or special rights of one or more series of any class so as to affect them adversely, but shall not so affect the entire class, then only the shares of the series so affected by the amendment shall be considered a separate class for the purposes of this paragraph. 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.

Section 22. Section 251 of Title 8 is amended by striking out all of subsections (b), (c), and (f) and inserting in lieu thereof the following:

(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 amendments or changes in the certificate of incorporation of the surviving corporation as are desired to be effected by the merger or consolidation, or, if no such amendments or changes are desired, a statement that the certificate of incorporation of one of the constituent corporations shall be the certificate of incorporation of the surviving or resulting corporation; (4) the manner of converting the shares of each of the constituent cor-

porations 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 corporation are not to be converted solely into shares or other securities of the surviving or resulting corporation, the cash, property, rights or securities of any other corporation which the holders of such shares are to receive in exchange for, or upon conversion of such shares and the surrender of the certificates evidencing them, which cash, property, rights or securities of any other corporation may be in addition to or in lieu of shares or other securities of the surviving or resulting corporation; 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 or recognition of fractional shares, interests or rights, or for any other arrangement with respect thereto, consistent with the provisions of section 155 of this title. 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 holder of stock, whether voting or nonvoting, of the 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 taken for its adoption or rejection. If a majority of the outstanding stock of the corporation entitled to vote thereon shall be voted for the adoption of the agreement, that fact shall be certified on the agreement by the secretary or assistant secretary of the corporation under the seal thereof. If the agreement shall be so adopted and certified by each constituent corporation, it shall then be executed, acknowledged and filed, and shall become effective, in accordance with section 103 of this title. It shall be recorded in the office of the Recorder of the County of this State in which the registered office of each such constituent corporation is located; 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.

(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 amend in any respect the certificate of incorporation of the surviving corporation, and (2) the authorized unissued shares or the treasury shares of any class of stock of the surviving corporation to be issued or delivered under the plan of merger do not exceed 15 percent 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, the secretary or assistant secretary of that corporation shall certify on the agreement, under its seal, that the agreement has been adopted pursuant to this subsection and that, as of the date of such certificate, the outstanding shares of the corporation were such as to render this subsection applicable. The agreement so adopted and certified shall then be executed, acknowledged and filed and shall become effective, in accordance with section 103 of this title. Such filing shall constitute a representation by the person who executes the agreement that the facts stated in the certificate remain true immediately prior to such filing.

Section 23. Section 252 of Title 8 is amended by striking out all of subsections (a) and (b) and inserting in lieu thereof the following:

(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, or of the District of Columbia if the laws of such other state or states or of the District permit a corporation of such jurisdiction to merge or consolidate with a corporation of another jurisdiction. 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 a corporation of such jurisdiction to merge or consolidate with a corporation of another jurisdiction.

(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 cash, property, rights, or securities of any other corporation which the holders of such shares are to receive in exchange for, or upon conversion of, such shares and the surrender of the certificates evidencing them, which cash, property, rights, or securities of any other corporation may be in addition to or in lieu of the shares or other securities of the surviving or resulting corporation; (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 or recognition of fractional shares of the surviving or resulting corporation or of any other corporation the securities of which are to be received in the merger or consolidation, or for some other arrangement with respect thereto consistent with the provisions of section 155 of this title; and (5) such other provisions or facts 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.

Section 24. Section 253 of Title 8 is amended by striking out all of subsections (a) and (c) and inserting in lieu thereof the following:

(a) In any case in which at least 90 percent 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 others or others are corporations of this State or of any other state or states or of the District of Columbia and the laws of such other state or states or of the District permit a corporation of such jurisdiction to merge with a corporation of another jurisdiction, 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, property, or rights to be issued, paid, delivered or granted 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 a majority of the outstanding stock of the parent corporation entitled to vote thereon at a meeting thereof duly called and held after 20 days notice of the purpose of the meeting mailed to each such stockholder at his address as it appears on the records of the corporation. A certified copy of the certificate shall be recorded in the office of the Recorder of the County in this State in which the registered office of each constituent corporation which is a

corporation of this State is located. If the surviving corporation exists under the laws of the District of Columbia or any state other than this State, the provisions of section 252(d) of this title shall also apply to a merger under this section.

(c) 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 a corporation of such jurisdiction to merge with a corporation of another jurisdiction; and provided further that the surviving or resulting corporation shall be a corporation of this State.

Section 25. Section 256 of Title 8 is amended by striking out in subsection (a) the words "such merger or consolidation", as the same appear in the first and last sentences of said subsection, and insert in lieu thereof the words:

"a corporation of such jurisdiction to merge with a corporation of another jurisdiction."

Section 26. Section 258 of Title 8 is amended by striking out in subsection (a) the words "such merger or consolidation", as the same appear in the first sentence of said subsection, and insert in lieu thereof the words:

"a corporation of such jurisdiction to merge with a corporation of another jurisdiction."

Section 27. Section 262 of Title 8 is amended by striking out the first two sentences of subsection (b) and inserting in lieu thereof the following:

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 either were not entitled to vote or were not voted in favor of the merger or consolidation, 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. Such notice shall likewise be given to each stockholder whose

corporation approved the merger or consolidation pursuant to section 228 of this title without a meeting of its stockholders and who either did not, or had no right to, consent in writing to such merger or consolidation.

Section 28. Section 262 of Title 8 is amended by striking out in subsection (c) the word "objecting" as the same appears in two places in said subsection.

Section 29. Section 262 of Title 8 is amended by striking out all of subsection (k) and inserting in lieu thereof the following:

(k) This section shall not apply to the shares of any class or series of a 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 the holders of a class or series of a class of stock of a constituent corporation if under the terms of a merger or consolidation pursuant to section 251 or 252 of this title such holders are required to accept for such stock anything except (a) stock or stock and cash in lieu of fractional shares of the corporation surviving, or resulting from such merger or consolidation, or (b) stock or stock and cash in lieu of fractional shares of any other corporation, 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, or (c) a combination of stock or stock and cash in lieu of fractional shares as set forth in (a) and (b) of this subsection.

Section 30. Section 271 of Title 8 is amended by striking out all of subsection (a) and inserting in lieu thereof the following:

(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 a resolution adopted by a majority of the outstanding stock of the corporation entitled to vote thereon at a meeting thereof duly called upon at least 20 days notice. The notice of the meeting shall state that such a resolution will be considered.

Section 31. Section 275 of Title 8 is amended by striking out all of subsections (a) and (b) and inserting in lieu thereof the following:

(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 entitled to vote thereon of the adoption of the resolution and of a meeting of stockholders to take action upon the resolution.

(b) At the meeting a vote shall be taken for and against the proposed dissolution. If a majority of the outstanding stock of the corporation entitled to vote thereon 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.

Section 32. Section 275 of Title 8 is amended by adding a new subsection (c) as follows:

(c) Whenever all the stockholders entitled to vote on a dissolution shall consent in writing, either in person or by duly authorized attorney, to a dissolution, no meeting of directors or stockholders shall be necessary, but on filing the consent in the office of the Secretary of State, he, upon being satisfied that the requirements of this section have been complied with, shall issue his certificate that the consent to dissolution 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. In the event that the consent is signed by an attorney, the original power of attorney or a photocopy thereof shall be attached to and filed with the consent. The consent filed with the Secretary of State shall have attached to it the affidavit of the Secretary or some other officer of the corporation stating that the consent has been signed by or on behalf of all the stockholders entitled to vote on a dissolution; in addition there shall be attached to the consent a certification by the secretary or some other officer of the corporation setting forth the names and residences of the directors and officers of the corporation.

Section 33. Section 311 of Title 8 is amended by striking out paragraphs (2), (3), and (4) of subsection (a) and inserting in lieu thereof the following:

(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 upon a proposed dissolution before the corporation was dissolved.

(3) At the meeting a vote of the stockholders shall be taken on a resolution to revoke the dissolution. If a majority of the stock of the corporation which was outstanding and entitled to vote upon a dissolution at the time of its dissolution shall

be voted for 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 a majority of the stock of the corporation which was outstanding and entitled to vote upon a dissolution 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.

Section 34. Section 344 of Title 8 is amended by striking out of the last sentence the phrase "section 242" and inserting in lieu thereof the phrase "section 241 or 242".

Section 35. Section 371 of Title 8 is amended by striking out subsection (c) and inserting in lieu thereof the following:

(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; provided that the Secretary of State shall not issue such certificate unless the name of the corporation is such as to distinguish it upon the records of the office of the Secretary of State from the names of other corporations organized under the laws of this State or reserved or registered as a foreign corporation under the laws of this State except with the written consent of such other corporation, executed, acknowledged, and filed with the Secretary of State in accordance with section 103 of this title.

Section 36. Section 379 of Title 8 is amended by striking out subsection (a) and inserting in lieu thereof the following:

(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 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.

Section 37. Section 214 of Title 8 is amended by striking out all of said section and inserting in lieu thereof the following:

§ 214. Cumulative voting

The certificate of incorporation of any corporation may provide that at all elections of directors of the corporation, each holder of stock or of any class or classes or of a series or series thereof 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 by him, 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.

Section 38. This Act shall become effective on July 15, 1969.

Approved June 23, 1969.

CHAPTER 149

**AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE
CODE, ENTITLED "GENERAL CORPORATION LAW,"
BY MAKING CERTAIN CHANGES IN SECTION 243.**

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 243, Title 8, Delaware Code, is amended by striking the words, "preferred or special", as they appear in the catch line of Section 243 and as they appear in subsections (c) and (e) of said section.

Approved June 23, 1969.

CHAPTER 150

AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO CORPORATIONS BY REVISING THE SCHEDULE OF FEES AND FRANCHISE TAXES PAID TO THE SECRETARY OF STATE.

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

Section 1. Subsection (a) of Section 391 of Title 8, Delaware Code, is amended by deleting the words, "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—", and substituting therefore the words, "for the use of the State—".

Section 2. Subsection (a) of Section 391 of Title 8, Delaware Code, is amended by deleting the words, "; a fee of \$5 in each case for filing and/or indexing the certificate; a fee of \$5 for certifying to and/or copying the certificate", as they appear in paragraph (5) thereof.

Section 3. Subsection (a) of Section 391 of Title 8, Delaware Code, is amended by deleting the words, "; 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", as they appear in paragraph (6) thereof.

Section 4. Subsection (a) of Section 391 of Title 8, Delaware Code, is amended by deleting paragraph (7) thereof and substituting in lieu thereof the following:

(7) For receiving and filing and/or indexing any certificate, affidavit, agreement, or any other paper provided for by this chapter, for which no different fee is specifically prescribed, a fee of \$25 in each case shall be paid.

Section 5. Subsection (a) of Section 391 of Title 8, Delaware Code, is amended by substituting the figure "\$30" for the figure "\$25" in paragraph (8) thereof.

Section 6. Subsection (a) of Section 391 of Title 8, Delaware Code, is amended by deleting paragraphs (10) and (11) and substituting in lieu thereof the following:

(10) For certifying copies of any paper on file provided for by this chapter, a fee of \$7.50 shall be paid for each copy certified. In addition, a fee of \$1 per page shall be paid in each instance where the Secretary of State provides the copies of the document to be certified.

(11) For issuing any certificate of the Secretary of State, other than a certification of a copy under paragraph (10) hereof, a fee of \$10 shall be paid for each certificate.

Section 7. Subsection (a) of Section 391 of Title 8, Delaware Code, is amended by deleting paragraph (15) and substituting in lieu thereof the following:

(15) For preparing and providing a written report of a record search, a fee of \$5 shall be paid.

(16) For preclearance of any document for filing, a fee of \$25 shall be paid.

(17) For receiving and filing and/or indexing an annual report of a corporation provided for by section 502 of this title, a fee of \$10 shall be paid.

(18) Except as provided in this section, the fees of the Secretary of State shall be as provided for in section 2316 of Title 29.

Section 8. Section 391 of Title 8, Delaware Code, is amended by deleting Subsection (c) and substituting in lieu thereof the following:

(c) The Secretary of State may issue photocopies of instruments on file as well as other copies, and for all such copies which are not certified by him, a fee of \$1 per page shall be paid therefor.

Section 9. Subsection (c) of Section 371 of Title 8, Delaware Code, is amended by deleting therefrom the words, "of the usual fees for making certified copies", and by substituting

in lieu thereof the words, "of the fee prescribed for his certificates".

Section 10. Subsection (a) of Section 503 of Title 8, Delaware Code, is amended as follows—by substituting the figure "\$20" for the figure "\$10"; by substituting the words "Twenty Dollars" for the words "Ten Dollars"; by substituting the figure "\$24.20" for the figure "\$22" in each instance where the latter figure appears in said subsection; by substituting the figure "\$30.25" for the figure "\$27.50" in each instance where the latter figure appears in said subsection; by substituting the figure "\$60.50" for the figure "\$55" in each instance where the latter figure appears in said subsection; and by substituting the figure "\$121" for the figure "\$110" in each instance where the latter figure appears in said subsection.

Section 11. Subsection (c) of Section 503 of Title 8, Delaware Code, is amended by substituting the figure "\$110,000" for the figure "\$100,000" and by substituting the figure "\$20" for the figure "\$10".

Section 12. Subsection (h) of Section 503 of Title 8, Delaware Code, is amended by substituting the figure "\$181.50" for the figure "\$165" and by substituting the figure "\$55,000" for the figure "\$50,000".

Section 13. This Act shall become effective on July 15, 1969.

Section 14. The provisions of this Act with respect to fees shall apply to all fees which accrue on and after July 15, 1969. The provisions of this Act with respect to franchise taxes shall apply to all such taxes which are determined and assessed by the Secretary of State on and after July 15, 1969, and shall not affect franchise taxes for any year prior to January 1, 1969.

Approved June 23, 1969.

CHAPTER 151

AN ACT TO AMEND CHAPTER 29 OF TITLE 24 OF THE DELAWARE CODE ENTITLED, "REAL ESTATE BROKERS AND SALESMEN" BY REPEALING SECTIONS 2901, 2902, 2903, 2904, 2905, 2908, 2923, AND 2924 THEREOF AND SUBSTITUTING IN LIEU THEREOF NEW SECTIONS 2901, 2902, 2903, 2904, 2905, 2908, 2923, 2924, 2925, 2926 AND 2927.

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

Section 1. Sections 2901, 2902, 2903, 2904, 2905, 2908, 2923 and 2924, Chapter 29, Title 24, Delaware Code, are hereby repealed and the following new sections enacted in lieu thereof:

§ 2901. Definitions and exceptions

(a) As used in this chapter—

"Real estate broker" means any person who, for a compensation or valuable consideration, sells or offers for sale, buys or offers to buy, or negotiates a purchase, sale or exchange of real estate or who leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others, as a whole or partial vocation. The term "real estate broker" shall also include real estate appraisers.

"Real estate salesman" means any person who, for a compensation or valuable consideration, is employed, either directly or indirectly by a real estate broker to sell or offer to sell, or to buy or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to lease, or rent, or offer for rent, any real estate, or to negotiate leases thereof or of the improvements thereon, as a whole or partial vocation.

(b) The provisions of this chapter shall not apply to—

(1) Any person who, as owner or lessor, performs any of the acts enumerated in this section with reference to property owned or leased by such person or to the regular employee thereof, with respect to the property so owned or leased, where such acts are performed in the regular course of or as an inci-

dent to the management of such property and the investment therein; or

(2) Persons acting as attorney in fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract of sale, leasing or exchange of real estate.

(c) This chapter shall not be construed to include in any way the services rendered by an attorney-at-law, nor shall it be held to include while acting as such, the receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court; or a trustee acting under a trust agreement, deed of trust or will, or the regular salaried employee thereof.

§ 2902. Real Estate Commission; appointment, qualifications, term of office, vacancies

(a) The Delaware Real Estate Commission (hereinafter referred to as the "Commission") is established and shall consist of five (5) members. The Commission shall consist of the members presently serving unexpired terms on the Delaware Real Estate Commission (hereinafter referred to as the "Old Commission") as it existed prior to the enactment of this bill. The Governor shall appoint two (2) new members to the Commission—one for a period of five (5) years and another for a period of four (4) years. Upon the expiration of the terms of each of the members of the Old Commission, the Governor shall appoint new members of the Commission for periods of time of five (5) years or less so that the membership of the Commission shall always have one (1) member whose term expires in each calendar year.

(b) At least one member of the Commission shall be a resident of Sussex County; one, a resident of Kent County; two, residents of New Castle County, one of which shall maintain an office in the City of Wilmington at the time of such appointment, and one may serve at large.

(c) In order to qualify for appointment to the Commission each person must:

(1) Have been a qualified active Real Estate Broker in

Delaware for five years immediately prior to such appointment;

(2) Have been a resident of the State of Delaware for five years immediately prior to such appointment.

(d) The members of the Commission, before entering upon their duties, shall respectively take and subscribe to an oath to exercise the duties of their office with fidelity. Such oath shall be filed with the clerk of the peace of the county in which such members reside.

(e) The Governor shall fill vacancies occurring for any reason other than expiration of term, for unexpired terms of such Commissioners, and may remove any members of such Board for continued neglect of the duties required by this chapter, or for unprofessional or dishonorable conduct.

(f) The members of the Commission shall each receive the actual and necessary expenses incurred in the performance of duties pertaining to their offices.

§ 2903. Election of officers; quorum; by-laws; special meetings

(a) The Commission, immediately upon the qualification of its members, shall organize by selecting from its members a Chairman, Vice-Chairman and Secretary, and may do all other things necessary and convenient for carrying into effect the provisions of this chapter. The Secretary shall be responsible for keeping a full record of the proceedings of the Commission.

After the initial organization meeting of the Commission, the Commission shall meet annually in the month of June and shall select from its members a Chairman, Vice-Chairman and Secretary.

(b) Three members of the Commission shall constitute a quorum, and the Commission may act by a majority vote of a quorum.

(c) The Commission may adopt and promulgate such by-laws as may be necessary to govern its proceedings, to define the duties of its officers and to effectuate the intent and purpose of this chapter.

(d) Special meetings of the Commission may be called by the Secretary upon written request of the Chairman or of any two members.

(e) The Commission shall adopt a seal and may use that seal on all official documents.

§ 2904. Executive Secretary; appointment; qualifications

The Commission may appoint an Executive Secretary who shall receive an annual salary fixed by the Commission, not to exceed \$7,500 and said Executive Secretary shall be reimbursed for his necessary travel expenses incurred in the discharge of his duties. Such Executive Secretary shall keep a record of all meetings of the Commission and maintain a register of names of all Brokers and Salesmen licensed under this chapter, which shall at all times be open for inspection. Neither the Executive Secretary nor any employee of the Commission may be an officer, partner or paid employee of a real estate association or group of real estate brokers or salesmen or may during his employment practice the vocation of real estate broker or salesman.

§ 2905. Powers and duties of the Commission

The Commission may:

(a) Adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter.

(b) Examine, license, and renew the licenses of duly qualified applicants, including applicants for conducting schools of real estate.

(c) Conduct hearings upon charges calling for discipline of a licensee or revocation of a license.

(d) Have the power to issue subpoenas, and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings.

(e) Cause the prosecution of all persons violating this chapter and have the power to incur such necessary expenses therefor.

- (f) Keep a record of all its proceedings.
- (g) Make an annual report to the Governor.
- (h) Appoint an Executive Secretary who shall not be a member of the Commission.
- (i) Define the duties and fix the compensation of the Executive Secretary.
- (j) Employ other persons to assist the Commission.

§ 2908. Fees

- (a) For each examination, a fee not to exceed fifteen dollars (\$15.00).
- (b) For each original resident broker's license issued, a fee not to exceed twenty-five dollars (\$25.00).
- (c) For each annual renewal of the resident broker's license, a fee not to exceed twenty-five dollars (\$25.00).
- (d) For each original non-resident broker's license, a fee not to exceed fifty dollars (\$50.00).
- (e) For each annual renewal of a non-resident broker's license, a fee not to exceed fifty dollars (\$50.00).
- (f) For each original salesman's license issued, a fee not to exceed ten dollars (\$10.00).
- (g) For each annual renewal of a salesman's license, a fee not to exceed ten dollars (\$10.00).
- (h) For each additional office or place of business, an annual fee not to exceed fifteen dollars (\$15.00).
- (i) For each change of place of business or change of employer or contractual associate, a fee not to exceed ten dollars (\$10.00).
- (j) For each duplicate license, where the original license is lost or destroyed and affidavit is made thereof, a fee not to exceed two dollars (\$2.00).
- (k) For each duplicate pocket card, where the original pocket card is lost or destroyed an affidavit is made thereof, a fee not to exceed two dollars (\$2.00).

§ 2923. Revenue and expenses of Commission

(a) All Fees and other money received by the Commission shall be paid over to the State Treasurer, in accordance with Chapter 61 of Title 29.

(b) Expenses of the Commission, within the limits of appropriations made to it, shall be paid by the State Treasurer upon warrants signed by the proper officers of the Commission.

§ 2924. Bonding of brokers

No license shall be issued or renewed until the applicant for a broker's license has filed a bond with the Commission in the sum of Five Thousand Dollars (\$5,000.00), running to the State of Delaware and executed by a surety company duly authorized to do business in the State of Delaware. The bond shall be in a form approved by the Commission and conditioned that the applicant shall conduct his business and himself in accordance with the provisions of this Act. All bonds, after approval, shall be filed and held in the office of the Commission.

§ 2925. Deposits and trust fund accounts; accounting; records inspection and audit

(a) All deposits accepted by every person, partnership, corporation, or association holding a real estate broker's license under the provisions of this Act, which deposits are retained by such real estate broker pending consummation or termination of the transaction involved, shall be accounted for in the full amount thereof at the time of the consummation or termination.

Every real estate salesman, promptly on receipt by him of a deposit on any transaction in which he is engaged on behalf of his broker-employer shall pay over the deposit to the real estate broker.

(b) Every real estate broker shall deposit in an escrow account or accounts in a banking institution all earnest money deposits, rental money, and other monies held by him as a real estate broker in which his clients or other persons with whom he is dealing have an interest unless specifically otherwise agreed upon, in writing, between a builder and a client. The

broker shall maintain at his usual place of business books, records, contracts, and other necessary documents to determine the adequacy of the escrow account or accounts. These accounts and records shall be opened to inspection by the Commission and its duly authorized agents at the broker's usual place of business during regular business hours.

§ 2926. Violations and penalties; enforcement

(a) Whoever, being a natural person, violates any provision of this chapter; or

Whoever, being an agent or officer of a corporation or member or agent of a co-partnership or association, personally participates or is an accessory to any violation of this chapter—

Shall be fined not less than \$200 nor more than \$1000, or imprisoned not more than six months, or both.

(b) Any corporation that violates any provision of this chapter shall be fined not less than \$200 nor more than \$1,000.

(c) The Commission shall report all violations of this chapter to the Attorney General of this State.

(d) All fines or penalties shall inure to this State.

§ 2927. Legal action by Commission to enforce chapter

The Commission may report a defendant for violation of this chapter before any court of competent jurisdiction and it may take the necessary legal steps for the proper legal officers of this State to enforce the provisions of this chapter and collect the penalties provided in this chapter.

Section 2. The effective date of this Act shall be June 1, 1969.

Approved June 23, 1969.

CHAPTER 152

AN ACT TO AMEND CHAPTER 11, TITLE 19, DELAWARE CODE, RELATING TO WAGE PAYMENT AND COLLECTION.

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

Section 1. § 1102 (a), Title 19, Delaware Code, is amended by striking out the following words:

“on banks convenient to the place of employment where suitable arrangements are made for cashing for the full amount of the wages due.”

and by inserting in lieu thereof, the following words:

“provided suitable arrangements are made by the employer for cashing such checks for the full amount of the wages due at a bank or other business establishment convenient to the place of employment; and provided further however, that upon written request of an employee, an employer may pay such employee all wages due, by credit to a bank account designated by the employee.”

Section 2. §1102 (c), Title 19, Delaware Code, is amended by striking the “.” at the end thereof and adding the following:

“or by the credit to the bank account designated by the employee.”

Section 3. § 1103 (d), Title 19, Delaware Code, is amended by adding thereto the following sentence:

“If an employer is unable to prepare the payroll due to labor disputes, power failure, blizzard or like weather catastrophe, epidemic, fire or explosion, said employer shall not be deemed in violation of this chapter.”

Section 4. § 1108, Title 19, Delaware Code, is amended by repealing subsection (b) and enacting a new subsection (b) in lieu thereof to read as follows:

“(b) To notify each employee in writing or through a posted notice maintained in a place accessible to the employees

and where they normally pass, of any reduction in the regular rate of pay, and day, hour, and place of payment prior to the time of such change."

Section 5. § 1108 (d), Title 19, Delaware Code, is amended by striking said subsection and substituting in lieu thereof a new subsection (d) to read as follows:

"(d) To furnish to each employee at the time of payment a statement, either on the check or by a separate slip, showing the wages due, the pay period for which wages are due, and the total amount of deductions, separately specified, which have been made from the wages due, provided such statement shall for an employee who is paid at an hourly rate, show the total number of hours for the said pay period."

Section 6. § 1108 (f), Title 19, Delaware Code, is amended by inserting therein, after the word "employment", the following words:

"or at one or more central record keeping offices"

Section 7. § 1112, Title 19, Delaware Code, is amended by adding a new subsection (c) to read as follows:

"(c) Any employer who falsely makes, utters, draws or delivers any receipt, or statement that credit to a bank account of an employee has been made in payment of wages due shall be fined not more than \$500.00 or imprisoned not more than one year or both for each such violation."

Approved June 23, 1969.

CHAPTER 153

AN ACT TO AMEND SECTION 706, CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO THE SPECIAL TAX ON PREMIUMS OF INSURANCE COMPANIES COVERING THE RISK OF LOSS BY FIRE, THE COLLECTION OF SAID TAX, AND THE DISTRIBUTION OF REVENUE THEREFROM.

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. § 706, Title 18, Delaware Code, is amended by striking said section in its entirety and inserting a new § 706 to read as follows:

§ 706. Statements by the insurance companies; distribution of the proceeds of the special tax on insurance companies covering the risk of loss by fire

(a) Every insurance company covering the risk of loss by fire on any real or personal property within this State and/or on motor vehicles, aircraft (as defined by section 102 of Title 2) marine vessels, ships or boats registered or licensed in this State shall annually at the same time that such company files its annual report as required by law, deliver to the Insurance Commissioner a full detailed statement of the amount of gross premiums of all business done by such company in the City of Wilmington; in the County of New Castle, outside the City of Wilmington; in Kent County; and in Sussex County; for the year ending on the previous thirty-first day of December. The insurance company shall also state in the statement the amount of the portion of the gross premiums allocated and obtained for covering the risk of loss by fire on any real or personal property within this State or on motor vehicles, aircraft (as defined by section 102 of Title 2) marine vessels, ships or boats registered or licensed in this State by such company in the City of Wilmington; in the County of New Castle, outside the City of Wilmington; in Kent County; in Sussex County; for the year ending on the previous thirty-first day of December. If the in-

insurance company has an undivided premium, the company shall divide the premium for the purpose of complying with this section and section 705 of this title. The statement shall be verified by the oath or affirmation of the president or vice-president and secretary or other officer, and the statement shall be on the forms prepared and furnished by the Insurance Commissioner for that purpose. The Insurance Commissioner shall have the power and authority to request and receive any information regarding any insurance company's business of covering the risk of loss by fire. Failure to give the Insurance Commissioner the requested information shall be good cause under Section 507 of this title for revocation of any Certificate of Authority of the insurance company ignoring the request.

(b) The Insurance Commissioner shall ascertain and report to the State Treasurer, on or before the fifteenth day of May of each year, the information contained in the statements and such other information as the Insurance Commissioner has obtained from the insurance companies covering the risk of loss of the type of coverage listed in Section 705 of this Title; and from such report, the State Treasurer shall ascertain proportionately, according to county divisions and the City of Wilmington, the amounts due and owing the fire companies and departments of these areas and on or before the first day of June of each year, shall pay to the treasurer of the individual fire companies and departments of the respective counties and the City of Wilmington, equal shares of the aforesaid proportioned amounts, which amounts shall be used by the fire companies and departments for the purpose of maintaining said fire companies and departments. The money realized under the provisions of this Section and Section 705 of this Title, which, under the statements is due and owing the fire companies and departments of the City of Wilmington, shall be paid to the Treasurer of the City of Wilmington and shall be applied to, and become a part of, the Firemen's Pension Fund of the Bureau of Fire of the City of Wilmington, and shall be used as directed in the by-laws and constitution of the Bureau.

(c) The money received under this Section and Section 705 of this Title shall be set aside as a special fund for assisting in maintaining the fire companies or departments in this State and shall be paid out by the State Treasurer to the treasurer of

the City of Wilmington and the fire companies and departments of the respective counties for the sole purpose of assisting in maintaining the fire companies or departments in such counties in such manner and in such proportions as provided in this section.

(d) All active fire companies or departments in this State, outside of the limits of the City of Wilmington, shall register with the State Treasurer on or before the first day of April in each year on a form provided by the State Treasurer for this purpose giving their location, apparatus, and equipment maintained.

Approved June 23, 1969.

CHAPTER 154

AN ACT TO INCREASE THE AMOUNT OF DEATH BENEFITS PAYABLE BY MUTUAL BENEFIT ASSOCIATIONS.

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

Section 1. Section 5518, Title 18, Delaware Code, is amended by striking the figure "7,500" and inserting in lieu thereof the figure "20,000".

Approved June 23, 1969.

CHAPTER 155

AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY GIVING TO THE STATE BOARD OF EDUCATION AUTHORITY FOR ENTERING INTO INTERSTATE AGREEMENTS ON QUALIFICATION OF EDUCATIONAL PERSONNEL AND FOR RELATED PURPOSES.

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

Section 1. Amend Chapter 12, Title 14, Delaware Code, by designating collectively § 1201, § 1202, § 1203, and § 1204 including the content of each as Subchapter I to be entitled, "Professional Status Certificate".

Section 2. Amend Chapter 12, Title 14, Delaware Code, by changing "§ 1205" to read as "§ 1230" and designating § 1230, now § 1205, as Subchapter III to be entitled "Substitute Teachers".

Section 3. Amend § 1201, Title 14, Delaware Code, by changing the word "Chapter" as it appears in the Title to that section and within the first paragraph of the section to be the word "Subchapter".

Section 4. Amend Chapter 12, Title 14, Delaware Code, by inserting into that chapter a new Subchapter II, entitled, "Interstate Agreement on Qualification of Educational Personnel" to read as follows:

SUBCHAPTER II, INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

§ 1210. In accordance with the terms set forth in this subchapter in § 1212 through and including §1220, the State of Delaware does provide for entering into Interstate Agreements on Educational Personnel. Such agreements, properly entered into by the designated State officials, shall be considered as a contract between the State of Delaware and such other states with all jurisdiction legally joining therein in the form set forth in the afore-mentioned sections.

§ 1211. Designated state official and official copies of contract

The "designated state official" for the State shall be the State Superintendent of Public Instruction. The State Superintendent of Public Instruction shall enter into contracts pursuant to this subchapter only with the approval of the State Board of Education. True copies of all contracts made on behalf of this State pursuant to the agreement set forth herein, shall be placed on file in the office of the State Superintendent of Public Instruction in Delaware, in the Office of the Secretary of State in Delaware, and in the office of the Chief State School Officer in such other state as is party to the contract. Reference to the existence of such contracts, including at least a list of states involved and the teaching fields or certificates referred to in each state, shall be published regularly in such certification manuals as may from time to time be published by the State Board of Education.

§ 1212. Interstate agreement, Article I—purpose, findings and policy

1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party States find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps

necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this Compact can increase the availability of educational manpower.

§ 1213. Interstate agreement, Article II—definitions

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

2. "Designated State Official" means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

4. "State" means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to § 1214 (Article III).

6. "Receiving State" means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

§ 1214. Interstate agreement, Article III—interstate educational personnel contracts

1. The designated State official of a party State may make

one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated state officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated State official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own State.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qual-

ifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

6. A contract committee composed of the designated State officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

§ 1215. Interstate agreement, Article IV—approved and accepted programs

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

§ 1216. Interstate agreement, Article V—interstate cooperation

The party States agree that:

1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

§ 1217. Interstate agreement, Article VI—agreement evaluation

The designated State officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

§ 1218. Interstate agreement, Article VII—other arrangements

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

§ 1219. Interstate agreement, Article VIII—effect and withdrawal

1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

§ 1220. Interstate agreement, Article IX—construction and severability

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters.

Section 4. This Act shall become effective upon the date of signature by the Governor of the State of Delaware,

Approved June 23, 1969.

CHAPTER 156

AN ACT TO AMEND CHAPTER 29, TITLE 5, DELAWARE CODE, RELATING TO FINANCING THE SALE OF MOTOR VEHICLES, TO PERMIT DISCLOSURE OF TERMS OF RETAIL INSTALLMENT CONTRACTS IN CONFORMANCE WITH THE FEDERAL TRUTH IN LENDING ACT.

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

Section 1. Chapter 29, Title 5, Delaware Code, is hereby amended by adding a new Section 2912 to read as follows:

§ 2912. Disclosure requirements

Notwithstanding any provision of this Chapter to the contrary, disclosures made in the terminology of the Truth in Lending Act, as amended, (Title I of Public Law 90-321; 82 Stat. 146), and regulations prescribed thereunder, shall be deemed to comply with comparable, but literally inconsistent disclosure requirements of this Chapter; provided, however, that any charges otherwise authorized under this Chapter may be contracted for and collected in amounts and at rates consistent with the provisions of this Chapter without regard to any inconsistent terminology of said Truth in Lending Act and this Chapter.

Approved June 23, 1969.

CHAPTER 157

AN ACT TO AMEND CHAPTER 43, TITLE 6, DELAWARE CODE, RELATING TO RETAIL INSTALLMENT SALES, TO PERMIT DISCLOSURE OF TERMS OF RETAIL INSTALLMENT CONTRACTS AND RETAIL INSTALLMENT ACCOUNTS IN CONFORMANCE WITH THE FEDERAL TRUTH IN LENDING ACT.

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

Section 1. Chapter 43, Title 6, Delaware Code, is hereby amended by adding a new Subchapter XIV to read as follows:

SUBCHAPTER XIV. DISCLOSURES

§ 4351. Disclosure requirements

Notwithstanding any provisions of this Chapter to the contrary, disclosures made in the terminology of the Truth in Lending Act, as amended, (Title I of Public Law 90-321; 82 Stat. 146), and regulations prescribed thereunder, shall be deemed to comply with comparable, but literally inconsistent disclosure requirements of this Chapter; provided, however, that any charges otherwise authorized under this Chapter may be contracted for and collected in amounts and at rates consistent with the provisions of this Chapter without regard to any inconsistent terminology of said Truth in Lending Act and this Chapter.

Approved June 23, 1969.

CHAPTER 158

AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES, BY INCREASING THE RATES FOR THE PILOTAGE OF CERTAIN VESSELS AND SETTING A MAXIMUM AS TO CERTAIN OTHERS AND RELATING TO CLASSES OF LICENSE OF PILOTS, BY INCREASING THE NUMBER OF CLASSES, CHANGING THE DRAFT LIMITATIONS, AND SPECIFYING MINIMUM EXPERIENCE REQUIREMENTS.

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

Section 1. § 112, Subchapter II, Chapter 1, Title 23, Delaware Code, is hereby amended by striking out the word "Three" in the first line and inserting in lieu thereof the word "Four"; by striking out the figure "27" in the fourth line and inserting in lieu thereof the figure "34"; by striking out the figure "23" in the fifth line and inserting in lieu thereof the figure "27"; and by changing the period at the conclusion of the section to a semi-colon and adding thereafter "fourth class, to persons capable of piloting ships or vessels drawing 23 feet of water or under."

Section 2. § 113, Subchapter II, Chapter 1, Title 23, Delaware Code, is hereby amended by inserting "less than" immediately preceding the numeral "42" in the sixteenth line; and by inserting "and fourth" immediately preceding the word "class" in the seventeenth line.

Section 3. § 114, Subchapter II, Chapter 1, Title 23, Delaware Code, is hereby amended by inserting the following sentence immediately after the word "Bay" in the fifth line: "No person shall be entitled to a license of the third class unless he shall have served at least one year as a fourth class pilot, and no person shall be entitled to a license of the second class unless he shall have served one year in the fourth class and at least one year in the third class, and no person shall be entitled to a license of the first class who has not served a total of at least

four years in the second, third and fourth classes, with at least one year of such service having been served in the second class."

Section 4. § 122, Subchapter III, Chapter 1, Title 23, Delaware Code, is hereby amended by striking out the words "the same fees" in the sixth line and inserting in lieu thereof the words "a fee which is no more than the fee."

Section 5. § 131, Subchapter IV, Chapter 1, Title 23, Delaware Code, is hereby amended by inserting, immediately preceding the word "every" in the eighth line, the word "for" and by striking out the figure "\$5.00" in the ninth line and inserting in lieu thereof the following: "\$6.00 per half foot if such vessel shall have a length overall not in excess of 550 feet, at the rate of \$6.50 per half foot if such vessel shall have a length overall in excess of 550 feet, but not in excess of 800 feet, and at the rate of \$7.00 per half foot if such vessel shall have a length overall in excess of 800 feet."

Approved June 23, 1969.

CHAPTER 159

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 THE MONEY BORROWED TO VARIOUS AGENCIES OF THE STATE" BY ADDING A SUPPLEMENTARY APPROPRIATION TO PROVIDE FOR ESCALATING COSTS OF SCHOOL CONSTRUCTION.

WHEREAS, the Laurel Special School District is now preparing to construct a high school building under authority of 1966 Capital Improvement Act, Chapter 429, Volume 55, Laws of Delaware, in the amount of \$1,880,000 (\$1,128,000 state; \$752,000 local); and

WHEREAS, the amounts authorized are insufficient to construct these two buildings under the prior formula of \$24 per square foot as authorized in Chapter 429, Volume 55, Laws of Delaware; and

WHEREAS, the school districts in the 1968 Capital Improvement Program were authorized to spend \$30 per square foot in Chapter 414, Volume 56, Laws of Delaware; and

WHEREAS, the school districts in the 1969 Capital Improvement Program were authorized to spend \$30 per square foot in Chapter 469, Volume 56, Laws of Delaware; and

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. Chapter 429, Volume 55, Laws of Delaware, is hereby amended at the end of Section 1 thereof by adding the following:

"Notwithstanding any other provisions of this Act an additional sum of \$568,000 is hereby appropriated by the General Assembly and assigned to the State Board of Education for the purpose of the administration of Section 8 of said Act."

The purpose of such appropriation shall be for the assignment of funds to the Laurel Special School District in addition to such funds as is provided in Section 8 of said Act. Such addition of funds is to be used solely for the purpose of meeting escalating construction costs wherein bids for school construction exceed the maximum sums provided in said Act except that the State Board of Education shall not allocate to the Laurel Special School District an amount in excess of \$30 per square foot of new school construction. Determination of amounts of money to be assigned to the Laurel Special School District shall be within the discretion of the State Board of Education according to the usual sixty (60) percent State—forty (40) percent local basis.

The total funds hereby appropriated (\$1,696,000 State; \$1,130,000 local) shall be continued and not revert as otherwise required by law until June 30, 1970, other provisions of this Act notwithstanding.

Approved June 20, 1969.

CHAPTER 160

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 the members elected to each Branch thereof concurring therein):

Section 1. Section 15, Chapter 429, Volume 55, Laws of Delaware, is amended by adding the following sentence at the end of the section:

Notwithstanding the provision noted in this Section, none of the moneys appropriated to Milford Special School District, Magnolia School District No. 50, Laurel Special School District, and Wilmington Public Schools shall be expended unless a contract for the expenditure of such moneys is entered into before July 1, 1971 and the actual work on the construction contract for any construction authorized by this Act for Milford, Magnolia, Laurel, and Wilmington is commenced prior to July 1, 1971.

Approved June 19, 1969.

CHAPTER 161

AN ACT TO REPEAL § 301 AND § 302, TITLE 11, DELAWARE CODE, RELATING TO ABORTION.

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

Section 1. § 301, Title 11, Delaware Code, is repealed in its entirety.

Section 2. § 302, Title 11, Delaware Code, is repealed in its entirety.

Approved June 19, 1969.

CHAPTER 162

AN ACT RELATING TO BLIND PERSONS AND "SEEING EYE DOGS" AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. Title 31, Delaware Code, is amended by adding thereto a new section 2118, to read as follows:

§ 2118. Relating to the blind and "Seeing Eye Dogs"; penalties

(a) That any person, who by reason of loss or impairment of eyesight is accompanied by a dog described as a "Seeing Eye Dog," or any dog educated by a recognized training agency or school, which is used as a leader or guide, is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement or resort, and other places to which the general public is invited, and shall be entitled to take said dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, provided that said dog shall not occupy a seat in any public conveyance.

(b) Any person, firm or corporation who deprives any person, suffering from such loss or impairment of eyesight of any right conferred by paragraph (a) hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars (\$100.00), or be imprisoned for a period not exceeding three (3) months, or both, and for every such offense such person shall forfeit and pay a sum not to exceed one hundred dollars (\$100.00) to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where such offense was committed.

(c) This act shall become effective immediately upon approval.

Approved June 19, 1969.

CHAPTER 163

AN ACT TO AMEND SECTION 2303, TITLE 31, DELAWARE CODE, RELATING TO RESIDENCY REQUIREMENTS FOR ELIGIBILITY OF THE NEEDY BLIND FOR ASSISTANCE.

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

Section 1. Section 2303, Title 31, Delaware Code, is amended by striking paragraph (6) in its entirety.

Section 2. This Act shall become effective immediately upon its adoption.

Approved June 19, 1969.

CHAPTER 164

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE COMMISSION FOR THE BLIND.**

WHEREAS, the Commission for the Blind requires the sum of \$100,000 for the alteration and remodeling of a building located at 802 West Street, Wilmington, Delaware; and

WHEREAS, the Federal Government will provide \$50,000 of said sum providing the State of Delaware provides \$50,000; and

WHEREAS, in addition, the Commission for the Blind will require \$10,000 for equipment to be installed in said building; and

WHEREAS, the Commission for the Blind provides service for the residents of the State of Delaware; and

WHEREAS, said sum has not been included in the present budget nor included in the budget for fiscal year 1970;

NOW THEREFORE:

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

Section 1. In addition to other sums previously appropriated the sum of \$60,000 is appropriated to the Commission for the Blind for the fiscal year ending June 30, 1969, to be expended for the cost of altering, remodeling and equipping the building at 802 West Street, Wilmington, Delaware.

Section 2. This act is a supplemental 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 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.

Approved June 19, 1969.

CHAPTER 165

AN ACT TO AMEND CHAPTER 87, TITLE 3, DELAWARE CODE, RELATING TO DEFINITIONS AS USED IN THE MEAT AND POULTRY PRODUCTS INSPECTION ACT.

WHEREAS, Chapter 396, Volume 56, Laws of Delaware, amended the Meat and Poultry Products Inspection Act; and

WHEREAS, Chapter 396, Volume 56, Laws of Delaware, inadvertently omitted subsections (m) through (w) of Section 8703, Title 3, Delaware Code;

NOW, THEREFORE:

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

Section 1. Section 8703, Chapter 87, Title 3, Delaware Code, is amended by adding thereto the following subsections:

(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 package, or 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 of subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (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."

Approved June 19, 1969.

CHAPTER 166

**AN ACT TO CREATE A PENSION STUDY COMMITTEE
AND TO MAKE A SUPPLEMENTARY APPROPRIA-
TION THEREFOR.**

WHEREAS, a special committee of State officials and public spirited citizens have recently completed a comprehensive study of the State's pension programs, and have reported thereon to the Governor and the General Assembly, recommending comprehensive changes in and a redrafting of the State pension law, with particular reference to a system of funding that will end the present pay-as-you-go system and provide for the orderly establishment of a reserve fund that will ensure the State's ability in future years to meet its obligations to present and future pensioners; and

WHEREAS, it is essential to the accomplishment of this purpose that proper redrafting of the present law be accomplished at the earliest possible date, to enable legislative consideration prior to adjournment of the current session of the General Assembly; and

WHEREAS, it is also important that other needs pointed out in the said report be studied and effective solutions be presented for consideration as soon as feasible;

NOW THEREFORE,

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

Section 1. The Governor is hereby empowered to appoint a Pension Study Committee in such numbers and with such membership as he may deem appropriate to accomplish the purposes of this resolution.

Section 2. The Committee shall submit to the Governor and General Assembly by no later than June 15, 1969, a proposed redraft of the State Pension Law that will accomplish the purposes of the report referred to above.

Section 3. The Committee shall submit a further report to the Governor and General Assembly by no later than April 15,

1970, covering their recommendations and, where appropriate, legislative draft language, on the following subjects:

1. Design of future administration, including an effective system of records and operating procedures.

2. Analysis of, and recommendations for, changes in relationship of present University of Delaware coverage and the Teachers Insurance and Annuity Association.

3. Effective funding arrangements for the State Police and Judiciary pension plans.

4. Exploration of the feasibility of extending to county and municipal governments participation in a single public employees' pension system under State administration.

Section 4. There is hereby appropriated to the Governor for the purposes set forth above the sum of \$25,000 for necessary consultative services and committee expenses, including the preparation of reports.

Approved June 19, 1969.

CHAPTER 167

**AN ACT TO AMEND SUBCHAPTER II, CHAPTER 27,
TITLE 21, SECTION 2733 (c) RELATING TO THE PEN-
ALTY OF A NON-RESIDENT WHEN CONVICTED
WHILE DRIVING DURING SUSPENSION OR REVOCATION.**

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

Section 1. Subchapter II, Chapter 27, Title 21, § 2733 (c), is amended by deleting in the last line thereof the word and figures "section 2747" and inserting in lieu thereof "section 2746."

Approved June 19, 1969.

CHAPTER 168

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE SECRETARY OF TRANSPORTATION FOR CERTAIN INITIAL CAPITAL REQUIREMENTS FOR AND ON BEHALF OF THE GREATER WILMINGTON TRANSPORTATION AUTHORITY.

WHEREAS, the Greater Wilmington Transportation Authority was created on July 15, 1968, pursuant to the provisions of 2 Del. C. § 1601; and

WHEREAS, the Greater Wilmington Transportation Authority has commenced to operate a mass transportation system in New Castle County pursuant to its authority; and

WHEREAS, the Greater Wilmington Transportation Authority has an initial capital requirement totalling Two Million Six Hundred Fifty-five Thousand Four Hundred Seventy-two Dollars (\$2,655,472.00), of which amount it has applied to the United States Department of Transportation for a grant, to be in a minimum amount of One Million Two Hundred Forty-nine Thousand Six Hundred Seventy-one Dollars (\$1,249,671.00) and a maximum amount of One Million Six Hundred Eighty-six Thousand Nine Hundred Eighty-two Dollars (\$1,686,982.00); and

WHEREAS, under the provisions of the Urban Mass Transportation Act, 49 USC § 1601, et seq., the State of Delaware is required to furnish matching funds for all grants made by the United States Department of Transportation.

NOW, THEREFORE;

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

Section 1. There is hereby appropriated to the Secretary of Transportation the sum of One Million Three Hundred Fifty Thousand Dollars (\$1,350,000.00) to be expended by the Secretary of Transportation for initial capital requirements for and on behalf of the Greater Wilmington Transportation Authority, which are to include the following: (a) acquisition of all the assets of Delaware Coach Company; (b) acquisition of shop equipment; (c) purchase of fifty-five (55) new buses;

(d) acquisition and construction of garage and parking lot; and (e) working capital.

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 for the use of the purpose set forth in this Act.

Section 3. The monies appropriated by this Act shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Section 4. The Secretary of Transportation shall, upon receipt by the Greater Wilmington Transportation Authority of its grant from the United States Department of Transportation under the provisions of the Urban Mass Transportation Act, 49 USC § 1601, et seq., repay to the General Fund of the State of Delaware all amounts received by said Authority in excess of One Million Two Hundred Forty-nine Thousand Six Hundred Seventy-one Dollars (\$1,249,671.00).

Approved June 19, 1969.

CHAPTER 169

AN ACT TO AMEND CHAPTERS 43, 45, AND 57, TITLE 15, DELAWARE CODE, RELATING TO ELECTION OF THE GOVERNOR AND LIEUTENANT GOVERNOR, BY PROVIDING THAT THE LIEUTENANT GOVERNOR BE OF THE SAME POLITICAL PARTY AS THE GOVERNOR AND ELECTED JOINTLY WITH THE GOVERNOR IN SUCH MANNER THAT A SINGLE VOTE SHALL BE CAST FOR BOTH OFFICES.

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

Section 1. Chapter 43, Title 15, Delaware Code, is hereby amended by striking the heading of said chapter and substituting in lieu thereof a new heading as follows:

PRESIDENTIAL ELECTORS, UNITED STATES SENATORS, REPRESENTATIVES IN CONGRESS, GOVERNOR AND LIEUTENANT GOVERNOR

Section 2. Section 4309, Chapter 43, Title 15, Delaware Code, is hereby amended by striking the numeration of said section and renumbering said section "§ 4310."

Section 3. Chapter 43, Title 15, Delaware Code, is hereby amended by adding a new § 4309 as follows:

§ 4309. Governor and Lieutenant Governor; joint election

The Governor and Lieutenant Governor shall be of the same political party and elected jointly at the same time on the same ballot in such manner that a single vote shall be cast for both offices.

Section 4. Section 4502, Chapter 45, Title 15, Delaware Code, is hereby amended by altering the sample official ballot set forth in subsection (c) thereof so that the offices of Governor and Lieutenant Governor under the respective party designations appear within the same block, indicating a single vote shall be cast for both offices.

Section 5. Section 5706, Chapter 57, Title 15, Delaware Code, is hereby amended by striking in subsection (a) the phrase "of Governor, of Lieutenant Governor" and substituting in lieu thereof the phrase "of Governor and Lieutenant Governor."

Approved June 19, 1969.

CHAPTER 170

AN ACT TO REINCORPORATE THE CITY OF LEWES.

WHEREAS, it is deemed desirable that the Charter of The Town of Lewes, being Chapter 170, Volume 43, Laws of Delaware, as amended, entitled "An Act to Reincorporate The Town of Lewes," be consolidated into one complete Act and in certain respects amended and revised.

NOW, THEREFORE;

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

INCORPORATION

Section 1. The inhabitants of The City of Lewes within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided and the inhabitants of all the public land, whether within the corporate limits of The City of Lewes, as defined herein, or on the public land contiguous to but outside the corporate limits of The City of Lewes, as defined herein, and fronting on the Delaware Bay between the point of Cape Henlopen on the South and Veasey's Inlet on the North are hereby declared to be a body politic and corporate in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever by the corporate name of "The City of Lewes."

TERRITORY AND LIMITS

Section 2. The present boundaries and limits of The City of Lewes are hereby established and declared to be, as follows: Beginning at a point on the Bay shore at the mouth of Broadkilm River and following said river to a point where the Lewes River intersects; thence following said Lewes River until it reaches the mouth of Canary Creek; thence following said Canary Creek until it intersects a line drawn from Greenhill Light-house to a point on the Southwest side of Block House Pond and Market Street; thence following said Market Street until it strikes a division line between the lands of Sarah C.

Wright and Eliza Metcalf; thence following said division line to South Street; thence running the same course between the lands of Dr. Hiram R. Burton and Virginia L. Mustard across King Street to a point in George Robinson's field about five hundred feet from King Street; thence in an Easterly direction until it strikes the division line between the lands of Robert Arnell and lands formerly of Dr. David Hall; thence following said course until it strikes a ditch through Miss McIlvaine's lands, following said ditch to Lewes Creek; thence following said Creek in a Southeasterly direction until it strikes the former corporation line; thence following said line to the Bay shore; thence following the low water mark along said Bay Shore to the place of Beginning, together with the following described tracts of land which were annexed to the corporate limits of The Town of Lewes:

Parcel No. 1. Situate, lying and being Southeast of and adjacent to a present Southeast boundary line of the Town of Lewes described as: "a ditch through Miss McIlvaine's land" (See Laws of Delaware, Vol. No. 22, Chapter 199, Sec. 1, and Vol. No. 43, Chapter 170, Sec. 2, page 723). Beginning for said Parcel No. 1 at a point in the present Town line described as: "a ditch through Miss McIlvaine's land" where a ditch flowing Northeast out of White's Pond, and a ditch flowing North through lands now or formerly of Charles White, intersect and merge with said ditch flowing through lands formerly of Miss McIlvaine, now lands of Fish Products Company. Said beginning point being also a corner for lands of Fish Products Company (formerly lands of Edith P. Melson) and lands now or formerly of Charles White. Thence from said beginning point, and with the division line between lands of Fish Products Company, and land now or formerly of Charles White and with bearings being referred to the true meridian, S. 18° 37' E. 445.17 ft. to a stake; thence along line for lands of Fish Products Company and line for lands of Percy Schmierer N. 71° 48' E. 678.48 ft. to the Southwesterly side of Gills Neck Road; thence continuing same course N. 71° 48' E. 30 ft. further to the North-easterly side of said Gills Neck Road; thence along the North-easterly side of said road S. 17° 00' E. 145.2 ft.; thence with a line through lands of Fish Products Company, it being also the original division line between lands formerly of Jacob A. Mar-

shall, and lands formerly of Jane McIlvaine N. 87° 43' E. 594.0 ft.; thence N. 79° 37' E. 49.5 ft.; thence N. 64° 07' E. 693 ft. or such distance as will reach the Southwest bank of the Lewes and Rehoboth Canal; thence along the Southerly bank of said Canal in a Northwesterly direction such a distance as will reach the mouth of the aforesaid ditch running through lands formerly of Jane McIlvaine, now lands of Fish Products Company, the mouth of said ditch being located at the bend in the Gills Neck Road, and is N. 17° 00' W. 1005.8 ft. from the end of the herein described second course; thence up said ditch, which is a present boundary line for the Town of Lewes, in a Southwesterly direction such a distance as will reach the place of beginning. Containing 34.6 acres more or less. A plot entitled Plot of the Lands in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware in Plot Record No. 1, page 32.

Parcel No. 2. Situate lying and being adjacent to and West of the present West boundary lines of the Town of Lewes; as set out in Laws of Delaware, Vol. No. 22, Chapter 199, Sec. 1, and Vol. No. 43, Chapter 170, Sec. 2, page 723. Beginning for said parcel No. 2 at a point in the Northwest side of Market Street and on the Southwest side of Block House Pond in said Town of Lewes, Delaware. Said beginning point being the end of the third course; as described in Laws of Delaware, Vol. No. 22, Chapter 199, Sec. 1, and the end of what is intended to be the fourth course in the description of the present Town boundary lines found in Laws of Delaware, Vol. No. 43, Chapter 170, Sec. 2, page 723, but said fourth course being omitted therein. Thence from said beginning point, and with the Northwesterly side of Market Street, S. 43° 45' W. (as surveyed in 1874 with bearing being referred to the Magnetic meridian of that date) such a distance as will reach the Southwesterly side of the street or road which lies between land of the Lewes Special School District and lands of the United States Government; known as Fort Miles Hospital Area; thence along the Southwesterly side of said unnamed street, or road in a Northwesterly direction such a distance as will reach the Southeasterly side of Stanley Miller's Subdivision known as "Highland Acres"; thence along the Southeasterly line of said Subdivision, "Highland Acres" and line for lands of the United States Government or Fort

Miles Hospital Area, and in accord with a survey dated February 13, 1951, with bearings referred to the Magnetic Meridian of that date S. 47° 58' W. 274.69 ft. to a concrete marker; thence S. 46° 03' W. 575.71 ft. to a concrete marker; thence along the Southwesterly side of said Subdivision, and line for lands of Lewes Graves (formerly lands of Delaware, Maryland and Virginia Railroad Company) N. 49° 20' W. 743.76 ft. to a corner fence post, thence along the Northwesterly side of said Subdivision, and line for lands of William Russell N. 46° 00' E. such a distance as will reach the aforesaid fourth line of the Town's present limits, namely, a line drawn from Greenhill Light House to a point on Southwest side of Block House Pond and Market Street; thence following said line in a Southeasterly direction to the place of beginning let the area be what it may. In the event it should be determined that there still remains some land in the possession of the Lewes Special School District which lies beyond the Corporate limits, then such additional lines as found necessary to include such lands of the Lewes Special School District shall be included, and become a part of this description. A plot of aforesaid Subdivision "Highland Acres" is now of record in the Recorder of Deeds Office in and for Sussex County, at Georgetown, Delaware, in Plot Record No. 2, page 32.

Parcel No. 3. Beginning at a point, said point being at the intersection of lands of Highland Heights, Inc., the corporate limits of The Town of Lewes and lands of Lewes Special School District; thence South 43 degrees, 31 minutes, 47 seconds West, such distance as is required to reach a corner for these lands, lands now or formerly of William Russell Heirs and Highland Acres Subdivision; thence along and with the line of lands now or formerly of William Russell Heirs, North 47 degrees, 47 minutes and 8 seconds a distance of 497.56 feet to a point, said point being a corner for these lands, lands now or formerly of William Russell Heirs and lands now or formerly of John S. Wingate; thence by and with the division line between these lands and lands now or formerly of John S. Wingate North 43 degrees, 44 minutes, 45 seconds East such distance as is required to reach the present corporate limits of The Town of Lewes; thence in a southeasterly direction by and with the present corporate limits of The Town of Lewes, home to the place of

beginning containing approximately seven (7) acres of land more or less.

ANNEXATION OF TERRITORY

Section 3. In the event that it becomes feasible or necessary in the future for The City of Lewes to enlarge its then existing limits and territory, such annexation accomplished in accordance with the following precedures shall be lawful:

(a) If five (5) or more property owners resident in a territory contiguous to the then limits and territory of The City of Lewes, by written petition with the signature of each such petitioner duly acknowledged, shall request the City Council to annex that certain territory in which they reside and own property, the Mayor of The City of Lewes shall appoint a committee composed of not less than three (3) of the elected members of the City Council to investigate the possibility of annexation. The petition presented to the City Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the City 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 City Council, be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of The City of Lewes.

(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 City Council. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City 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 City and to the territory proposed to be annexed, within thirty (30) days after receiving the report, a second resolution shall then be passed by the City Council proposing to the property owners and residents of both the City and the

territory proposed to be annexed that the City proposes to annex certain territory contiguous to its then limits and territory. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the City 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 City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds of the elected members of the City 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 City Council setting forth the above information shall be printed in a newspaper published in The City of Lewes 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 City Council the said resolution shall be posted in five (5) public places both in the City 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 City 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 City 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 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 both in the City and in the territory proposed to be annexed, or, in the discretion of the City Council, 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.

(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. 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 (1) 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 by a husband and wife jointly, the husband and wife shall each have one (1) vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person is the owner or leaseholder, as defined herein, of property in the City and is also either an owner or leaseholder, as defined herein, of property 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 is the owner or leaseholder, as defined herein, of property in the City and is also either an owner or leaseholder, as herein defined, of property 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 defined

herein, 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 Lewes in the case of City property owners or City leaseholders, as defined herein, and the books and records of the Board of Assessment of Sussex County in the case of property owners or leaseholders as defined herein 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 holds a power of attorney duly executed and acknowledged and specifically authorizing said records of The City of Lewes in the case of City property owners or leaseholders as defined herein, in the books and records of the Board of Assessment of Sussex County, in the case of property owners or leaseholders as defined herein, 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 holds a Power of Attorney duly executed and acknowledged and specifically authorizing said person to cast the votes of another person or to cast the votes of a partnership or corporation at the said Special Election, a duly authenticated copy of the Power of Attorney shall be filed in the office of the City Manager. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of the person so named to cast the votes of another person or to cast the votes of a partnership or a corporation at 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:

- For the proposed annexation.
- Against the proposed annexation.

Please mark your preference.

On the reverse side of the ballot shall be the following:

This ballot casts votes.

(h) The Mayor shall appoint three (3) persons to act as a Board of Special Election, at least one of whom must reside and be the owner or leaseholder, as defined herein, of property

in the City, and at least one of whom must reside and be the owner or leaseholder, as defined herein, of 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 City Hall 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 as defined herein, in the territory proposed to be annexed shall be deposited 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, as defined herein, of the City shall be deposited in the other such ballot box. The polling place shall be opened from 12:00 noon, prevailing time, until 7:00 P.M., prevailing time, on the date set for the Special Election.

(i) Immediately upon the closing of the polling place, the Board of Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed annexation, and the number of void votes, and shall deliver the same to the City 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 City and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Special Election. If a favorable vote for annexation shall have been cast, the City Council of The City of Lewes 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 Lewes

from the time of said recordation. The failure to record the description and plot within the specified time shall not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ninety (90) days period from the date of favorable Special Election.

STRUCTURE OF GOVERNMENT

Section 4. The government of the City and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in the Mayor and City Council. The term of the Mayor shall be a period of two (2) years commencing at the Annual Meeting of the City Council following his election and continuing until his successor is duly elected and qualified.

The City Council shall be composed of Four (4) members, each of whose terms shall be for a period of two (2) years commencing at the Annual Meeting of the City Council following his election and continuing until his successor is duly elected and qualified.

QUALIFICATIONS FOR MAYOR AND CITY COUNCILMAN

Section 5. The qualifications for Mayor and for City Councilman at the time of his election shall be as follows :

(a) A bona fide citizen of the United States and of the State of Delaware and a resident freeholder or resident leaseholder, as hereinafter defined, of The City of Lewes for at least One (1) year next preceding the annual election.

(b) At least Twenty-one (21) years of age; and

(c) A non-delinquent taxpayer of The City of Lewes of all property taxes levied or assessed by The City of Lewes against his or her freehold or leasehold or against improvements located on leased land or of rent due The City of Lewes for at least One (1) year next preceding the annual election.

(d) Each of the qualifications for the Mayor and the City Councilman shall be continuing qualifications to hold office and

the failure of either the Mayor or any of the City Councilman to have any of the qualifications required by this Section during his term of office shall create a vacancy in the office.

(e) For the purposes of this Section, a "leaseholder" shall be deemed to mean and include a person holding land under a valid lease either in his own name or as a coparcener or jointly with his or her spouse from either the State of Delaware or the Commissioners of Lewes or The City of Lewes 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 Lewes and for all purposes of this Section, the word "freeholder" shall be deemed to include any person who holds fee simple title to real estate either in his own name, as a tenant in common, as a joint tenant, or as a tenant by the entirety.

METHOD OF MAKING NOMINATIONS FOR MAYOR AND CITY COUNCILMAN

Section 6. Each candidate for Mayor and City Councilman shall be nominated as follows:

(a) Each candidate shall notify the City Manager in writing of his candidacy for the office of either Mayor or City Councilman; or Five (5) or more persons qualified to vote in the annual election may file the name of the candidate for the office of Mayor or City Councilman with the City Manager provided that the candidate endorses his written consent thereon.

(b) All such notifications of candidacy must be filed at the Office of the City Manager during the regular business hours of the City at least Fifteen (15) days prior to the date of the annual election next ensuing; and thereupon, it shall be the duty of the City Manager to have a list of names of all candidates so filed with him printed in a newspaper published in The City of Lewes at least Five (5) full days prior to the said annual election next ensuing; or in the event that no newspaper is published in the said City, publication may be had in a

newspaper having a general circulation in the community; or, in the discretion of the City Council, the City Manager may post a list of names of all candidates designating the office sought by each candidate in at least five (5) public places in the City, such public places to be designated by the Council. One of the said public places shall be in the City Hall of The City of Lewes.

(c) In the event that the City Manager is unable to act because of illness, absence, or for any other reason whatsoever, the names of all candidates shall be filed with the Vice-President of the City Council who shall thereupon perform the duties required of the City Manager in subsection (b) of this Section.

(d) The City Council shall cause to be printed sufficient ballots in order for each citizen of the City to vote at the annual election. Said Ballot shall contain the names of all the persons nominated and shall designate the office for which each is a candidate, and such ballots shall be delivered to the City Manager at least five (5) days prior to the date of the annual election. No ballots to be used for voting at the annual election shall be available for distribution to any person prior to the time of his or her actually presenting himself for the purpose of voting; provided, however, that the City Manager shall have available for distribution Five (5) days prior to the date of the Annual Municipal Election sample ballots marked or defaced in such a manner that they cannot be used at the election.

MANNER OF HOLDING ANNUAL MUNICIPAL ELECTION

Section 7. The procedure for holding the Annual Municipal Election shall be as follows:

(a) The Annual Municipal Election shall be held at the Town Hall in The City of Lewes on the second Saturday in May of each and every year from Twelve o'clock noon, prevailing time, until Six o'clock in the evening, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the second Saturday in May, A.D. 1970.

(b) At the Annual Municipal Election to be held on the

second Saturday in May, A.D. 1970, the Mayor and two Councilmen shall be elected. The Mayor shall be elected to serve a term of Two (2) years or until his successor shall be duly elected and qualified. Each of the Councilmen who are elected shall serve for a term of Two (2) years or until his successor has been duly elected and qualified.

(c) At the Annual Municipal Election to be held on the second Saturday in May, A.D. 1971, two Councilmen shall be elected, each of whom shall serve for a period of Two (2) years or until his successor has been duly elected and qualified.

(d) Thereafter, at each Annual Municipal Election, there shall be elected two Councilmen who shall serve for a term of Two years or until their successors have been duly elected and qualified except at the Annual Municipal Election in the year when a Mayor is to be elected at which time two Councilmen shall be elected to serve for a term of two years or until their respective successors shall be duly elected and qualified.

(e) The Mayor and the members of the Commissioners of Lewes who hold office at the time of the passage of this Act shall continue to hold office as the Mayor of the City of Lewes and members of the City Council of The City of Lewes until their respective successors have been duly elected and qualified.

(f) The Annual Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two Judges appointed by the Mayor of The City of Lewes with the concurrence of a majority of the members of the City Council at the last regular meeting of the City Council prior to the date of the Annual Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote thereat, taking reasonable steps to see that the law pertaining to the Annual Municipal Election receives compliance and for the purpose of counting the votes and certifying the result to the City Council. If any of the officers so chosen had designated to conduct the Annual Municipal Election shall not be present at the polling place at the time designated for the holding of the Annual Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said Annual Municipal Election to elect from among themselves a person to fill each vacancy in such Board of Election

caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Annual Municipal Election.

(g) At such Annual Municipal Election, every person, male or female, who shall have attained the age of twenty-one on the date of the Annual Municipal Election and who shall have been a citizen of the United States for a period of one year and a citizen of The City of Lewes for a period of one year preceding the date of the Annual Municipal Election shall have one (1) vote, provided he or she has registered on the "Books of Registered Voters" of The City of Lewes. For the purposes of this Section, a citizen of The City of Lewes shall be deemed to include any person who is a qualified voter of the Third Election District of the Thirty-Fifth Representative District of Lewes, Sussex County, Delaware, residing within the corporate limits of The City of Lewes as defined in this Charter. The City Council of The City of Lewes 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 name of the registered voter arranged in alphabetical order, the address of the voter, the birthdate of the voter, the date the registrant became a citizen of the United States, the date that the registrant became a resident of The City of Lewes, and any 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 Municipal Election for the year in which he registers. A person shall be required to register only one time; provided, however, that if a registered voter fails to vote in two consecutive Annual 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 Books of Registered Voters and that it will be necessary to register again in order to be eligible to vote in the Annual Municipal Election. The Books of Registered Voters shall be maintained in the Office of the City Manager and shall be conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the Office of the

City Manager during the regular business hours of such Office until the close of business of such Office on the fifteenth day prior to the date of the Annual Municipal Election by completing such forms as may be provided by the City.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 8. (a) Before entering upon the duties of their respective offices, the Mayor elect, and the Councilmen elect, shall be sworn by a Notary Public to perform faithfully and impartially the duties of their respective offices with fidelity. At 8:00 o'clock P.M. at the first regular meeting following the annual election, the Mayor and City Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

(b) At this annual meeting, held on the first regular meeting following the Annual Municipal Election, the City Council shall organize and elect, by ballot, a Vice-President, who shall hold office for the term of one year, or until his successor shall be duly elected. The City Council shall likewise select a Secretary from their own number to serve until the first regular meeting after the next Annual Municipal 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.

REGULAR AND SPECIAL MEETINGS

Section 9. The City Council of The City of Lewes shall hold one meeting in each month on the second Monday of the month. If the second Monday of the month shall be a legal holiday, the monthly meeting of the City Council of The City of Lewes shall be held on the third Monday of the month. Special meetings shall be called by the Secretary upon the written request of the Mayor of The City of Lewes, or upon the written request of any two members of the City Council of The City of

Lewes, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the City Council 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 Lewes 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 Lewes and by all members of the City Council 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.

QUORUM

Section 10. A majority of the members elected to the City Council shall constitute a quorum at any regular or special meeting; but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

RULES AND MINUTES OF COUNCIL

Section 11. The Council shall determine its own rules and order of business, and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

VACANCIES

Section 12. If any vacancy shall occur in the office of Mayor or Councilman, by death, resignation, loss of residence in The City of Lewes, refusal to serve, failure to elect, or otherwise, the same may be filled by a majority vote of the members of the City Council, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case

of newly elected members, and shall hold office for the remainder of the unexpired term.

DISQUALIFICATIONS

Section 13. If any Councilman or Mayor, during his term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment for any term whatever, or shall for any reason cease to be resident of said City, he shall forthwith be disqualified to act as a member of Council or Mayor, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

CONTRACTS

Section 14. (a) It shall be unlawful for the City Council to make or enter into any contract in excess of Five Hundred Dollars (\$500.00) for materials, supplies, work or labor for the benefit and use of The City of Lewes with any member of the City Council or the Mayor or with any partnership in which any member of the City Council or the Mayor is a general partner or with any corporation in which any member of the City Council or the Mayor is a director or controlling stockholder or with any firm or company which any member of the City Council or Mayor is pecuniarily interested, provided that if all the elected members of the City Council shall vote to enter into such contract, then the City may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

(b) 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 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 City 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 the City Manager;

8. The purchase or contract is for property or services for which the City Council determines 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 City Council exists.

DUTIES OF THE MAYOR AND PRESIDENT OF CITY COUNCIL

Section 15. (a) The Mayor of The City of Lewes shall be President of the City Council and shall preside at all meetings thereof, but shall vote only in the event of a tie. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints of nuisances and violations of law and ordinances to the City Council at the first regular meeting thereafter. He may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act, or the resident Justice of the Peace to proceed upon such infractions or violations of law or ordinances immediately in the event that he deems such action to be required.

(b) The Mayor within thirty (30) days following his election may appoint, by and with the advice and consent of a majority of the elected members of the City Council, two suitable persons who shall be qualified voters of The City of Lewes to act as Alderman and Assistant Alderman. The persons so selected

and designated need not be Justices of the Peace. Both the Alderman and the Assistant Alderman shall hold office until each successor shall be appointed or chosen.

(c) The Mayor shall be a Conservator of the Peace and shall have concurrent jurisdiction with the Alderman. If no Alderman or Assistant Alderman is appointed, the Mayor shall perform all the duties prescribed for that office and all fines, penalties and fees collected by him shall be paid to the City Manager. The City Council shall procure a suitable record for such Mayor which shall be known as the "Mayor's Docket" upon which his official acts as set forth in this Section shall be enforced and kept.

(d) The Mayor and the Alderman shall on the first regular meeting in each month report to the City Council all fines, penalties and fees imposed by them during the preceding month and pay over to the City Manager all such fines, penalties, and fees due to the City received by them during said time, and any default of making such report and payment for a period of twenty (20) days after such report should be made, and such fines and penalties should be paid as aforesaid, they shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

(e) The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of all members of the Council, remove from the office, any person appointed by him or by any of his predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five day's notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the Mayor by registered mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person.

(f) The Mayor may appoint such other committees as he deems necessary for the proper administration of The City of Lewes or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(g) It shall be the duty of the Vice-President of the City Council, in the absence of the Mayor to preside at all of the

meetings of the City Council and in the event of absence of the Mayor to perform such other duties and have such other powers of the Mayor as are prescribed by the Charter of The City of Lewes or by any ordinance of the Council.

SECRETARY

Section 16. (a) The Secretary shall have charge and custody of the books, journal, records, papers and other effects of the City and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions of The City of Lewes. He shall be an ex-officio member of all committees, and shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by ordinance or rule of the City Council of The City of Lewes. He shall file and keep in a safe place the seal of The City of Lewes and all papers and documents arising out of the proceedings of the City Council of The City of Lewes and relative to the affairs of the City. He shall deliver the same to his successor in office. He shall attest the seal of The City of Lewes when authorized by the City Council and shall perform such duties and have such other powers as may be prescribed by ordinance.

(b) All books, records and journals of the corporation in the custody of the Secretary may, in the presence of the Mayor, Secretary, Assistant Secretary, or any member of the City Council of The City of Lewes be inspected by any freeholder or leaseholder as defined herein of the City desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the City.

(c) All records, books, papers and documents in the custody of the Secretary shall at all times be open for the inspection of members of the City Council of The City of Lewes.

(d) The compensation of the Secretary for his duties, as such, shall be determined by the City Council.

ASSISTANT SECRETARY

Section 17. The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon the Assistant Secre-

tary in the absence of inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other powers as may be prescribed by resolution by the City Council of The City of Lewes and shall receive such compensation as the City Council by resolution shall determine.

ALDERMAN AND ASSISTANT ALDERMAN

Section 18. (a) The Mayor may 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 Lewes and shall not be a member of the City Council of The City of Lewes. 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 City Council of The City of Lewes. Either the Alderman or the Assistant Alderman may be removed from office at any time, with or without cause, by the affirmative vote of two-thirds of all the elected members of the City Council of The City of Lewes.

(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 Lewes and ordinances duly enacted by the City Council of The City of Lewes and to carry into effect all orders of the City Council of The City of Lewes 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 designated by the Mayor. During such periods, the Assistant Alderman shall have all the powers and duties of the Alderman.

(c) The City Council 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 Lewes 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 Lewes and any ordinance enacted thereunder; of all neglects, omissions or defaults of any City Officer, agent or employee; PROVEDED, HOWEVER, that neither the Alderman nor the Assistant Alderman shall impose any fine in excess of Five Hundred Dollars (\$500.00) nor imprison any offender for more than sixty (60) days except as otherwise provided in the Charter of The City of Lewes. 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 City Council of The City of Lewes; 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 City Council 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) The Alderman and the Assistant Alderman shall receive such salary as may be fixed from time to time by resolution of the City Council.

(g) 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 five (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 the 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 within the time specified, the Aldeman or Assistant Alderman, so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not 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.

CITY MANAGER

Section 19. (a) The City Council of The City of Lewes shall appoint a City Manager who shall be the Chief Administrative Officer of the City.

(b) The City Council of The City of Lewes shall impose such qualifications for City Manager as may be deemed necessary; PROVIDED, HOWEVER, that no person holding the office of Mayor of The City of Lewes or the office of City Councilman shall be chosen to be City Manager during his term of office as Mayor or Councilman.

(c) The City Manager shall hold office for an indefinite term and may be removed by a majority vote of the City Council of The City of Lewes. At least thirty days before such removal shall become effective, the City Council shall, by a majority vote of all the elected members thereof, 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 City Council by majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the City Council 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.

(d) In case of the absence or disability of the Manager, the City Council may designate some qualified person to per-

form the duties of such office during his absence or disability. The compensation which the Manager shall receive for the performance of his duties shall be fixed by the City Council of The City of Lewes.

(e) The City Manager shall make such appointments and shall hire such employees at such compensations as the City Council by resolution shall determine. All employees shall be hired for an indefinite term and may be removed by the City Manager at any time unless otherwise provided by resolution of Council. 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 City Manager shall be the sole judge of the competence or incompetence of any such person. The City Council of The City of Lewes shall sit as a Board of Appeal to review removal of any employee or employees at such times when a majority of the elected members of the City Council shall deem it in the best interests of the City to do so. The decision of the City Council in such cases shall be conclusive.

(f) It is the intention of this Charter that, in the performance of his duties and in the exercise of his powers, the City Manager shall not be influenced by any matters whatsoever of a political or factional nature. It is the intention of this Charter that the City Manager shall be guided solely by matters of expediency and efficiency in the administration of the affairs of the City placed in his charge. To that end, neither the City Council nor any of its committees nor members thereof shall direct or request that appointment of any person to, or his removal from, any office by the City Manager or any of his subordinates, nor, in any manner, take part in the appointment removal of the employees in the administrative service of the affairs of the City under the charge of the City Manager. Except for purposes of inquiry, the City Council shall deal with that portion of the administrative service for which the City Manager is responsible solely through the City Manager.

(g) It shall be the duty of the City Manager to supervise the administration of the affairs of the City under his charge

and to make such reports to the City Council as are required by the City Council. He shall make such recommendations to the City Council concerning the affairs of the City as may seem to him desirable. He shall keep the City Council advised of the financial conditions and future needs of the City. He shall prepare and submit to the City Council the annual budget estimate. He shall render to the City Council, at their monthly meeting of each and every month, a true, accurate and detailed account of all monies collected or by him received in the performance of duties, and shall promptly turn over the same to the City Council.

(h) In conjunction with the Mayor of The City of Lewes, he shall sign warrants pursuant to appropriations or resolutions theretofore made by the City Council. He shall prepare and submit to the City Council such reports as may be required by that body. He shall perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the City Council.

(i) The City Manager and such other officers of the City as may be designated by vote of the City Council shall be entitled to seats in the meetings of the City Council but shall have no vote therein.

(j) The City Manager shall have charge and supervision of streets, gutters, curbs, sidewalks, boardwalks, jetties, piers, parks and other administrative affairs of the City and of all work relating thereto. He shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the City. He shall have charge of the administration of all provisions of this Charter and ordinances and resolutions of the City Council relating to the affairs of the City, when not otherwise provided for by this Charter, or by any ordinance or resolution of the City Council. He shall pay over to the City Treasurer, at least monthly, as hereinbefore provided, and oftener if required by the City Council, all monies received or collected by him and by any employee under him.

(k) He shall keep a full and strict account of all monies received and all disbursements by him and such account shall, at all times, be open to inspection by the City Council.

(1) He shall give The City of Lewes a Bond, if required

by the City Council, in such sum and in form and with security satisfactory to that body for the faithful performance of the duties of his office and the restoration to The City of Lewes, in case of his death, resignation or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the City.

(m) In the event of a vacancy in the office of City Manager for any reason or reasons whatsoever, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 20. The City Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of The City of Lewes, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvements of highways, streets or lanes, or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost or the share of The City of the cost of any permanent municipal improvements; provided, however, that the borrowing of the money therefor shall have been authorized by the City Council and shall have been approved by the electors in the manner and at the time following:

(a) Council by resolution shall propose to the electors of the City by resolution that a stated amount of the money shall be borrowed for any of the above purposes. The resolution shall state the amount of the money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed

pertinent by the City Council and in their possession, and shall fix a time and place for hearing on the said resolution.

(b) Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper having a general circulation in the City and or, in the discretion of the City Council, distributed in circular form at least one week before the time set for said hearing.

(c) A second resolution shall then be passed by Council ordering a special election to be held not less than thirty days and not more than sixty days after 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 Council's determination to proceed in the matter in issue.

(d) The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper having a general circulation in the City within the thirty days immediately prior to the election, or, in the discretion of the City Council, distributed in circular form at least fifteen days prior to the election, or both at the discretion of the Council.

(e) At the special election, every owner of property whether individual, a partnership, or corporation shall have one vote for each One Hundred Dollars (\$100.00) of assessed valuation or part thereof as shown by the books of the City, and the said vote may be cast either in person or by proxy. The books of The City of Lewes shall be conclusive evidence of the right of any owner to vote at the special election and the number of votes to be cast by such owner.

(f) The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots at not less than five days prior to the date of the special election.

(g) The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, and the original shall be filed with the paper of the Council.

(h) The form of bond or certificate of indebtedness, 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 Council after said special election. The bonds may be sold at either public or private sale as determined by the City Council. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at the maturity or maturities thereof, a sinking fund therefor. The faith and credit of The City of Lewes shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value, and there shall be no limitation upon the amount of taxes which may be raised by taxation for the payment of interest on and principal of any bonded indebtedness whether incurred before or after the passage of this Act.

(i) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of Twenty-five per centum (25%) of the value of the real property situate within the limits of the City as shown by the last assessment preceding the creation of the said indebtedness.

In the event The City of Lewes should construct or acquire any plant, machinery, appliances, or equipment for the supply of electricity or gas for light, heat or power purposes, authority is hereby granted The City of Lewes to furnish electricity or gas for light, heat or power purposes to the outlying communities provided that this authority shall not exceed a distance of One Mile beyond the limits of said City as set forth herein or as extended by annexation as herein provided, and provided that such extension will not incur indebtedness in excess of the bonded limit of said City and to do all things necessary to carry out this authority.

THE TREASURER

Section 21. At the first regular meeting of the City Council of The City of Lewes following the annual election in each year, the City Council shall appoint a proper person, being a freeholder or leaseholder as defined herein of The City of Lewes, to be the Treasurer of the City. The Treasurer may or

may not be a member of the City Council. In the event that the office of Treasurer shall become vacant by reason of death, resignation, removal or otherwise, the City Council shall at the next regular meeting after said office shall have become vacant, appoint a proper person, being a freeholder or lease holder, as defined herein, to serve for the balance of the unexpired term of said office.

Before the Treasurer enters upon the duties of his office, he shall give bond to the City of Lewes with surety being an insurance company authorized to do business in the State of Delaware in the penal sum of Twenty Thousand Dollars (\$20,000.00), conditioned upon the faithful discharge of the trust imposed in him and the payment over to The City of Lewes or to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said Treasurer shall pay all orders drawn on him by the City Council, and shall settle his accounts with City Council annually before the fifth day of December, and as often at such times as the City Council shall require. The said Treasurer shall receive a reasonable compensation to be determined by the City Council.

CITY SOLICITOR

Section 22. At the first regular meeting following the Annual Election, the City Council of The City of Lewes shall reelect and appoint a City Solicitor, 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 advice to the Mayor and the City Council and other officers of the City and to perform such other legal services as may be required by the City Council.

BOARD OF HEALTH

Section 23. (a) The Board of Health shall consist of four (4) members, one of whom shall be a practicing physician with offices in the City. The Board shall be appointed by The City Council at the first regular meeting following the Annual Election hereinbefore provided and shall serve for one year or until their successors are duly appointed and qualified. The Board of

Health shall have cognizance of and interest in the life and health of the people of the City. It shall report to the City Council, in writing, whatever is deemed by the Board to be injurious to the Health of the people of the City, and shall make recommendations to the City Council, concerning whatever may contribute to the health and sanitation of the people. The Board shall organize by the election of a President and Secretary within ten (10) days after the notice of their appointments, and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

(b) The Secretary of the Board may be allowed a reasonable annual compensation for his services which shall be determined by the City Council and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by the City Council, but he shall be a resident of the City.

(c) The power to adopt ordinances relating to the health of the population of the City, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the same, shall extend to area outside of the City within one mile from said limits.

POLICE FORCE

Section 24. (a) It shall be the duty of the City Council to appoint a Police Force, consisting of a Chief of Police and such members or subordinates as the City Council may deem wise. The City Council shall, from time to time, make rules and regulations as may be necessary for the organization, government, and control of the Police Force. The Chief of Police and the members of the Police Force shall be subject to the direction of The City Council and may be removed by The City Council at any time. They 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 of Delaware. They shall have such other duties as the City Council shall, from time to time, prescribe.

(b) Each member of the Police Force shall be vested, within the City limits, with all the powers and authority of any Con-

stable of Sussex County and in the case of a pursuit of an offender their power and authority shall be without territorial limitations.

(c) Every person sentenced to imprisonment, shall be delivered by a member of the Police Force to the County Jail of Sussex County, or to the lockup of the City, to be there imprisoned for the term of the sentence.

(d) It shall be the duty of the Police to suppress riotous, disorderly or turbulent assemblage of persons in the streets of the City, or the noisy conduct of any person in the same, and upon view of the violation of any ordinance of the City 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 Aldeman or Assistant Alderman or before any Justice of the Peace in Sussex County for hearing thereon.

ASSESSOR

Section 25. (a) At the first regular meeting following the annual election, it shall be the duty of the City Council to appoint an Assessor. The Assessor shall be over the age of Twenty-one (21) years, a bona fide resident of The City of Lewes, and a freeholder of the City.

(b) On good behavior, the term of office of the Assessor shall be one year and shall expire on the date of the first regular meeting of the year succeeding his appointment.

(c) He shall be sworn or affirmed by the Mayor of The City of Lewes, to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assessment of property and persons subject to taxation situated within the City and to perform such other duties in reference thereto as shall be prescribed, from time to time, by the City Council.

(d) The compensation to be by him received for the performance of his duties and the hiring of employees to assist him in the performance of his duties shall be fixed by and subject to the approval of the City Council.

ASSESSMENT OF TAXES

Section 26. (a) The Assessor shall, prior to the first regular meeting in January, make a just, true and impartial annual valuation or assessment of all real estate and improvements located on lands under lease as defined herein within The City of Lewes. 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 improvements located on lands under lease as defined herein shall be described with sufficient particularity to be identified. Real estate and improvements located on lands under lease as defined herein shall be assessed to the owner or owners if he or they be known. If the owner or owners 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 there of as the same shall appear from the records in the Office of the Recorder of Deeds of Sussex County at Georgetown, Delaware.

(b) The Assessor shall also make a personal assessment of all the male and female citizens of the City above the age of twenty-one years. He shall also make a personal assessment against all person or persons residing within the limits of the City whether he be an owner of said real estate or not; said personal assessment shall be determined by The Commissioners and certified to the Assessor. Said personal assessment or per-capita tax, in the case of both resident and non-resident real estate owner, shall be in addition to the assessment levied on the real estate so owned by and assessed against them.

(c) The Assessor, after making such annual assessment, shall at the first regular meeting in January, aforesaid, deliver to the City Council, a list containing the names of all persons assessed and the amount of the assessment against each. He shall also deliver at such time as many copies of said list as the City Council shall direct.

(d) The annual assessment list shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, the improvements located on lands under lease as defined herein and the per-capita assessment shall appear in separate column of spaces. In making its assessment, the Assessor shall make his valuation accordingly.

(e) The real property of the Assessor shall be assessed by the City Council.

(f) Immediately upon receiving the annual assessment list from the Assessor, the City Council shall cause a full and complete copy of the same containing the amount assessed to each taxable to be hung up in a public place in The City of Lewes, and there it shall remain for a period of at least ten (10) days for the information of and examination by all concerned. Appended thereto and also in five or more public places in said City shall be posted notices advising all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices, between the hours of one o'clock P.M. and five o'clock P.M., the City Council will hold a Board of Appeals, at which time, and place they shall hear appeals from the said annual assessment. The decision of the City Council, sitting as a Board of Appeals, shall be final and conclusive and the said City Council shall revise and complete said assessment at this sitting. No councilman shall sit upon his own appeal but the same shall be heard and determined by the other members of the City Council.

(g) The Assessor shall be present on the day fixed for hearing appeals and shall furnish to the City Council such information and answer such questions as the City Council may require in respect to any assessment from which an appeal has been taken. The City Council shall have authority to enforce his attendance by appropriate process.

LEVY OF ANNUAL TAXES

Section 27. (a) At the first regular meeting in February, after having revised and completed the assessment, the City

Council 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 appropriate reserves, for the then current fiscal year as set forth in the City Budget for each year plus a reasonable amount to cover unanticipated expenses and emergencies.

(b) It shall then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the City the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source.

The City Council shall then proceed to determine, assess, fix and/or levy the following:

a. The rate of tax on real estate and on improvements located thereon and on improvements located on land under lease as defined herein per \$100 of assessed value; and/or

b. The amount of personal or per-capital tax upon each qualified voter; and/or

c. The rate of tax upon all poles, constructions, erections, wires and appliances more particularly mentioned, or intended so to be, in Section 29 (32) of this Charter, as amended; and/or

d. The several license fees to be charged for carrying on or conducting of the several businesses, professions, or occupations more particularly mentioned, or intended so to be in Section 29 (33) of this Charter, as amended; and/or

e. The fees or rates to be charged in respect of any other authorized source of revenue sufficient in their best judgment and estimation to realize the amount to be raised from each such source determined by them to be used, as aforesaid; Provided, however, that sources "d" and "e" aforementioned may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and at any other regular or special meeting of the Council as it, in its own proper discretion, shall determine.

(c) Immediately after the first regular meeting in February of each and every year, the City Council shall make, or

cause to be made, a full, true and correct annual tax list showing the amount of tax levied against each taxable thereon from sources a, b, and c, above mentioned. This list shall be known as the annual tax list of The City of Lewes. In addition to the information contained in the assessment list, it shall likewise contain information as to the rate of tax upon real estate and upon improvements located on land under lease, as defined herein, per \$100 of assessed value thereof.

(d) The City 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 same as hereinafter provided.

(e) Nothing contained in this Charter shall be construed to effect or impair in any way the validity of any tax, fee, assessment, or other charge lawfully levied, assessed, or due the Commissioners of Lewes, under existing laws in reference to said City and the same are hereby declared to be valid, binding and vested in The City of Lewes created hereby.

COLLECTION OF ANNUAL TAXES

Section 28. (a) The City Manager, as soon as the City Council shall have placed in his hands the duplicate annual tax list, shall proceed at once to collect the taxes on said duplicate list.

(b) All taxes so laid or imposed by The City of Lewes in such annual tax list, shall be and constitute a lien upon all the real estate together with improvements located thereon and a lien upon any improvements located on land under lease, as defined herein, of the taxable, against or upon whom such taxes are laid or imposed, of which such taxable was seized or owned at any time after such taxes shall have been levied and imposed, that is situated in The City of Lewes. Such lien shall have preference and priority to all other such liens on real estate or upon improvements located on land under lease as prescribed herein 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; provided, that the lien for such City taxes shall remain a lien for a period of ten (10) years from the date upon

which the City Council shall deliver unto the City Manager the tax list therefor. If such real estate, or improvements located on land under lease as defined herein, remains the property of such person or persons who owned it at the time the tax was laid, then the lien shall not be extinguished until the tax is collected.

(c) All taxes shall be paid to the City Manager of The City of Lewes, and all taxes shall be due and payable at and from the time of the delivery of the tax list to the City Manager.

(d) All taxes shall be paid at the City office.

(e) In the collection of said taxes, the said City Manager shall deduct five (5%) per centum from the amount of taxes assessed against the real property of any person who pays said tax on or before the last day of April next succeeding the delivery of the duplicate annual tax list to the said City Manager. On all taxes paid on or after the first day of May and on or before the last day of September next succeeding the delivery of the annual duplicate tax list to the City Manager, there shall be no deduction or abatement. On all taxes paid after the last day of September next succeeding the delivery of the annual duplicate tax list to the City Manager, there shall be added an amount equal to one per centum (1%) per month for each and every month such taxes shall remain unpaid and shall be collected in the same manner as the original amount of the tax.

(f) On the same day of the month of the second year following the delivery of the duplicate annual tax list to the City Manager, the City Manager shall make full, final and complete settlement with the City Council. The settlement shall take place on that day in the room in which the City Council holds their meetings. At such settlement, the City Council shall allow to the City Manager all taxes which shall have been impossible to collect by reason of errors in the assessment list, delinquencies or otherwise. No allowance shall be made for the default of neglect or delay of the City Manager. The settlement shall be final and conclusive and no other allowances, in any form shall be made to the City Manager by the City Council. Upon the conclusion of the settlement, the City Manager shall pay over to The City of Lewes, the aggregate amount of the taxes found to be due the City. Upon his failure or neglect to do so, it shall be the duty of

the City Council to proceed to collect the same from the City Manager, and/or his surety. Default by the City Manager to the City in any sum, shall *ipso facto*, vacate his office; provided, however, that the City Council, for good cause shown shall have the power to extend the time for settlement by the City Manager for a period not exceeding six months.

ENUMERATION OF POWERS

Section 29. Not by way of limitation upon the power vested in the City Council to exercise all powers delegated by this Charter to the municipal corporation except as may expressly appear herein to the contrary, but, rather, by way of enumeration and for purposes of clarity, the City Council is vested by this Charter with the following powers, to be exercised by said City Council in the interest of good government and the safety, health and welfare of the City, its inhabitants and affairs, that is to say,

1. To prevent vice, drunkenness and immorality.
2. To provide for and preserve the health, peace, safety, cleanliness, ornament and good order of the City and its inhabitants.
3. To prohibit all gaming and fraudulent devices.
4. To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games.
5. To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, dock, sewer, drain, aqueduct or pipe line, or portion thereof, in the City; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State Highway of the State of Delaware for the permanent maintenance.

Repair and upkeep of any street, lane, alley, roadway or other highway within the City.

6. To regulate or control the observance of the Sabbath Day.

7. To establish and regulate pounds and to restrain, prohibit and empound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same, and to impose taxes on the owners of dogs.

8. To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer or manure plants or establishments, swine pens, privies, water closets and any business or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or noxious nature.

9. To enforce the removal of snow, ice, dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.

10. To prohibit, remove, or regulate the erection and maintenance of, any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection of projection in, over upon or under any street, highway, alley, lane, watercourse, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the City.

11. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.

12. To provide an ample supply of pure water for The City and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in and about the collection, storage, purification, conveyance, distribution or sale of water; to regulate and prescribe for what private or public purposes the water furnished by the municipal corporation may be used, the manner of its use, the amounts to be paid by the users thereof,

the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury or damage to or interference with the water system or equipment of the City; to furnish, or refuse to furnish, water from the City system to places and properties outside the City limits; and to contract for and purchase water and distribute the same to users within or without the City with the same full powers as though such water had been initially reduced to usefulness by the municipal corporation itself.

13. To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the City; to regulate and prescribe for what private or public purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury or damage to, or interference with the said system, plant or facilities; to furnish or refuse to furnish, sewer disposal service from the City system to places and properties outside the City limits; in the interest of the public's health, to compel any and all properties in the City to be connected to the sewer system of the City; and to contract for and purchase sewer disposal service and to resell the same to users within or without the City with the same full powers as though such service had been initially provided by the facilities therefor of the municipal corporation itself.

14. To provide, construct, extend, maintain, manage and control a plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the City and for lighting the streets, highways, lanes, alleys, watercourses, parks, lake strands, sidewalks, crosswalks, wharves, docks, public buildings or other public places of the City, and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessary properly to light the City and to furnish proper connections for electric current and gas to the properties of the inhabitants of the City who may desire the same; to reg-

ulate and prescribe for what private or public purpose the current or gas furnished by the municipal corporation may be used, the manner of its use, the amount to be paid by the users thereof, the mains whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury or damage to or interference with the electric or gas system or systems to places and properties outside the City limits; and to contract for and purchase electric current or gas and distribute the same to user within or without the City with the same full powers as though such current or gas had been initially reduced to usefulness by the municipal corporation itself.

15. To fully control within the City the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, runs or rivulet within the City, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend, maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the City.

16. To provide, construct, extend, maintain, manage and control jetties, bulkheads, embankments, flood gates, piers, boardwalks, or fills for the preservation of any strand or high land within the limits of the City or contiguous thereto, to the end that the same may be preserved, property protected and the general public might enjoy the use thereof.

17. To grant franchises or licenses to any responsible person, firm, association or corporation, for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as the City Council shall deem wise, to use the present and future streets, highways, lanes, alleys, water-courses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, and other public places of the City for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the City and to the persons, firms, or corporations residing or located therein and for the purpose of transmitting the same from or through the City to points outside the limits thereof, and for the purpose of

erecting wharves and piers, and for the purpose of vending any article of merchandise or service upon, or from any vehicle upon any such present and future street, highway, lane, alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.

18. To regulate and control the exercise of any license or franchise mentioned in Section 29 (17) of this Charter or intended so to be.

19. To direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds of the City and to authorize or prohibit the removal or destruction of said trees.

20. To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the City which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

21. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.

22. To regulate, control or prevent the use of storage of gunpowder, fireworks, tar, pitch, resin and all other combustible materials and the use of candles, lamps and other lights in stores, shops, stables and other places; to suppress, remove, or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fire.

23. For the prevention of fire and the preservation of the beauty of the City, to regulate and control the manner of building or removal of Dwelling houses and other buildings; to establish a code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the City and make particular provisions for particular zones of districts with regard to building or building materials; and, generally to exercise all the powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of 22 Del. C. § 301 et seq., and all amendments thereto.

24. To acquire, build, erect and maintain a suitable place as a lock-up or jail for the City which shall be used as a place of detention for persons convicted of violation of law or ordinance, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars and vagrants; provided, that the jails of Sussex County may be used for any such purpose, in which event the City shall pay for the board of persons committed thereto for violations of ordinances of the City which are not violations of any general law of the State.

25. To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping offices of the City.

26. To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, beanshooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.

27. To provide for the punishment of a violation of any ordinance of the City by fine or imprisonment, or both, not exceeding Five Hundred Dollars (\$500.00) or Sixty (60) days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.

28. To provide for the organization of a fire department and the control and government thereof; to establish fire limits and do all things necessary for the prevention and extinguishment of fires; and, in their discretion, to contribute, donate or give an amount or amounts, not to exceed in the total during any given fiscal year, three per centum (3%) of the total taxes levied on real estate, unto any Volunteer Fire Company or Companies incorporated under the Laws of Delaware, or any Volunteer Fire Association or Associations maintaining and operating fire fighting equipment and service to the City; provided, that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as The City Council shall deem advisable.

29. To purchase, take and hold real and personal property

when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due the City and to sell the same.

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, that the amount to be raised from the source shall not exceed the sum of Two Hundred Thousand Dollars (\$200,000.00).

31. To levy and collect a personal or per capital tax upon all persons otherwise qualified to vote at any annual municipal election to be used for any and all municipal purposes.

32. 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, expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in interstate commerce for any and all purposes, and to this end may at anytime direct the same to be included in or added to the City Assessment. In case the owner or leasee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies for the collection thereof set forth in Section 31 of this Charter, the City Council shall have authority to cause the same to be removed.

33. To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the City) of such various amounts as the City Council from time to time shall fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the City; provided, however, that nothing herein shall be so construed as to make it mandatory upon any resident of the State to apply for a license

in order to sell in the City any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

34. To determine from which authorized sources and in what proportions taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the municipal corporation and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.

35. To provide for the collection of and disbursement of all monies to which the City may become entitled by law, including licenses and fines, where no provision for the collection and disbursement thereof is otherwise provided in the Charter.

36. To borrow money in the name of the City for any proper municipal purpose, and in order to secure the payment of the same, to issue bonds or other kinds or forms of certificate or certificates of indebtedness, pledging the full faith and credit of the City or such other security or securities as the City Council shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the City shall be exempt from all State, County or municipal taxes; provided, that in no event shall the indebtedness of the City, for any and all purposes, at any one time exceed in the aggregate twenty-five per centum (25%) of the assessed value of all real estate in the City subject to assessment for the purpose of levying the annual tax hereinbefore mentioned.

37. To acquire, and/or to vacate the use of, lands, tenements, personality, property, easements, rights-of-way, or any interest in property, either within or without the limits of the City, by way of condemnation and eminent domain, for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the municipal corporation by the Charter. Proceedings by way of condemnation in any such case shall be the same or prescribed hereafter in Section 34 of this Charter for the opening and laying out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said

Section 34 shall be changed and modified to cover any case contemplated hereby.

38. To appropriate money to pay the debts, liabilities and expenditures of the City, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the City in case of emergency.

39. To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge or other amount due the City by the performance of labor or service for the City by any person owing the same.

40. To inquire into and investigate the conduct of any officer, agent, or employee of the City or any municipal affair, and for any such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.

41. The City Council may, by ordinance duly adopted in accordance with this Charter, establish a pension plan or a Health and Welfare Plan, or both, for the employees of the City of Lewes under such terms and conditions as the City Council, in its discretion, deems most appropriate; provided, however, that any annual appropriations which is made by the City of Lewes under any such pension plan or Health and Welfare Plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of the City of Lewes and provided further that the method of funding may, if deemed advisable by the City Council, be handled through a recognized insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of City Council.

42. To make, adopt and establish all such ordinance, regulations, rules and by-laws, not contrary to the laws of this State and the United States, as the City Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the City, the protection and preservation of persons and property and of the public health and welfare of

the City and its inhabitants; provided, that any ordinance relating to the public health of the City and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same, shall apply not only within the corporate limits of the City but as well to all areas and persons outside the City within one mile from said limits.

TOWN BUDGET

Section 30. (a) The fiscal year of The City of Lewes shall be from April 1st of one year to March 31st of the next succeeding year.

(b) Annually each year and not later than March 1, the City Manager shall prepare a rough draft of a City Budget. From this rough draft, the City Council shall, not later than March 15 of each year, prepare the City Budget, containing the financial plan for conducting the affairs of the City for the ensuing fiscal year.

(c) The Budget shall contain the following information:

1. A detailed estimate showing the expense of conducting each department and office of the City for the ensuing fiscal year.

2. The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.

3. The amount of the debt of the City, together with a schedule of maturities of bond issues.

4. An itemized statement of all other estimated expenses to be incurred in the affairs of the City.

5. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any Bond maturing during the year and the amount required for the "Sinking Fund" or "Sinking Funds".

6. An estimate of the amount of money to be received from taxes, assessments and all other anticipated income of the City from any source or sources whatsoever.

(d) The City Council shall, so far as possible, adhere to the Budget so adopted in the making of appropriations.

REMEDIES FOR COLLECTION OF TAXES, ASSESSMENTS AND OTHER CHARGES

Section 31. (a) A remedy by distress as now prescribed by law is hereby preserved to the City Manager for the collection of any taxes, assessments, license fees, warrants, rentals or other charges for which he may be responsible.

(b) At any time after the delivery of the duplicate annual tax list or duplicate scrap sewer assessment list or warrant or any other list of charges due The City of Lewes, the City Manager may institute suit in the name of The City of Lewes before any Justice of the Peace or Court of the State of Delaware, in any of the Counties of the State, for the recovery of the unpaid tax, assessment, license fee, rental or other charge, in any action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered before a Justice of the Peace.

(c) The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which by virtue of such execution shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against said personal property created or suffered by the taxable, except such liens thereon which may have been created in respect to County Taxes, although such other liens be of date prior to the time of the attachment of the said tax liens.

(d) Any time after the delivery of any such duplicate annual tax list, assessment list, or warrant, or other lists containing charge 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, license fee, warrant, rental or other charge of said employee is due and unpaid. The notice shall be signed by the City Manager and shall contain the correct name of the taxable as it appears upon any such list, the amount of the tax, assessment, rental or other charge due with

penalties and interest added, if any. Thereupon it shall be the duty of the employer to take from the wage, salary or other money then due the taxable, the amount of the tax, assessment, license fee, warrant, rental or other charge, together with penalties and interest added, if any owing, from the employee, and charge the same against him, and to pay the same to the Treasurer within ten (10) 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 provisions hereof, such employer shall become personally liable for the amount of the tax, assessment, license fee, warrant, or other charges, together with penalties and interest due 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 any Justice of the Peace, or Court of State of Delaware, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(e) The City Manager may make a complaint under oath before any Justice of the Peace, that the tax of any taxable is due and unpaid and that he has been unable to make collection of the tax, assessment, license fee, warrant, rental or other charge by any of the methods for the recovery of taxes prescribed by this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing it shall be found that the tax, assessment, license fee, warrant, rental or other charge, of the person arrested is due and unpaid, and if the taxable shall thereon fail to pay the tax, assessment, license fee, warrant, rental or other charge, together with accrued costs, he shall be committed to the jail of Sussex County, or City lock-up until the tax, assessment, license fee, warrant, rental, penalty, cost and charges are paid, but, in no event shall the term of his imprisonment exceed thirty (30) days.

(f) For the purpose of collecting the tax, assessment, license fee, warrant, rent or any other charge due the City from any taxable, and without the necessity of first employing the other remedies herein provided the Treasurer 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 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, rent or other charge.

(g) The City Manager shall present to the Superior Court of Sussex County a petition which shall state:

1. The name of the taxable, assessee, license, or charges.
2. The year for which the tax, assessment, license, rent or other charge was levied.
3. The rate of the tax, assessment, license, rent or other charge.
4. The total amount due.
5. The date from which the penalty for non-payment, if any, shall commence and the rate of such penalty.
6. A short description of the lands and tenements or a short description of the improvement located on the lands under as defined herein proposed to be sold sufficient to identify the same.
7. A statement that a bill of said tax, assessment, license, rent or other charge has been mailed to the taxable that he will proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, warrant, rent or other charge due the City, and the date of such mailing.
8. That it has been found impractical to attempt to collect the said tax, assessment, license, rent or other charge, by any other remedy hereinbefore provided.

(h) At least ten (10) days prior to the filing of any such petition, the City Manager shall deposit in the mail, in a sealed and stamped wrapper and requiring a return registry receipt, addressed to the taxable at his last known address, an itemized statement of the tax, assessment, license, warrant, rent or other charge due the City, together with all penalties and costs then due thereon, together with a notice to the taxable that he shall proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, warrant, rent or other

charge due the City. The City Manager shall exhibit the return registry receipt to the Court by filing the same with the petition.

(i) The petition shall be filed by the City Manager and shall be verified before a Notary Public.

(j) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Court and shall endorse upon said record of said petition, the following: "This petition filed the day of, A.D. (giving the day and year), and the City Manager of The City of Lewes shall therefore proceed to sell the lands and tenements herein mentioned or a sufficient part thereof, for the payment of the amount due", which endorsement shall be signed by the Prothonotary.

(k) The City Manager shall then proceed to advertise the lands and tenements of the taxable by posting handbills in at least five (5) public places in The City of Lewes (one of which shall be posted on the premises) and publishing the notice of said sale in a newspaper published in Sussex County. The notice shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same. The notice shall be posted at least ten (10) days before the day fixed for the sale and shall be published in the newspaper at least one week before the day of the sale.

(l) Each sale of lands and tenements or of improvements located on lands under lease as defined herein shall be returned to the Superior Court, aforesaid, at the ensuing term thereof following the sale. At the return of said sale the Court shall inquire into the circumstances and either approve or set aside the sale. No sale shall be approved by the Court if the owner be ready at the Court to pay the taxes, assessment, license fee, rent or other charge due the City, together with penalty, interest and costs, if any. If it set aside the sale, the Court may order another sale and so on until the tax, assessment, license fee, rent or other charge due is collected.

(m) If the sale shall be approved by the Court, then at the expiration of one year from the date of the sale (which shall be known as the redemption year) the City Manager shall make, execute and deliver a deed or a bill of sale to the purchaser, his

heirs or assigns, which shall convey the title of the taxable, assessee, licensee, tenant or lessee or charges or his alienee, as the case may be: PROVIDED, HOWEVER, that within the redemption year, the owner, his heirs or assigns, shall have power to redeem the lands or improvements located on lands under lease as defined herein on payment of the costs, the amount of the purchase money and twenty per cent interest thereon to the purchaser, his heirs or assigns. If the purchaser refuses to accept the same or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of the redemption money to the City Manager of The City of Lewes, and upon taking from him a good and lawful receipt therefor, such receipt shall be considered for all intents and purposes as a valid and lawful exercise of the owner, his heirs, executors and assigns, of his or their power to redeem the land so sold.

(n) After satisfying the tax, assessment, license or other charge due and the cost and expenses of sale from the proceeds of the sale the amount remaining in the hands of the City Manager shall be paid, at once, to the owner of the land or of the improvement located on lands under lease as defined herein. Should the owner of the land or of the improvement located on lands under lease as defined herein refuse to accept the same, or the owner is unknown or cannot be found the amount remaining shall be deposited in some bank in The City of Lewes, either to the credit of the owner, or in a manner by which the fund may be identified.

(o) In sales of land or of improvements located on lands under lease as defined herein for the payment of taxes, assessments, licenses, warrants, rentals or other charges due The City of Lewes, the following costs shall be allowed, which shall be deducted by the City Manager from the proceeds of the sale, or chargeable against the owner; the prothonotary of the Court shall receive for filing and recording the Return of Sale. The City Manager shall be entitled to receive the sum of \$5.00 for every sale of real estate or improvements located on lands under lease as defined herein made by him in the exercise of said powers for the enforcement of the payment of taxes, assessments, licenses, warrants, rentals or other charges, together with such

additional sum as may be reasonable and proper for the service of Counsel in preparing such papers as may be necessary in premises, all of which shall be a part of the costs to be paid out of the purchase money realized out of the sale of said real estate sold for the taxes, assessments, license fees, warrants, rentals or other charge due the City.

(p) The cost of the deed shall not be chargeable as costs but shall be paid by the purchaser.

(q) If the owner or lessee as defined herein of any lands and tenements, or of improvements on leased land, as defined herein, against which a tax shall be levied and assessed or from whom rent shall be due shall be unknown, this fact shall be stated in the advertisement of sale and in the petition to the Court.

(r) If any person is assessed for several parcels of land and tenements in the same assessment, or if rent from land under lease shall be due for several parcels, or if improvements shall have been erected on several parcels of land under lease, as defined herein, the total of said taxes, assessments, rents and other charges due the City, may be collected from the sale of any portion of said lands and tenements or from any improvements, provided, that the land alienated or lease assigned by the taxable or lessee shall not be sold until other property of the taxable or lessee shall have been first disposed of.

POWER TO BORROW AGAINST ANTICIPATED REVENUES

Section 32. The City Council of The City of Lewes shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of The City of Lewes, the sum or sums of, not exceeding Fifty Thousand Dollars (\$50,000.00) in any one fiscal year, when, in the opinion of the majority of the said City Council, the needs of The City of Lewes demand it. The City Council may secure said sum or sums of money so borrowed by promissory notes of The City and attested by the Secretary, either with or without the corporate seal of The City of Lewes affixed as is requested by the bank or person advancing the money on said notes, and no Officer nor Councilman shall be

personally liable for the payment of such notes because it is signed by them as Officers of The City of Lewes, and is authorized by the resolution of the City Council; provided, however, any sum of money borrowed on the faith and credit of The City of Lewes, as aforesaid, in any fiscal year, shall be paid out of the general funds of the City, at the minimum rate of Ten per centum (10%) per fiscal year and shall be completely paid at the end of ten (10) fiscal years following the first fiscal year which said money was borrowed with interest thereon.

POWERS OVER PUBLIC LAND

Section 33. (a) All the public and vacant lands lying within the corporate limits of The City of Lewes as defined herein or as later extended pursuant to this Charter, and all the public or vacant lands contiguous to but outside the corporate limits of said City and fronting on the Bay between the point of Cape Henlopen on the south and Veasey's Inlet on the north shall be vested in the City Council of The City of Lewes, and the said City Council shall have jurisdiction over the same; and all ordinances adopted by the said City Council shall have the same force over and upon the said public and vacant lands as within the corporate limits of said City, and the City Council is hereby authorized to lease, to persons who will improve or agree to improve the same, such portions of said public lands for such time and upon such terms as the City Council may deem proper for the interest and benefit of said City; and if hereafter any person or persons shall, without the permission and consent of the City Council build upon any of said public lands, he, she or they shall forfeit such improvements or buildings to the said City.

(b) The City Council may assess or levy upon any person or persons leasing, occupying, enclosing, or claiming the uses or privileges of any of the said public lands vested as aforesaid in The City of Lewes, and not held under lease from the City at a certain rent which expressly includes taxes, and not held by virtue of the provisions of any act of the Legislature of this State otherwise providing, a tax, not exceeding six per cent of the assessed actual value of the lands so leased, enclosed, occupied or claimed, and two per cent of the actual value of the improvements thereon.

(c) Nothing herein contained shall be construed to authorize any person or persons to build upon or enclose any of the said public lands without permission and consent of the City Council, nor to authorize the City Council to assess or levy a tax upon persons excluded from the provisions of Section 9 of the Act entitled "An Act to Incorporate the Town of Lewes, and for other Purposes", as amended by Chapter 535 of Volume 14 of the Laws of Delaware, and as re-published in Chapter 536 of the same volume.

(d) The City Council of The City of Lewes is hereby vested with full and exclusive authority and control over the Great and Beach Marshes, Cape and Cape Marshes, near Lewes, and may sell and dispose of the grass and hay thereof in the month of July in each and every year, at public sale, giving notice by printed advertisements, posted in five of the most public places in Lewes and Rehoboth Hundred ten days before the day of sale, to the highest and best bidder or bidders for the same; the notices shall specify the place where and the time when the grass or hay will be sold; the City Council is further authorized to sell sand and gravel by measure or otherwise, as may be deemed by the City Council to be to the best interest of the City, wherever such sand and gravel may be located within the limits of the vested lands of The City of Lewes; and the City Council is further authorized to sell the wood and timber on the Cape and Cape Marshes at any time that it may be necessary or desirable for any improvement made in or near said City, by and with the concurrence of a majority of the members of the City Council; and the proceeds arising from the sale of the sand, gravel, grass, hay, wood and timber shall be paid over to the Treasurer of the City, to be applied by the City Council to such improvements of the City as they may deem proper. If any person or persons, without first obtaining permission from the City Council, shall fell, cut, cart or convey any green timber or wood, or any timber on or from said Cape for any private use whatsoever, except wood cut from dead timber for fuel, he or they shall forfeit and pay any sum not exceeding fifty dollars, with costs, to be recovered by the City Council, for the use of the City, in the same manner as debts of that amount are recoverable; and persons so offending shall also be subject to a fine, not exceeding ten dollars, to be enforced as other fines and penalties provided for

in this Act; and the City Council may seize any timber or wood so cut, from any person or persons so offending and may dispose of the same to the highest bidder, for the use of said City, and may pass any rules, regulations and ordinances regarding the cutting of said timber as they may deem proper for the interest of said City; provided that nothing in this Section or Act shall authorize the City Council to pass any ordinances to prevent any citizen of The City of Lewes or State of Delaware from fishing along said Delaware Bay Shore.

STREETS

Section 34. (a) The City Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the City.

(b) The procedure to be used to do any of those things heretofore listed shall be as follows:

1. Whenever five (5) or more property owners in a portion of the City directly affected or abutting on the proposed street to be opened, laid out, changed, altered, or closed, shall be written petition with each signature duly acknowledged, request the City Council to lay out, locate, or open a new street or to widen or alter an existing street or any part thereof or to vacate or abandon a street or any part thereof, the Mayor of the City of Lewes shall appoint a committee composed of not less than three (3) of the elected members of the City Council to investigate the possibility of changing the structure of said street in the City. The petition presented to the Council by the property owners shall include a description of property through which the proposed street shall be laid out or a description of the street on which any other of the actions hereinbefore described shall take place and the reasons why the change in the structure of the streets of the City should be undertaken; or the City Council by a majority vote of the elected members thereof may by Resolution propose that a committee of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the City for any of the reasons hereinbefore set forth.

(c) Not later than ninety (90) days following its appointment the committee shall submit a report concerning its findings to the Mayor and the City Council. The report shall contain the advantages and disadvantages to the City caused by the changing of the street structure and shall contain the conclusion of said committee either recommending or disapproving the changing of such street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of the City of Lewes and a majority of the elected members of the City Council concur therein, the Council by resolution shall propose to the property owners and citizens of the City that the Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the City. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of The City of Lewes the resolution proposing the change in the street structure to the property owners and citizens of The City of Lewes shall be passed by a majority of three-fourths of the elected members of the City Council. The resolution shall contain a description of the proposed change and shall fix a time and place for a public hearing on the matter of changing the street structure. The resolution adopted by the City Council shall be printed in a newspaper published in The City of Lewes, or, if no newspaper is published in The City of Lewes, publication may be had in a newspaper having a general circulation in the City, or in the discretion of the City Council, the resolution shall be posted in five (5) public places in the City for at least one week before the time set for the public hearing. The resolution shall also state the hour and place where and when the City Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the City.

(d) Whenever the City Council shall have determined to locate or layout or widen any street, lane or alley, and shall have affixed the compensation, therefore, it shall be their duty, immediately after the survey and location of said street, land or alley, to notify by registered letter with return receipt requested, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or

widen the same, and to furnish a general description of the location thereof; also the amount of the compensation or damages allowed to each such property owner, and if such owner be not a resident within the City, to notify the holder or tenant of said real estate and the owner of such property if his address be known; but if there be no holder or tenant resident in said City and the address of the owner be unknown, or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner is dissatisfied with the amount of compensation or damages allowed by the City as aforesaid, said property owner may, within ten (10) days after such notice as aforesaid was posted or mailed, appeal from the written notice of assessment or compensation or damages by serving written notice by registered mail with return receipt requested upon the Mayor of the City to the effect that he or she is dissatisfied with the amount of said compensation or damages, and it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware in and for Sussex County for the appointment of a Commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of this State who is that time resident of Sussex County for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a Commission directed to five (5) freeholders of the said County, three (3) of whom shall be residents of The City of Lewes, and two of whom shall be non-residents of said City, demanding them to assess the damages which the owner of the real estate through or over which the said street, lane or alley shall pass, and who shall have notified the said City Council of their intention to appeal, may incur by reason thereof, and to make return of their proceeding to the said Judge at the time therein appointed.

(e) The freeholders named in such Commission, being first duly sworn or affirmed, shall view the premises and may, or a majority of them, shall assess the damages aforesaid, and shall make return, in writing of their proceedings to the said Judge who shall deliver and return to the City Council, which shall be final and conclusive. The said Judge shall have the power to fill

any vacancy in the Commission. The amount of damages being so ascertained, the City Council may pay or tender the same to the person or persons entitled thereto within thirty (30) days after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from the City during the said period of thirty (30) days, then same shall be deposited to his or her credit in the Farmers Bank of the State of Delaware with offices in Georgetown, Sussex County, Delaware, within said time, and thereupon the said property of lands may be taken or occupied for the uses aforesaid.

(f) If the ascertainment and assessment of damages by the freeholders appointed by the Judge as aforesaid shall be increased, the cost of the appeal shall be paid by the City out of any money in the hands of the Treasurer belonging to the City; but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the Commission shall receive and be allowed for each day's actual service or of any part of a day the sum of Five Dollars (\$5.00). After the damages shall be fixed and ascertained by the freeholders, the City Council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

(g) In the event that the City Council feels that the damages assessed are not just as being excessive, it may then appeal to the Supreme Court of the State of Delaware. If the owner of the property feels that the damages awarded are inadequate, such owner may appeal to the Supreme Court of the State of Delaware.

CURBING AND PAVING

Section 35. (a) Whenever the City Council shall have determined that any paving, graveling, curbing or any or either or 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 and curbing 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 Council may proceed to have the same done, and when done the City Manager, shall as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in The City of Lewes, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said City of Lewes, such bill may be sent by mail to such owner or owners directed to him, her or them at the post office nearest his, her or their residences. 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 City Council to issue a warrant in the name of The City of Lewes, under the hand of the Mayor of the City and seal of said City, directed to the City Manager of The City of Lewes, 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 City Manager of The City of Lewes, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in The City of Lewes, 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 City sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said City Manager of the said City of Lewes, after ten days' notice to such owner or owners as aforesaid, and after posting five or more notices of sale in at least five public places in The City of Lewes, 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 City of Lewes, or if there be no newspaper printed in the said City of Lewes, 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 and curbing, 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 City Manager of said City of Lewes shall convey to the purchaser or purchasers of such lands and tenements as 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 and curbing 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, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid; provided that within thirty days after the completion of said improvements a certificate under the corporate seal of The City of Lewes signed by the Mayor setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien with the name or names of the owner or owners shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate or duly certified copy hereof shall be evidence in all Courts of law and equity in this State. Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said Office of the Recorder of Deeds within ninety days after the approval of this Act. It shall be the duty of the City Manager of the City from the Purchase money of the said good and chattels of 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 said City 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 City Manager of the said City 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, 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 owner shall reside in said City, notice served upon the occupier or tenant

shall be sufficient, or if there be no owner or occupier, or tenant of said premises resident in the City, it shall be sufficient to send notice by mail to any owner or owners of said premises, directed to him, her or them at the post office nearest his, her or their place or places of residence; the provisions hereinbefore contained in this Section shall apply to any order made by the City Council in respect to any pavement, sidewalk or curb heretofore made or done, which the said Council may deem insufficient or to need repairing. The said Council, 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.

(b) 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 City of Lewes, it shall be lawful for the City Council in the name of The City of Lewes, 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.

USE OF TOWN MONEY

Section 36. (a) The City Council shall have the power and authority to use the money in the Treasury of said City, or of any portion thereof, for the improvement, benefit, protection, ornament, and the best interest of the said City as it may deem advisable and to use the City money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Constitution, Laws of Delaware, this Act and all lawful ordinances and resolutions of Council. In the general performance of their duties the acts, doings and determination of a majority of the Council of said City shall be as good and binding as the acts, doings and determination of the whole. In case of vacancy or vacancies in the City Council, the remaining mem-

bers, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole.

OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS

Section 37. The City Council shall have power and authority to enact ordinances or adopt resolutions to define prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated by any property owner or tenant or any property owner thereof whether in the street square, lane or alleys, or on the sidewalks or any other public or private place within the limits of said City either on its own inspection, or upon written complaint of any citizen of the City stating the character and location of the obstruction, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of the elected members of the City Council either upon inspection or upon such inspection or upon such information, or both, shall determine that such obstruction, nuisance or unsanitary condition exists and ought to be removed or abated, as the case may be, the City Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing commission and the City Council shall thereupon give notice in writing by registered mail with return receipt requested, signed by the Mayor to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance to remove or abate the same and if such person or persons refuse or neglect for the space of two (2) days to take steps to abate or remove the stated condition after such notice is received, Council shall have the power and authority to cause such obstruction, nuisance or unsanitary condition to be removed or abated; and for this purpose Council may issue a warrant in the name of the City of Lewes, under the hand of its Mayor and the Seal of the City, and directed to any Constable of Sussex County, commanding him forthwith to abate such obstruction, nuisance or unsanitary condition, whereupon the Constable to whom said warrant may be delivered shall forthwith proceed to remove or abate the same

and for such purpose he shall have full power and authority to enter into and upon any lands and premises in said City and to take with him such assistance, implements, horses, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper, and to do and perform all matters and things right, proper and necessary to be done for the removal or abatement of such obstruction, nuisance, or unsanitary condition. The costs of all the necessary work, labor and proceedings of the City in the removal or abatement of such obstruction, nuisance or unsanitary condition shall be determined by Council upon the completion of the work, and if such amount be not paid to the Treasurer, for the use of the City, by the person or persons causing or responsible for such obstructions, nuisance or unsanitary condition within ten days after a bill stating the amount of such costs is presented or mailed to such person or persons, at their last and best known post office address, then Council may proceed to collect the same out of the goods and chattels, lands and tenements, of such person or persons, and it shall be the duty of Council to issue a warrant in the name of The City of Lewes under the hand of the Mayor, and the Seal of the City, directed to the Alderman or any Justice of the Peace commending him that of the goods and chattels, land and tenements of such person or persons he shall cause to be levied and make the amount of said bill, together with all costs. It shall be the duty of the Alderman or a Justice of the Peace, as soon as convenient thereafter, and after ten days, written notice to such person or persons, deposited in the mails and directed to such person or persons at his or their last and best known post office address, and after posting five or more notices of sale in at least five of the most public place in said City at least ten days before the day of sale, to first sell the goods and chattels of such person or persons at public auction in said City, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods or chattels of such person or persons can be found in said City, or the goods and chattels found and sold as aforesaid be not sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said Alderman or Justice of the Peace, after further notice of ten days, given to said person or persons in the same manner as aforesaid, for the sale of goods and chattels, and after posting five or more notices

of sale in at least five of the most public places in said City, for at least ten days before the day of sale, and after causing such notice of sale to be published once, in a newspaper published in Sussex County, to sell the land and tenements of such person or persons, or so much thereof as may be sufficient to satisfy the amount of said bill and all costs, and a deed from the Alderman or Justice of the Peace of said City shall be made and shall convey to the purchaser or purchasers of such lands and tenements as full and complete title in fee simple or lesser estate, as if same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expenses of the City in removing or abating such obstruction, nuisance or unsanitary condition, and all costs, shall be a lien on the premises where such obstruction, nuisance or unsanitary condition exists, and said lien shall relate back to the time when the first notice to remove or abate shall have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance suffered or made by such person or persons after the mailing of said notice. It shall be the duty of the Alderman or Justice of the Peace, out of the purchase money from the sale of said goods and chattels, or lands and tenements, to pay all costs arising from said proceedings and sale to the parties entitled to such costs, to retain and pay to the Treasurer, for the use of the City, the amount of the said bill to the City, and the residue of said purchase money, if any, shall be at once deposited in some bank in The City of Lewes to the credit of the owner or owners of said goods and chattels, or lands and tenements. The Alderman or Justice of the Peace shall be entitled to receive Ten Dollars for every sale of personalty under this Section and Twenty Dollars for every sale of real estate under this Section, together with such additional sum as may be allowed by Council for the keeping and care of such personal property, for selling the same, and for said advertising, all of which shall be a part of the costs aforesaid to be paid out of the purchase money. Any notice required by this Section to one co-owner shall be notice to all, and in case of no owner shall reside in said City, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her best known post office address shall be deemed proper notice. Council in addition to the provisions of this Section by imposing such fines

and penalties as shall be, in the judgment of Council, necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purposes of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said City, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

MUNICIPAL ZONING REGULATIONS

Section 38. (a) For the purpose of protection against fire, promoting health, safety, morals or the general welfare of the community, the City Council is hereby empowered to adopt ordinances to regulate and restrict the height, number of stores, size of buildings and other structures, the density of population, and the location and use of buildings, structures and lands for trade, industry, residence or other purposes, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fires; to prescribe the height and thickness of any building and the kind and grade of materials used in the construction thereof.

(b) The City Council in order to avail itself of the powers conferred by this section, shall appoint a commission of not less than three members to be known as the Zoning Commission in accordance with Section 306, Title 22, Del. C. of 1953, as amended. The City Council shall further provide for the appointment of a Board of Adjustment which shall consist of the City Manager, the Mayor and the City Solicitor. The Board shall have all the powers and shall be bound by the same procedure as set forth in Sections 321 through 330 inclusive, Title 22, Del. C. of 1953, as amended. Should any amendment be made to 22 Del. C. 306 or 22 Del. C. Sections 321 through 330 inclusive by the General Assembly, the Charter of The City of Lewes shall be deemed amended in order to comply with such amendments.

Upon the passage of this act, before any building or structure of any kind, or alteration or additions to any building constructed in The City of Lewes be made, a permit must be secured from the City. The City Council is hereby empowered to enact ordinances establishing fees in relation thereto sufficient only to defray the costs in all actions taken pursuant to this Section.

ACTIONS OR SUITS AGAINST CITY

Section 39. No Action, suit or proceeding shall be brought or maintained against The City of Lewes for damages, either compensatory or punitive, on account of any physical injury or injuries, death or injury of property by reason of the negligence, simple, gross, willful or wanton of the said The City of Lewes or any of its departments, officers, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted, within Ninety (90) days from the happening of such injury or the suffering of such damage, shall notify in writing the Mayor of The City of Lewes of the time, place, cause, character and extent of the injury sustained, so enrolled or damages suffered.

DIRECTOR OF PUBLIC SAFETY

Section 40. (a) At the first regular meeting of the City Council of The City of Lewes following the annual election in each year, the City Council may appoint a proper person to be the Director of Public Safety at such salary and on such other terms as may be deemed proper. The City Council shall impose such qualifications for Director of Public Safety as may be deemed necessary; PROVIDED, HOWEVER, that no person holding the office of Mayor of The City of Lewes or the office of City Councilman shall be chosen to be Director of Public Safety during his term of office as Mayor or Councilman.

(b) The Director of Public Safety shall hold office at the pleasure of the City Council of The City of Lewes and may be removed by a majority vote of all the elected members of the City Council. At least thirty days before such removal shall become

effective, the City Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the reason for his removal. The Director 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 the request. After such public hearing, if one be requested, and after full consideration, the City Council, by a majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the City Council may suspend the Director of Public Safety from duty but shall cause to be paid him forthwith any unpaid balance of his salary due at the time of the adoption of the preliminary resolution.

(c) The Director of Public Safety shall have the charge, supervision, and management of the members of the Police Force of The City of Lewes and such other duties as may be from time to time prescribed by the City Council.

(d) The Director of Public Safety shall submit such reports to the City Council as may be required by that body. He shall make such recommendation to the City Council concerning the affairs of the Police Force as may to him seem desirable. He shall render to the City Council, at its monthly meeting of each and every month, a police report showing the activities of the Police Force during the preceding month.

SURVIVAL OF POWER AND VALIDATING SECTION

Section 41. This Act shall operate to amend, revise and consolidate, "An Act to re-incorporate The Town of Lewes" being Chapter 170, Volume 43, Laws of Delaware, and the various amendments and supplements thereto, and to repeal all such parts of said Act and its amendments and supplements as are manifestly inconsistent with the provisions of this Act. All powers conferred upon or vested in The Commissioners of Lewes by any Act of Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon, and vested in The City of Lewes and/or the City Council of The City of Lewes, precisely as if each of the said powers was expressly repeated in this Charter. All ordi-

nances and resolutions heretofore lawfully enacted or adopted by the Commissioners of Lewes or resolutions and regulations adopted by the Board of Public Works and in force at the time of the approval of this Charter shall continue in full force and effect until the same or any of them shall be repealed, modified or altered by the City Council of The City of Lewes under the provisions of this Charter; all the acts and doings of the Commissioners of Lewes or any officers or employees of the Commissioners of Lewes, lawfully done or performed under the provisions of any law of this State, or of any ordinance of said Commissioners of Lewes, prior to the approval of this Act, are hereby ratified and confirmed; all taxes, debt, fine or penalties assessments and forfeitures due the Commissioners of Lewes shall be deemed to be due The City of Lewes, and all debts due from the Commissioners of Lewes shall be deemed to be due from The City of Lewes and the same shall remain unimpaired until paid; and the power, right and authority to collect taxes and rentals imposed under the provisions of this Act, and the processes which may be employed hereunder, shall be deemed to apply and to extend to all unpaid taxes and rentals imposed under the Charter of the Commissioners of Lewes and all amendments and supplements thereto; the bonds given by or on account of any official of the Commissioners of Lewes shall not be impaired by or affected by the provisions of this Act, but The City of Lewes shall succeed to all the benefits of said bonds; all valid laws heretofore passed relating to or concerning the Commissioners of Lewes or authorizing the borrowing of money and the issuing of bonds on the credit of said Commissioners of Lewes shall be and remain valid and good heretofore, and be unaffected and unimpaired by this Act.

If any part of this Act shall be held unconstitutional, such holding shall not in any wise invalidate the remaining provisions of this Act. This Act shall be deemed and known to be a public act.

Approved June 19, 1969.

CHAPTER 171

AN ACT TO AMEND SECTION 1183, SUBCHAPTER VI, CHAPTER 11, TITLE 30, DELAWARE CODE, TO INCREASE RATE OF INTEREST ON INCOME TAX REFUNDS.

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

Section 1. Subparagraphs (b) and (c) of Section 1183, Subchapter VI, Chapter 11, Title 30, Delaware Code, are hereby amended by striking and deleting the phrase "1/3% per month" wherever it appears therein, and inserting in lieu thereof the phrase "1/2 of 1% per month".

Section 2. The provisions of this Act shall become effective and apply only to payments of refunds on income taxes paid subsequent to December 31, 1968 on tax returns for the year 1969 and thereafter.

Approved June 19, 1969.

CHAPTER 172

AN ACT TO AMEND SECTION 1904, CHAPTER 19, TITLE 30, DELAWARE CODE, TO INCREASE RATE OF INTEREST ON TAX DUE ON CORPORATION INCOME TAX RETURNS FOR WHICH EXTENSION OF TIME FOR FILING IS GRANTED.

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

Section 1. Section 1904, Chapter 19, Title 30, Delaware Code, is hereby amended by striking and deleting the phrase "4% per annum" as it appears immediately following the words "with interest at the rate of" in the fourth main paragraph of this section, and inserting in lieu thereof the phrase "6% per annum".

Approved June 19, 1969.

CHAPTER 173

AN ACT TO AMEND SECTION 21, TITLE 12, DELAWARE CODE, RELATING TO NOTICE TO CREDITORS OF DECEDENT'S ESTATES TO PROBATE CLAIMS, AND PUBLICATION THEREOF.

WHEREAS, Delaware Law requires that citizens are responsible for the full cost of certain services provided by State agencies; and

WHEREAS, Delaware Law does further place an obligation on these State agencies to collect such monies as are owed, and does allow the agency to make claim against the estate of a deceased person who has failed to pay for the services provided; and

WHEREAS, an organized procedure for advising those State agencies with a need to know of the creation of decedent's estates should increase the efficiency of the revenue collection division of such agencies;

NOW, THEREFORE;

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

Section 1. Title 12, Section 2101, Delaware Code, is hereby amended by adding a new subsection thereto, as follows:

(d) The Register shall send a copy of such notice, described in this section, to the State Treasurer, within 40 days from the grant of letters. The State Treasurer, within 40 days from the receipt of each such notice, and at least monthly, shall send the information included therein in a convenient or summary form to each State Agency which requests the information, without charge.

Approved June 19, 1969.

CHAPTER 174

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 School 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:

§ 11. The Council shall, every year, when determining the amount necessary to be raised on the persons and estate 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 for the fiscal year 1967-70 shall not exceed eleven and six-tenths (11.6) mills on each one dollar of the value of real and personal property as assessed and taxable for the City purposes and shall not exceed thereafter twelve (12) mills on each one dollar (\$1.00) of the value of real and personal property as assessed and taxable for City purposes.

Approved June 17, 1969.

CHAPTER 175

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO DELAWARE STATE COLLEGE.**

WHEREAS, in estimating the revenues for the fiscal year 1969 of the Delaware State College, it was anticipated that 650 students would board at the college; and

WHEREAS, only 523 students are boarding at the college; and

WHEREAS, it was estimated that the full-time day students enrolled would be 900; and

WHEREAS, there are only 860 full-time day students enrolled; and

WHEREAS, as a result of the error in estimating the number of students boarding at the college and also the full-time day enrollments, there is a net loss in anticipated revenues; and

WHEREAS, it is presently estimated that the additional sum of \$50,000 will be necessary to currently operate the college.

NOW, THEREFORE;

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

Section 1. The sum of \$50,000 is appropriated to Delaware State College for the fiscal year ending June 30, 1969.

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 June 26, 1969.

S.B. # 332

CHAPTER 176

AN ACT TO AMEND CHAPTER 74, TITLE 29, DELAWARE CODE, RELATING TO THE LIMITATION ON THE AMOUNT OF BONDED INDEBTEDNESS.

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

Section 1. Section 7422, Chapter 74, Title 29, Delaware Code, is amended by striking the dash in the third line thereof and all subsections that appear thereafter and by substituting the following language:

2.8 times the total revenues of the fiscal year ending April 30, 1969 and of each succeeding fiscal year as of April 30 of that year.

Approved June 26, 1969.

CHAPTER 177

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE DEVELOPMENT DEPARTMENT OF \$21,000 TO PURCHASE 10.5 ACRES OF LAND AND AUTHORIZING THE LEASE OF SAID LAND TO THE UNITED STATES AIR FORCE.

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

Section 1. The sum of \$21,000 is appropriated to the State Development Department for the fiscal year ending June 30, 1969, for the purpose of purchasing 10.5 acres of land presently owned by the St. Jones River Gravel Company situated in East Dover Hundred, Kent County, Delaware, lying adjacent to the southwesterly portion of the Dover Air Force Base Golf Course.

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. Upon the purchase of said land and the vesting of title in the State of Delaware, the State Development Department is authorized to lease said 10.5 acres to the United States Air Force, Dover, Delaware for the nominal rent of \$1.00 per year for 25 years with an option by the United States Air Force to renew said lease for an additional 25 years.

Section 4. Any funds not expended for the purposes of this Act on June 30, 1969 shall not revert to the General Fund of the State of Delaware. Any funds not expended for the purposes of this Act, or any funds remaining unexpended as of June 30, 1970, whichever first occurs, shall revert to the General Fund of the State Treasury.

Approved June 26, 1969.

CHAPTER 178

AN ACT TO AMEND CHAPTER 33, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF VETERINARY MEDICINE.

WHEREAS, this act is promulgated as an exercise of the police powers of the State of Delaware to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest or unprincipled practitioners of veterinary medicine; and

WHEREAS, the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this act; and

WHEREAS, it is deemed wise and expedient to revise the present enactments relating to veterinary medicine;

NOW, THEREFORE;

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

Section 1. Chapter 33, Title 24, Delaware Code, is hereby amended by striking said Chapter in its entirety and inserting in lieu thereof a new chapter to read as follows:

CHAPTER 33. VETERINARIANS**§ 3301. Title**

This act shall be known as the Delaware Veterinary Practice Act.

§ 3302. Definitions

When used in this act these words and phrases shall be defined as follows:

(1) "Animal" means any animal other than man and includes fowl, birds, fish, and reptiles, wild or domestic, living or dead.

(2) "Veterinary medicine" includes veterinary surgery, ob-

stetrics, dentistry, and all other branches or specialties of veterinary medicine.

(3) "Practice of veterinary medicine" means:

(a) to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above.

(b) to represent directly or indirectly, publicly or privately, an ability and willingness to do any act described in subsection (a).

(c) to use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subsection (a), except where such person is a veterinarian.

(4) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine.

(5) "Licensed veterinary medicine" means any veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.

(7) "person" means any individual, firm, partnership, association, joint venture, cooperative and corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, directors, officer, or any other representative of such person.

(8) "Board" means the State Board of Veterinary Medicine.

§ 3303. License requirement and exceptions

No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This act shall not be construed to prohibit:

(1) An employee of the federal, state, or local government performing his official duties.

(2) A person who is a regular student in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during the school vacation period.

(3) A person advising with respect to or performing acts which the board rule has or has not prescribed as accepted livestock management practices.

(4) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.

(5) Any merchant or manufacturer selling at his regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases.

(6) The owner of an animal and the owner's employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing this act.

(7) A member of the faculty of a veterinary school performing his regular functions, or a person lecturing, or giving instructions or demonstrations at a veterinary school or in connection with a continuing education course or seminar.

(8) Any person selling or applying any pesticide, insecticide, or herbicide.

(9) Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals.

§ 3304. Board of Veterinary medicine

(1) A board of veterinary medicine shall be appointed by the governor, which shall consist of five (5) members each ap-

pointed for a term of five (5) years or until his successor is appointed, except that the terms of the first appointees may be for shorter periods to permit a staggering of terms whereby one term expires each year. Members of the veterinary board appointed under the chapter which this act replaces may continue as members of the board until the expiration of the term for which they were appointed. Whenever the occasion arises for an appointment, under this section, the state veterinary medical association may nominate three (3) or more qualified persons and forward the nominations to the governor at least thirty (30) days before the date set for the appointment. The governor may appoint one (1) of the persons so nominated. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive five (5) year terms, but a person appointed for a term of less than five (5) years may succeed himself.

A person shall be qualified to serve as a member of the board if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the past five (5) years preceding the time of his appointment. No person may serve on the board who is, or was during the two (2) years preceding his appointment, a member of the faculty, trustees, or advisory board of a veterinary school.

Each member of the board shall be paid Twenty-Five Dollars (\$25.00) for each day or substantial portion thereof he is engaged in the work of the board and not to exceed two hundred fifty dollars (\$250.00) per annum for any member of the board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees.

Any member of the board may be removed by the governor, after a hearing by the board, determines cause for removal.

(2) The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualification of an applicant for license or the

disposition of a proceeding to discipline a licensed veterinarian.

(3) At its annual meeting the board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the board serve for terms of one (1) year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman of board meetings.

The duties of the secretary-treasurer shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for license, and keeping a register of all persons currently licensed by the board. All board records shall be open to public inspection during regular office hours. The secretary-treasurer shall give a surety bond to the board in such sum as the board may require by rule, as cost of such bond to be paid by the board.

At the end of each fiscal year the president and secretary-treasurer shall submit to the Budget Commission, at its stated meetings, the Board's request for necessary appropriations for inclusion in the Budget Bill for the insuing fiscal year. It shall also submit to the Governor a report on the transactions of the board, including its proposed budget and an account of monies received and disbursed.

(4) The board shall have the power to:

(a) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

(b) Issue, renew, deny, suspend, or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians adopted thereunder.

(c) Conduct investigations for the purpose of discovering violations of this act or grounds for disciplining licensed veterinarians.

(d) Hold hearings on all matters properly brought before the board, and in connection thereto to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by

subpoena the attendance and testimony of witnesses and the production of papers, records or other documentary evidence and commission depositions. The board may designate one or more of its members to serve as its hearing officer.

(e) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(f) Bring proceedings in the courts for the enforcement of this act or any regulations made pursuant thereto.

(g) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this act, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

The powers enumerated above are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

§ 3305. Status of persons previously licensed

Any person holding a valid license or temporary permit to practice veterinary medicine in this state on the date this act becomes effective shall be recognize as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this act, including annual renewal of the license.

§ 3306. Application for license; qualifications

Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is twenty-one (21) years of age or more, a citizen of the United States or any applicant for citizenship, a graduate of a veterinary school, a person of good moral character, and such other information and proof as the board may from time to time require by rule. The application shall be accompanied by a fee in the amount of Seventy-five Dollars (\$75.00).

If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under Section 3308, the board may forthwith grant him a license. If an applicant is found not qualified to take the examination or for a license without examination, the secretary-treasurer of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may require a hearing on the question of his qualification under the procedure set forth in Section 3313. Any applicant who is found not qualified shall be allowed the return of his application fee.

§ 3307. Examinations

The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The secretary-treasurer shall give public notice of the time and place for each examination at least one hundred twenty (120) days in advance of the date set for the examination. A person desiring to take an examination shall make application at least sixty (60) days before the date of the examination.

The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove himself a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the National Board of Veterinary Examiners.

After each examination the secretary-treasurer shall notify each examinee of the result of his examination, and the board shall issue licenses to the persons successfully completing the examination. The secretary-treasurer shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

§ 3308. License without examination

The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that he is a graduate of a veterinary school and who:

(1) Has for the five (5) years next prior to filing his application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements, at the time the applicant was first licensed, which were substantially equivalent to the requirements of this act; or

(2) Has within the three (3) years next prior to filing his application successfully completed the examination conducted by the National Board of Veterinary Examiners.

At its discretion, the board may orally or practically examine any person qualifying for licensing under this section.

§ 3309. Temporary permit

The board may issue without examination a temporary permit to practice veterinary medicine in this state:

(1) To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the examination in this state or in any other state, territory, or district of the United States, or a foreign country.

(2) To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who pays a fee in the sum of Twenty-five Dollars (\$25.00), provided that such temporary permit shall be issued for a period of not more than sixty (60) days and that no more than one permit shall be issued to a person during each calendar year.

A temporary permit may be summarily revoked by majority vote of the board without a hearing.

§ 3310. License renewal

All licenses shall expire annually on December 31 of each year but may be renewed by registration with the board and

upon payment of the annual license fee established and published by the State Tax Department. On December 1 of each year, the secretary-treasurer shall mail a notice to each licensed veterinarian that his license will expire on December 31 and provide him with a form for re-registration. The secretary-treasurer shall issue a new certificate of registration to all persons registering under this act.

Any person who shall practice veterinary medicine after the expiration of his license and willfully or by neglect fail to renew such license shall be practicing in violation of this act. Provided that any person may renew an expired license within five (5) years of the date of its expiration by making written application for renewal. After five (5) years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license and take the license examination.

§ 3311. Discipline of licensees

Upon sworn written complaint by any person the board may, after a fair hearing and by a concurrence of four (4) members, revoke or suspend for a certain time the license of, or otherwise discipline any licensed veterinarian for any of the following reasons:

- (1) The employment of fraud, misrepresentation, or deception in obtaining a license.
- (2) An adjudication of insanity.
- (3) Chronic inebriety or habitual use of drugs.
- (4) The use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the board.
- (5) Conviction of a felony or other public offense involving moral turpitude.
- (6) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
- (7) Having professional association with or employing any person practicing veterinary medicine unlawfully.

(8) Fraud or dishonesty in the application or reporting of any test for disease in animals.

(9) Failure to keep veterinary premises and equipment in a clean and sanitary condition.

(10) Failure to report, as required by law, or making false report of, any contagious or infectious disease.

(11) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.

(12) Cruelty to animals.

(13) Revocation of a license to practice veterinary medicine by another state, territory, or district of the United States on grounds other than nonpayment of registration fee.

(14) Unprofessional conduct as defined in regulations adopted by the board.

§ 3312. Hearing procedure

A hearing shall be held no sooner than twenty (20) days after written notice to a licensed veterinarian of a complaint against him under Section 3311 or, in the case of a person whose application license is denied, no sooner than ten (10) days after receipt by the board of a written request for a hearing. Notice of the time and place of the hearing, along with a copy of the complaint filed, shall be served on a licensee in the same manner required for original service of process in a civil suit.

The applicant or licensee shall have the right to be heard in person and by counsel, the right to have subpoenaed the attendance of witnesses in his behalf, and the right to cross-examine witnesses appearing against him. Strict rules of evidence shall not apply. The board shall provide a stenographer to take down the testimony and shall preserve a full record of the proceeding. A transcript of the record may be purchased by any person interested in such hearing on payment to the board of the cost of preparing such transcript.

The board shall notify the applicant or licensee of its decision in writing ten (10) days after the conclusion of the hearing. The secretary-treasurer in all cases of suspension or revocation shall enter the fact on the register. Any person whose

license is suspended or revoked shall be deemed an unlicensed person for purposes of this act.

The fees and expenses allowed witnesses and officers shall be paid by the board and shall be the same as prescribed by law in civil cases in the Superior Court of this state.

§ 3313. Appeal

Any party aggrieved by a decision of the board may appeal the matter to a court of general jurisdiction within ninety (90) days after receipt of notice of the board's final determination. Appeals shall be taken by filing the action with the court and serving upon the secretary-treasurer of the board written notice of the appeal, stating the grounds thereof. The court shall review the decision of the board as it would the decision of an inferior court.

§ 3314. Reinstatement

Any person whose license is suspended or revoked may, at the discretion of the board, be re-licensed or reinstated at any time without an examination by majority vote of the board on written application made to the board showing cause justifying re-licensing or reinstatement.

§ 3315. Enforcement

(1) Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned not more than ninety (90) days, or both fined and imprisoned; provided that each act of such unlawful practice shall constitute a distinct and separate offense.

(2) No person who shall practice veterinary medicine without a currently valid license or temporary permit may receive any compensation for services so rendered.

(3) The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the

court finds that the person is violating, or is threatening to violate, this act it shall within its discretion enter an injunction restraining him from such unlawful acts.

(4) The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

§ 3316. Severability

If any part of this act is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect.

§ 3317. Fee and appropriations

Any sums collected by the board from any source whatever and sums appropriated to it but not expended during any given fiscal year, shall be forwarded to and revert to the General Fund of the State of Delaware.

§ 3318. Effective date

This act shall become effective upon approval of the Governor.

This act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

Approved June 26, 1969.

CHAPTER 179

AN ACT TO AMEND TITLE 22, DELAWARE CODE, RELATING TO PARKING AUTHORITIES.

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

Section 1. Subsection 504(c) of Title 22, Delaware Code, is hereby amended by striking said subsection in its entirety and substituting in lieu thereof the following:

(c) The Authority shall not at any time, or in any manner, pledge the credit or taxing power of the State of Delaware, nor shall any of its obligations be deemed to be obligations of the State of Delaware, nor shall the State of Delaware be liable for the payment of principal or of interest on such obligations.

Section 2. Section 508, Title 22, Delaware Code, is hereby amended by adding the following at the end of the last paragraph of said Section:

The financial aid rendered by a Municipality to the Authority under this provision may take the form of a guarantee of, or joint participation, as obligor, in, the revenue bonds of the Authority issued pursuant to Section 505 of this Chapter. Said guarantee or joint participation shall be in such form, and subject to such terms and conditions as the Municipality may deem appropriate, including the issuance of general obligation bonds secured by the full faith and credit of the Municipality as part of, or supplementary to the Authority's revenue bonds. The aggregate amount of any guarantee, or joint participation as obligor, in whatever form, including issuance of general obligation bonds, entered into or issued by a municipality under the foregoing provision shall be in addition to and not within the limitations of any existing statutory debt limitation of the municipality.

Approved June 26, 1969.

CHAPTER 180

AN ACT TO AMEND SECTION 2116, TITLE 31, DELAWARE CODE, RELATING TO THE SOLICITING OF DONATIONS AND THE RAISING OF MONEY FOR THE BLIND TO MAKE SAID SECTION APPLICABLE TO DELAWARE NON-PROFIT CORPORATIONS ORGANIZED TO SERVE THE BLIND OF DELAWARE.

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

Section 1. Section 2116, Title 31, Delaware Code, is amended to read as follows:

(e) The provisions of this Section shall not apply to any Delaware non-profit corporation organized prior to January 1, 1969, to serve the blind of Delaware.

Approved June 26, 1969.

CHAPTER 181

AN ACT TO AMEND TITLE 15, DELAWARE CODE, EFFECTING A GENERAL REVISION OF THE ELECTION LAWS OF THE STATE OF DELAWARE BY AMENDING CHAPTERS 1, 3, 11, 13, 15, 17, 20, 21, 31, 41, 45, 47, 49, 50, 51, 55 AND 71, RELATING TO THE DEPARTMENTS OF ELECTION, STATE ELECTION COMMISSIONER, VOTER REGISTRATION, AND THE PROVISIONS DEALING WITH GENERAL ELECTIONS AND PROVIDING CRIMINAL PENALTIES FOR CERTAIN ELECTION OFFENSES.

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

Section 1. Amend Title 15, Delaware Code, § 101, by deleting said § 101 in its entirety and substituting in lieu thereof a new § 101 to read as follows:

§ 101. Definitions

As used in this Title—

“Ballot” means that portion of the cardboard or paper or other material to be placed within the ballot frames of a voting machine containing the name of the candidates and the designation of the party by which he was nominated and the statement of any question submitted.

“Board of Elections” means that body of individuals, including the State Election Commissioner, appointed by the Governor and confirmed by the Senate to serve as Election Board Members of New Castle, Kent and Sussex Counties.

“Clerk” means Clerk of Election.

“Commissioner” means the State Election Commissioner.

“County Committee” means the regularly organized and constituted County Committee or governing authority of a political party.

“Department” means Department of Elections in each county of this State.

“Decline” as used herein means “Independent” or words equivalent thereto or any person who at the time of registration

does not choose to be affiliated with a political party as defined herein.

“Election Officers” means the Inspector of Election, the two Judges of Election and the two Clerks of Election who are appointed for each election district under Sections 4701 and 4731 of this Title.

“Inspector” means Inspector of Elections.

“Judge” means Judge of Elections.

“Local Office” means any political district smaller than the State, including municipal, county, State Representative or State Senatorial.

“Mobile Registration” means any registration held outside the central registration in the office of the Department of Elections for each respective county and excluding registrations held within the district on registration days designated by the Department of Elections.

“Party” or “Political Party” means any political party, organization or association which elects delegates to a National Convention, nominates candidates for electors of President and Vice-President, United States Senator, Representative in Congress, Governor and other offices, and elects a State Committee and officers of a State Committee by a State Convention composed of elected members from each Representative District provided a registered party member is available in each Representative District.

“Primary Ballots” means paper ballots used with ballot boxes or ballots used in voting machines.

“Primary Election” means the action by voters who are members of any political party which polled at least 5% of the entire vote of any county of this State at the general election immediately preceding the primary election in nominating by vote a candidate for public office or a delegate to any political convention which will nominate candidates for public office.

“Principal Political Parties” or words equivalent thereto will be the two political parties which have the highest total voter registration in the State of Delaware.

“Protective Counter” means a separate counter built into the voting machine, which cannot be reset, which records the total number of movements of the operating lever.

“Question” means any proposition or other question to be submitted to the voters.

“Registration Officers” means the Registrar, Assistant Registrar, and alternate Registrars appointed by the departments as defined in this section.

“State Chairman” means the highest executive officer of a political party of this State.

“State Committee” means the regularly organized and constituted state wide governing authority of a political party in this State.

Section 2. Amend Title 15, Delaware Code, § 103 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 103. Department of Elections for New Castle County; composition; appointment; term; qualifications

(a) The Department of Elections for New Castle County shall consist of 10 members and each of the two principal political parties shall be represented at all times by not less than 5 members and at all times both principal political parties shall have equal representation.

(b) In carrying out the provisions of this Act, the Governor shall appoint 10 members. The Governor shall appoint 5 members with at least two from each of the two principal political parties for a term of two years each, and 5 members with at least two from each of the two principal political parties for a term of four years each.

(c) Upon the expiration of the term of any member of the Department, his successor shall be appointed by the Governor for a period of 4 years; provided, however, that such member shall hold office until his successor shall be duly qualified, and provided further that the term of such successor shall commence on the date he is duly qualified. In the event a vacancy occurs in the Department from any cause, other than expiration of the term of a member, the Governor shall fill the vacancy for the residue of the term by the method provided for in this section.

(d) The ten members required to be appointed by the Governor from the two principal political parties under subsec-

tions (b) and (c) of this section shall be appointed from a list of not less than 3 nominees for each member to be appointed, which list shall be submitted by the respective State Chairman of the political party from which the appointment must be made. Seven of the members to be appointed must reside in a different Senatorial District in Rural New Castle County and three of the members to be appointed must reside in a separate Senatorial District of the City of Wilmington. Such lists shall be submitted to the Governor within 30 days of the approval of this Act and/or within 30 days of the expiration or vacancy of any term herein when such expiration or vacancy leaves fewer than 5 members of the principal political party. The Governor shall submit his appointments from the names on the aforementioned lists within 30 days of the date the Governor receives the aforementioned lists. In the event a said State Chairman does not submit a list to the Governor as set out above, then in that event, the Governor shall submit his appointments for any vacancy.

(e) All members shall be appointed by and with the consent and the majority of the members elected to the Senate.

Section 3. Amend Title 15, Delaware Code, § 104, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 104. Departments of Elections for Kent and Sussex Counties; composition; appointment; term

(a) The Department of Elections for Kent County and the Department of Elections for Sussex County shall each consist of 6 members appointed as provided in this section. Each of the two principal political parties shall at all times be represented by not less than 3 members of each Department.

(b) The members of the Department of Elections of Kent County appointed by the Governor and confirmed by the Senate prior to January 1, 1967, and serving unexpired terms, shall continue to be members of said Department until the expiration of their terms of office and no longer as follows:

| | | |
|--------------------|-------|-------------------|
| Homer Wright | UNTIL | December 7, 1969 |
| Mrs. Jane C. Moore | UNTIL | September 7, 1970 |

(c) In carrying out the provisions of this Act, the Governor shall initially appoint for the Department of Elections of Kent County two members for a term of two years each and two members for a term of four years each; and for the Department of Elections of Sussex County, three members for a term of two years each and three members for a term of four years each.

(d) Upon the expiration of the term of any member from either Department his successor shall be appointed by the Governor for a term of 4 years; provided, however, that such members shall hold office until his successor shall be duly qualified, and provided further that the term of such successor shall commence on the date he is duly qualified. In the event that a vacancy occurs in either Department from any cause, other than expiration of the term of a member, the Governor shall fill the vacancy for the residue of the term.

(e) The members to be appointed by the Governor under subsections (c) and (d) of this section shall be appointed from a list of not less than 3 nominees for each member to be appointed, which list shall be submitted by the respective State Chairman of the political party from which the appointment must be made. Each senatorial district in Kent and Sussex Counties must be represented by one member and no Senatorial district may be represented by more than two members. Such lists shall be submitted to the Governor within 30 days of the approval of this Act and within 30 days of the expiration or vacancy of any term herein when such expiration or vacancy leaves fewer than three members of the principal political party. The Governor shall submit his appointments from the names on the aforementioned lists within 30 days of the date the Governor receives the aforementioned lists.

(f) All members shall be appointed by and with the consent of the majority of the members elected to the Senate.

Section 4. Amend Title 15, Delaware Code, § 105, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 105. Qualifications of members of all Departments

No person shall be appointed as a member of any Department of Elections who is not a citizen of the United States and

a resident of the County for which he is appointed and who has not resided therein for 1 year next preceding his appointment. No member of any Department shall hold or be a candidate for any:

(1) Federal, State, County, City or Incorporated Municipality elective office;

(2) Elective office or appointed position of a political party; nor shall a member be an appointed official to any Federal, State, County, City or Incorporated Municipality Commission or Administrative body.

Section 5. Amend Title 15, Delaware Code, § 106, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 106. Confirmation or rejection of appointments

The Senate shall either confirm or reject any appointment under § 103 or 104 of this title within 10 legislative days of its receipt or said appointment is deemed confirmed.

Section 6. Amend Title 15, Delaware Code, § 109, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 109. Organization meeting; officers

(a) Within 30 days after confirmation of all the members of each of the Departments by the Senate, the members of each Department shall meet and organize by electing one of their members to be president and shall at the same time elect a secretary whose function other than that of a member shall be to record the minutes of the meeting of the Department and they shall serve until date prescribed in subsection (b) hereto.

(b) In New Castle County on the 2nd Tuesday in February in each year, in Kent County on the 3rd Tuesday in February in each year, and in Sussex County on the 4th Tuesday in February in each year, the members of each Department shall meet and organize by electing one of their members to be president. They shall at the same time elect a secretary whose function other

than that of a member shall be to record the minutes of the meeting of the Department. The terms of office of the president and secretary shall be until the date prescribed by this section for holding the next regular organizational meeting or a successor is elected.

Section 7. Amend Title 15, Delaware Code, § 110 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 110. Necessary votes for transaction of business

(a) The affirmative vote of six members shall be required for the transaction of any business for the Department of Elections for New Castle County.

(b) The affirmative vote of four members shall be required for the transaction of any business for the Department of Elections for Kent and Sussex Counties respectively.

Section 8. Amend Title 15, Delaware Code, § 111 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 111. Rules

Each Department may make rules for its government not inconsistent with the Constitution or any law of this State and subject to the approval of the State Election Commissioner.

Section 9. Amend Title 15, Delaware Code, § 112 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 112. Administrative Director; Deputy Administrative Director; powers, duties, qualifications, compensation

(a) The Department of Elections of each County shall appoint:

(1) An Administrative Director who shall be a member of the same political party as the State Election Commissioner and who shall serve at the pleasure of the Department;

(2) A Deputy Administrative Director who shall be nominated by the members of the Department of Elections of the opposite political party of the State Election Commissioner and who shall serve at the pleasure of the Department.

(b) The Administrative Director shall assist the Department of Elections of his County in carrying out its duties and responsibilities and, subject to the policies and directives of the Department, shall have general supervision over the employees of the Department and shall see to it that the work of the Department is performed in a proper and non-partisan manner.

(c) The Deputy Administrative Director shall assist the Administrative Director.

(d) The Administrative Director and the Deputy Administrative Director of each Department of Elections shall be a citizen of the United States and a qualified elector of the County employing him.

(e) Each Department shall fix the salary of its Administrative Director and Deputy Administrative Director.

Section 10. Amend Title 15, Delaware Code, § 114 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 114. Employees; duties and compensation

(a) Each Department may hire such employees as it may deem necessary for the performance by the Department of its duties, subject to the limitations of subsection (b) of this section.

(b) Persons presently employed by said Departments shall be retained.

(c) The duties of such employees shall be prescribed and the compensation fixed by the Director of State Personnel.

(d) The employees of each Department shall be placed under the State Merit System but subject to all provisions of Title 15, Delaware Code.

Section 11. Amend Title 15, Delaware Code, § 117 by

striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 117. Notaries Public

(a) In addition to the Notaries Public for the respective counties authorized to be appointed by any other law, the Governor shall appoint as Notaries Public:

(1) three employees of the Department of Elections for New Castle County; and

(2) one employee and the Administrative Director of the Departments of Elections for Kent and Sussex Counties.

(b) Whenever any person so appointed ceases to be employed by or as Administrative Director of the Department, his term as Notary Public shall terminate and the Governor shall appoint either another employee or his successor as a Notary Public.

Section 12. Amend Title 15, Delaware Code, § 118 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 118. Administrative Director and Deputy Administrative Director of Departments of Elections; limitations

No Administrative Director or Deputy Administrative Director of any Department of Elections shall hold or be a candidate for any:

(1) Federal, State, County, City or Incorporated Municipality elective office, or

(2) Elective office or position of a political party, nor shall he be an appointed official to any Federal, State, County, City or Incorporated Municipality Commission or administrative body.

Section 13. Amend Title 15, Delaware Code, § 120 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 120. Political activity limited; penalty

(a) No person, member, Administrative Director or Deputy Administrative Director or employee of the Department shall directly or indirectly use or seek to use his authority or official influence to control or modify the political action of another person or at any time participate in any political activities or campaigns.

(b) Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined not more than \$500 and shall forfeit his position or employment.

Section 14. Amend Title 15, Delaware Code, § 301 by striking said § 301 in its entirety.

Section 15. Amend Title 15, Delaware Code, § 302 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows :

§ 302. State Election Commissioner; compensation

(a) The State Election Commissioner shall be appointed by the Governor for a term of 4 years and confirmed by a majority of the members elected to the Senate, commencing within 30 days after this Act becomes law. Until such appointment and confirmation the State Auditor shall serve as the State Election Commissioner without additional compensation. In the event of a vacancy in the office, the Governor shall appoint a successor to fulfill the unexpired term and said successor shall be confirmed by a majority of the members elected to the Senate.

(b) The salary of the State Election Commissioner shall be \$12,000 per year commencing with his confirmation.

(c) The State Election Commissioner shall serve in this capacity on a full time basis and his powers and duties prescribed by Title 15 shall remain with the Election Commissioner and shall not be delegated to any other individual or group.

(d) The State Election Commissioner shall not hold or be a candidate for any:

(1) Federal, State, County, City or Incorporated Municipality, elective office, or

(2) Elective office or position of a political party, nor shall he be an appointed official to any Federal, State, County, City or Incorporated Municipality Commission or Administrative body.

(e) The State Election Commission shall not directly or indirectly use or seek to use his authority or official influence to control or modify the political action of another person or at any time participate in any political activities or campaigns.

Section 16. Amend Title 15, Delaware Code, §303 by adding the following to the section entitled, "Section 303. General Powers and Duties of Commissioner":

(10) To be an ex-officio member of each County Department of Elections.

(11) To attend each County Department of Elections meeting at which time he may do the following:

- (a) participate in any and all discussions; and
- (b) to cast a vote.

Section 17. Amend Title 15, Delaware Code, § 305 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 305. Preparation of lists of registered voters

(a) The Commissioner shall cause to be prepared lists of all voters who are duly registered in the state as of July 1 and as of September 1 in each year of a General Election. Such lists shall be in alphabetical code order and shall contain the full name, address and political party designation of each voter as it appears on the registration records, and a separate list shall be prepared for each Election District in the State.

(b) The Commissioner shall also cause to be prepared supplemental lists of all voters who register, transfer their registration, and make changes in their names, address and party designations between July 1 and the next ensuing primary election day, and between September 1 and the day of the General Election. A separate supplemental list, in alphabetical order, shall be prepared for each Election District in the state and each

such list shall contain: the full name, address and political party designation of which voters are newly registered, which have changed their names, and which have changed their party designation; and information showing the election district to which and from which voters have transferred their registration.

(c) The Commissioner shall make all such preparations as are required in order to comply with the requirements of this section and § 306, 307, and 308, including prescribing the forms and procedures which shall be followed by the Department of Elections in each county and the placing of equipment and employees of the Commissioner's office in the office of each such department, and it shall be the duty of each Department to provide such assistance as is required in order that the various lists may be prepared as required by law.

Section 18. Amend Title 15, Delaware Code, § 307, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 307. Audit for names of persons who have not voted in the last general election

Beginning with the year 1971, and before the first day of December in each year in which a General Election is not held, the Commissioner shall process the records of each voter in the State to determine whether or not any voters have failed to vote in the last General Election. The Commissioner shall, before the 1st day of July in each such year, cause to be prepared a separate list for each election district, with full names in alphabetical code order and with addresses of all voters so found, and immediately deliver such information to the department concerned, which shall undertake an investigation as prescribed in § 1704 and §1712 of this Title.

Section 19. Amend Title 15, Delaware Code, § 308, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 308. Supplying lists to political party chairmen and other persons

(a) It shall be the duty of the Commissioner to make avail-

able copies of all lists referred to in § 305, 306, and 307 upon request therefor, subject to the provisions of this section. Eight copies of each list shall be supplied without charge to each political party which polled at least five per centum of the total vote in any county for a state or county candidate at the most recent general election, or which demonstrates to the Commissioner that the number of its members in any county of the State exceeds two per centum of the total number of registered votes in such county. In addition, the Commissioner shall sell copies of such lists to any duly certified candidate for a primary election or a general election in the State upon receipt of payment therefor, the charge for each list to be established by the Commissioner, but not to exceed \$5.00 for a total listing of a representative district pursuant to §305(a) or 50 cents for any other list.

(b) Provided that written request therefor is submitted at least 15 days before the date fixed by statute for preparation of the list, the lists shall be made available by the Commissioner as follows: The lists referred to in § 305(a), no later than seven working days after the last day for registration in the period to which the list relates; and the lists referred to in § 306 and 307, no later than the date for giving notice to the several Departments of information contained on such lists. In all other cases, the lists requested shall be made available as soon as practicable.

(c) Requests for lists for political parties shall be submitted in writing by the State Chairman of each party, or by the County Chairman if there is no State Chairman. A request may designate other persons, not exceeding two in each county, to whom all, or specified portions, of the lists are to be delivered by the Commissioner.

Section 20. Amend Title 15, Delaware Code, § 1101 by striking said § 1101 in its entirety.

Section 21. Amend Title 15, Delaware Code, § 1105 (a) by deleting after the word "from" in the seventh line, the phrase:

"seven o'clock A.M. until eight o'clock P.M. on the fourth Saturday in the month of July and the third Saturday in the month

of August, and on the third Saturday of the month of October prior to the election.”

and substituting in lieu thereof the following:

“ten o'clock A.M. until seven o'clock P.M. on the second Saturday in September and on the third Saturday in October during an election year.”

Further Amend Title 15, Delaware Code, § 1105 (b) by deleting said paragraph (b) in its entirety.

Section 22. Amend Title 15, Delaware Code, § 1306, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 1306. Registration places; designation and preparation

(a) Each Department of Elections shall designate a registration place for each election district in its county, and all elections shall be held at the places so designated, unless another registration place is substituted pursuant to the provisions of § 4519 of this Chapter. The designated registration place for a particular election district need not be located within the geographical boundaries of that election district, but the convenience and accessibility of its location to the voters of the election district served must be considered in its selection. The registration place of an election district must be located within the geographical boundaries of its Representative district.

(b) The Departments of Elections shall designate only conveniently located and readily accessible public buildings as registration places. Such public buildings shall include suitable government buildings, schools, firehouses, community centers, churches and other similar structures. Private homes and privately operated business establishments shall not be used as registration places. The Department shall hire the designated registration places and cause them to be equipped, heated, lighted and cleaned.

(c) The same public building may be designated as housing the registration place for one, two or three election districts, in the discretion of the Departments, if suitable precautions are taken to separate and identify the specific registration place within the building to be used for each election district.

(d) The election officers of each election district shall fit out the room in the registration place in which the election will be conducted for their election district with the necessary number of voting machines or booths, and shall do everything else required to be done in order to prepare and furnish such election room. The room shall have a door or entrance of easy access, and if practical, a separate means of exit. The table shall occupy such a position in the room as to enable the election officers and the challengers to easily communicate with each other. Each election room shall contain at least one voting machine or booth for every six hundred (600) registered voters or a majority fraction thereof.

Section 23. Amend Title 15, Delaware Code, § 1501 by striking paragraph (a) in its entirety and substituting in lieu thereof the following:

(a) Each Department shall in the month of April each year in which a general election is held, appoint for each election district in its county, three capable persons, who are voters and residents in the representative district in which is located the election district for which they shall be appointed, to be registration officers of the election district for which they are appointed. Not more than two (2) of the registration officers in each election district shall be registered in the same political party. One shall be designated as Registrar, who shall be a member of the principal political party having the majority of registration officers in the district for which he is designated; and the other two shall be designated as Assistant Registrar. The total number of Registrars and the total number of registration officers in each representative district shall be divided as equally as possible between the two principal political parties, as the same shall be determined upon by the Department at the time of making the appointments. When a single registration place is designated for more than one election district, the Department shall serve and may employ more than three officers for a single registration place when required, provided that the total number of Registrars and the total number of registration officers actually serving in each representative district shall be divided as equally as possible between the two principal political parties.

FURTHER AMEND Title 15, Delaware Code, § 1501 by deleting paragraph (c) in its entirety.

Section 24. Amend Title 15, Delaware Code, § 1507 (c) by deleting said paragraph (c) in its entirety.

Section 25. Amend Title 15, Delaware Code, § 1703 (a) by deleting the period thereof and adding after the word "resident" appearing therein the following:

"and the State Election Commissioner. Such notification shall include a full, complete and accurate copy of the record of the name, present residence and last previous residence, and date of birth of each individual of voting age who has been convicted of a felony."

FURTHER AMEND Title 15, Delaware Code, § 1703 (b) by deleting the period thereof and by adding at the end of said paragraph (b) the following:

"and the State Election Commissioner."

Section 26. Amend Title 15, Delaware Code, § 1705 (a) by striking the words appearing after the word "record" as appearing for the first time therein and before the word "person" as appearing in the fourth line therein:

"of the name, residence and age of each" and substituting in lieu thereof the following:

"of the name, residence at time of death and previous residence, and date of birth of each".

FURTHER AMEND Title 15, Delaware Code, § 1705 (d) by deleting said paragraph (d) in its entirety.

Section 27. Amend Title 15, Delaware Code, § 1706 (e) by striking the first paragraph of said subsection in its entirety and substituting in lieu thereof a new first paragraph to read as follows:

(e) When the motion is made first to the Department, the person making such motion need not notify the person affected. Upon receipt of the motion, the Department shall notify the person or persons affected and the person making such motion of a date within forty-five (45) days of the filing of such motion when the Department will sit to hear and examine into the matter.

Section 28. Amend Title 15, Delaware Code, § 1707, by deleting the sectional heading number “§ 1707” and substituting in lieu thereof the section heading number “§ 1708.”

Section 29. Amend Title 15, Delaware Code, by adding a new § 1707 to read as follows:

§ 1707. Cancellation of registration between States

(a) If an elector applying for registration is already registered in another state, he shall so state this fact to the registration officer and shall sign an authorization to cancel the previous registration on a form substantially as follows:

CANCELLATION AUTHORIZED

I, hereby authorize the cancellation of my previous registration in the state of, in the county of, city, township or village of, Ward, Precinct My last registration address therein being

.....
.....

Date of Birth

Signature
Present Address

(b) If such a cancellation authorization or form substantially similar is received from another state by the Department of Elections for a county or by the State Election Commissioner, said voter may be removed from the records of the State Election Commissioner and the proper county Department of Elections at a meeting of the Board of Elections of the County.

Section 30. Amend Title 15, Delaware Code, § 1708, by deleting the sectional heading number “§ 1708” and substituting in lieu thereof the sectional heading number “§ 1709”.

Section 31. Amend Title 15, Delaware Code, § 1709, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 1710. Notice of change of election district boundary

When the boundaries of any election district shall have been changed, the Department of the county in which the district is located shall, by February 1 of any year in which an election is held, give public notice by advertisements posted in ten (10) or more of the most public places in each election district affected by any change in boundary that a change in the boundary has been made in such election district.

Section 32. Amend Title 15, Delaware Code, § 1710, by deleting the sectional heading number “§ 1710” and substituting in lieu thereof the sectional heading number “§ 1711”.

FURTHER AMEND Title 15, Delaware Code, § 1710, by deleting the phrase “by registered mail” and inserting in lieu thereof the phrase “by registered or certified mail” wherever it appears, including the section title.

Section 33. Amend Title 15, Delaware Code, § 1711, by deleting the sectional heading number “§ 1711” and substituting in lieu thereof the sectional heading number “§ 1712”.

Section 34. Amend Title 15, Delaware Code, § 1712, by striking § 1712 in its entirety and adding a new § 1713 to read as follows:

§ 1713. Procedures for determining validity of registration of voters not voting in last general election

During the period of the ten (10) months following each general election, the Department shall send a notice, by regular mail, to every person appearing on the Election District Record who did not vote at the preceding general election, such notice to include a postage-paid return post card upon which the registered voter may advise the Department as to whether he believes he is still eligible to be registered as a voter at the address indicated. If no reply signed by such registered voter is received within sixty (60) days after such notice is sent, the Department shall proceed, in the manner provided in § 1704, to determine the eligibility of such voter to remain registered and, in the absence of proof of such eligibility, shall remove the name of such person from the Election District Record.

Section 35. Amend Title 15, Delaware Code, § 1722, by striking the paragraph entitled "Second" in its entirety and substituting in lieu thereof a new paragraph to read as follows:

Second: After the Application for Registration has been fully completed, two (2) registration officers, one (1) from each political party, shall both inspect the Application for completeness, eligibility, legibility, and such additions or corrections as may be necessary shall be made in the presence of the applicant. The applicant shall then submit for inspection by such registration officers proof as to identity and residence as shown on the Application. If the two (2) registration officers are both satisfied that the applicant is eligible and has established his identity, and that the Application is complete and legible, the applicant shall sign the Application and the two (2) registration officers, one (1) from each principal political party, shall then sign their names in the blanks provided for that purpose on the Application.

Section 36. Amend Title 15, Delaware Code, § 1729 (d), by striking in said paragraph (d) after the word "then" and before the word "the" as they appear in line 4, the word "sign" and substituting in lieu thereof the words, "stamp his name on".

Section 37. Amend Title 15, Delaware Code, Chapter 17, Subchapter III, by adding to the title of said Subchapter III the following:

“; period during which party affiliation may not be changed”.

Section 38. Amend Title 15, Delaware Code, § 1751, by striking said § 1751 in its entirety and substituting in lieu thereof the following:

§ 1751. Change of party designation; procedure

A duly registered voter may apply in person or by written notice to the Department for the county in which he resides or by person to the registration officers in his election district when said officers are sitting for the purpose of registration, at those times when registration applications are being accepted except from March first in the year of a general election until the third Tuesday in June in the year of a general election.

Section 39. Amend Title 15, Delaware Code, by deleting in its entirety Chapter 20 and substituting a new Chapter 20 to read as follows:

**CHAPTER 20. CENTRAL AND MOBILE REGISTRATION;
REGISTRATION FOR CERTAIN SICK AND
DISABLED PERSONS
SUBCHAPTER 1. CENTRAL REGISTRATION**

§ 2001. Determination of central registration days

In addition to the registration days required to be held in the several election districts, each working day of the Department of Elections shall be considered to be a registration day until the third Saturday in October of a general election year for the purpose of allowing persons who are residents of the county and are qualified to enjoy the right of election to register or apply for a transfer of registration, change of address or change of party affiliation at said office.

SUBCHAPTER II. MOBILE REGISTRATION DAYS

§ 2005. Determination of mobile registration

(a) At the discretion of each of the Boards of Election there shall be held registration days with the use of mobile units at such times and places to be designated by said Boards.

(b) The manner in which mobile registration shall be conducted shall be pursuant to § 2006.

§ 2006. Registration of qualified voters on mobile registration days

The Board for each county may designate one or more locations in each county, on the days designated pursuant to this chapter, at which locations the Auxiliary Registration officers for each county shall have all powers and authority of local registration officers in their respective election districts, to register qualified electors who appear personally for the purpose of registering, and whose names do not appear as qualified voters on the original permanent registration records for the proper elec-

tion district, with the right of appeal and challenge in all cases, as in the case of local registration officers sitting in their respective local election districts during a supplementary registration as described in this Title, and using the same registration records and supplies as are used by the local registration officers in their respective election districts in performing the like duties; provided, however, that in odd numbered years such registration shall be done only at the office of the Department.

§ 2007. Auxiliary registration officers, appointment; political representation

The Department of Elections for each county shall appoint Auxiliary Registration officers for each county. Such officers shall be equally divided between the two political parties which received the highest vote in the state at the last gubernatorial election. The County Executive Committee of each of the two such political parties, within 30 days after written request of the Department of Elections, shall furnish the Department of Elections a list of five names of properly qualified persons for each position to be filled, from which list the Department shall make its appointments prior to the first special registration. If the lists are not furnished, the Department shall appoint some suitable person or persons of such political affiliation, as indicated by the voters preference as shown on his permanent registration card, having all the qualifications provided in this section.

§ 2008. Powers and duties; term of office; compensation; oath

The Auxiliary Registration officers shall have and possess all the powers that are vested in and shall be required to perform all the duties, so far as consistent with the provisions of this chapter, that are imposed upon registration officers generally by this title; they shall before entering upon their duties, take and subscribe the oath required of other registration officers; their compensation shall be fixed by, and they shall serve at the pleasure of the Department making the appointment.

§ 2009. Notice of mobile registration

The Department for each county shall cause an appropriate advertisement to be placed in one or more newspapers of gen-

eral circulation in the county giving notice of the places, dates and times registrations and transfers of voters will be accepted.

SUBCHAPTER III. REGISTRATION OF CERTAIN SICK AND DISABLED PERSONS

§ 2012. Procedure for registrations of certain sick and disabled persons

Upon request of a person who, by reason of sickness or disability, cannot appear at a registration place, or upon request of a person designated by any person who, by reason of sickness or disability, cannot appear at a registration place, two Auxiliary Registration officers, as designated in § 2007, or employees of the Department of Election, one from each political party, shall go to the place of residence or confinement of such person so that he or she may register. All requests for registration pursuant to this section shall be submitted to the Department, upon forms supplied by the Department, prior to September 1 in the year of a general election. The request shall include information showing that the applicant is eligible to register and shall be accompanied by an affidavit of a physician, licensed to practice in the State of Delaware, stating that the applicant is unable, by reason of sickness or disability, to leave his place of residence or confinement in order to register and is expected to remain in such condition at least until the third Saturday in October of that year.

Section 40. Amend Title 15, Delaware Code, § 2106 by striking after the word "title" where it appears therein the words:

"on or before the day immediately preceding the date of the general election."

and substituting in lieu thereof the following:

"on or before the tenth calendar day preceding the last registration day."

Section 41. Amend Title 15, Delaware Code, § 3101, by striking said § 3101 in its entirety.

Section 42. Amend Title 15, Delaware Code, § 3111, by striking the period at the end of said section and adding the following:

“, and that he was registered twenty-one (21) days prior to the day of the primary election.”

Section 43. Amend Title 15, Delaware Code, § 3166, paragraph (b) by striking after the comma appearing after the word “held” the following phrase:

“and the candidate whose representative the watcher so removed was, shall be without representation during the continuance of the election.”

and substituting in lieu thereof a new phrase as follows:

“but the candidate whose representative the watcher so removed was, may substitute another watcher or subsequent watchers, if necessary, during the continuance of the election.”

Section 44. Amend Title 15, Delaware Code, § 4101, by striking said § 4101 in its entirety.

Section 45. Amend Title 15, Delaware Code, § 4105, by striking said section in its entirety and substituting in lieu thereof a new § 4105 to read as follows:

§ 4105. Composition of election districts

(a) Each Department shall create election districts consisting of a minimum of three hundred (300) registered voters and a maximum of twelve hundred (1200) registered voters, except where such composition would cause a conflict with Representative, Senatorial or Councilmanic boundary lines.

(b) Allowance for individual exceptions may be made by the State Election Commissioner.

(c) Each Department shall designate all election districts before the first day of March in any election year.

Section 46. Amend Title 15, Delaware Code, § 4106, by striking said section in its entirety and substituting in lieu thereof a new § 4106 to read as follows:

§ 4106. Voting places

(a) Wherever possible, the Department will use the same locations for both registration and voting.

(b) If it is not possible for the same location to be used for registration and voting, the Board shall make a request for a different location for voting to the State Election Commissioner who is authorized to grant such request.

Section 47. Amend Title 15, Delaware Code, § 4518, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 4518. Polling places; designation and preparation

(a) Each Department of Elections shall designate a polling place for each election district in its county, and all elections shall be held at the places so designated, unless another polling place is substituted pursuant to the provisions of § 4519 of this Chapter. The designated polling place for a particular election district need not be located within the geographical boundaries of that election district, but the convenience and accessibility of its location to the voters of the election district served must be considered in its selection. The polling place of an election district must be located within the geographical boundaries of its Representative district.

(b) The Departments of Elections shall designate only conveniently located and readily accessible public buildings as polling places. Such public buildings shall include suitable government buildings, schools, firehouses, community centers, churches and other similar structures. Private homes and privately operated business establishments shall not be used as polling places. The Department shall hire the designated polling places and cause them to be equipped, heated, lighted and cleaned.

(c) The same public building may be designated as housing the polling place for one, two or three election districts, in the discretion of the Departments, if suitable precautions are taken to separate and identify the specific polling place within the building to be used for each election district.

(d) The election officers of each election district shall fit

out the room in the polling place in which the election will be conducted for their election district with the necessary number of voting machines or booths, and shall do everything else required to be done in order to prepare and furnish such election room. The room shall have a door or entrance of easy access, and if practical, a separate means of exit. The table shall occupy such a position in the room as to enable the election officers and the challengers to easily communicate with each other. Each election room shall contain at least one voting machine or booth for every six hundred (600) registered voters or a majority fraction thereof.

Section 48. Amend Title 15, Delaware Code, § 4519, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 4519. Substitute polling places

If at any time it becomes impracticable to hold an election in the public building designated by a Department of Elections for any election district or districts, such Department may designate another public building as near as can be conveniently obtained to the place previously selected. In such event, public notice thereof shall be given by notices posted in at least five (5) of the most public places in the election district or districts affected, if circumstances will permit such notice being given, but if not, then such public and general notices shall be made as the circumstances will permit.

Section 49. Amend Title 15, Delaware Code, § 4707, by deleting after the word "paid" as it appears therein for the first time the amount "\$20" and inserting in lieu thereof the amount "\$30".

Section 50. Amend Title 15, Delaware Code, § 4738, by striking said section in its entirety and substituting in lieu thereof the following:

§ 4738. Appointment of additional clerks; oaths

In all election districts that have more than one voting machine, pursuant to § 5006 of this Title, two (2) additional clerks

shall be appointed for each additional voting machine. Said additional clerks shall be appointed pursuant to § 4731 of this Title.

Section 51. Amend Title 15, Delaware Code, § 4739 by deleting after the word, "paid", as it appears therein for the first time the amount of "\$20" and inserting in lieu thereof the amount, "\$25".

Section 52. Amend Title 15, Delaware Code, by adding a new § 4741 to read as follows:

SUBCHAPTER III. INSTRUCTION OF ELECTION OFFICERS

§ 4741. Instruction of election officers

Not more than twenty-one (21) days and not less than ten (10) days prior to date of election, the Department of Elections shall cause the election officers who are to serve in an election district to be instructed in all their duties in connection therewith. The Department of Elections shall give to each election officer who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instructions the Department of Elections shall call such meetings of the election officers as shall be necessary. The Department of Elections shall within five (5) days, file a report which shall be a public record in the Department of Elections stating that the election officers have been properly instructed. The election officers shall attend such meetings, as shall be called for the purpose of receiving such instruction concerning their duties as shall be deemed necessary for the proper conduct of the election with voting machines. The Department of Elections may require the inspector to attend an additional instruction meeting at a place designated by the Department. Attendance at such instruction session shall be compensable pursuant to § 4707 of this Title.

Section 53. Amend Title 15, Delaware Code, § 4933 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 4933. Persons permitted in the voting room

No person, other than members of the Departments, employees of the Department who shall be identified by a badge from the Department, election officers, State Election Commissioner, employees of the State Election Commissioner's Office, who shall be identified by a badge from the Commissioner, persons actually voting and one challenger from any political party which is represented by a candidate in that district as provided in § 4934, shall be admitted within the voting room nor within fifty (50) feet of the entrance thereof, except for the purpose of offering his vote or except as provided in this Chapter. Other persons concerned with the conduct of the election may be admitted within the voting room or within fifty (50) feet of the entrance thereof upon first obtaining unanimous consent of the inspector and judges.

Section 54. Amend Title 15, Delaware Code, § 4934 by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 4934. Challengers; appointment and powers

(a) Each of the political parties, acting through their respective county committees, may appoint and accredit some suitable person as a challenger. One challenger from any political party which is represented by a candidate in that district may be present inside the polling place and shall be permitted to observe the conduct of the election and all the election records. The challengers may be changed and their places filled in like manner during the day.

(b) The challengers shall be peace officers with the same powers preserving the peace as election officers, and the challengers shall be protected in the discharge of their duty by the election officers; provided, however, the challengers shall not create any disturbance or obstruction and shall not unreasonably prolong any challenge or inquiry; the inspector and judges shall each have the duty to caution the challengers concerning the foregoing, and, if the challenger persists he may be ejected by a majority vote of the judges and the inspector. Provided, further, that nothing in this subsection shall be construed to

prevent a substitution of another challenger for one who has been ejected.

(c) If a challenger is ejected as provided in subsection (b) of this section and the inspector and/or judges who voted for such ejection willfully voted for ejection without cause, each such inspector and/or judge so voting shall be deemed to have knowingly and willfully violated his official duty.

Section 55. Amend Title 15, Delaware Code, § 4935, by inserting the words "50 feet" for the words "30 feet" where the same appears in said section.

Section 56. Amend Delaware Code, Title 15, by striking § 4936 in its entirety.

Section 57. Amend Title 15, Delaware Code, § 4937, by inserting the words "50 feet" for the words "30 feet" where the same appears in said section.

Section 58. Amend Title 15, Delaware Code, § 4939 (a), by striking the fifth and final paragraph of said subsection (a) in its entirety.

FURTHER AMEND Title 15, Delaware Code, § 4939, by striking subsections (b), (c), (d), and (e) in their entirety.

Section 59. Amend Title 15, Delaware Code, § 4940, by deleting said section in its entirety.

Section 60. Amend Title 15, Delaware Code, § 4942, by deleting said section in its entirety.

Section 61. Amend Title 15, Delaware Code, § 4943, by deleting said section in its entirety.

Section 62. Amend Title 15, Delaware Code, § 4947, by striking after the words "changed his residence appearing in the ninth line therein and before the words "said person" the following:

"to another election district in the same Hundred during the thirty (30) days immediately preceding the date of the general election"

and substituting in lieu thereof the following:

“to any other residence within this state from a date seven (7) days prior to the last registration day preceding the date of the general election.”

Section 63. Amend Title 15, Delaware Code, § 4949, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 4949. Electioneering in polling place

(a) No election officer, challenger or any other person within the polling place or within 50 feet of the entrance to the building in which the voting room is located shall electioneer during the conduct of the election.

(b) Whoever, being an election officer, violates subsection (a) of this section shall be fined not more than \$200 or imprisoned not more than 90 days, or both.

(c) Whoever, being an election officer, violates subsection (a) of this section shall be deemed to have knowingly and willfully violated his official duty.

(d) For the purposes of this section the following definition shall apply:

“Electioneering” includes political discussion of issues, candidates or partisan topics; the wearing of any button, banner or other object referring to issues, candidates or partisan topics; the display, distribution or other handling of literature or any writing or drawing referring to issues, candidates or partisan topics; the deliberate projection of sound referring to issues, candidates or partisan topics from loudspeakers or otherwise into the polling place or the area within 50 feet of the entrance to the building in which the voting room is located.

Section 64. Amend Title 15, Delaware Code, § 4954 by adding an additional sentence between the first sentence and the second sentence thereof to read as follows:

“In closing the election the inspector and the judges shall, nevertheless, permit those electors to vote who have presented themselves and have offered to vote prior to 8:00 p.m., provided that at the time 8:00 p.m. that they shall be in a line awaiting

their turn to vote within the voting room itself, or if the line extends outside of the voting room itself within that line; any person who has not voted by 8:00 p.m. or who has not presented himself and offered to vote and is not waiting in line as set forth above, shall not be permitted to vote after the hour of 8:00 p.m.”

Section 65. Amend Title 15, Delaware Code, § 5002 (a) (11) by striking said subsection (a) (11) in its entirety and substituting in lieu thereof the following:

“(a) (11) It shall be so equipped that it shall prevent the voter from voting for all the candidates of one party by the use of a single lever; however, it shall be provided with one device for each party, for voting for all presidential electors of that party by one operation.”

Section 66. Amend Title 15, Delaware Code, § 5004, by deleting said section in its entirety and substituting in lieu thereof a new § 5004 to read as follows:

§ 5004. When used

Voting machines shall be used throughout the state in all general and special elections, in all municipal elections if authorized by the Charter, providing that such machines are available for use in the municipality, and in primary elections held under the provisions of Chapter 31 of this Title in those districts where a contest exists. Voting machines may be used in elections held under the provisions of Title 14 providing that permission for the use of the machines is granted by the Board of Elections for the respective counties and the State Election Commissioner. In connection with the use by municipalities or under the provisions of Title 14, said municipalities and those using the machines under Title 14, shall be authorized and empowered to utilize the voting machines upon the payment of all costs and expenses incidental to their use.

Section 67. Amend Title 15, Delaware Code, § 5005, by deleting said section in its entirety.

Section 68. Amend Title 15, Delaware Code, § 5006, by deleting said section in its entirety.

Section 69. Amend Title 15, Delaware Code, § 5007, by deleting said section in its entirety.

Section 70. Amend Title 15, Delaware Code, § 5013, by striking said section in its entirety.

Section 71. Amend Title 15, Delaware Code, § 5118, by deleting said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 5118. Unauthorized entering of voting room

(a) Whoever does not meet the qualifications as stipulated in § 4933 of this Title, and enters the voting room on the day of election other than to vote, shall be fined not less than \$100 nor more than \$1,000 or imprisoned not less than thirty (30) days nor more than two (2) years, or both.

(b) Whoever enters the voting room on the day of election for the purpose of disrupting the election shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned not less than one (1) year nor more than five (5) years.

Section 72. Amend Title 15, Delaware Code, § 5120, by striking in its entirety the said section.

Section 73. Amend Title 15, Delaware Code, § 5128, by deleting said section in its entirety and substituting in lieu thereof the following:

§ 5128. Violations by officials

Whoever, being a clerk of the peace, an official, or other individual as designated in this Title, willfully violates any of the provisions of this Title in the performance of any duty imposed upon him and for the violation of which no other punishment is provided by law, shall be fined not less than \$300 nor more than \$500 and may be imprisoned not more than three (3) years.

Section 74. Amend Title 15, Delaware Code, § 5502, by striking said section in its entirety.

Section 75. Amend Title 15, Delaware Code, § 5503, by striking after the word, "State", appearing therein and before the words, "or because" the following:

"or because of the nature of his business or occupation" and substituting in lieu thereof the following:

"or because he will be unavoidable absent from the county, on the day of the General Election."

Section 76. Amend Title 15, Delaware Code, § 5522, by adding an additional paragraph at the end of said section to read as follows:

"The Departments shall compile from the Registrar a list of the names and addresses of all applicants for absentee ballots, and shall send current and complete copies thereof without cost to all political parties with candidates on the ballot in the forthcoming election. Such lists shall be provided two weeks prior to the date of the election and copies of the lists must be mailed on the same date to the respective chairmen of each political party involved in the election. Comparable information from the Registrar shall also be made available to representatives of all political parties at the office of each Department during the remaining two weeks before the election, such information to be recorded by such representatives from the daily records of the Departments with the cooperation and assistance of the employees of the Departments."

Section 77. Amend Title 15, Delaware Code, § 7101, by inserting after the word, "otherwise" and before the words "by the presiding" as appearing therein the following "within 30 days of the creation of the vacancy, a writ of election shall be issued"

Approved June 25, 1969.

CHAPTER 182

AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, PERTAINING TO THE COMPOSITION, APPOINTMENT, TERM, QUALIFICATIONS, VACANCIES, QUORUM, AND CHAIRMAN OF THE PUBLIC SERVICE COMMISSION.

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

Section 1. Section 102, Title 26, Delaware Code, is amended to read as follows:

§ 102. Composition; appointment; term; qualifications; vacancies; chairman

(a) The Public Service Commission shall consist of five (5) members each of whom shall be appointed by the Governor and confirmed by a majority of the members elected to the Senate. Not more than three (3) of the Commissioners shall be a member of the same political party. One (1) of the members shall be a resident of the City of Wilmington, two (2) of the members shall be residents of Rural New Castle County, one (1) of the members shall be a resident of Kent County, and one (1) of the members shall be a resident of Sussex County. Each person appointed as a member of the Commission shall be at least thirty (30) years of age.

(b) The original appointments of the members of the Commission authorized to be appointed by this Act shall be staggered so that one (1) Commissioner shall be appointed for a term of one (1) year to expire on the First day of September, 1970; one (1) Commissioner shall be appointed for a term of three (3) years to expire on the First day of September, 1972; and one (1) Commissioner shall be appointed for a term of four (4) years to expire on the First day of September, 1973; and thereafter all such Commissioners shall be appointed for a term of five years. All terms shall run until the First day of September, and until his successor shall have been appointed and qualified.

(c) A Commissioner shall continue to reside in the political subdivision of which he was a resident at the time of his appointment.

(d) In case of a vacancy on the Commission for any reason other than expiration of the term of office, the Governor shall fill such vacancy for the unexpired term by and with the consent of a majority of the members elected to the Senate.

(e) The Governor shall designate one (1) of the Commissioners as Chairman of the Commission.

Section 2. Section 106, Title 26, Delaware Code, is amended to read as follows:

§ 106. Quorum

A majority of the members of the Commission shall constitute a quorum and shall be sufficient for any action by the Commission.

Section 3. The provisions of this Act amending Section 102 of Title 26 shall not affect the terms of the members of the Commission serving at the time this Act becomes law and they shall continue to serve out the terms for which they were originally appointed unless they resign or die. The Commissioners serving at the time this Act becomes law shall be considered to be serving pursuant to the terms and provisions of Section 1 of this Act.

Approved June 25, 1969.

CHAPTER 188

AN ACT TO AMEND SECTION 4502, TITLE 21, DELAWARE CODE, RELATING TO THE SIZE OF VEHICLES.

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

Section 1. Section 4502, Title 21, Delaware Code, is hereby amended by adding thereto the following new subparagraph "(g)" to read as follows:

(g) Anything hereinabove provided in this section to the contrary notwithstanding, in the event federal law and regulations thereunder permit the operation of buses of width in excess of eight feet on the national system of interstate and defense highways, the Commissioner may, by rule or regulation which is consistent with such federal law or regulations, permit the operation of buses of a total outside width, exclusive of safety equipment, not to exceed one hundred two inches on the national system of interstate and defense highways located within the State and upon U.S. Route 40 and U.S. Route 13.

Approved June 25, 1969.

CHAPTER 184

**AN ACT TO AMEND TITLE 11, SECTION 4336 OF THE
DELAWARE CODE AS TO SUPERIOR COURT PRE-
SENTENCE OFFICERS.**

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

Section 1. Section 4336 (a) (2), Title 11, Delaware Code, is amended by striking the word "three" in line 1 thereof and inserting in lieu thereof the word "four".

Section 2. This act shall become effective July 1, 1969.

Approved June 28, 1969.

CHAPTER 185

**AN ACT TO INCREASE THE RATE OF INTEREST FOR
DELINQUENT TAXES DUE THE STATE TAX DE-
PARTMENT.**

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

Section 1. Section 1187, Title 30, Delaware Code, is amended by striking the words "one-half of one per cent" as they appear in subsections (a), (b), (c), (d), (i), and (j), and inserting in lieu thereof the words "one per cent".

Section 2. Section 1342, Title 30, Delaware Code, is amended by striking the words "6% per annum", and inserting in lieu thereof the words "one per cent per month or fraction of a month".

Section 3. Section 1343, Title 30, Delaware Code, is amended by striking the words "6% per annum", and inserting in lieu thereof the words "one per cent per month or fraction of a month".

Section 4. Section 1504, Title 30, Delaware Code, is amended by striking the words "6% per annum", and inserting in lieu thereof the words "one per cent per month or fraction of a month".

Section 5. Section 1910, Title 30, Delaware Code, is amended by striking the words "one-half of one per cent" as they appear in subsections (a) and (d), and inserting in lieu thereof the words "one per cent".

Section 6. Section 1911, Title 30, Delaware Code, is amended by striking the words "one-half of one per cent" as they appear in subsections (a) and (b), and inserting in lieu thereof the words "one per cent".

Approved June 28, 1969.

CHAPTER 186

AN ACT RELATING TO UNPAID DUES OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

WHEREAS, the annual dues of the Department of Public Instruction to the Education Commission of the States are \$9,000; and

WHEREAS, the fiscal 1968 dues remain unpaid in the sum of \$4,500;

NOW, THEREFORE,

Be it enacted by the House of Representatives of the 125th General Assembly:

Section 1. The sum of \$4,500 is hereby appropriated to the Department of Public Instruction to be used to pay the balance of \$4,500 due the Education Commission of the States.

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, 1970.

Approved June 28, 1969.

CHAPTER 187

AN ACT TO AMEND TITLE 18, CHAPTER 65, DELAWARE CODE, RELATING TO INSURANCE BY PROVIDING FOR INSURANCE FOR THE PROTECTION OF THE STATE OF DELAWARE.

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

Section 1. That Chapter 65 of Title 18, Delaware Code, be repealed.

Section 2. That Chapter 65 of Title 18, Delaware Code, shall henceforth read as follows:

**CHAPTER 65. INSURANCE FOR THE PROTECTION OF
THE STATE OF DELAWARE
SUBCHAPTER I. GENERAL PROVISIONS**

§ 6501. Definitions

As used in this Chapter:

(1) "The Committee" means the Insurance Coverage Determination Committee, hereinafter established by § 6502 (1);

(2) "Coverage Office" means the State Insurance Coverage Office, hereinafter established by § 6503;

(3) "Director" means the Director of Insurance Coverage, hereinafter established by § 6503;

(4) "The Fund" means the State Self-Insurance Fund as provided for by Subchapter III of this Chapter.

§ 6502. Insurance for the protection of the State and the Public

(1) Determination of coverage. There is hereby established the Insurance Coverage Determination Committee, which shall be composed of the Governor, the State Auditor and the Insurance Commissioner, during their respective terms of office, which Committee shall from time to time determine the

method of insuring, the amount of insurance, and the class of coverage covering any type of risk to which the State may be exposed, including, but not limited to: Life Insurance, as same is defined in § 902, of this Title; Health Insurance, as same is defined in § 903, of this Title; Property Insurance, as same is defined in § 904, of this Title; Surety Insurance, as same is defined in § 905 (a) (1), of this Title; Casualty Insurance, as same is defined in § 906, of this Title; Marine and Transportation and "wet marine" insurance, as same is defined in § 907, of this Title; Title Insurance, as same is defined in § 908, of this Title; to be effected and carried by the State or any subdivision thereof, including all school districts, but excluding however municipal corporations, counties, and the authorities relating to the crossings of the Delaware River and the Delaware Bay.

(2) Forms of Coverage. The Committee shall:

- (a) Protect the State from loss to State owned property;
- (b) Protect the public from wrongful actions of State officials and employees and failure or malfunction of State owned property;
- (c) Secure for the State the maximum economic advantage feasible in the operation of its insurance coverage program, including, when deemed appropriate to such end, the utilization of blanket policies, deductible or excess loss insurance, and self-insurance;
- (d) Determine such insurance protection as shall be required by the needs of the State and as shall be most economically advantageous to the State by providing for, as they shall deem appropriate, no insurance on small losses, coverage by commercial insurance, coverage by self-insurance, or a combination of such methods.

(3) Regulations and Administration. The Insurance Commissioner shall promulgate such rules and regulations as shall be necessary to carry out the policy determinations of the Committee in administering the State insurance coverage program, so as to effectively provide coverage for the State whether same be procured from commercial insurers or by self-insurance or a combination of both.

§ 6503. Establishment of State Insurance Coverage Office

There is hereby established under the direction and supervision of the Insurance Commissioner the State Insurance Coverage Office, hereinafter in this Chapter referred to as the Coverage Office, the executive head of which shall be the Director of Insurance Coverage, hereinafter referred to in this Chapter as the Director who shall be appointed by and serve at the pleasure of the Insurance Commissioner.

§ 6504. Qualifications of Director of Insurance Coverage

The Director shall be qualified for his office by virtue of his education and experience, and during his tenure of office he shall not be associated directly or indirectly with any insurance agency, firm, or corporation, and before entering upon the duties of his office he shall file with the Secretary of State a bond in the penal sum of Fifty Thousand Dollars (\$50,000.00) with corporate surety approved by the Insurance Commissioner. The Director shall be charged with and responsible for the administration of the Coverage Office as herein provided.

§ 6505. Salary of the Director of Insurance Coverage

The salary of the Director shall be not less than Ten Thousand (\$10,000.00) Dollars per year. The Director shall be in the classified service of the State by virtue of said employment.

§ 6506. Duties of the State Insurance Coverage Office

The Coverage Office shall provide:

(a) The placement of all insurance with commercial insurers that the Committee has deemed appropriate to place with such insurers;

(b) The operation of The Fund when and if same shall be established by the Committee for the operation of a self-insurance program;

(c) Centralized responsibility for the operation of the State insurance coverage program vested in a single agency with an adequate staff of legal, actuarial and administrative personnel;

(d) The establishment and operation of an Open Bid procedure to be maintained for purchasing new insurance coverage from commercial insurers and renewing existing contracts with such commercial insurers which will permit the free forces of market competition to operate to the benefit of the State insurance coverage program;

(e) The keeping of all policies with commercial insurers and all records necessary and pertinent thereto in some safe and secure place;

(f) The keeping in some safe and secure place of all records, accounts, claims files, statistical studies and other such records and documents necessary and proper in the administration of the self-insurance program when and if the Committee deems it proper to utilize same;

(g) The periodic preparation of reports as to the commercially procured insurance coverage part of the program which shall present the basic statistical-actuarial data pertaining to the experience of that part of the program and its component parts, which reports shall be public documents;

(h) Provide to the commercial insurance industry such information about bidding procedures as is required by the statutes of the State of Delaware, so that any qualified commercial insurer may have an opportunity to offer its service to the State in the areas where the Committee has deemed it desirable to procure commercial coverage;

(i) Periodic comprehensive insurance surveys of program needs, and a continuing review of existing commercially procured insurance contracts, as well as analysis of commercial rates in terms of changing economic conditions, and periodic studies of commercial market conditions and developments;

(j) Such special investigations and reports as may be requested by the Insurance Commissioner.

§ 6507. Insurance by other Agencies of the State

No other agency of the State, for which coverage is herein provided, shall be authorized to place any insurance, any provisions of the law to the contrary notwithstanding, and all insur-

ance for such agencies shall be placed by and through the Coverage Office.

§ 6508. Existing insurance contracts

Existing insurance contracts and any renewals thereof may continue in full force and effect unless and until otherwise provided by the Director.

§ 6509. Defense of sovereignty prohibited

The defense of sovereignty is waived and cannot and will not be asserted as to any risk or loss covered by the State insurance coverage program, whether same be covered by commercially procured insurance or by self-insurance, and every commercially procured insurance contract shall contain a provision to this effect, where appropriate.

SUBCHAPTER II. COMMERCIAL INSURANCE

§ 6520. Placement of commercial insurance

When the Committee shall determine and declare it to be advisable to insure against a certain risk or risks with commercially procured insurance, then as to such risk or risks, the Coverage Office shall provide for the placement of such insurance as shall be necessary with duly accredited and qualified commercial insurers. The purchase of all new policies of commercial insurance, and the renewal of all existing commercial policies, shall be by Open Bid procedure under rules and regulations promulgated by the Insurance Commissioner calculated to permit the free forces of market competition to operate to the economic benefit of the State insurance coverage program.

§ 6521. Payment of premiums on commercial insurance

The Coverage Office shall demand and receive all bills for premiums to be paid, and shall present same to Insurance Commissioner for his approval and the approval of the other members of the Committee. After the Committee has approved said bills, the Commissioner shall present same for payment to the State Treasurer, who shall pay the same.

§ 6522. Administration and records

The administration of the commercially insured part of the State insurance coverage program shall be the responsibility of the Coverage Office which shall keep in some safe and secure place all policies of insurance and all records pertaining thereto and such other records, reports, studies, analysis and correspondence as is necessary to effectuate the efficient and economic administration of the program.

SUBCHAPTER III. SELF-INSURANCE**§ 6530. Placement of self-insurance**

When the Committee shall determine and declare it to be advisable to insure against a certain risk or risks through a self-insurance program, no such program being in existence as of the date of the enactment of this statute, then as to such risk or risks there shall be established a State Self-Insurance Fund, hereinafter in this Chapter referred to as The Fund, which Fund shall be established pursuant to the hereinafter provided for schedule and through which Fund said risk or risks shall be insured for each year thereafter until the contrary is determined and declared to be advisable by the Committee or by subsequent Legislation.

§ 6531. Capitalization of the State Self-Insurance Fund

(1) The Fund shall be capitalized according to the following schedule:

(a) Transfer from Fire and Storm Damage Contingency Fund of money theretofore allocated for payment of deductibles.

Such amount of money as is at the time of the establishment of The Fund then on the books of the Budget Commission as the Fire and Storm Damage Contingency Fund shall thereupon be transferred to The Fund.

(b) Premiums to be allocated as to Property Insurance risks to be covered by The Fund.

As to all real and personal property loss risks to be insured by The Fund, an annual premium shall be paid to The Fund for each fiscal year in such amount as the Committee shall deter-

mine and declare to be appropriate, but not to exceed .0008 of the replacement value of such property in any one year or the then existing commercially approved rates for such coverage in any particular year, whichever shall be greater;

(c) Premiums to be allocated as to Workmen's Compensation risks to be covered by The Fund.

As to all workmen's compensation loss risks to be insured by The Fund, an annual premium shall be paid to The Fund for each fiscal year in such amount as the Committee shall determine and declare to be appropriate, but not to exceed .002 of the gross annual payroll of the employees so covered or the then existing commercially approved rates for such coverage in any particular year, whichever shall be the greater;

(d) Premiums to be allocated as to Fidelity Bonds for State officials or employees to be covered by The Fund.

As to all Fidelity Bonds for State officials to be covered by The Fund, an annual premium shall be paid to The Fund for each fiscal year in such amount as the Committee shall determine and declare to be appropriate, but not to exceed .005 of the face value of the Bonds thus covered or the then existing commercially approved rates for such coverage in any particular year, whichever shall be the greater;

(e) Premiums to be Allocated as to all other risks covered by The Fund, not specifically referred to in subsections (a) through (d) above.

As to all other insurable risks to be covered by The Fund, not specifically referred to in subsections (a) through (d) above, an annual premium shall be paid to The Fund for each fiscal year in such amount as the Committee shall determine and declare to be appropriate, but not to exceed the then existing commercially approved rates for such coverage in any particular year.

(2) Payment of Premium Allocations

The gross premium allocation, provided for in subsection (1) above, shall be determined by the Committee for each fiscal year and made a part of the budget request of the Insurance Department as submitted by the Insurance Commissioner for the fiscal year, and upon approval by the General Assembly in the An-

nual Budget, shall be paid to The Fund by the State Treasurer. However, in starting the self-insurance program as to any particular risk, the Committee may direct that the funds theretofor allocated for the payment of commercial insurance premiums for commercial policies covering such risk or risks shall be paid into The Fund as the initial premium for such self-insurance coverage, and upon such direction, as communicated to the State Treasurer by the Insurance Commissioner, the State Treasurer shall so reallocate such specified sum to The Fund.

(3) Maximum Level of Effective Capitalization and Termination of Premium Payments upon Reaching Same.

The aforesaid premium allocations to The Fund shall continue to be allocated and paid to The Fund until such time as the effective uncommitted gross capitalization of The Fund, when invested as hereinafter provided for, shall produce in each year sufficient income to pay the average annual claims made upon The Fund for the risks therein insured as computed upon the record of such claims over the preceding five years, at which point no further premiums will be allocated or paid; but at such time as the effective uncommitted gross capitalization of The Fund shall fall below such desired level and shall no longer produce sufficient income, because of increased claims or increased coverage or both, to pay the average annuals claims computed as aforesaid, then in that event and at that time the said premium allocations to The Fund shall once again be allocated and paid to The Fund until the aforesaid desired level of capitalization is once again obtained, and such allocations and payments of premiums shall be effected from time to time as the demands upon The Fund shall require.

(4) Emergency Back-Up Fund

In the event that the Committee determines and declares its intention to embark upon a self-insurance program, as herein provided for, within two years of the passage of this act, then and in that event there shall be set aside in the Capital Investment Fund the sum of One Million (\$1,000,000.00) Dollars, which sum shall remain in the Capital Investment Fund and subject to the administration and control of the Budget Director unless and until it shall be necessary to draw upon same to pay any claim or claims upon the aforesaid State Self-Insurance Fund which exceed the gross effective uncommitted

capitalization of said Fund, at which time such funds as shall be necessary to pay such excess claim or claims up to, but not exceeding, One Million (\$1,000,000.00) Dollars, shall be paid from the Capital Investment Fund to the State Self-Insurance Fund upon direction of the Committee. However, as the gross effective uncommitted capitalization of the State Self-Insurance Fund shall have reached the level of One Million (\$1,000,000.00) Dollars, then at that time Five Hundred Thousand (\$500,000.00) Dollars of the aforesaid committed One Million \$1,000,000.00 Dollars of Capital Investment Fund shall be released from this commitment, and at the time that the gross effective uncommitted capitalization of the State Self-Insurance Fund shall have reached the level of Two Million (\$2,000,000.00) Dollars, then at that time the remaining Five Hundred Thousand (\$500,000.00) Dollars of the aforesaid committed One Million (\$1,000,000.00) Dollars of the Capital Investment Fund shall be released from this commitment, unless same shall have been previously expended, as aforesaid, to pay excess claims upon the State Self-Insurance Fund, in which case same shall be repaid to the said Capital Investment Fund according to such schedule as the Committee shall deem appropriate and feasible and not injurious to the operation of the Self-Insurance program.

§ 6532. Administration and custody of the State Self-Insurance Fund.

The Director, subject to the supervision and control of the Insurance Commissioner, shall be the custodian of and administrator of The Fund.

§ 6533. Investment of moneys in the fund

The Director may invest and reinvest such portion of The Fund as is not required to meet regular anticipated expenses in:

- (1) Obligations of the United States;
- (2) Obligations of the State of Delaware or its subdivisions;
- (3) Time deposit accounts of the Farmers Bank of the State of Delaware;
- (4) Such other investments as are approved by the Insur-

ance Commissioner for investment by Domestic Life Insurance Companies pursuant to the provisions of Chapter 13 of this Title.

All income from such investments shall be continued in The Fund to pay the obligations of The Fund and provide for its growth.

§ 6534. Provisions for deductible limits

The Committee, from time to time, may declare and enforce such deductible limits on any insured risk covering loss to State owned property, both real, personal and mixed, as it shall deem appropriate.

§ 6535. Provisions for reinsurance

The Committee, from time to time, may determine the advisability of purchasing commercial reinsurance contracts as to any risk or risks covered by The Fund and direct the Coverage Office to place such insurance, in such amount as the Committee shall have determined to be most feasible, in the manner herein provided for the placement of other commercial insurance coverage.

§ 6536. Adjusting claims and paying losses

The Coverage Office shall have the responsibility of adjusting all claims and paying all losses in risks covered by The Fund, and shall carry out its duties in conformity with appropriate regulations promulgated for that purpose by the Insurance Commissioner, which regulations shall be in general conformity with the accepted practice in the commercial insurance industry in such matters, and shall be calculated to provide for prompt, efficient and equitable settlement procedures. The Coverage Office shall keep such records and files as shall be necessary and proper in its fulfillment of this obligation.

§ 6537. Arbitration of disputes and litigation of claims

(1) Any dispute between the Coverage Office and a State Agency claimant, which cannot be amicably resolved, shall be referred to arbitration before an arbitrator selected by the Sec-

retary of State. The expense of such arbitration will be borne by the disputants equally. The decision of the arbitrator will be final and binding upon the disputants.

(2) Any dispute between the Coverage Office and a claimant under the Workmen's Compensation coverage, should same be covered by The Fund, which cannot be amicably resolved, shall be handled in the manner of a claim against a commercial insurer before the Industrial Accident Board with all normal rights of appeal.

(3) Any dispute between the Coverage Office and a claimant not otherwise covered in subsections (1) and (2) above, which cannot be amicably resolved, may be made the subject of litigation in any Court of competent jurisdiction in the State of Delaware.

§ 6538. Inspections of insured property

The Coverage Office shall have available to it the services of the State Fire Marshal and his deputies for the purpose of inspecting self-insured real and personal property of the State and may call upon the Fire Marshal and his deputies to conduct such inspections of such property as are reasonable and necessary to determine the risk involved in insuring same and to provide the basis for requests, or suggestions as to how undesirable hazards may be corrected; and the Fire Marshal and his deputies shall cooperate with the Coverage Office in this regard, conducting such investigations as are requested and reporting the results thereof to the Coverage Office together with such recommendations as the investigator shall deem to be appropriate.

All State agencies, officials and employees will render full cooperation to the Fire Marshal and the Coverage Office in these matters and shall promptly correct such hazards as are found to exist, and failure to do so shall be referred to the Governor by the Coverage Office for such remedial executive action as he shall deem appropriate.

§ 6539. Independent contractors

The Director shall first employ all resources available to him in the Coverage Office, the Insurance Department, the Of-

office of the State Fire Marshal, the Justice Department, and the Auditor's Office, before retaining independent contractors, but in the event that special expertise is required for the performance of his duties not otherwise available to him, or not readily available to him when required, then he is authorized and directed to contract for the services of such independent contractors as shall be best equipped to render such services, including, but not limited to, accountants, actuaries, claims adjusters and investigators, attorneys and engineers, which contracts shall be on an ad hoc or per case basis, and for which he is authorized to make payment by drafts upon The Fund, subject to the approval of the Insurance Commissioner, as an administrative expense of The Fund.

§ 6540. Fidelity bonds

In the event that the Committee determines and declares it advisable to self-insure the statutory required Fidelity Bonds of the officials and/or employees of the State or its herein covered subdivisions, and establishes a self-insurance program in that regard, then those provisions of the several statutes of the State of Delaware requiring that such bonds be with corporate surety are superseded as to such bonds as are covered by such self-insurance program to the extent that said statutes required corporate surety.

Approved June 30, 1969.

CHAPTER 188

AN ACT AMENDING TITLES 30 AND 21, DELAWARE CODE, PROVIDING FOR OMNIBUS AMENDMENTS AND CORRECTIONS TO THE REVISED BUSINESS TAX PROVISIONS OF HB 296 OF THE 125TH GENERAL ASSEMBLY.

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

Section 1. Section 2103, Title 30, Delaware Code, is amended by adding a new subsection (g) to read as follows:

(g) If any corporation located outside of this State refuses to produce its books or records for examination by the State Tax Department, then such out-of-state corporation shall be required to pay the costs of conducting an audit at a place outside of this State.

Section 2. Section 2301 (a), Title 30, Delaware Code, is amended by striking the paragraph relating to airline companies in its entirety.

Section 3. Section 2301 (a), Title 30, Delaware Code, is amended by striking the words "the product sale to or" as they appear in the paragraph entitled "Amusement Conductor", and by striking subparagraph (1) of said paragraph in its entirety, and by renumbering subparagraph (2) as subparagraph (1).

Section 4. Section 2301 (a), Title 30, Delaware Code, is amended by striking the paragraph entitled "Automobile Driving School" in its entirety.

Section 6. Section 2301 (a), Title 30, Delaware Code, is amended by striking the paragraph entitled "Coat and Towel Supplier" in its entirety.

Section 7. Section 2301 (a), Title 30, Delaware Code, is amended by adding thereto a new paragraph immediately following the paragraph entitled "Laundry Operator", which paragraph shall read as follows:

Linen Supplier, \$100. "Linen Supplier" includes every person actively engaged in or holding himself out to do the business of supplying, furnishing or making available coats, caps, aprons, uniforms, towels, dresses, diapers, industrial wipers, smocks, linen, or other like articles and laundering and otherwise renewing such supplies for profit."

Section 8. Section 2301 (a), Title 30, Delaware Code, is amended by striking the paragraph entitled "Florist" in its entirety.

Section 9. Section 2301 (a), Title 30, Delaware Code, is amended by striking the paragraph entitled "Plant Nursery" in its entirety, and inserting in lieu thereof a new paragraph to read as follows:

Plant Nursery and Florist, \$50. "Plant Nursery and Florist" includes every person in the business of operating a place where trees, shrubs, plants, flowers, and the like, are cultivated, grown, or propagated from seed or otherwise for transplanting, for use as stock, for grafting, and for sale. Persons purchasing trees, shrubs, plants, flowers, and the like for resale are subject to the appropriate license fee in this Part."

Section 10. Section 2301 (a), Title 30, Delaware Code, is amended by striking the fee of "\$150" for an Osteopath, and inserting in lieu thereof the fee "\$200".

Section 11. Section 2301 (a), Title 30, Delaware Code, is amended by striking the paragraph entitled "Sales Representative" in its entirety, and inserting in lieu thereof a new paragraph to read as follows:

Sales Representative, \$30. "Sales Representative" includes every person who works in excess of 80 hours in any calendar month in the year selling goods or merchandise door to door. It includes soliciting orders and home demonstrations.

Section 12. Section 2301 (a), Title 30, Delaware Code, is amended by adding a new paragraph immediately after the paragraph entitled "Transportation Agent", which paragraph shall read as follows:

Airline Ticket Sales Office, \$200. "Airline Ticket Sales Office" includes every person who operates an office engaged in the business of selling tickets for the transportation of passengers on his own airliner.

Section 13. Section 8305, Title 21, Delaware Code, is amended by striking the figure "\$25", and inserting in lieu thereof the figure "\$100".

Section 14. Section 2501, Title 30, Delaware Code, is amended by striking the paragraph entitled "Gross receipts", and inserting in lieu thereof a new paragraph to read as follows:

"Gross receipts" includes all sums received by a contractor for any work done or materials supplied in connection with any real property located in the State of Delaware, but does not include sums paid to subcontractors by the contractor, provided said subcontractor is subject to the provisions of this chapter with respect to these sums, and provided that a written agreement exists between the contractor and subcontractor stating the exact sums payable to said subcontractor.

Section 15. Section 2901 (e), Title 30, Delaware Code, is amended by adding the words "includes automatic merchandising machine operators regardless of the product dispensed or vended, hucksters, peddlers, and also" immediately after the words "foregoing business," as they appear therein.

Section 16. Paragraph (1), Section 2901 (f), Title 30, Delaware Code, is amended by adding the following words immediately at the end of said paragraph:

"and also includes sale of machinery, supplies or materials which are to be directly consumed or used by the purchaser in the conduct of any business or activity, which business or activity is subject to the tax imposed by this Part;"

Section 17. Section 2908, Title 30, Delaware Code, is amended by adding a new subsection "(e)" to read as follows:

(e) The provisions of Section 2905 of this chapter shall not apply to goods which are delivered by the retailer outside

this State, and for which the retailer can provide proof satisfactory to the State Tax Department that an out-of-state retail sales tax has been paid to such state with respect to said goods.

Section 18. Chapter 31, Title 30, Delaware Code, is amended by striking said chapter in its entirety.

Section 19. Paragraph 4, Section 1903 (a), Title 30, Delaware Code, is amended by inserting the word "or" immediately after the words "United States" as they appear therein.

Section 20. Section 2301 (a), Chapter 23, Title 30, Delaware Code, is amended by striking the "." as it appears immediately after the word "below" in the first paragraph therein, and substituting in lieu thereof, the words "for each place of business."

Section 21. Section 2301 (a), Chapter 23, Title 30, Delaware Code, is amended by adding the following words immediately at the end of the paragraph entitled "Motion Picture Operator": "Motion picture operators who operate an indoor theatre in an incorporated municipality of less than 6,000 people shall pay \$100."

Section 22. Section 2301 (a), Chapter 23, Title 30, Delaware Code, is amended by striking the fee of "\$75" for "Public Accountants" and inserting in lieu thereof the fee of "\$150".

Section 23. Section 33 of House Bill 296 of the 125th General Assembly, approved June 12, 1969, is hereby amended by designating that present Section as subsection (a) and by adding thereto a new subsection (b) to read as follows:

The provisions of Chapter 30, Title 30, Delaware Code, shall not apply with respect to the sale or transfer of any motor vehicle, truck tractor, trailer or motorcycle prior to July 1, 1969.

Section 24. Section 101, Chapter 1, Title 21, Delaware Code, relating to the definition of "trailers" is repealed and the following language substituted therefor:

§ 101. "Trailer" includes a mobile home, travel trailer, house trailer, office trailer, camping trailer or any vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Section 25. Section 2302, Chapter 23, Title 21, Delaware Code, is amended by adding thereto the following new subsection:

(d) Any person who purchases for consideration, receives by gift or otherwise receives or acquires in any transaction any new or used trailer after July 1, 1969 shall apply to the Department for an original certificate of title for such trailer. Such application shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the trailer including the name of the maker, the trailer serial number or any number as may be assigned by the Department, and any distinguishing marks thereon and whether said trailer is new or used, together with a full and complete statement of each and all liens or encumbrances, if any, upon the trailer. The application shall also contain a statement of the name and address of the person to whom the certificate of title shall be delivered, and such other information as the Department may require. The Department shall not issue the original certificate of title until the document fee imposed by Title 30, section 3002 has been paid to the Department.

Section 26. Section 3002 (a), Chapter 30, Title 30, Delaware Code, is amended by striking subsection (3) and by substituting a new subsection therefor and by adding a new subsection (5).

(3) Trailer where the vendor thereof delivers the trailer outside the State to a non-resident of this State and where there is imposed upon the retail sales price of said trailer a sales tax; provided, however, that the vendor provides satisfactory evidence to the Department of Motor Vehicles that the trailer was so delivered and that the sales tax was in fact paid.

(5) Truck tractors with truck trailers where the owner thereof has obtained a title in another state in the same name as applied for in this State, and where application for fleet regis-

tration and inspection is obtained pursuant to section 2143, Title 31, Delaware Code, and where registration fees are paid pursuant to the fee provisions of section 2151 A, Title 21, Delaware Code.

Section 27. Section 3002, Chapter 30, Title 30, Delaware Code, is amended by adding a new subsection (c) thereto to read as follows:

(c) The document fee imposed herein shall be computed as follows:

(1) Where the purchase price is less than \$400, there shall be a uniform minimum rate of \$3.

(2) Where the purchase price is \$400 or more up to and including \$500, the document fee shall be \$3.75.

(3) The document fee payable thereafter shall increase in increments of 75 cents per each additional \$100 of purchase price or any fraction thereof."

Section 28. Section 3001, Chapter 30, Title 30, Delaware Code, relating to definition of "Automobile Dealer" is amended by striking the word "Automobile" and substituting therefor the words "Motor Vehicle".

Section 29. Section 3001, Chapter 30, Title 30, Delaware Code, relating to the definition of "truck trailer" is amended by striking all the words following the first word "truck" and substituting therefor the following language:

"tractor"—the definition of truck tractor shall be the same as that found in section 101 of Title 21, Delaware Code.

Section 30. Section 3004, Chapter 30, Title 30, Delaware Code, is amended by striking the word "Automobile" as it appears in the caption thereof and substituting the words "Motor Vehicle" and said section is further amended by striking the word "automobile" which appears after the word "every" and substituting therefor the words "motor vehicle".

Section 31. Section 3005, Chapter 30, Title 30, Delaware Code, is amended by striking the word "Automobile" as it ap-

pears in the caption thereof and substituting the words "Motor Vehicle" and said section is further amended by striking the word "automobile which appears after the word "every" and substituting therefor the words "motor vehicle".

Section 32. Section 2908 (c), Chapter 29, Title 30, Delaware Code, is amended by striking the word "automobile" as it appears in subsection (c) thereof and by substituting therefor the words "motor vehicle."

Section 33. Section 2905, Chapter 29, Title 30, Delaware Code, is amended by repealing all of subsection (b) thereof and by substituting in lieu thereof a new subsection (b) to read as follows:

(b) In addition to the license fee required by subsection (a) of this section every retailer shall pay an annual license fee at the rate of four-fifths of one per cent ($4/5\%$) of the aggregate purchase price attributable to all goods purchased for sale within this State. The aggregate purchase price attributable to all goods purchased upon which the license fee is computed shall be reduced by twenty-five thousand dollars (\$25,000) annually.

Section 33A. Section 2906, Chapter 29, Title 30, Delaware Code, is amended by repealing all of subsection (c) thereof and by substituting in lieu thereof a new subsection (c) to read as follows:

(c) In addition to the license fee required by subsection (b) of this section every restaurant retailer shall pay an annual license fee at the rate of one-tenth of one per cent ($1/10\%$) of the aggregate gross receipts attributable to all goods sold within this State. The aggregate gross receipts upon which this tax is computed shall be reduced by fifty thousand dollars (\$50,000) annually.

Section 34. Section 2103 (b), Title 30, Delaware Code, is amended by adding a new paragraph 6 to read as follows:

The power to suspend all fines and penalties imposed by this Part, and the power to suspend the imposition of any tax but only if such suspension is in the best interest of the State of Delaware. If the Commissioner suspends any fine, penalty or tax in excess of \$5,000 such suspension shall be subject to the review of the State Tax Commission.

Section 35. Section 2502 (d), Title 30, Delaware Code, is amended by adding a new sentence thereto to read as follows:

"The provisions of this subsection shall apply only to those contracts which meet all of the following requirements:

1. The contract shall be written.
2. The contract shall not be subject to renegotiation.
3. The contract shall be for a sum certain.
4. The contract shall be executed prior to July 1, 1969, and such date of execution is verified to the satisfaction of the State Tax Commissioner.

Section 36. Section 3002 (a), Chapter 30, Title 30, Delaware Code, is amended by striking the words "in the amount of three quarters of one per cent (.75%) of the purchase price of said vehicle.

Section 37. Section 3002 (a), Chapter 30, Title 30, Delaware Code, is amended by adding the words "truck tractor" following the commas following the words "motor vehicle" wherever those words appear within subsection (a).

Section 38. Section 3004 (a), Chapter 30, Title 30, Delaware Code, is amended by striking the words "truck trailer" and substituting therefor the words "truck tractor".

Section 39. Section 2301, Chapter 23, Title 21, Delaware Code, is amended by adding the words "truck tractor" following the comma following the words "motor vehicle".

Section 40. Section 2301 (a), Chapter 23, Title 30, Delaware Code, is amended by adding a new sentence to the paragraph entitled "Broadcasting Station", which sentence shall read as follows:

Broadcasting stations which broadcast with a power of 1,000 watts or less shall pay \$150.

Section 41. Section 1903 (a), Title 19, Delaware Code, is amended by adding the following words immediately after the words "foreign corporation" as they appear in paragraph 2 therein:

“or interest income, or royalty income.”.

Section 42. Section 2906, Title 30, Delaware Code, is amended by striking the words “food or drink vending machine service” where they appear in paragraph (a) therein.

Section 43. Section 5308 (c), Chapter 53, Title 30, Delaware Code, is amended by striking the first sentence of said subsection in its entirety, and inserting in lieu thereof a new sentence to read as follows:

Vending machine license—Every vending machine from which cigarettes are offered for sale shall have affixed thereto an identification stamp issued by the State Tax Department, for which a fee of \$1 shall be charged.

Section 44. Section 2302, Chapter 23, Title 30, Delaware Code, is amended by striking the words “vending machines and” as they appear in subsection (a) thereof, and by striking the words “vending machine or” as they appear in subsection (c) thereof.

Section 45. Chapter 23, Title 30, Delaware Code, is amended by adding a new section, 2304, to read as follows:

§ 2304. Identification labels for vending machines

(a) Every owner of a coin operated vending machine in this State, including amusement machines, music machines, cigarette vending machines, and all merchandising machines regardless of the product dispensed, shall affix thereto a label identifying the owner of the machine and his address, which identifying label shall not be less than two square inches in area.

(b) Whoever being the owner of a vending machine requiring an identifying label pursuant to this section fails to affix to each such machine the identifying label required by this section shall be fined not less than \$25 nor more than \$50 for each machine not having such identifying label affixed thereto.

Section 46. Section 2702, Chapter 27, Title 30, Delaware Code, is amended by adding a new subsection (c) to read as follows:

(c) The provisions of subsection (b) of this section notwithstanding, the license fee attributable to gross receipts paid to any manufacturer pursuant to any contract entered into prior to July 1, 1969, shall be computed at the rate and in the manner applicable prior to July 1, 1969, paid in the manner as required prior to July 1, 1969, and computed on the same license fee base that was applicable prior to July 1, 1969.

The provisions of this subsection shall apply only to those contracts which meet all of the following requirements:

- (1) the contract shall be written;
- (2) the contract shall not be subject to renegotiation;
- (3) the contract shall be for a sum certain; and
- (4) the contract shall be executed prior to July 1, 1969 and such date of execution is verified to the satisfaction of the State Tax Commissioner.

Section 47. Section 2908, Chapter 29, Title 30, Delaware Code, is amended by adding a new subsection (f) to read as follows:

(f) Any provision of this chapter to the contrary notwithstanding, no person shall pay a license fee pursuant to this chapter to the extent that such license fee is based on the gross receipts realized from a contract for the sale of goods entered into prior to July 1, 1969, nor shall any person pay a license fee pursuant to this chapter to the extent that such license fee is based on the purchase price paid under a contract for the purchase of goods entered into prior to July 1, 1969; but only if such contract meets all of the following requirements:

- (1) the contract shall be written;
- (2) the contract shall not be subject to re-negotiation;
- (3) the contract shall be for a sum certain; and
- (4) the contract shall be executed prior to July 1, 1969 and such date of execution is verified to the satisfaction of the State Tax Commissioner.

If such contract meets all of the requirements of this section, the said person shall pay a license fee computed at the rate

and in the manner applicable prior to July 1, 1969, paid in the manner as required prior to July 1, 1969, and computed on the same license fee base that was applicable prior to July 1, 1969.

Section 48. Section 2301 (a), Chapter 23, Title 30, Delaware Code, is amended by adding at the end of said Section 2301 (a) the following:

Wholesale News Agency, \$500.00. "Wholesale news agency" includes every person engaged in the business of conducting a wholesale news agency, except any such person who is licensed as a merchant under Chapter 20 of this title.

Approved June 30, 1969.

CHAPTER 189

AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO AN ALCOHOLIC LIQUOR LICENSE ISSUED TO A FOOD CONCESSIONAIRE AT A HORSE RACING TRACK.

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

Section 1. § 512, Title 4, Delaware Code, is amended by adding the following paragraph thereto:

The license issued to a food concessionaire dispensing food at a Horse Race Track pursuant to this Section and Section 513 of this Chapter, shall continue to be valid whether or not a race meet is in progress and such licensee shall be entitled to all of the rights and privileges granted to a restaurant licensee together with the rights and privileges authorized by a license issued pursuant to Section 717A upon payment of the license fee set forth in Section 717A.

Approved July 1, 1969.

CHAPTER 190

AN ACT TO AMEND CHAPTER 166, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, TO INCREASE THE AMOUNT OF MONEY WHICH THE CITY OF GEORGETOWN MAY BORROW AND TO INCREASE TOTAL AGGREGATE BONDED INDEBTEDNESS.

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 20, Chapter 166, Volume 43, Laws of Delaware, as amended, is hereby further amended by striking all of paragraph "17", and substituting in lieu thereof a new paragraph "17" to read as follows:

17. The bonded indebtedness shall not at any one time in the aggregate exceed the total of 25 per centum of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

Section 2. Chapter 166, Volume 43, Laws of Delaware, as amended, is hereby further amended by striking all of Section "30" and inserting in lieu thereof a new Section "30" to read as follows:

Section 30. Whenever current receipts are insufficient to provide for the needs of the Town, the Council is authorized to anticipate revenue by borrowing such amounts as are required, which shall be repaid from current revenue received thereafter; provided, however, that the amount of such indebtedness shall not at any time exceed the aggregate sum of Fifty Thousand Dollars (\$50,000.00). Indebtedness created hereunder shall be evidenced by bond or note of the Town, and the faith and credit of the Town shall be deemed to be pledged for the due payment thereof. To exercise the power aforesaid, the Council shall adopt, by the affirmative vote of a majority of all members of the Council, a resolution providing for such borrowing.

Approved June 30, 1969.

CHAPTER 191

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, 1970", BEING HOUSE BILL NO. 187 OF THE 125TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1970 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 187, as approved by both the Senate and the House of Representatives of the 125th General Assembly and entitled "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1970", and also known as the 1970 Budget Appropriation Bill (hereinafter referred to as House Bill No. 187), is amended by striking out the figures shown therein for the lines in Section 1 hereinafter 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 hereinafter listed in this section and marked "(3)":

Agency

Code No.

038 Development Department

| | |
|---|--------|
| (1) Salaries and Wages of Employees (13) . . . \$ | 90,600 |
| (3) Salaries—Part-time | 4,000 |
| (1) Capital Outlay | 8,000 |
| (1) Personal Services | 11,000 |
| (3) JOBS DEVELOPMENT DIVISION | |
| (3) Salaries and Wages of Employees (3) . | 30,500 |
| (3) Personal Services | 13,200 |
| (3) Travel | 3,050 |
| (3) Contractual Services | 7,200 |

*Agency
Code No.*

| | | |
|--|---|--------|
| | (3) Supplies and Materials | 1,850 |
| | (3) Capital Outlay | 3,235 |
| | (Total—Jobs Development Division— 59,035) | |
| 082 Public Defender | | |
| | (1) Salaries and Wages of Employees (6) | 40,400 |
| | (1) Personal Services—Lawyers | 61,000 |
| | (1) Personal Services—Court Reporters | 13,000 |
| 090 Council on Administration of Justice | | |
| | (3) Travel | 200 |
| | (3) Contractual Services | 300 |
| 091 Supervisor of Justices of the Peace | | |
| | (1) Salaries and Wages of Employees (5) | 31,490 |
| 124 Medical Council of Delaware | | |
| | (3) Salaries—Part-time | 2,000 |
| 165 Office State Fire Marshal | | |
| | (1) Other Contractual Services | 5,350 |
| | (1) Supplies and Materials | 4,350 |
| 178 Delaware Racing Commission | | |
| | (1) Salaries and Wages of Employees | 5,200 |
| 200 Public Archives Commission | | |
| | (1) Other Contractual Services | 6,500 |
| 205 Public Archives Commission—Governor's House | | |
| | (1) Salaries—Part-time | 1,800 |
| 206 Public Archives Commission—Buena Vista | | |
| | (1) Supplies and Materials | 9,000 |
| | (1) Capital Outlay | 5,000 |

Agency
Code No.

250 Custodian

(1) Salaries and Wages of Employees (92) ... 400,000

270 Distribution Agency

(1) Salaries and Wages of Employees (30) ... 178,000
(3) Salaries—Overtime 24,000
(2) Capital Outlay—Tractor and two trailers . 15,000

345 Commission on Children and Youth

(For Period 7-1-69 through 12-31-69)

(3) Salary of Executive Secretary 2,900
(3) Salaries and Wages of Employees 800
(3) Travel 500
(3) Contractual Services 500
(3) Supplies and Materials 300
(3) Contingency—Youth Council 1,000

360 Department of Public Welfare

(1) Salaries of Intake, P.A., C.W.S., and G.A.
Supervisors (20) 170,000
(1) Salaries of Intake, P.A., C.W.S. and G.A.
Caseworkers (80) 512,000
(1) Salaries and Wages of Employees (66) ... 460,000
(1) Welfare Grants and Administrative Cost .. 860,000

365 Department of Housing

(1) Salaries and Wages of Employees (4) 28,000
(2) Contractual Services—Rental Offices 15,000
(1) Supplies and Materials 4,150

370 Department of Corrections

(2) Salary of Parole and Probation Program
(35) 242,000
(1) Salaries and Wages of Employees (252) .. 1,690,570

Agency
Code No.

420 Game and Fish Commission

| | |
|--|---------|
| (1) Salaries and Wages of Employees (21) . . . | 115,000 |
| (1) Capital Outlay | 9,300 |

478 Department of Transportation

| | |
|--------------------------------------|--------|
| (1) Contractual Services | 25,070 |
| (1) Supplies and Materials | 1,550 |

480 Veterans Military Pay Commission

| | |
|--|--------|
| (1) Salary of Deputy Director | 12,000 |
| (1) Public Information Officer | 1,400 |
| (1) Applications Processor | 6,680 |

514 Pension

| | |
|---|-------|
| (3) SPOUSE OF ELECTED OFFICIALS | 3,000 |
|---|-------|

518 Paraplegic Veterans

| | |
|---------------|--------|
| (1) | 15,600 |
|---------------|--------|

530 Social Security—State Share

| | |
|-----------------------------|-----------|
| (1) Contributions | 4,390,000 |
|-----------------------------|-----------|

540 Contingency Fund

| | |
|---|--------|
| (3) State Fire School (Agency Code No. 166) Instructional Services | 10,000 |
|---|--------|

600 University of Delaware

| | |
|--|---------|
| (1) Employer's Share, Social Security (Administered by State Treasurer) | 536,000 |
| (1) State Employees' Pension Benefits (Administered by State Treasurer) | 269,520 |

650 State Board of Education

(Division II)

| | |
|--|----------|
| (2) Guaranteed Loan Reserves | \$80,000 |
|--|----------|

Agency
Code No.

660 State Board for Vocational Education

(2) War Orphans 15,000

680 Higher Education Aid Advisory Commission

(Higher Education and Vocational Loan Program)

| | |
|---|--------|
| (3) Salaries and Wages of Employees | 4,500 |
| (3) Travel | 300 |
| (3) Contractual Services | 600 |
| (3) Supplies and Materials | 300 |
| (3) Guaranteed Loan Reserves (Chapter 81, Title 14, Delaware Code) | 80,000 |

790 Educational Contingency Fund

| | |
|---|-------------|
| (2) Growth and Upgrading | \$1,000,000 |
| (2) Growth and Upgrading— Kindergartens | 644,000 |
| (3) Growth and Upgrading (K-12) | 1,644,000 |
| (2) Kent and Sussex Vocational-Technical Summer Program | 32,000 |
| (3) Vocational-Technical Summer Program— New Castle, Kent and Sussex Counties | 95,540 |

Section 2. The said House Bill No. 187 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. 187 is further amended by deleting in its entirety Section 28 thereof, and inserting in lieu thereof the following:

Section 28. All agencies and departments for which money is appropriated in Section 1 of this Act are required to make available a report of their activities, programs and expenditures, commonly known as an annual report, not later than November 15 following the close of the fiscal year.

Section 4. The said House Bill No. 187 is further amended by adding the following section, to be designated as Section 31:

Section 31. For purposes of accounting, appropriations made in Section 1 to the individual school districts under Division I for "Kindergarten Teachers" may be added to and considered as part of the general appropriation "Teachers".

Similarly, appropriations made under Division II to the individual school districts for "All Other Costs—Kindergartens" and "Capital Outlay—Kindergartens" may be added to and considered as part of the general appropriations entitled "All Other Costs" and "Capital Outlay" respectively.

Section 31 of said House Bill No. 187 shall be renumbered as Section 32.

Section 5. Said House Bill No. 187 is further amended by deleting Section 32 thereof in its entirety and substituting in lieu thereof the following, to be designated Section 33:

Section 33. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency; however, the compensations of certain key executives of the State Government may be paid within the salary ranges as provided and authorized in Volume 56, Chapter 364, Laws of Delaware and any other Act or Acts which may amend said Volume and Chapter.

Approved June 30, 1969.

CHAPTER 192

**AN ACT TO AMEND CHAPTERS 93, 95 AND 96, TITLE 10,
DELAWARE CODE, BY INCREASING THE JURIS-
DICTION OF THE JUSTICES OF THE PEACE IN CIVIL
MATTERS TO \$1,500.00.**

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

Section 1. § 9301, Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00", wherever the same appears therein, and by inserting in lieu thereof the figure "\$1,500.00".

Section 2. § 9303 (a), Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" and by inserting in lieu thereof the figure "\$1,500.00."

Section 3. § 9303 (b), Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" and by inserting in lieu thereof the figure "\$1,500.00".

Section 4. § 9304, Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" and by inserting in lieu thereof the figure "\$1,500.00".

Section 5. § 9540, Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" wherever the same shall appear, and by inserting in lieu thereof the figure "\$1,500.00".

Section 6. § 9547, Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" wherever the same shall appear, and by inserting in lieu thereof the figure "\$1,500.00".

Section 7. § 9580, Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" in subsection (b) and by inserting in lieu thereof the figure "\$1,500.00".

Section 8. §9590, Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" and by inserting in lieu thereof the figure "\$1,500.00".

Section 9. § 9616, Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" in subsection (a) and by inserting in lieu thereof the figure "\$1,500.00".

Section 10. §9657 (c), Title 10, Delaware Code, is amended by striking therefrom the figure "\$1,000.00" and by inserting in lieu thereof the figure "\$1,500.00".

Approved June 30, 1969.

CHAPTER 193

AN ACT TO DENY A DOG OR KENNEL LICENSE TO ANY PERSON CONVICTED OF CRUELTY TO DOGS.

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

Section 1. Section 1701, Title 7, Delaware Code, is amended by adding a new subsection (h) to read as follows:

(h) The Board may revoke any dog or kennel license issued by it and deny any person such right to secure any such licenses for a period within its discretion, if the licensee or person has been convicted in any court of cruelty to dogs.

Approved July 1, 1969.

CHAPTER 194

AN ACT TO AMEND SECTION 375, SUBCHAPTER V, CHAPTER 3, TITLE 30, DELAWARE CODE, REQUIRING THE FURNISHING OF SURETY BONDS FOR PAYMENT OF TAXES BY NONRESIDENT PERSONS OR FIRMS DOING BUSINESS IN DELAWARE.

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

Section 1. Section 375, Subchapter V, Chapter 3, Title 30, Delaware Code, is hereby amended to read as follows:

§ 375. Furnishing of bonds by foreign persons or firms

(a) Any nonresident person or firm, whether incorporated or not, either doing business in this State so as to be subject to Delaware income tax or State Occupational or Business Licenses, or having employees or agents performing labor or services in this State so as to subject such employees or agents to Delaware income tax and such employer to Delaware income tax withholdings and to the Delaware Unemployment Compensation Law shall file a surety bond with the State Tax Department, payable to the State of Delaware, to guarantee the payment of State income taxes, State Occupational or Business Licenses, unemployment compensation contributions and income taxes withheld from wages of employees, together with any penalties and interest thereon, the form and contents of such bond and the amount thereof to be approved and fixed by the State Tax Department in such amount as shall be sufficient to protect the tax revenues of the State, except as otherwise provided below.

(1) The amount of the surety bond to be required of any nonresident engaged in construction contracting in this State as a contractor or subcontractor shall be as follows: Three per cent of the contract or subcontract price on all contracts of \$50,000 or more, or three per cent of contractor's or subcontractor's estimated cost-and-profit under a cost-plus contract of \$50,000 or more. When the aggregate of two or more contracts in one calendar year is \$50,000 or more, the amount of the bond or

bonds shall be three per cent of the aggregate amount of such contracts.

(2) Such surety bond shall be filed within 15 days after the commencement of business in this State by said nonresident; except that as to a nonresident engaged in construction contracting, such bond shall be filed within 15 days after construction is begun in this State by such contractor or subcontractor on any contract, the price of which is \$50,000 or more (or the estimated cost-and-profit of which is \$50,000 or more), or within 15 days after construction is begun on any contract for less than \$50,000 when the amount of such contract, when aggregated with any other contracts on which construction was begun in the same calendar year, equals or exceeds \$50,000.

(3) If the Department concludes that no bond is necessary to protect the tax revenue of this State, the requirements of this section may be waived by the State Tax Commissioner, or his designated departmental representative. Any bond issued hereunder shall remain in force until the liability thereunder is released by the Commissioner or his designated departmental representative.

(b) Any person or firm subject to the provisions of this section shall notify the Department of the termination of business within this State within 20 days after such termination, or as to a construction contractor or subcontractor, within 20 days after the completion of every such construction project in this State.

(c) Any person or firm failing or refusing to comply with the provisions of this section shall be fined not more than \$5,000 for each such offense.

(d) In the case of any nonresident person or firm doing business in this State on the effective date of this Act for which a bond shall be required to be filed hereunder, such bond shall be filed within 30 days of the effective date of this Act.

Approved July 1, 1969.

CHAPTER 195

AN ACT TO AMEND TITLE 22, DELAWARE CODE, ENTITLED "MUNICIPALITIES" BY ADDING THERETO A NEW CHAPTER RELATING TO EXEMPTIONS FROM TAXATION ON REAL PROPERTY OF RESIDENTS OF MUNICIPALITIES, WITH A POPULATION IN EXCESS OF 50,000 PERSONS, OF THE AGE OF 65 OR MORE YEARS HAVING AN INCOME NOT IN EXCESS OF \$3,000 PER YEAR.

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

Section 1. Title 22, Delaware Code, is amended by adding a new chapter thereto to read as follows:

CHAPTER 10

EXEMPTION FROM MUNICIPAL TAXATION ON REAL PROPERTY—RESIDENTS OVER 65 YEARS OF AGE

§ 1001. Definitions

As used in this chapter,

"Income" means all income from whatever source derived including but not limited to, realized capital gains and, in their entirety, pension, annuity, retirement and social security benefits. for any tax year for which an exemption is claimed, "income" shall be determined to be equal in amount to the income received during the calendar year or the taxpayer's fiscal year ended immediately preceding October 1 of the pre-tax year, but no taxpayer shall use a fiscal year basis unless he so elects to do and files his federal income tax return on such basis.

"Pretax year" means the calendar year immediately preceding the "tax year".

"Resident" means one legally domiciled within the Municipality for a period of 3 years immediately preceding October of the pretax year. Mere seasonal or temporary residence within the Municipality of whatever duration, shall not constitute domicile within the Municipality for the purposes of this chap-

ter. Absence from the Municipality for a period of 12 months shall be prima facie evidence of abandonment of domicile in the Municipality. The burden of establishing legal domicile within the Municipality shall be upon the claimant.

“Tax year” means the calendar year in which the municipal real estate tax is due and payable.

“Family” means husband and wife; a man and woman cohabitating as husband and wife in a home in which there are also children *in esse* or *en ventre sa mere*, of either or both; parent and child; guardian and ward and also any group or persons residing together in one home under one head who are related by blood or marriage.

§ 1002. Qualifications and amount of exemption

Every person, a resident of a Municipality of this State, with a population in excess of 50,000 persons, of the age of 65 or more years, having an income not in excess of \$3,000 per year and residing in a dwelling house owned by him which is a constituent part of his real property, shall be entitled, on proper claim being made therefor, to exemption from municipal taxation on such real property to an assessed valuation not exceeding \$5,000 in the aggregate, except that no such exemption shall be permitted where any member of said person's family lives in said dwelling house and has an income in excess of \$3,000.

§ 1003. Application for exemption

No exemption from taxation on the valuation of real property as provided in this chapter, shall be allowed except upon written application therefor, which application shall be on the form prescribed by the Receiver of Taxes and County Treasurer and provided for the use of claimants under Section 8133 of Title 9, Delaware Code. A copy of each application filed with the assessor of a county taxing district pursuant to Section 8133, Chapter 81, Title 9, Delaware Code, shall be furnished by said assessor to the municipal taxing official of any Municipality in which real property, which is the subject of such application, is located and shall be deemed an application for exemption under this chapter.

An application for exemption under this chapter shall be

filed with the county assessor of the taxing district on or before November 1 of the pretax year.

§ 1004. Contents of application

Every fact essential to support a claim for exemption under this chapter shall exist on October 1 of the pretax year. Every application by a claimant therefor shall establish that he was, on October 1 of the pretax year, (a) a resident of the Municipality for the period required, (b) of the age of 65 or more years, (c) the owner of a dwelling house which is a constituent part of the real property for which the exemption is claimed, (d) residing in said dwelling house. Such application shall also establish that his income for the yearly period as provided by this chapter did not exceed \$3,000, and that no member of said person's family lives in said dwelling house and has an income in excess of \$3,000.

§ 1005. Allowance of exemption

If an application is approved by the municipal taxing official, he shall allow an exemption from taxation against the assessed valuation of the real property assessed to the claimant in the amount of the claim approved by him.

§ 1006. Continuance of exemption

A claim having been filed with and allowed by the municipal taxing official shall continue in force from year to year thereafter without the necessity for further claim as long as the claimant shall be entitled to exemption under this chapter, but the claimant shall be required yearly to establish his income and the municipal taxing official 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 municipal taxing official of any change in his status or property which may affect his right to continuance of the exemption.

§ 1007. Tenants in common or joint tenants

(a) Where title to property on which an exemption is claimed is held by claimant and another or others, either as

tenants in common or as joint tenants, claimant shall not be allowed an exemption against his interest in said property in excess of the assessed valuation of his proportionate share in said property, which proportionate share, for the purposes of this chapter, shall be deemed to be equal to that of each of the other tenants, unless it is shown that the interests in question are not equal, in which event claimant's proportionate share shall be as shown.

(b) Nothing in this chapter shall preclude more than one tenant, whether title be held in common or joint tenancy, from claiming exemption against the property so held, but no more than the equivalent of one full exemption in regard to such property shall be allowed in any year, and in any case in which the claimants cannot agree as to the apportionment thereof, the exemption shall be apportioned between or among them in proportion to their interest. Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but not more than one exemption in regard to such property shall be allowed in any year.

(c) Right to claim exemption under this chapter shall extend to property the title to which is held by a partnership to the extent of the claimant's interest as a partner therein, and by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim exemption under this chapter, but not to property the title to which is held by a corporation.

§ 1008. Appeals

An aggrieved taxpayer may appeal from the disposition of an exemption claim under this chapter in the same manner as is provided for appeals from assessments generally.

Section 2. The first tax year upon which this act shall apply shall be the calendar year 1970.

Approved July 1, 1969.

CHAPTER 196

AN ACT TO AMEND SECTION 6102, TITLE 29, DELAWARE CODE, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO CHARGE A RENTAL RATE FOR PORTABLE CLASSROOMS AND TO USE THE PROCEEDS FOR REPAIRS AND/OR TO LEASE PURCHASE ADDITIONAL PORTABLE CLASSROOMS.

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

Section 1. Section 6102, Title 29, Delaware Code, is hereby amended by adding a new Section (c) to read as follows:

The provisions of this section notwithstanding, the State Board of Education shall be authorized to charge a rental rate for portable classrooms owned by the State and to use the proceeds for necessary repairs or lease purchase of additional portable classrooms.

Approved July 1, 1969.

CHAPTER 197

AN ACT TO AMEND SECTION 555, TITLE 28, DELAWARE CODE, RELATING TO "BREAKAGE" AS TO HARNESS RACING.

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

Section 1. Amend subsection (a), Section 555, Title 28, Delaware Code, by adding the following sentence immediately after the first sentence thereof ending with the word "wagered" and before the next sentence thereof:

If a minus pool is created, the association may break to the lowest multiple of 5.

Approved July 1, 1969.

CHAPTER 198

AN ACT TO AMEND CHAPTER 41, TITLE 11, DELAWARE CODE, RELATING TO THE IMPOSITION AND COLLECTION OF FINES AND COSTS, PROVIDING FOR REMITTANCE OF FINES TO VICTIMS OF CRIMES, PROHIBITING IMPRISONMENT IN DEFAULT OF FINES, AND PROVIDING FOR WORK ASSIGNMENTS FOR THE DISCHARGE OF FINES.

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

Section 1. Chapter 41, Title 11, Delaware Code, is amended by striking § 4103 in its entirety and inserting in lieu thereof a new § 4103 to read as follows:

§ 4103. Procedure for determining the amount of a fine upon considering the defendant's gain from the crime or the physical or personal damage resulting therefrom; remittance of fine to victim of crime

(a) Order Directing A Hearing

In any case where the court or justice of the peace is of the opinion that the sentence should consist of or include a fine and that the defendant's gain from the commission of the offense and/or the loss or physical damage or injury resulting from the commission of the offense should be considered in assessing the amount of the fine to be imposed, the court or justice of the peace may order a hearing upon notice to the defendant and the Attorney General to determine the amount thereof.

(b) Conduct of Hearing to Fix Fine

(1) At any hearing held pursuant to this section the burden of proof shall be upon the State. A finding as to the amount of the defendant's gain and/or the loss or physical damage or injury resulting from the commission of the crime must be based upon a preponderance of the credible evidence. Any relevant evidence, not legally privileged, may be received regardless of its admissibility under the exclusionary rules of evidence.

(2) Following the hearing the court or justice of the peace shall determine the amount of the defendant's gain and/or the amount of the loss or physical damage or personal injury resulting from the commission of the offense, make written findings of fact, and impose a fine based upon such finding. The court or justice of the peace may impose such fine in lieu of a fine prescribed by statute.

(c) Remittance of Fine

Any fine imposed and collected under this section shall be remitted to the person or persons who suffered the loss and/or physical or personal damage, or both, up to an amount sufficient to compensate the person or persons for such loss or physical damage as determined by the court or justice of the peace. Remittance shall be made in the manner and under the terms and conditions set by the court or justice of the peace. Imposition of the said fine may constitute the entry of a civil judgment against defendant if the court or justice of the peace so orders.

Section 2. Chapter 41, Title 11, Delaware Code, is amended by adding a new § 4105 to read as follows:

§ 4105. Fines and costs; how collected

(a) When a court or justice of the peace imposes a fine and/or costs upon a defendant, the court or justice of the peace may direct as follows:

(1) That the defendant pay the entire amount at the time sentence is imposed; or

(2) That the defendant pay a specified portion of the fine and/or costs at designated periodic intervals, and in such case may direct that the fine and/or costs be remitted to a probation officer who shall report to the court or justice of the peace at such periods as the court or justice of the peace may direct, any failure to comply with the order;

(3) Where the defendant is sentenced to a period of probation as well as a fine and/or costs, that payment of the fine and/or costs shall be a condition of the probation.

(b) Any court or justice of the peace may in its discretion permit any person sentenced to pay a fine upon conviction of

crime to elect, in lieu of the payment of the fine ordered, to execute a bond acknowledging the amount of the fine imposed upon him as a debt due and owing to the State of Delaware and binding himself unto the State in an amount equal to ten times the fine imposed. The bond shall be so conditioned that, should the amount of the fine imposed be paid to the State of Delaware on or before the tenth day next following the day on which the fine is imposed, then in that event the bond shall be null and void. The bond shall contain a warrant of attorney authorizing the prothonotary or any attorney of record in the State of Delaware or elsewhere to appear in any court or before any justice of the peace and confess judgment against the person so bound. Upon execution of the said bond, the convicted person shall be required to endorse on the reverse thereof a list of all motor vehicles and any other personal or real property owned by him or in which he has any title or interest with a description and the location thereof.

(c) Any court or justice of the peace may in its discretion permit any person sentenced to pay a fine upon conviction of a crime who is employed within the State of Delaware or by a Delaware resident or employer, to elect to execute an assignment of a specified periodic sum not to exceed one-third of his total earnings, which assignment shall direct his employer to withhold and remit that amount to the State up to the total of the fine and costs imposed.

(d) For purposes of ensuring the payment of fines and the enforcement of any orders imposed under this section, the court or justice of the peace shall retain jurisdiction over the convicted person until any fine imposed shall have been paid in full.

Section 3. Chapter 41, Title 11, Delaware Code, is amended by adding a new § 4106 to read as follows:

§ 4106. Default in payment of fine; inability to pay fine

(a) No person sentenced to pay a fine or costs upon conviction of a crime shall be ordered to be imprisoned in default of the payment of such fine or costs.

(b) Where a person sentenced to pay a fine and/or costs

upon conviction of a crime is unable to pay or fails to pay such fine and/or costs at the time it is imposed or in accordance with the terms of payment set by the court or justice of the peace, the court or justice of the peace may order the said person to report during regular work days to the Commissioner of the Department of Correction for work for a number and schedule of days necessary to discharge the fine imposed. The Department of Correction may approve public work projects for assignment of convicted persons in accordance with subsection (c) of this section, whereupon the said Commissioner of the Department of Correction may assign the said convicted person to work under the supervision of any State, county, or municipal agency or any project or assignment specifically certified for that purpose. The Department of Correction shall compensate the convicted person at a rate of pay equal to that normally paid to employees performing the same or similar services for that State, county, or municipal agency to which such convicted person is assigned, except that the Department shall withhold from the periodic earnings of the said convicted person all amounts not deemed by the Department to be required to sustain the convicted person. Upon petition of the convicted person to the court or justice of the peace which imposed the original sentence, the determination of the Department of the amount withheld shall be subject to review. The amounts withheld shall be paid over to the State to be applied to the fine and/or costs imposed until the said fine and/or costs has been fully paid. Failure to comply with an order of the court made pursuant to this provision shall be punishable as civil contempt, and all courts and justices of the peace shall have the power to punish as a civil contempt any convicted person who fails to comply with such an order.

(c) Any agency of the State, county, or any municipality may submit public work projects or proposed assignments to the Department of Correction for certification as approved public work projects under this section. Upon certification the agency will be notified and the Commissioner of the Department of Correction will be authorized to begin to assign convicted persons to the certified project or assignment.

Section 4. The powers conferred by this Act 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 Act 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 5. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of this Act, and to this end the provisions of this Act are declared severable.

Approved July 1, 1969.

CHAPTER 199

**AN ACT TO AMEND SECTIONS 4053 (5) and 4066 (b) (1),
SUBCHAPTER VI, CHAPTER 40, TITLE 31, DELAWARE
CODE, RELATING TO THE POWERS OF THE DELA-
WARE STATE HOUSING AUTHORITY BY ADDING
CERTAIN LANGUAGE TO PERMIT THE AUTHORITY
TO RENT LOW COST HOUSING.**

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

Section 1. Amend Subsection 4053 (5), Subchapter VI, Chapter 40, Title 31, Delaware Code, by adding after the word "sold" and before the word "at" the words, "or rented."

Section 2. Amend Subsection 4066 (b) (1), Subchapter VI, Chapter 40, Title 31, Delaware Code, by adding in the second sentence after the words "limited to" and after the comma which follows them the words "organizational expenses,".

Approved July 2, 1969.

CHAPTER 200

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

WHEREAS, it has come to the attention of the members of the 125th General Assembly of the State of Delaware that the State Tax Department is in need of additional funds to perform its duties adequately; and

WHEREAS, it is the desire of the members of the 125th General Assembly to insure the efficient collection of all taxes due the State of Delaware;

NOW THEREFORE,

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

Section 1. The sum of \$200,000 is appropriated to the State Tax Department to be expended in accordance with the Governor's direction for the additional costs of modernizing the State Tax Department's operation and the creation of a field audit system to insure the efficient collection of all taxes due the State of Delaware.

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

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1970.

Approved July 2, 1969.

CHAPTER 201

**AN ACT RELATING TO THE COLLECTION OF TAXES
DUE THE STATE TAX DEPARTMENT.**

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

Section 1. Chapter 3, Title 30, Delaware Code, is amended by adding a new section 307, to read as follows:

§ 307. Tax clearance

No payments or orders in excess of \$2,000 shall be made, authorized or approved by any State department, agency or commission to any corporation or other business association until the State Tax Department indicates to the said department, agency or commission that such corporation or other business association has paid all taxes due to the State Tax Department and has, to the knowledge of the State Tax Department, complied with all rules and regulations of said department.

Approved July 3, 1969.

CHAPTER 202

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION FROM THE GENERAL FUND OF \$1,500,000 TO THE STATE BOARD OF EDUCATION FOR AN EXPERIMENTAL PROGRAM IN CERTAIN PUBLIC SCHOOLS WHERE A SIGNIFICANT PROPORTION OF THE STUDENT POPULATION HAVE BEEN FOUND TO BE TWO OR MORE YEARS BELOW NATIONAL GRADE ACHIEVEMENT LEVELS.

WHEREAS, certain school districts may have significant pockets of underprivileged children who are below the national norm in educational achievement at their respective grade levels; and

WHEREAS, educational administrators in the State suggest that supplementary funds are necessary to support experimental programs intended to overcome the indicated deficiencies, by innovative programs, new teaching methods and techniques, smaller class sizes and other appropriate educational services.

NOW THEREFORE,

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

Section 1. There is hereby appropriated from the General Funds of the State to the State Board of Education the sum of One Million Five Hundred Thousand Dollars (\$1,500,000) for the fiscal year beginning July 1, 1968, to be allocated at the rate of Five Hundred Thousand Dollars (\$500,000) during each of the school years beginning July 1, 1969, July 1, 1970, and July 1, 1971, as hereinafter prescribed.

Section 2. Of the annual sum of \$500,000 not less than \$300,000 shall be allocated to the Reorganized School District of the City of Wilmington, and the remaining \$200,000 shall be allocated to other Reorganized School Districts in the State outside of the City of Wilmington, where a showing of significant need can be substantiated as determined by the State Board of Education. If any such funds shall not have been allocated to a Reorganized School District by August 1 of each

of the three school years, then the State Board of Education may further allocate such unallocated funds to such districts as shall have been approved for funding as hereinafter provided.

Section 3. In order to qualify for the funds herein provided, Reorganized School Districts shall (1) submit to the State Board of Education an application for such funds along with evidence covering the number of pupils in grades three through nine who are two or more years below grade achievement level as measured by a standardized achievement test which is generally acceptable in the education profession, (2) in addition, each Reorganized School District shall submit to the State Board of Education a plan describing how such funds shall be used beginning in grades three through nine, what innovative programs and teaching methods or techniques will be employed and what other educational services will be provided to reduce or eliminate the educational deficit.

Section 4. To be approved for funding by the State Board of Education the Reorganized School District plans shall provide that a sufficient number of control groups shall be established at each grade level to enable a more precise comparison of results of the experimental program with the prevailing program at the end of each of the three school years and at the end of the three year period for the total program.

Section 5. Wherever and whenever experimental programs are created, such experimental programs as well as their counterpart control units shall remain intact to the extent possible for the three school years hereinabove prescribed.

Section 6. The funds hereby appropriated and allocated shall only be used for experimental purposes in Reorganized School Districts in which it is certified by the State Board of Education that no less than 20% of the total pupil enrollment in grades three through nine are two years or more below grade achievement level as measured by standardized achievement tests which are generally acceptable in the education profession.

Section 7. Under no circumstances shall the funds hereby appropriated be used for capital expenditures or to absorb costs

of salaries or other expenses currently provided by Reorganized School District taxes used to supplement State funds, but shall be used during the prescribed three school years in addition to currently provided State and local funds, to implement the approved experimental programs, and such additional funds shall be separately accounted for in order that program evaluations may take into account the costs thereof as well as the educational results.

Section 8. Any new personnel employed to implement the experimental programs hereby funded or any new personnel employed to replace existing personnel transferred to the experimental program shall not be covered by the termination and tenure provisions of Chapter 14, Title 14 of the Delaware Code, during the prescribed three school years. If such personnel shall be subsequently employed on a permanent basis, they shall be entitled to credit for past service in the experimental program in accordance with Chapter 14, Title 14 of the Delaware Code.

Section 9. To be approved for funding by the State Board of Education the Reorganized School District experimental plans shall describe the evaluation method, which must include the requirements of Section 4 above, that will be used to measure pupil progress or effectiveness of the program. The results of the evaluation shall be reported at the end of each of the school years to the State Board of Education and shall become a matter of public record.

Section 10. The State Board of Education shall promulgate, publicize and implement such rules and regulations as it deems necessary to carry out the intent of this legislation.

Section 11. Any funds remaining unexpended on June 30, 1972, shall revert to the General Fund of the State.

Approved July 5, 1969.

CHAPTER 203

**AN ACT TO AMEND TITLE 7, DELAWARE CODE, § 2133,
RELATING TO THE TAKING OF OYSTERS FROM CER-
TAIN RIVERS AND THEIR TRIBUTARIES.**

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

Section 1. Amend Title 7, Delaware Code, § 2133, by striking the words "October first" and inserting in lieu thereof the words "September first".

Approved July 5, 1969.

CHAPTER 204

AN ACT TO AMEND SECTION 4401, CHAPTER 44, TITLE 21 OF THE DELAWARE CODE, RELATING TO ABANDONED VEHICLES BY, INCLUDING DISABLED VEHICLES.

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

Section 1. Amend § 4401, Chapter 44, Title 21, Delaware Code, by adding the following new subsections:

(c) as used in this subsection the term "abandoned vehicle" shall include vehicles which have become disabled from being involved in a collision and which are incapable of being removed from the scene of an accident except under tow.

Approved July 5, 1969.

CHAPTER 205

AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY ASSIGNING THE RESPONSIBILITY FOR PUBLIC EDUCATIONAL BROADCASTING TO THE STATE BOARD OF EDUCATION, CREATING A COMMITTEE TO REVIEW AND EVALUATE THE PROGRAM, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. Amend Delaware Code, Title 14, Chapter 43, entitled "Educational Television" by repealing said chapter in its entirety.

Section 2. Amend Delaware Code, Title 14, Chapter 1, Subchapter II by adding to said subchapter new Sections 132, 133 and 134 as follows:

§ 132. Responsibility for property of former Educational Television Board

The State Board of Education shall assume full responsibility for all of the property, rights, duties, and obligations of the Educational Television Board which was established on July 8, 1964 and repealed effective July 1, 1969.

§ 133. Educational television

(a) The State Board of Education shall be responsible for maintaining an educational television network designed primarily to serve in an appropriate manner the educational program of the public schools and the institutions of public higher education in Delaware. The State Board of Education may grant permission to use the broadcasting facilities to serve educational programs of Delaware State College, University of Delaware, Delaware Technical and Community College, Adult Vocational Education, and other programs in the public interest. There is hereby established a Higher Education ETV Advisory Committee to the State Board of Education, consisting of the

chief officers of each public institution of higher education or their designates. This committee would advise the Board on the allocation of network time and resources to serve the educational purposes of these institutions.

(b) The Board may contract with other State agencies for space, equipment, supplies and personnel and pay for the same.

(c) The Board may contract with other public or non-public agencies, institutions, organizations, or groups, to make its facilities available for a fee to be determined by the Board which shall not be less than the cost of the services and facilities provided. Any funds received in such manner shall be deposited to the General Fund of the State Treasury.

§ 134. Public Educational Broadcasting Authority

The State Board of Education is the authority for educational television, educational radio and other public and educational broadcasting within the State of Delaware.

§ 135. Educational Television Committee

There is established an Ad Hoc Educational Television Committee.

§ 136. Composition of the Committee

The membership of the Educational Television Committee shall include a designee from each of the following organizations:

- (1) Delaware School Boards Association ;
- (2) Delaware Association of Classroom Teachers ;
- (3) Department of Public Instruction ;
- (4) Delaware State Colege ;
- (5) University of Delaware ;
- (6) Delaware Technical and Community College ;
- (7) Channel 12, WHY Y ;
- (8) Salesianum High School Educational Television ;
- (9) Delaware Educational Television Association ;
- (10) a member of the House of Representatives appointed by the Speaker ;
- (11) a member of the Senate appointed by the President Pro Tem ;
- (12) the Chairman of the Joint Finance Committee.

§ 137. Committee responsibility

It shall be the responsibility of this committee to conduct a comprehensive evaluation of Delaware Educational Television to date and to assess its future potential as a tool of instructional education. Specifically, the responsibilities of the committee shall include, but shall not be limited to:

(a) an evaluation of educational television's past performance;

(b) an evaluation of proposed programming for the school year 1969-70, including utilization of educational television by Delaware Technical and Community College and the University of Delaware, from the standpoint of:

- (1) instructional objectives
- (2) content
- (3) supplemental benefits
- (4) scheduling in utilization

(c) an evaluation of the programs produced by the Delaware Educational Television Resources Center, and a re-examination of the proposed production schedule for Fiscal Year 1970 in relation to:

- (1) content and objective
- (2) quality
- (3) cost

(d) a re-examination of alternative methods of transmission to determine the most economical method of serving a broad spectrum of needs throughout the state, such as:

- (1) public classroom education
- (2) higher education, classroom and extension courses
- (3) professional and community specialized education.

§ 138. Committee report

Said committee shall report to the Governor and the General Assembly no later than January 1, 1970.

§ 139. Appropriation

There is hereby appropriated to the committee the sum of \$5,000 for use in conducting this study.

§ 140. Powers of the Committee

The committees or any duly authorized subcommittee thereof is authorized to hold such hearings as necessary, to employ the necessary clerical aides, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, documents as necessary to administer oaths, to take testimony, and to make expenditures as it deems advisable.

§ 141. Termination of the Committee

Sections 135 through 141 of this Title are repealed as of June 30, 1970, and the committee established by Section 135 of this Title is abolished June 30, 1970.

Section 3. There is hereby appropriated to the State Board of Education an amount of \$1,120,000.00 for the operation of the educational television network in accordance with the purposes of this Act for the period beginning July 1, 1969 and ending June 30, 1970. Thereafter an amount for said operation shall be included as a line item in the budget of the Board.

Section 4. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund not otherwise appropriated.

Section 5. Any part of the sum herein appropriated not expended by June 30, 1970 shall revert to the General Fund of the State Treasury.

Section 6. The effective date of this Act shall be July 1, 1969.

Approved July 7, 1969.

CHAPTER 206

AN ACT TO AMEND DELAWARE CODE, TITLE 14, RELATIVE TO TUITION CHARGES IN ORDER TO PLACE COMPUTATION AND PAYMENT OF TUITION IN THE SAME FISCAL YEAR.

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

Section 1. Amend Delaware Code, Title 14, Chapter 6, § 602, Par. (b) by deleting all of that paragraph beginning with the designation (3) and inserting in lieu thereof the following:

(3) any other educational purpose for which local taxes are to be used in the current school year. The cost shall include only the cost for the regular school term for such grades and programs as are authorized in the local district. The sum so obtained shall be divided by the total number of pupils in the authorized program and grades and attending all public schools in the receiving district as of September 30 of the current school year. The cost for the current year may be estimated cost and shall include an amount, added or subtracted from the estimate, which amount will represent the difference between the estimated and the actual costs of the tuition charges for the same purpose in the previous year. The resulting figure shall represent the amount of tuition charge per pupil in the current year. In Fiscal Year 1970 or later as described in § 605 the receiving district may include tuition charges for the previous year and the current year.

Section 2. Amend Delaware Code, Title 14, Chapter 6, § 602, Par. (d) by deleting the first sentence of that paragraph and substituting in lieu thereof the following:

(d) For each pupil attending a public school of another district as of September 30, the receiving district shall bill the sending district, and the sending district shall pay tuition charges per pupil on or before April 1 of the school year in which the bill is submitted to the sending district for payment.

Section 3. Amend Delaware Code, Title 14, Chapter 6, § 602, Par. (e) by adding at the end of said paragraph the following sentence:

The sending district shall estimate the amount of the tax and determine the rate for said tax and levy the tax upon the estimate at the time that regular tax levies are announced to the appropriate taxing authorities, and the levy shall be adjusted annually to correct errors in the estimate as provided for in Par. (b) of this Section.

Section 4. Amend Delaware Code, Title 14, Chapter 6, § 604, Par. (b) as follows:

1. Following the Fig. (1) in said paragraph, delete the words, "the previous year's", and insert in lieu thereof the words, "the current year estimated."

2. Following the Fig. (2) in said paragraph, delete the words, "were used for the previous", and insert in lieu thereof the words, "are to be used in the current."

Section 5. Amend Delaware Code, Title 14, Chapter 6, by adding a new Section 605 as follows:

§ 605. Computation, billing and collection in a current school year

This Act is to become effective for computation and collection of tuition in a current school year for the school year beginning September, 1969, to the extent that the then currently levied taxes will allow; and, for the levying of an estimated tax for the levies announced for the period beginning July 1, 1970 with that levy to include necessary adjustments for the 1969-70 school year, except that if the Act becomes law after September 30, 1969, then the estimated tax levy shall be for the period beginning July 1, 1970 and the computation and collection of tuitions as herein described in Paragraph (b) shall be effective for the school year beginning in September, 1970.

Approved July 7, 1969.

CHAPTER 207

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY ADDING A NEW CHAPTER THERETO ESTABLISHING A STATE CENTRAL DATA PROCESSING DIVISION; NAMING THE GOVERNING AUTHORITY OF SUCH DIVISION AND ESTABLISHING THEIR POWERS AND DUTIES; PROVIDING FOR THE EMPLOYMENT OF A DIRECTOR OF SUCH DIVISION AND ESTABLISHING HIS POWERS AND DUTIES; PROVIDING FOR THE EMPLOYMENT OF PERSONNEL OF THE DIVISION, INCLUDING TECHNICAL EMPLOYEES, AND FOR OTHER RELATED PURPOSES.

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

Section 1. Title 29, Delaware Code, is hereby amended by adding a new chapter thereto to be designated as Chapter 66 and to read as follows:

**CHAPTER 66. STATE CENTRAL DATA
PROCESSING DIVISION**

§ 6601. Preamble; establishment of State Central Data Processing Division

The General Assembly hereby recognizes that in order for the State of Delaware to receive the maximum use and benefit from data processing, computer and telecommunications equipment now in operation, or which will in the future be placed in operation, there should be full cooperation and cohesive planning and effort by and between the several state agencies and that it is the responsibility of the said General Assembly to provide statutory authority therefor. The General Assembly, therefore, declares and determines that for these and other related purposes there is hereby established, under the Budget Director, a division of state government to be known as the State Central Data Processing Division; and for the purposes of this Act the term "division" shall be construed to mean "State Central Data Processing Division".

§ 6602. Director; duties

The Budget Director shall select a director, who shall be the administrative officer of the division and shall perform such duties as are required of him by law, and such other duties as may be assigned him by the Budget Director. The director shall offer such professional or technical advice and assistance to the Budget Director as may be required of him.

§ 6603. Director; powers; acquiring equipment

The director is hereby empowered and directed to make continuing and special studies of all facets of data processing, computer and computer-related telecommunications concepts in state government, or systems that may have been or will be installed or are proposed to be installed, and all matters pertaining thereto, including approval or disapproval of systems installed or to be installed, or of changes or additions in or to equipment in any or all of the various state agencies, regardless of the method or source of funding.

No data processing, computer, or computer-related telecommunications equipment may be purchased, leased, rented or otherwise acquired by any state agency, department or institution without prior written approval of the Director of the division or by appeal from the Director's decisions to the Budget Director and his favorable decision thereon. Such approval shall not be made unless said Director has received complete details, including rental costs, detailed machine and equipment specifications, programs to be processed and any other data which he may require. All such data and pertinent programming information shall be furnished to the director at least ninety (90) days prior to the executing of any purchase, lease or rental contract. Furthermore, no purchase, lease or rental contracts in existence upon the date this act becomes effective shall continue in existence for a period of more than twelve (12) months from the date of such passage.

It shall be the duty of the Director to suggest and cause to be brought about cooperation between the several state agencies, departments and institutions in order that work requiring same may be done by one agency for another agency, and equipment and/or technical personnel in one agency may be made available to another agency, and to suggest and cause to be

brought about such improvements as may be necessary in joint or cooperative data processing operations. The Director, with the consent of the Budget Director, is authorized to purchase, lease or rent data processing equipment in the name of the division and to operate said equipment in providing services to one or more state agencies, departments and institutions. When in the opinion of the Budget Director better and more efficient data processing services can be performed, the Director may enter into lease or purchase agreements with state agencies in the acquiring or the use of any data processing equipment and use such equipment in a consolidated or cooperative program. In the event the division shall become a cooperative or consolidated data processing operating agency, the cost of such operation shall be prorated among the state agencies utilizing the data processing services provided thereby. The Director shall be required to decide on the number of data processing centers, including the size of each, and shall be empowered to pick the site or sites for said centers and the controlling agency.

Any consolidated or cooperative plan approved by the Director shall be carried out in accordance with the provisions of such plan. The director shall be the referee in all matters pertaining to the Division of cost of data processing operations between the several agencies, although his findings may be subject to the approval of the Budget Director in his discretion, on appeal to him. The director of the division shall maintain as a paramount consideration at all times, however, the successful internal organization and duties of the several agencies so that efficiency existing herein shall not be adversely affected or impaired by such decisions as are made. It is hereby declared to be the intent of the General Assembly that the director of the division shall be the final clearing agent for all matters pertaining to the purchase, lease, rent, or other method of acquisition of all data processing, computer and computer-related telecommunications systems installed or about to be installed, added to or changed within the several agencies of the State of Delaware except upon appeal to the Budget Director as herein provided. No authorization shall be given for the expenditure of any general or special funds for the cost of any data processing equipment or services which are incurred in violation of this Act.

§ 6604. Appeals to Budget Director

The Budget Director with subsequent approval of the Budget Commission shall act upon all appeals of decisions made by the Director thereof and shall upon such appeals, approve or disapprove such administrative actions as may be taken by the Director. The form of an appeal to the Budget Director from an action or recommendation of the Director thereof shall be a written communication from the executive head of the agency or agencies involved to the Budget Director, stating the objection, and a request to appear before the Budget Director to present the case in point, on which appeal the Budget Director shall take such action as is indicated by the facts presented to or made available to him and shall request concurrence of the Budget Commission with such action.

§ 6605. Rules and regulations; promulgation by Budget Director

The Budget Director shall promulgate such reasonable rules and regulations as shall be necessary and proper to carry out the provisions of this Act and of such other acts, the administration of which shall be vested with the Director, but no such rule or regulation shall be in conflict with any applicable statute.

The Director shall be required to establish standards for operation of all data processing installations and to place said operation under the periodic review in order to assess the performance thereof. Recommended changes shall be suggested to the controlling agency and if compliance is not forthcoming, the Director shall be empowered to direct that such recommendations be implemented. The above review will cover organization and staffing as well as operations.

§ 6606. Personnel; expenditures

The Director upon appointment shall submit the desired central organization and the required technical and clerical personnel to staff the central office. The director is charged with the responsibility for justification of all data processing expenditures and request for same to the Governor and General

Assembly utilizing assistance from the individual centers as he deems necessary.

§ 6607. Severability

If any paragraph, sentence, clause, phrase, or work of this Act shall for any reason be held unconstitutional, such holding of unconstitutionality shall not affect any of the remaining portions of this Act.

Section 2. This Act shall take effect upon approval of the Governor.

Approved July 7, 1969.

CHAPTER 208

AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, RELATING TO INGRESS AND TO EGRESS FROM PUBLIC BUILDINGS.

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding thereto a new "Section 852" to read as follows:

§ 852. Ingress to and egress from public buildings

Whoever unlawfully shall prevent, or attempt to prevent ingress to or egress from any public building in the State of Delaware shall be guilty of a misdemeanor and fined not less than \$100 nor more than \$1,000, or imprisoned not more than 6 months, or both, except that this section shall not apply to lawful picketing or to picketing for any lawful union objective.

Approved July 7, 1969.

CHAPTER 209

AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY.

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. The inhabitants of the said City of Delaware City are hereby constituted and continued a corporation or body politic under the name and style of "The Mayor and Council of Delaware City" with power to govern themselves by such ordinances, resolutions, rules and regulations for municipal purposes as they may deem proper, not to conflict with this act, nor with the constitution and laws of the State or of the United States. The said Corporation shall be vested with all the powers, rights, privileges, franchises and immunities heretofore belonging to "The Mayor and Council of Delaware City" as a municipal corporation, and shall have all the privileges and franchises incident to a corporation or body politic. The City shall have and exercise all express and implied powers and authority of local self-government and home-rule, which, under the Delaware Constitution, it would be competent for the General Assembly to grant to the City by specific enumeration and which are not denied by general statute. Any enumeration of particular powers in this Charter shall not be deemed to be exclusive. All laws, ordinances, resolutions, rules and regulations for municipal purposes now in force within said City, not inconsistent with, nor modified or repealed by the provision of this act, shall continue in force until repealed, rescinded or changed by proper authority.

Section 2. The City of Delaware City shall be bounded as follows: BEGINNING at low water mark in the Delaware River, at the entrance of the Delaware and Chesapeake Canal; thence along the Southeast side of said Canal to the main drain passing under said Canal; thence with the Northeast side of said drain to the Dragon Creek; thence with the said Northeast side of said Dragon Creek to the South side of the Road leading from Delaware City to St. Georges; thence along said South

side of said Road to the intersection of said South side of said road with the Southeast side of Clinton Street, extended; thence along the said Southeast side of said Clinton Street, extended, Northeasterly to a point Two Hundred feet Southwesterly from the intersection of the Southeasterly side of Clinton Street with the Southwesterly side of Fifth Street; thence along a line a right angles to said Southeast side of Clinton Street, extended, to the Southeast side of the North drain; thence with the Southeast side of said North drain to the bridge on the public road leading from Delaware City to Clark's Corner; thence by and with the Northeast side of said Public Road, to its intersection with the Northwest boundary of the land of William D. Clarke's estate; thence with the Northwest boundary of said land to low water mark in the Delaware River; and thence by and with the low water mark in said River to the place of BEGINNING.

PROVIDED, HOWEVER, that the jurisdiction of said City shall extend over all wharves, docks, piers and other constructions in the Delaware River adjoining the limits of said City and for One Hundred yards in the same river beyond such wharves, docks, piers and other construction.

Section. 3. The said corporation shall have the power to annex any additional contiguous territory upon the petition of three-fourths of the freeholders owning said territory, each such freeholder being entitled to one vote irrespective of the number of parcels owned or the acreage contained therein; and said corporation may extend and apply to such additional territory all laws, ordinances, resolutions, rules and regulations in force within said City, so far as they may be locally applicable. Before any additional territory shall be annexed to said City, the Council shall pass a resolution describing and defining accurately the territory proposed to be annexed, and shall give notice that the petition for such annexation has been presented by causing copies of said resolution to be posted in at least five public places in said City; and within sixty days thereafter, if sufficient cause to the contrary be not shown to the Council, it may by ordinance, four-fifths of all the members concurring therein, annex to said City the territory described and defined in said resolution, and such territory shall thereupon become a part of said City.

Section 4. The said corporation shall also have power:

To make and use a corporate seal and to change, alter and renew the same at pleasure;

To sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or in any other place whatsoever;

To have, take, purchase, possess, enjoy and retain, by lawful means, to it and its successors, within said City or beyond the limits thereof, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature and quality soever, necessary for municipal purposes and the same to sell, grant, demise, alien or dispose of at pleasure; except that before any real property with a total market value of \$10,000 or more including the fixtures and appurtenances thereon shall be sold, granted, demised, alienated, or disposed of, or before any such property shall be franchised, leased or rented, the approval of the majority of the votes cast in a referendum held in the manner provided hereinafter in Section 14 shall be required;

To receive devises, bequests, gifts and donations of all kinds of property within said City and beyond the limits thereof for its own use and benefit, or in trust for charitable, benevolent, educational or other public purposes, and do all that is necessary to carry out the purposes of such devises, bequests, gifts and donations;

To acquire or erect and maintain public buildings for municipal purposes and to regulate and control the management of the same;

To lay out, establish, maintain or vacate public parks and squares; to lay out, open, grade, extend, widen, improve or vacate streets and alleys, crossings, and other highways; to construct, maintain or vacate sewers, drains, gutters and other works for the disposition of sewerage and the drainage of said City; the jurisdiction and control over the squares, streets and alleys, sidewalks, crossings and other highways, to extend from building line to building line;

To provide for supplying said City and its inhabitants as well as persons or companies or corporations in adjacent but not necessarily contiguous areas with water, and for the protection of the water to be used from contamination; to provide for the acquisition or erection and maintenance of such works

as may be necessary or convenient for supplying water and to fix, alter, regulate and control the price and use of water so supplied;

To provide for lighting the streets and all public places in said City, and for supplying the inhabitants thereof with light; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying such light, and to fix, alter, regulate and control the price and use of light so supplied;

To fix, alter, establish and determine the lines beyond which no wharf, dock, or pier or other construction shall be placed, constructed or maintained in the river fronting on said City;

To grant to persons or corporations, in such manner and upon such terms and conditions as it may prescribe, franchises and privileges to locate, construct, extend and operate any enterprise in, upon or through any public park, square, street or other highway; provided that such grant shall be subject to the right to repeal and revoke the same for the abuse, misuse or non-use of the franchises and privileges granted; and provide further that no ordinance granting any such franchise or privilege shall be passed unless it shall receive the affirmative votes of two-thirds of all the members of the Council;

To regulate and control the storage, within said City, of gunpowder, or any other dangerously combustible matter and any explosive oils or compounds; to grant licenses or permits for any lawful purpose and to define the purposes for which said licenses or permits shall be required;

To make and enforce sanitary regulations; to define, abate and remove nuisances injurious to the public health or dangerous to the inhabitants of said City; and to prevent the introduction of infectious or contagious diseases; for which purposes its jurisdiction shall extend to any distance within one mile of the limits of said City;

To regulate and control the erection of buildings within said City and to require licenses or permits to be taken out before erection or repair of any buildings, including the establishment of zoning ordinances;

To prohibit the going at large of any horse, cow or other animal, except under regulations prescribed by it; to lay and collect fines on the owner or harbinger of any horse, cow or other

animal found going at large in violation of such regulations; and to provide for the registration of dogs in said City;

To make and enforce within said City such fire, police and other regulations as are deemed expedient to protect persons and property, maintain the public peace, prevent crimes and promote the public morals;

To destroy or cause to be removed dwelling houses or other structures deemed by the Mayor and Council to be unsafe for public or private use or habitation due to fire hazard, structural weakness, or conditions dangerous to public health; the cost thereof to be entered in the regular tax book of said City against the name of the owner or owners of said property as soon as determined and to become a lien against the land on which said dwelling or structure was erected from the date of entry, and shall be collected in the same manner as hereinafter provided for the collection of taxes within the City;

To make general assessments of property in said City and assess and collect taxes and other rates and charges thereon for municipal uses and purposes; to make and collect special assessment on said property for the cost of any local or general improvement; and to enforce the payment of such taxes and other rates and charges and special assessments;

To borrow money for municipal purposes on the credit of the corporation and to issue bonds therefor in the manner and under the restrictions hereinafter provided, except that the Mayor and Council may borrow up to \$10,000.00 of total outstanding debt on the credit of the corporation without referendum;

To provide for the payment of legitimate expenses of the corporation, and for the annual payment, through the medium of a sinking fund or otherwise, of a portion of its bonded indebtedness, now existing or hereafter to be created;

To prescribe the extent of steps, porches, cellar doors and other outlets to buildings; to regulate the construction and repair of chimneys; and to regulate party walls;

To provide for the submission of questions relating to the corporation to the qualified voters of said City as hereinafter provided;

To make the violation of its ordinances as misdemeanor in all proper cases, and to prescribe the punishment therefor by

fine or imprisonment; provided that such fine shall not exceed One Hundred Dollars and such imprisonment a term of thirty days, excepting cases involving the violation of the motor vehicle code in the City, where the Council of the Mayor and Council may enact ordinances providing penalties to those provided under State Law;

To exercise all municipal powers necessary to the proper administration of the municipal government; and for the well being of the inhabitants of said City, whether such powers be expressly enumerated herein or not.

Section 5. There shall be one executive officer, called the Mayor, five members of the Council, one Assessor, one Treasurer, and such other officers as the Council, by ordinance, may create and appoint. The Treasurer shall be appointed by the Mayor, subject to approval of four members of Council, at the first regular meeting of the Council following the Annual Election in April of each year, and before entering upon the duties of his office shall give bond to the Corporation in such amount as shall be determined by the Council, and with surety, to be approved by the Mayor, conditioned for the faithful performance of the duties of his offices, and with a warrant of attorney for the confession of judgment thereto annexed. The Treasurer shall prepare such reports as the Council may require of him. The Council may, by ordinance, require such other officers or employees of the City to give bond in such manner and with such conditions as it may deem proper.

No resident may be elected or continue to serve in any public office of the City who has been convicted of a felony or a crime of moral turpitude. The above provision does not apply to temporary employees. If any public officer shall be so convicted while in office, the Council of the Mayor and Council shall declare that office vacant and appoint a qualified resident of the City to serve in that office until the next municipal election as provided in Section 8.

Section 6. No person shall be eligible to office who is not, at his election, a citizen of the State, and a resident of the City for at least one year. The Mayor must have resided in the City two years next before his election and be a non-delinquent taxpayer.

A member of Council must have resided in the City two years next before his election and be a non-delinquent taxpayer.

Every officer of said City, before he enters upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Delaware, and that he will perform the duties of the office to which he has been appointed or elected, with fidelity.

Section 7. The salaries, fees or compensation of the officers and members of Council shall be established by ordinance; but no salary, fee or emolument of any officer shall be increased or reduced, for and during the period of service for which he may have been elected or appointed. No ordinance establishing the salaries, fees, or emoluments of any elective office shall take effect previous to the general municipal election then next ensuing, and unless notice thereof shall be posted, at least two weeks before said election, in at least five public places in said City.

Section 8. In case of death, removal from the City, resignation, or refusal to act, of any elective officer of said City, or in case any person elected or appointed to any office in said City, shall be ineligible to the same, or shall fail to give bond for the faithful performance of the duties of such office (when such bond is required by law or ordinance) before the time fixed for entering upon the duties of his office, such office shall thereupon be vacant, and the Council shall make temporary appointments to supply such vacancy until the same can be filled at the next general municipal election. An officer elected to fill a vacancy shall hold for the residue of the term of the officer whose place he supplies.

Section 9. The Mayor and Council of said City shall continue to hold office during the respective terms for which they were elected or until their successors have been duly chosen and qualified. On the first Tuesday in April, A.D., 1945, and on the first Tuesday in April every two years thereafter, the Mayor and two members of Council shall be elected to hold office for the term of two years or until their successors have been duly chosen and qualified. On the first Tuesday in April, A.D., 1946, and on the first Tuesday in April every two years thereafter, three

members of Council shall be elected to hold office for the term of two years or until their successors have been duly chosen and qualified.

Section 10. The general municipal election shall be held in the City Hall or some suitable building in said City designated by the Mayor and Council on the first Tuesday in April of each and every year from one o'clock until eight o'clock in the evening. All persons desiring to be candidates at any municipal election shall file with the Secretary of the Council a written statement of their candidacy, at least fifteen days prior to said election, and a vote cast for any person whose candidacy has not been filed, shall not be counted. The Secretary of the Council is authorized to accept a withdrawal notice signed by the candidate up until five days before the said municipal election. The Mayor shall, at least twenty days before any general election, give notice of such election, together with the officers to be elected thereat, by posting notices in five or more public places in said City. There shall be an inspector and two judges, which judges shall also act as clerks at such election, elected by the Council. At such election every citizen of said City, who shall have attained the age of twenty-one years and shall have resided in said City for six months next preceding the day of election shall have the right to vote. The inspector and judges of the election shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be counted in public, and the persons having the highest number of votes shall be declared duly elected and shall continue in office during the term for which they were chosen, or until their successors are duly chosen and qualified. Immediately after such election, the persons under whose superintendance the election is held, shall enter in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen Mayor and Members of Council, and shall subscribe the same and give the persons so elected, certificates of their election. The book containing such minutes shall be kept and preserved by the Council. All elections shall be by voting machine and a plurality of votes cast shall make a choice. A failure to hold an election, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until their successors are

chosen. Any qualified voter under this Charter can bring an action in any competent court in the State of Delaware to compel the Mayor and Council to cause such an election to be held, at which election the Mayor and all Members of Council shall be elected; those receiving the highest number of votes receiving the longer terms and those receiving a lesser number of votes receiving the shorter term, until all offices are filled.

In the event an election is not contested, it shall and may be lawful to open the polls at one o'clock P.M. and close them at two o'clock P.M.

Section 11. (a) It shall be the duty of the Mayor to preside at all meetings of Council and to see that the laws and ordinances of the said City are faithfully executed. He shall have the custody of the seal of the Corporation and the right of affixing the same. He shall approve, or veto, all ordinances, acts or resolutions of the Council. If approved, shall write "approved"; if not approved, shall write "not approved", and shall sign the same; at the same time, in writing, he shall state his objections; whereupon the Council may reconsider its vote, and if four-fifths of all the member elected to Council favor such ordinance, act or resolutions, such ordinance, act or resolution shall become a part of the ordinances, acts and resolutions of said City.

He shall countersign all drafts on the Treasurer, with approval or non-approval, if not approved, the Treasurer must not pay such drafts. The Mayor shall also have power to administer oath and affirmation.

(b) The Mayor is hereby constituted a conservator of the peace, within the City, and is authorized and empowered to exercise, within said City, all the authority which a Justice of the Peace may exercise under the laws of this State, with power to commit persons guilty of a breach of the peace to the New Castle County Workhouse, or to such place as may, for that purpose, be provided by said City. He make take recognizance for—keeping the peace, for being of good behaviour or for appearance, or otherwise. The Mayor shall have jurisdiction for all offenses which shall be committed within said City against any of the laws of the State, laws, ordinances, regulations or constitution of said City which are or may hereinafter be prescribed. Provided, he shall not impose any fine exceeding One

Hundred Dollars, and/or imprisonment of thirty days, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act or the rules and regulations adopted for the government of said City by proper authority, excepting cases involving the violation of the Motor Vehicle Code in the City, where the Mayor is empowered to impose the same fines and penalties exercised by a Justice of the Peace in accordance with the laws of the State of Delaware. It shall be the duty of the Mayor to keep a book of record or docket in which all judicial proceedings before him shall be entered, and he shall upon the expiration of his term of office deliver over to his successor such book of record or docket within ten days after the election and qualification of such successor. Prosecution before the Mayor shall be by information without indictment by Grand Jury or trial by Petit Jury. Process issued by the Mayor may be directed to any County constable or to the sheriff of any County who shall execute the same in like manner, and be subject to the same penalties as in other cases. Appeals of any verdict by the Mayor must be directed to the Superior Court of the State of Delaware.

If the Mayor elects not to serve in the capacity of Justice of the Peace, he may appoint an Alderman, or Aldermen, to serve in this capacity, subject to approval of four members of Council. Said Alderman, or Aldermen, may be removed from office by the Mayor subject to approval of four members of Council. Any Magistrate or Justice of the Peace serving the State of Delaware may be designated to also serve as Alderman for the City, with appeal of any verdict directed only to the Superior Court of the State of Delaware. Before appointment of any person to the position of Alderman, his ability and qualifications to act in this capacity must be approved by the Resident Judge of the Superior Court for New Castle County. All costs associated with this certification shall be paid to the Resident Judge out of City funds. Likewise, no Mayor may serve in the capacity of justice of the Peace until his ability to serve is likewise certified. In the event that the Mayor or an Alderman cannot be so certified, the members of the Delaware City Police Department are directed to take all violators to the nearest available magistrate who is authorized to serve in the capacity of Alderman until the Mayor and Council appoint a qualified person. All costs for serving in the capacity of Alderman shall revert to the personal account

of the Alderman and these costs shall be the same as for any magistrate or Justice of the Peace of the State of Delaware.

The Mayor shall have sole jurisdiction and authority over the neglects, omissions, or defaults of the City Police, including the authority to appoint persons to positions as members of the Police Department subject to the approval of four members of the Council. Any person convicted of a felony or a crime involving moral turpitude may not be appointed to or continue to serve as a member of the Police Department.

The Mayor, members of Council, and members of the Police Department may pursue beyond the limits of said City, with or without warrants, any violators of the laws of the State of Delaware and/or the ordinances of said City, and arrest any such persons, and bring them back to said City for trial, or take them before any Magistrate or Justice of the Peace, that they may be dealt with according to law. In case of necessity, he may command the aid of any citizen or citizens.

(c) At the time of employment of any new permanent employee, the Mayor and Council shall adopt a resolution establishing the period of service required for that employee to gain tenure in his position of employment. Employees of the City at the enactment of this Charter shall be deemed to have such tenure. Upon the completion of such period of service, the employee shall have tenure and shall not be dismissed except upon the approval of the Mayor and four members of Council, or upon approval of five members of Council without the Mayor, after a hearing at any regular or special meeting of the Mayor and Council, at which meeting the employee may be present and be represented by counsel. However, the authority to suspend any employee pending this hearing before Council shall exist. The Mayor shall have authority of suspension over all employees appointed by him, the Councilmen appointed to head the various City departments shall have such authority over the employees of their Departments, and the Treasurer shall have such authority over all clerical employees. The official having the authority to suspend employees as heretofore set out shall have the power to make such suspension with or without pay at their discretion, but if the employee is not dismissed after the hearing as above provided he shall receive any back-pay he might have been denied during a period of suspension.

(d) In addition to the authority as heretofore provided, the Mayor shall also have authority to appoint an Assessor at the first meeting in January of each year, subject to the approval of four members of Council, who shall be a legally qualified voter of said City, and who shall before entering upon the duties of his office be duly qualified by oath or affirmation to perform the duties of his office to the best of his knowledge, and without favor or partiality. The said assessor shall on or before the second Tuesday in May make a true, just and impartial valuation and assessment of all the real estate within said City, locating each parcel of real property by the street and square, and also an assessment of all the residents in said City above the age of twenty-one years, as well those owning as those not owning real property within said City. The said assessor shall on the second Tuesday in May deliver to the Council a typewritten copy containing the names of all persons assessed and the amount of their assessments, distinguishing the real and personal assessment of each, and shall upon the said second Tuesday in May hang a typewritten duplicate of such assessment in the postoffice, or such other place as the Council, shall, by ordinance, designate, there to remain for the space of two weeks for public information. And the said Council shall on the fourth Tuesday in May hold a court of appeals which shall continue open from seven o'clock P.M. until nine o'clock, P.M., when it shall hear and determine appeals from said assessment. Notice of the hanging up of the assessment list and also of the time and place of hearing appeals shall be given by notices posted by the assessor in at least five public places in said city. The decision of the Council upon any appeal shall be final and conclusive. No member of Council shall sit upon his or her own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by said Council, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed, in just and reasonable proportions and rates.

Section 12. (a) The regular meetings of the Council shall be held on the second Monday of each month. At the first regular meeting in April the Council shall choose a Secretary who may be removed at any time for any cause deemed sufficient by a

majority of said Council. It shall be the duty of the said Secretary to record all the proceedings of Council and keep a correct journal of the same in a book or books, to be provided for that purpose and also the papers relative and belonging to said City, all of which are to be carefully preserved and delivered to his successor in office. His compensation shall be fixed by the Council. No ordinance, except in cases of emergency, shall be passed by the Council except at a regular meeting and unless such ordinance has been introduced at some previous regular meeting and copies of the proposed ordinance posted in three public places in said City at least ten days before final action of the Council thereon.

(b) The said Council after having ascertained the sum necessary to be raised and having apportioned the same on the assessment and valuation aforesaid, shall on the first day of July of each year, furnish the Treasurer of said City, who shall be the collector of taxes for said City with a duplicate containing the names of the taxables, as well as the owners of real estate, as those not owning real estate, distinguishing between them, and also the tax levied on each person and also the tax on the whole valuation and assessment at the rate per hundred dollars. The said duplicate shall have a warrant annexed thereto and shall be signed by the Mayor and a majority of the members of the Council.

All taxes shall be paid at the Town Hall during the regular business hours. On all taxes paid before the first day of October, there shall be an abatement of five per centum; on all taxes paid after the first day of October and before the first day of January, there shall be no abatement; and on all taxes paid after the first day of January, there shall be added interest at the rate of one per cent per month until payment is made. The Treasurer shall apply all monies received by him on account of taxes in payment of the oldest taxes due.

The salary of the said Treasurer shall be established by resolution of the Mayor and Council.

If any person is taxed for several parcels of real estate, or for capitation and real estate in the same tax, the whole of such person's taxes may be collected either out of the real estate, or any part thereof; provided that no land alienated shall be sold, if the person taxed has other sufficient property.

(c) The Treasurer may recover the amount of tax in an action of debt against the person taxed, before an Alderman appointed under this Charter, any Justice of the Peace in New Castle County, or before the Court of Common Pleas 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 or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil action.

If judgment be rendered in favor of the Treasurer, the Mayor and Council shall have an allowance for the additional expense in attending to the suit, including counsel fees, and the amount of taxes plus accrued interest, to be taxed by the Court in the costs, and execution shall issue against the real estate of the defendant; provided no execution against the real estate shall issue except out of the Superior Court of New Castle County. Where such judgment is recovered before an Alderman, Justice of the Peace, or Court of Common Pleas, and it is the desire of the Treasurer to proceed against the real estate of the defendant, the said Treasurer shall take a transcript of the judgment from the Alderman, Justice of the Peace, or Court of Common Pleas and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment as aforesaid shall be deemed to relate back and take effect from the date of the Treasurer's duplicate as aforesaid.

(d) That in addition to all existing methods and authority for the collection of taxes or special assessments due to "The Mayor and Council of Delaware City", the following methods and authority are hereby established:

"The Mayor and Council of Delaware City" may file, or cause to be filed a Praeceptum 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, and a copy of the bills showing the amount of taxes or assessment due and the property against which the assessment was laid; and the statement of the lot number or numbers of the particular section in which said property is located shall be sufficient identification

and description of the said property. The Prothonotary shall make a record of the same on the judgment records of said Superior Court against the property mentioned or described in said Praeceptum. Thereafter upon a Praeceptum for Monition filed in the office of the said Prothonotary by "The Mayor and Council of Delaware City" through any person authorized on its behalf to collect taxes and assessments due "The Mayor and Council of Delaware City", a Monition shall be issued by the Prothonotary aforesaid 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 year or years thereof, together with a brief description of the property upon which said taxes or assessments are a lien, a description of such property by street and number or by number or numbers of the particular section in which said property is located shall be sufficient description. Said Monition shall be substantially in 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 and assessments stated herein is paid within twenty days, after the date hereof, or within such period of twenty 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 tax bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary of New Castle County, "The Mayor and Council of Delaware City" may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated:

Name of the person in whose name property is assessed.

Description of property.

Year or Years.

Said Monition, or a copy thereof, shall be posted by the Sheriff upon some common place or part of the property against which said judgment for the taxes or assessments is a lien, and a copy of said Monition shall be left, in the presence of an adult person, at the usual place of abode within New Castle County of the person in whose name the property is assessed. If the person in whose name the property is assessed is a corporation, a copy of said Monition shall be left, in the presence of an adult

person, at its principal place of business in New Castle County. If the said person does not reside in New Castle County, or if said corporation has no place of business in New Castle County, a copy of said Monition shall be mailed in a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation. The Sheriff shall make due and proper return of his proceedings under said Monition to said Prothonotary within ten days after leaving of said copy of Monition as aforesaid or the mailing of said copy of Monition as aforesaid.

Alias or pluries Monition may issue upon like Praeceptum. The posting of said Monition and the leaving or mailing of said copy as herein required shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty days next following the return of the Sheriff upon such Monition, unless before the expiration of said twenty days the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date therefor prior to the filing of said lien for record in the Office of the Prothonotary as aforesaid, upon application in writing by "The Mayor and Council of Delaware City", through its Attorney, or any other person authorized in its behalf to collect taxes or assessments due to the "The Mayor and Council of Delaware City", a writ of Venditioni Exponas shall issue out of the Office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writ of Venditioni Exponas issued out of the Superior Court.

Said writ shall be substantially in the following form:

New Castle County. }
 State of Delaware. } SS.

TO THE SHERIFF OF NEW CASTLE COUNTY,
 GREETINGS:

WHEREAS, by a Monition issued out of the Superior Court, dated at Wilmington, the day of

..... A.D. 19...., IT WAS COMMANDED, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after service of a copy of said monition as hereafter stated. That on the..... day of A.D. 19..., you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the day of A.D. 19...., and that a copy of the said Monition was left, in the presence of an adult person, at the usual place of abode within New Castle County of the person in whose name the property is assessed, on the..... day of A.D. 19...., (Or that a copy of said Monition was left, in the presence of an adult person, at the principal place of business in New Castle County of the corporation in whose name the property is assessed, on the..... day of A.D. 19...., or that since said person or corporation does not reside in New Castle County or has no place of business in New Castle County, a copy of said Monition was mailed in a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation, 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 follow:

and that you cause to be made as well a certain debt of Dollars (\$.....) lawful money of the United States, which to the said "The Mayor and Council of Delaware City", a Municipal Corporation of the State of Delaware, is due and owing, as also the sum of Dollars (\$.....), lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said was convicted as it appear 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 "The Mayor and

Council of Delaware City", 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

(e) 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 the said property was assessed, and/or all right, title and interest of the person or persons who are the owner or owners thereof, and likewise freed and discharged from any dower or courtesy or statutory right, in the nature of a dower or courtesy, whether absolute or inchoate, in or to said real estate, and from all equity of redemption and liens and encumbrances held by persons and corporations against said property.

(f) The owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within one year from the day of the sale thereof, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen per cent in addition thereof, 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 Delaware City, by paying said amount into said Court for the use of said purchasers, his legal representatives or assigns.

In the event that the owner of said property or his legal representatives shall 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 Act and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed, conveying the title to said property to the Petitioner; and thereupon the said Superior Court shall have power, after a hearing upon said Petition to issue an order

directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said Petition; and a description of said property by street and number or by lot number or numbers of the particular section in which said property is located, together with a description of said property made from a map of the assessed property of the City of Delaware City in the office of the Assessor of the City of Delaware City shall be sufficient description in any such deed.

If the owner of any real estate sold under an order of sale or his legal representatives shall redeem said real estate, he may prefer to said Superior Court a petition setting forth that fact and thereupon the said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the judgment, under which said real estate was sold, a memorandum that the real estate described in the proceedings upon which said judgment was entered had been redeemed and thereafter the said 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 said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

(g) Upon the return of the proceedings under said 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.

(h) No Motion proceedings shall be brought under this Act unless the tax or assessment sought to be collected hereunder shall, at the time of the filing of said Praeceptum in the Office of the Prothonotary, be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for City purposes which may hereafter be lawfully assessed on real estate in the City of Delaware City shall constitute a prior lien thereon for a period of ten years from the First day of July succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until the tax is collected, and may, with all incidental costs and expenses, be levied by sale thereof as hereinbefore provided. The said tax

lien and costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to. "The Mayor and Council of Delaware City" shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Act and in the event that such person or persons is the highest bidder or bidders therefor, the title thereto shall be taken in the name of "The Mayor and Council of Delaware City", a Municipal Corporation of the State of Delaware. "The Mayor and Council of Delaware City", by resolution duly adopted, are authorized and empowered to sell and convey any real estate purchased under the provisions of this Act.

(i) Wherever the Superior Court is mentioned in this Statute, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this Act may be done by the said Superior Court or any Judge thereof in vacation of said Superior Court, as well as in term time.

(j) The fees and costs to be taxes in all Monition proceedings under this Act, where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

| | |
|---|--------|
| Filing Praeipce | \$1.10 |
| Issuing Monition and Copy | 2.75 |
| Issuing Alias or Pluries Monition and Copy | 2.75 |
| Writ of Venditioni Exponas | 2.25 |
| Filing any Petition in Superior Court under this Act. | 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 by the Sheriff:

| | |
|---|-----|
| Posting Monition or copy thereof | .75 |
| Posting each Alias or Pluries Monition or copy there- of | .75 |

All other charges not covered by this Act shall be the same as are now provided by Law.

(k) In addition to the foregoing procedure for the collection of delinquent taxes, "The Mayor and Council of Delaware City" shall have the authority to employ or cause to be employed such procedure for the collection of delinquent taxes due "The Mayor and Council of Delaware City", as set forth in Chapter 135, 1155 Section 11, of Volume 40, Laws of Delaware, so far as the same refers to the attachment of personal property.

(1) The Treasurer shall supervise the collection of all taxes due and unpaid on the first day of February of each year under the Provisions of this Section, and see that the same are promptly deposited to the account of the Mayor and Council of Delaware City.

(m) The said Treasurer shall discharge himself of all moneys in his hands by drafts drawn on him by order of the Council which drafts shall be signed by three members of the Council and countersigned by the Mayor. The said Treasurer shall receive a reasonable compensation for his services to be determined by the Council.

Section 13. (a) The Council shall appoint at the regular meeting in May of each year, five substantial citizens, at least one of whom shall be a practicing physician, if available, who shall constitute a Board of Health for said City and who shall serve for one year. The said Board of Health shall take cognizance of the interests of health among the people of said City and shall report to the Council in writing whatever in its judgment is injurious to health. The said Board shall have all powers now or hereafter vested by the laws of this State in boards of health generally, and also such additional powers as may be conferred by ordinances adopted by the Council. The members of said Board shall organize by the election of a President and a Secretary within ten days after notice of their appointment, and said Board shall keep a record of its proceedings. The Board of Health, at a regular meeting may authorize any of its members to make an inspection of private property through proper official identification if they believe that violation of the sanitary code exists on such property and provided that the owner is advised three days in advance of such inspection, and that the inspection is made at a reasonable hour.

(b) The Council shall appoint at the regular meeting in May of each year, five substantial citizens who shall constitute a Bureau of Fire for said City, and who shall serve for one year. The said Bureau of Fire shall have full authority to enforce the fire prevention code of the City. The said Bureau shall also have powers now or hereafter vested by the laws of this State in Fire Marshals generally, and such additional powers as may be conferred by ordinances adopted by the Council. The members of said Bureau shall organize by the election of a President and a Secretary within ten days after notice of their appointment, and said Bureau shall keep a record of its proceedings. The said Bureau may authorize any of its members to inspect private property provided the owner is notified three days in advance and the inspection is made at a reasonable hour.

(c) If any person or persons, firm or corporation shall hereafter erect or set up a plant for the purpose of manufacturing therein, within the limits of said City, the Council shall have power to remit taxes to the amount of \$1,000 annually for ten years and to remit all taxes provided a referendum is held and a majority of the voters approve such remission of taxes.

(d) The Council shall have the power upon the application of five or more citizens of said City, being seized of estates of freehold situate in said City, by petition to it for that purpose, to locate, lay out, or open any street or alley which said five or more freeholders of said City may desire to be located, laid out and opened, allowing to the persons, respectively, through or over whose ground such street or alley may run, such compensations or damages therefor as it shall deem reasonable and just under all the circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of said City, out of the monies of said City on warrants drawn on him by the proper authority.

Whenever the Council shall have proceeded to locate and lay out any street or alley and shall have fixed the compensation therefor, it shall be its duty immediately after the survey and location of said street or alley to notify in writing the owner or owners of the real estate, through or over which such street or alley may run, of its determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each.

And if such owner or owners do not reside within the said City, to notify the holder of said real estate. If any owner or owners be dissatisfied with the amount of damages or compensation, he or they may, within ten days after receiving notice from the Council as aforesaid, appeal from the said decision or assessment by serving a written notice to that effect on the said Council, or any member of said Council. In order to prosecute said appeal, it shall be the duty of said Council to make application to the Resident Judge of New Castle County, who shall appoint five impartial freeholders of said County. The said freeholders shall view the grounds to be so taken or occupied, and taking into consideration the advantages, as well as the disadvantages which may arise to the property, they or a majority of them, shall assess the damage which might be done to the said property, and return the same, under oath or affirmation, to the Council, which shall cause such return to be entered on its journal and upon the payment or tender of the said assessed damages to the owner or owners of the property, the said property may be taken or occupied. The award of said freeholders shall be made within fifteen days after their appointment by the said Resident Judge. The said freeholders shall, severally, receive and be allowed for each day's actual service the sum of ten dollars. Any freeholder so summoned, neglecting or refusing to serve, shall be subject to a penalty of twenty-five dollars, collectible as a common debt. In case of sickness, or unavoidable detention of any freeholder or freeholders, the said Resident Judge shall appoint forthwith impartial freeholders to fill the vacancy so occasioned.

(e) No circus, menagerie, theatrical or minstrel company or any such exhibition of any kind shall be exhibited or bills posted therefor or parade thereof on any of the streets, alleys or lanes of said City; nor shall any person, firm, company or corporation open, set up, or attempt to open or set up any pool or billiard room or any other room for the purpose of amusement for which a charge for profit is made, direct or indirect; or any place of business for the purpose of selling or offering for sale, by auction or otherwise, any goods, wares, merchandise or articles of any kind on any of the streets, lanes and alleys, within the limits of said City, without having first obtained permission of the Council which shall hereby have power to grant

licenses for that purpose, the charge for the same to be at its discretion. Provided, that the foregoing provisions shall not apply to theatricals or other entertainments gotten up by the citizens of said City, or to any farmer, trucker or fisherman selling such farm produce or fish as is of his own growing or catch, or any salesman taking orders from or selling to any licensed merchant. Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of misdemeanor and upon conviction thereof before the Mayor or any Justice of the Peace shall be fined in a sum not exceeding twenty-five dollars for each and every offense. Each day's violation of the provisions of this Act shall constitute a separate offense.

(f) The several posts and mark-stones, now set and fixed in the earth, in the middle, on the sides, or near the sides of the streets of said City, as well as such other posts and markstones, as shall, from time, to time, be set and fixed in the earth by the City surveyor or regulators, shall, in all cases and in all courts of law, within this State, be deemed, taken and allowed as landmarks. And if any person shall willfully pluck up, or remove, any of said posts or mark-stones, such person shall, for every such offense, forfeit and pay a fine of One Hundred Dollars, and the Council may reward the informer of such offense, by allowing him a portion of said penalty, not exceeding a moiety thereof.

(g) The Mayor and Council of Delaware City shall also have power and authority to levy and collect reasonable taxes upon all telephone, telegraph, electric light, electric power and trolley poles and other erections and equipment of like character erected within the City of Delaware City, and may by ordinance prescribe the mode of levying and collecting the same. In case of any of the owners or lessees of any such poles or erections within said City shall refuse or neglect to pay the taxes that may be levied upon such poles or erections, the Council shall have authority to cause the same to be removed, and may cause to be instituted by the collector, suit to recover the amount of taxes so levied and the expenses incident thereto and the expenses incident to the removal of such poles or erections.

(h) The Council is hereby empowered, upon the written petition of five or more freeholders of said City who live within

300 feet of the owner or owners, to notify in writing, the owner or owners of any house and/or lot in said City, before or in front of which the said Council may deem proper that a pavement should be laid, to lay a pavement of brick, concrete or any other material, which may be approved by said Council. The length and width of such pavement may be prescribed by said Council, but no person shall be obliged to pave any sidewalk or footway to a greater width than four feet in front of any vacant lot or lots not near or adjoining any dwelling house. In like manner upon like petition, the Council is empowered where any pavement be deemed insufficient to notify, in writing, the owner or owners of the house and/or lot before or in front of which such pavement is or has been laid, to repair the same. In like manner and upon like petition, the Council is empowered to notify in writing, the owner or owners of any house or lot in said City to cover the sidewalk before or in front of such house and/or lot with gravel, sand or other suitable material in case the said Council deems such sidewalk not proper to be paved. If such owner or owners shall neglect or refuse, for the space of twenty days after being notified as aforesaid, to lay such pavement or repair the same, or to cover the sidewalk, as above-stated, it shall and may be lawful for the Mayor and Council of Delaware City to cause the said specified work to be done and to charge the cost of the same against the owner or owners of the premises in question, said charge to constitute a lien against said premises, from the date of the beginning of the work until paid. It shall be the duty of the Mayor and Council of Delaware City, by Warrant signed by the Mayor and Secretary of said Council, with the Seal affixed thereto, and directed to the Assessor, in which shall be stated the name of the owner or owners, if known; otherwise, it shall be sufficient to list the owner or owners as unknown, the date of the commencement of the work, the nature of the work done and the amount, directing the Assessor to prepare a special assessment list with said information included, which shall be attached to and be a part of his assessment of real estate and personal assessment within said City for the ensuing year. The right of appeal from said assessment together with the time of payment and date from which interest shall run at the rate of one-half per centum per month on said assessment and the method of collection, shall be the

same in all respects as though it were a claim for real estate taxes, as set out in Section 12 of this Act, excepting that no discount shall be allowed, as is allowed in the case of the payment of taxes.

(i) The Council shall also have power, and it is hereby authorized to order and direct the owner or owners of any house or lot, situated on any street where there is or may hereafter be a water main or a sewer main, to tap the water main or the sewer main in said street, and to connect said sewer main or said water main, by pipe, with the property so situated on said street aforesaid; and if such owner or owners neglect or refuse so to do for the space of twenty days, the said Mayor and Council of Delaware City shall cause the same to be done and recover the cost of the same in the same manner as prescribed for the recovery of cost where new pavements, etc., have been laid.

If there be more than one owner of the premises affected by the paving, repaving or tapping of water or sewer main, notice to one shall be deemed sufficient, and if there be no owner of said premises resident in the City of Delaware City, notice to the occupier thereof shall be deemed sufficient, and if there be no occupier, then the posting of said notice upon the premises shall be deemed sufficient.

Section 14. The Mayor and Council of Delaware City, under the restrictions hereinafter provided, may borrow for municipal purposes on the credit of said City such sum or sums of money, at such time or times, as they may deem proper, not to exceed eight per centum of the assessed value of the real estate of said City and issue bonds for the payment of the same; provided, however, that the total indebtedness, of every kind, shall not exceed eight per centum of the assessed value of said real estate; and provided further, that the said eight per centum may be exceeded for the purpose of borrowing any sum or sums of money to refund or pay off any bond issue or issues of said City.

The Mayor and Council of Delaware City, for the purpose of carrying into effect the above provisions, may issue bonds of such denomination as they may deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-

annually. The principal of each issue of said bonds shall be made payable in not more than thirty years from the date of the issue thereof, and the said Mayor and Council of Delaware City may agree to retain the power and authority of redeeming said bonds or any part of them at the expiration of ten years or more from the date of issue of the same. The said bonds shall be signed by the Mayor and countersigned by the Treasurer, and shall be sealed with the corporate seal, and be exempt from all State, County and Municipal taxation.

The said Council is authorized, empowered and directed to levy, assess and collect annually in the same manner as provided by law for assessing and collecting other taxes for municipal purposes, a special tax, except that revenue from other sources is adequate, for the purpose of establishing a fund adequate to the redemption at or before maturity of all bonds of any issue; provided that the amount to be raised for the purpose of establishing said sinking fund shall not exceed the sum of five per centum of the amount of such issue.

Before any sum or sums of money shall be borrowed, the question of borrowing such sum or sums shall be submitted to the voters of said City, and be approved by a majority of the votes cast at a special election, and at every such election each person within said City, being a resident thereof, shall have the right to cast one vote for every dollar and fractional part of a dollar of tax assessed against him or her respectively; and that every male or female shall have the right to vote provided that he or she shall have paid all taxes heretofore levied and assessed against him or her and shall produce a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election and the purpose thereof shall be posted in at least ten public places in said City, at least twenty days before time of such election. No election shall be necessary where the purpose of the new bond issue is to pay off an existing bonded indebtedness in like or less amount at a like or less rate of interest. Also, no election shall be necessary for the Mayor and Council to borrow, on the credit of the corporation, for the ordinary and necessary expenses of the corporation provided that the total outstanding debt so borrowed without any election shall not exceed \$10,000 at any time.

Section 15. Whenever at least one hundred legally qualified voters of said City shall petition the Council requesting a vote upon any ordinance or any matter which may be the subject of an ordinance for an election thereon, the Council shall appoint a day for such election and shall choose an inspector and judges therefor, and give the same notice of such election as is required to be given at a general municipal election. If two-thirds of the votes cast at such election shall be against such ordinance, such ordinance shall be repealed as though repealed by the action of Council; or, if two-thirds of the votes cast at such election shall favor any such matter which may be the subject matter of an ordinance, such matter shall be an ordinance as though passed by the Council in the manner prescribed in this Act, and the action of such an election can only be voided by an additional referendum or referendums. The subject matter of any such Petition may also be the question of any municipal improvement.

The Council may also submit any questions which it may deem proper to the referendum vote of the legally qualified voters of said City.

Whenever the Council shall receive a petition for an election as prescribed in Section 15 of this Act, it shall provide for an election to be held not more than sixty days from the time such petition is received.

Section 16. If any part of this Act shall be held unconstitutional or otherwise invalid, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 177. All Acts and doings of "The Mayor and Council of Delaware City", or of any officer of said City lawfully done or performed under the provisions of any Law of this State, or of any ordinance of said City are hereby ratified and confirmed and shall continue in force. All debts, fines or penalties and forfeitures due to said City, and all debts due from said City to any person or persons or to any corporation are declared to be unaffected and unimpaired by this repeal, and all the Laws of the State for the collection and enforcement thereof shall continue in full force until the same shall be lawfully paid. All the powers now conferred by law upon the Collector for the collection and enforcement of all taxes in said City, heretofore as-

essed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid. The official bond of said collector shall be unaffected and unimpaired by this repeal, and he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said City under any Law or ordinance shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 18. This Charter shall become effective thirty days after its enactment into law.

Approved July 7, 1969.

CHAPTER 210

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, 1969, the following sums to be used for the prevention and extinguishment of fires throughout the state and for the maintenance of apparatus and equipment:

New Castle County

| | |
|---|----------|
| Aetna Hose, Hook and Ladder Co., Newark | \$ 2,500 |
| Belvedere Volunteer Fire Co., Belvedere | 2,500 |
| Brandywine Hundred Fire Co., Bellefonte | 2,500 |
| Christiana Fire Co., Christiana | 2,500 |
| Claymont Fire Co., Claymont | 2,500 |
| Cranston Heights Fire Co., Cranston Heights | 2,500 |
| Delaware City Fire Co., Delaware City | 2,500 |
| Elsmere Fire Co., Elsmere | 2,500 |
| Five Points Fire Co., Richardson Park | 2,500 |
| Goodwill Fire Co., New Castle | 2,500 |
| Hockessin Fire Co., Hockessin | 2,500 |
| Holloway Terrace Fire Co., Holloway Terrace | 2,500 |
| Mill Creek Fire Co., Marshallton | 2,500 |
| Minquadale Fire Co., Minquadale | 2,500 |
| Minquas Fire Co., Newport | 2,500 |
| Odessa Fire Co., Inc., Odessa | 2,500 |
| Port Penn Volunteer Fire Co., Port Penn | 2,500 |
| Talleyville Fire Co., Talleyville | 2,500 |
| Townsend Fire Co., Townsend | 2,500 |
| Volunteer Hose Co., Inc., Middletown | 2,500 |
| Wilmington Manor Fire Co., Wilmington Manor | 2,500 |

Kent County

| | |
|---|-------|
| Bowers Volunteer Fire Co., Bowers | 2,500 |
| Camden-Wyoming Fire Co., Camden | 2,500 |

| | |
|---|-------|
| Carlisle Fire Co., Milford | 2,500 |
| Cheswold Volunteer Fire Co., Cheswold | 2,500 |
| Citizens' Hose Co., Inc. No. 1, Smyrna | 2,500 |
| Clayton Fire Co., Clayton | 2,500 |
| Dover Fire Dept., Dover | 2,500 |
| Farmington Volunteer Fire Co., Farmington ... | 2,500 |
| Felton Community Fire Co., Felton | 2,500 |
| Frederica Volunteer Fire Co., Frederica | 2,500 |
| Harrington Volunteer Fire Co., Harrington | 2,500 |
| Hartly Volunteer Fire Co., Hartly | 2,500 |
| Houston Volunteer Fire Co., Houston | 2,500 |
| Leipsic Volunteer Fire Co., Leipsic | 2,500 |
| Little Creek Volunteer Fire Co., Little Creek ... | 2,500 |
| Magnolia Volunteer Fire Co., Magnolia | 2,500 |
| Mary-Del Volunteer Fire Co., Mary-Del. | 2,500 |
| South Bowers Fire Co., Inc., South Bowers | 2,500 |

Sussex County

| | |
|---|-------|
| Bethany Beach Volunteer Fire Co., Bethany Beach | 2,500 |
| Blades Volunteer Fire Co., Blades | 2,500 |
| Bridgeville Volunteer Fire Co., Bridgeville | 2,500 |
| Dagsboro Fire Co., Dagsboro | 2,500 |
| Delmar Fire Department, Inc., Delmar | 2,500 |
| Ellendale Volunteer Fire Co., Ellendale | 2,500 |
| Frankford Volunteer Fire Co., Frankford | 2,500 |
| Georgetown Fire Company, Inc., Georgetown ... | 2,500 |
| Greenwood Volunteer Fire Co., Greenwood | 2,500 |
| Gumboro Volunteer Fire Co., Gumboro | 2,500 |
| Indian River Volunteer Fire Co., Indian River ... | 2,500 |
| Laurel Volunteer Fire Co., Laurel | 2,500 |
| Lewes Fire Department, Lewes | 2,500 |
| Millsboro Fire Co., Millsboro | 2,500 |
| Milton Volunteer Fire Co., Milton | 2,500 |
| Millville Volunteer Fire Co., Millville | 2,500 |
| Rehoboth Volunteer Fire Co., Rehoboth Beach ... | 2,500 |
| Roxanna Volunteer Fire Co., Roxanna | 2,500 |
| Seaford Volunteer Fire Co., Seaford | 2,500 |
| Selbyville Volunteer Fire Co., Selbyville | 2,500 |
| Slaughter Beach Memorial Volunteer Fire Co., Slaughter Beach | 2,500 |

\$150,000

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1969, the following sums, to be used for the maintenance and operation of ambulances in the public service:

| | |
|---|----------|
| Aetna Hose, Hook and Ladder Co., Newark | \$ 1,250 |
| Blades Volunteer Fire Co., Blades | 1,250 |
| Bridgeville Volunteer Fire Co., Bridgeville | 1,250 |
| Bowers Volunteer Fire Co., Bowers | 1,250 |
| Brandywine Hundred Fire Co., Bellefonte | 1,250 |
| Camden-Wyoming Fire Co., Camden | 1,250 |
| Carlisle Fire Co., Inc., Milford | 1,250 |
| Cheswold Volunteer Fire Co., Cheswold | 1,250 |
| Claymont Fire Co., Claymont | 1,250 |
| Cranston Heights Fire Co., Cranston Heights | 1,250 |
| Delmar Fire Department, Delmar | 1,250 |
| Ellendale Volunteer Fire Co., Ellendale | 1,250 |
| Elsmere Fire Co., Elsmere | 1,250 |
| Felton Community Fire Co., Felton | 1,250 |
| Fire Points Fire Co., Richardson Park | 1,250 |
| Frankford Volunteer Fire Co., Frankford | 1,250 |
| Goodwill Fire Co., New Castle | 1,250 |
| Gumboro Volunter Fire Co., Gumboro | 1,250 |
| Harrington Volunteer Fire Co., Harrington | 1,250 |
| Hartly Volunteer Fire Co., Hartly | 1,250 |
| Holloway Terrace Fire Co., Holloway Terrace | 1,250 |
| Hockessin Fire Co., Hockessin | 1,250 |
| Laurel Volunteer Fire Department, Laurel | 1,250 |
| Leipsic Volunteer Fire Co., Inc., Leipsic | 1,250 |
| Lewes Fire Department, Lewes | 1,250 |
| Mill Creek Fire Co., Marshallton | 1,250 |
| Millville Volunteer Fire Co., Millville | 1,250 |
| Milton Volunteer Fire Co., Milton | 1,250 |
| Minquadale Fire Co., Minquadale | 1,250 |
| Minquas Fire Co., Newport | 1,250 |
| Rehoboth Volunteer Fire Co., Rehoboth Beach | 1,250 |
| Seaford Volunteer Fire Co., Seaford | 1,250 |
| Slaughter Beach Memorial Volunteer Fire Co., Slaughter Beach | 1,250 |

| | |
|--|-----------|
| Talleyville Fire Co., Talleyville | 1,250 |
| Wilmington Manor Fire Co., Wilmington Manor .. | 1,250 |
| | <hr/> |
| TOTAL | \$ 43,750 |

Section 3. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1969, the following sums, to be used for the maintenance and operation of rescue trucks in the public service:

| | |
|---|----------|
| Aetna Hose, and Ladder Co., Newark | \$ 1,250 |
| Bethany Beach Fire Co., Bethany Beach | 1,250 |
| Brandywine Hundred Fire Co., Bellefonte | 1,250 |
| Bridgeville Volunteer Fire Co., Bridgeville | 1,250 |
| Camden-Wyoming Fire Co., Camden | 1,250 |
| Carlisle Fire Co., Milford | 1,250 |
| Christiana Fire Co., Christiana | 1,250 |
| Citizens' Hose Co., No. 1, Inc., Smyrna | 1,250 |
| Claymont Fire Co., Claymont | 1,250 |
| Clayton Fire Co., Clayton | 1,250 |
| Delaware City Fire Co., Delaware City | 1,250 |
| Delmar Fire Dept., Inc., Delmar | 1,250 |
| Dover Fire Dept., Dover | 1,250 |
| Elsmere Fire Co., Elsmere | 1,250 |
| Five Points Fire Co., Richardson Park | 1,250 |
| Greenwood Volunteer Fire Co., Greenwood | 1,250 |
| Goodwill Fire Co., New Castle | 1,250 |
| Harrington Volunteer Fire Co., Harrington | 1,250 |
| Hartly Volunteer Fire Co., Hartly | 1,250 |
| Holloway Terrace Fire Co., Holloway Terrace ... | 1,250 |
| Leipsic Volunteer Fire Co., Leipsic | 1,250 |
| Lewes Volunteer Fire Co., Lewes | 1,250 |
| Little Creek Fire Co., Little Creek | 1,250 |
| Magnolia Volunteer Fire Co., Magnolia | 1,250 |
| Mill Creek Fire Co., Marshallton | 1,250 |
| Millville Volunteer Fire Co., Millville | 1,250 |
| Milton Volunteer Fire Dept., Milton | 1,250 |
| Minquadale Fire Co., Minquadale | 1,250 |
| Minquas Fire Co., Newport | 1,250 |
| Port Penn Volunteer Fire Co., Port Penn | 1,250 |
| Rehoboth Volunteer Fire Co., Rehoboth Beach ... | 1,250 |

| | |
|---|-------|
| Roxanna Volunteer Fire Co., Roxanna | 1,250 |
| Seaford Volunteer Fire Dept., Seaford | 1,250 |
| Selbyville Volunteer Fire Co., Selbyville | 1,250 |
| Slaughter Beach Memorial Volunteer Fire Co., Slaughter Beach | 1,250 |
| Talleyville Fire Co., Talleyville | 1,250 |
| Volunteer Hose Co. Inc., Middletown | 1,250 |
| Wilmington Manor Fire Co., Wilmington Manor.. | 1,250 |
| <hr/> | |
| TOTAL \$ 47,500 | |

Section 4. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year beginning July 1, 1969, 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:

\$ 30,000

GRAND TOTAL \$271,250

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 7, 1969.

CHAPTER 211

AN ACT TO AMEND AN ACT BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO INCREASE THE SALARIES OF THE MAYOR AND THE MEMBERS OF THE TOWN COUNCIL.

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

Section 1. Section 7, Chapter 166, Volume 37, Laws of Delaware, as amended, is hereby further amended by striking out all of said Section 7 and substituting in lieu thereof the following:

Section 7. There shall be twelve stated meetings of the said The Mayor and Council of the Town of Selbyville, each year, the same to be held on the first Monday evening of each and every month, at which stated meetings it may adopt such ordinances as it may deem necessary for the government of said town, the improvement of the street, the paving or other improvements of the sidewalks, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the general welfare of said town, provided the same be not inconsistent with the provisions of the Constitution or the laws of the State of Delaware, or of the United States. By such ordinances it may impose fines, penalties or forfeitures and provide for their collection. The Mayor also, at the request of two or more of the Councilmen, may call such special meetings as may be deemed necessary properly to look after the interests and welfare of said town, of which special meetings, members of said Council shall be notified, and at such special meetings it shall have the right to transact any business that it may have the power to transact at any stated meeting. The Mayor shall preside at the meetings of the Council, but shall have no vote on any question except in case of a tie of the members. He shall have general supervision of the streets of

said town, and of the persons who may be employed by the Council, and receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances, which complains shall be in writing and signed by the complainants, and present the same to the Council at the first meeting thereafter for action, and shall cause anyone who violates the laws and ordinances of the town to be proceeded against before the Alderman. He shall sign all warrants drawn on the Treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town. The Mayor shall receive an annual salary of Five Hundred Dollars (\$500.00). Each of the said Councilmen shall receive an annual salary of Two Hundred Fifty Dollars (\$250.00).

Approved July 7, 1969.

CHAPTER 212

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BUDGET COMMISSION FOR THE PURPOSE OF CONTINUING TO AID FACILITIES FOR CHILD DAY CARE CENTERS AND TO AMEND SUBCHAPTER VII, CHAPTER 3, TITLE 31, DELAWARE CODE, BY PROVIDING FOR ASSISTANCE TO ALL CENTERS.

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

Section 1. The sum of \$250,000 is hereby appropriated to the Budget Commission for the fiscal year ending June 30, 1970, in order that the Department of Public Welfare may be able to continue providing day care services in accordance with subchapter VII, Chapter 3, Title 31, Delaware Code, "Child Day Care Centers", such monies to be used only for payment for day care services.

Section 2. The Day Care Center program shall be administered by a director and such other assistants as shall be necessary. The director shall be hired by the Budget Commission. The costs of administration of the program shall be limited to 15% of the total funds appropriated herein.

Section 3. The funds appropriated herein shall be transferred to the Department of Public Welfare for expenditure on child day care service in accordance with the direction of the Day Care Director approved by the Budget Commission.

Section 4. Child Day Care Centers which shall receive funds for their services shall be those which shall provide such services in compliance with the regulations promulgated by the Department of Public Welfare known as "Requirements for Licensing Day Nurseries and Day Care Centers", Department of Public Welfare, revised March, 1960.

Section 5. Where services for child day care are provided by profit making day care centers, such service shall be purchased at the standard or regular rate for that particular day

care center, such rate not to exceed the rate specified in Section 7 herein.

Section 6. Where day care services are purchased from non-profit day care centers, such service shall be purchased at a rate based on the cost of the service as determined from the preceding six months' operations for that day care center.

Section 7. In no case shall any of the rates authorized to be paid for the purchase of day care service exceed \$5 per child per day of day care service.

Section 8. The Director of the Child Day Care Center program shall attempt to place each child receiving day care service in that day care center which meets the needs of the child and which is nearest that child's home.

Section 9. Section 388, Chapter 3, subchapter VII, Title 31, Delaware Code, is amended by striking the word "meet" where it is used for the second time within subsection (2) thereof and substituting in lieu thereof the word "make".

Section 10. Section 389, Chapter 3, subchapter VII, Title 31, Delaware Code, is amended by adding new subsections (5) and (6) thereto read as follows:

(5) Purchase day care service from any child day care center, whether profit or non-profit, which shall provide such service in conformity with the requirements of this subchapter.

(6) Pay all or part of the fees for day care service as is appropriate to the financial position of the parents, parent or guardian of such child.

Section 11. This Act shall be considered a supplementary appropriation and the monies hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 12. If any of the funds provided in Section 1 above remain unexpended as of June 30, 1970, such funds shall revert to the General Fund of the State Treasury.

Section 13. The supplemental appropriations provided for in this Act shall take effect upon the effective date of the 1969-1970 Budget Act.

Section 14. The money appropriated herein shall not be used for capital outlay subsidies but shall be used only for purchase of day care services.

Approved July 7, 1969.

CHAPTER 213

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR FOR THE DELAWARE STATE
ARTS COUNCIL TO ENABLE THE COUNCIL TO
CARRY OUT ITS PURPOSES.**

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

Section 1. There is hereby appropriated to the Governor for the Delaware State Arts Council, as established by Executive Order Number 3, dated March 31, 1969, the sum of \$45,454 for the purpose of enabling said Arts Council to carry out the purposes of the Council as set forth in the aforementioned Executive Order.

Section 2. The funds appropriated in Section 1 hereof shall be expanded in the following manner:

| | |
|---------------------------------------|-------------|
| Executive Director | \$12,000.00 |
| Salaries and Wages of Employees | 6,000.00 |
| Supplies and Materials | 2,000.00 |
| Travel | 500.00 |
| Capital Outlay | 500.00 |
| Contractual Services | 3,000.00 |
| Grants & Participatory Projects | 21,454.00 |
| | <hr/> |
| Total | \$45,454.00 |

Section 3. This appropriation shall be considered a supplementary appropriation, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any such funds hereby appropriated remaining unexpended on June 30, 1970, shall revert to the General Fund of the State Treasury.

Section 4. This Act shall be effective from the effective date of the Annual Budget Act for the Fiscal Year 1969-70,

Approved July 7, 1969.

CHAPTER 214

**AN ACT RELATING TO EDUCATION OF THE CITIZENS
OF DELAWARE BY MAKING AN APPROPRIATION
TO THE "DELAWARE STATE FAIR, INC."**

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each House thereof concurring therein):

Section 1. 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. This Act is a supplementary appropriation for the fiscal year ending June 30, 1970, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State not otherwise appropriated.

Approved July 7, 1969.

CHAPTER 215

**AN ACT RELATING TO EDUCATION OF THE CITIZENS
OF DELAWARE BY MAKING AN APPROPRIATION
TO DELAWARE SAFETY COUNCIL, INC. ENGAGED
IN EDUCATING THE PEOPLE OF THIS STATE.**

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each House thereof concurring therein):

Section 1. The sum of \$25,000 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 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1970, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State not otherwise appropriated.

Approved July 7, 1969.

CHAPTER 216

AN ACT TO AMEND TITLE 10, DELAWARE CODE, ENTITLED "COURTS AND JUDICIAL PROCEDURE" IN RESPECT TO THE SALARY OF CHIEF DEPUTY PROTHONOTARIES AND REGISTERS IN CHANCERY AND CLERKS OF THE ORPHANS' COURT.

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

Section 1. §2302 (a), Title 10, Delaware Code, is hereby amended by striking the third sentence of said paragraph, and inserting in lieu thereof a new sentence to read as follows:

His compensation shall not exceed the statutory compensation of the Prothonotary of that county or shall not exceed \$7,200 per annum, whichever is greater.

Section 2. Section 2503 (a), Title 10, Delaware Code, is hereby amended by striking the fourth sentence of said paragraph, and inserting in lieu thereof a new sentence to read as follows:

The appointing Judge or Judges shall set the annual compensation of such Chief Deputy, but such compensation shall not exceed the statutory compensation of the Register in Chancery and Clerk of the Orphans' Court in that county or \$7,200 per annum, whichever is greater.

Approved July 8, 1969.

CHAPTER 217

AN ACT TO AMEND CHAPTER 69, TITLE 9, DELAWARE CODE, BY AMENDING SECTION 6907 (b) TO EXTEND THE TIME THE INTERIM ZONING SHALL BE EFFECTIVE FOR SUSSEX COUNTY.

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

Section 1. Section 6907 (b), Chapter 69, Title 9, Delaware Code, is amended by striking the words, "exceed 2 years from July 13, 1967", which are in lines 6 and 7 thereof, and substituting the words, "be effective beyond December 31, 1970" so that Section 6907 (b) shall read as follows:

(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 subsection (a) of this section, an interim holding zone proposal to control the development of land may be instituted by Sussex County pursuant to section 6909 of this chapter as a temporary measure, but in no case shall the interim zoning be effective beyond December 31, 1970.

Approved July 8, 1969.

CHAPTER 218

AN ACT TO AMEND CHAPTER 27, SUBCHAPTER I, SECTION 2713, TITLE 21, DELAWARE CODE, RELATING TO DRIVER'S LICENSE BY PROVIDING FOR THE ISSUANCE THEREOF EVERY FOUR YEARS AND THE TAKING OF A PHOTOGRAPH.

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

Section 1. Chapter 27, Subchapter I, Section 2713, Title 21, Delaware Code, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following new section:

§ 2713. Issuance of license every four years; fee; photograph

(a) Upon receipt of the application and a fee of Ten Dollars (\$10) and after such examination as provided in this Chapter, the Commissioner may issue, at his discretion, a motor vehicle driver's license which shall expire and be renewable on the fourth anniversary date of the birth of the applicant next following the date of its issuance unless the birth date be February 29, and in that event the license shall expire and be renewable on February 28 every fourth (4th) year.

(b) On or near the date of expiration of a motor vehicle driver's license, each licensee shall appear at the Motor Vehicle Lane in the county in which he resides and submit to having a photograph taken by the Motor Vehicle Department.

Section 2. This Act shall become effective on January 1, 1970.

Approved July 8, 1969.

CHAPTER 219

AN ACT TO AMEND TITLE 18, CHAPTER 29, SECTION 2933 (c), DELAWARE CODE RELATING TO INSURANCE BY PROVIDING FOR THE INSULATION OR WALLING-OFF OF THE ASSETS OF SEPARATE ACCOUNTS AND PROVIDING FOR THE MINIMAL VALUATION OF SUCH ACCOUNTS.

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

Section 1. Section 2933 (c) of Title 18, Delaware Code, is amended to read as follows:

(c) The income, if any, and gains and losses, realized or unrealized, on each such account shall be credited to or charged against the amounts allocated to the account in accordance with the agreement, without regard to other income, gains or losses of the insurer. The assets of each such account shall have a value at least equal to the reserves and other contract liabilities with respect to such account. That portion of the assets of each such account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business which the insurer may conduct.

Approved July 8, 1969.

CHAPTER 220

**AN ACT MAKING AN APPROPRIATION TO THE
NEW CASTLE-GUNNING BEDFORD REORGANIZED
SCHOOL DISTRICT FOR THE PURPOSE OF CON-
STRUCTING A PEDESTRIAN OVERPASS OVER U.S.
13 IN WILMINGTON MANOR AND ACQUIRING THE
NECESSARY RIGHTS-OF-WAY THEREFOR.**

WHEREAS, pursuant to the provisions of Section 2305 of Title 14, Delaware Code, the Board of Education of the New Castle-Gunning Bedford Reorganized School District has made a careful examination of the transportation problems and the frequency of exposure to traffic hazards which seriously affect the safety of school children in the reorganized school district and has determined the need for an overpass over U.S. 13 in Wilmington Manor leading to and from school sites; and

WHEREAS, the State Highway Department and the State Board of Education, after reviewing and considering the factors required by the provisions of Section 2305 of Title 14, Delaware Code, have indicated their approval in writing of this proposal for the construction of an overpass,

NOW, THEREFORE,

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

Section 1. The sum of \$51,000 is hereby appropriated to the New Castle-Gunning Bedford Reorganized School District for the purpose of constructing an overpass over U.S. Route 13 in Wilmington Manor, New Castle County, and for acquiring the necessary rights-of-way therefor.

Section 2. The Reorganized New Castle-Gunning Bedford School District prior to the expenditure of any moneys appropriated herein shall supplement the sum appropriated herein in the amount of \$34,000, no later than July 1, 1970, by means of a bond issue properly authorized and sold under the provisions of Chapter 21, Title 14, Delaware Code; otherwise the sum appropriated herein shall revert to the General Fund. No other funds appropriated by the State of Delaware to the New Castle-

Gunning Bedford Reorganized School District shall be used for the purposes set forth in this Act.

Section 3. Any funds hereby appropriated that remain uncommitted on July 1, 1971, shall revert to the State.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved July 8, 1969.

CHAPTER 221

AN ACT TO AMEND SECTION 4332, TITLE 11, DELAWARE CODE, RELATING TO SENTENCE PROCEDURES OF CHILDREN FOURTEEN YEARS OF AGE OR OVER WHO ARE PROSECUTED AS ADULTS UNDER 11 DELAWARE CODE, SECTIONS 2711, 2712, OR ANY OTHER PROVISIONS OF THE DELAWARE LAW.

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

Section 1. Subsection (a), Section 4332, Title 11, Delaware Code, is amended by adding the following new subparagraph "(7)" to read as follows:

(7) Commit the offender, if a child fourteen years of age or over and who has been prosecuted as an adult under 11 Delaware Code, Sections 2711 and 2712, or any other provisions of the Delaware law, if a male, to the Ferris School for Boys, and if a female, to Woods Haven Kruse School for Girls, or to the custody of the Youth Service Commission for such security and rehabilitative service as such agency considers needed by the child until such custody shall be later terminated by the Court on its motion or on the petition of the custodian.

Approved July 8, 1969.

CHAPTER 222

AN ACT RELATING TO THE PROSECUTION OF CHILDREN AS ADULTS.

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

Section 1. § 2711, Title 11, Delaware Code, is amended by striking the word "sixteenth" as it appears in line one and inserting in lieu thereof the word "fourteenth".

Approved July 8, 1969.

CHAPTER 223

**AN ACT TO AMEND TITLE 11, DELAWARE CODE, BY
PROVIDING A NEW SUBCHAPTER RELATING TO A
UNIFORM AGREEMENT CONCERNING DETAINERS.**

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

Section 1. Title 11, Delaware Code, is hereby amended by adding thereto a new subchapter to be designated as Subchapter II, Chapter 25, and which shall appear as follows:

**SUBCHAPTER II. DETAINERS;
UNIFORM AGREEMENT ON DETAINERS****§ 2540. Preamble**

The Agreement on Detainers is hereby enacted into law and entered into by this State with all other jurisdictions legally joining therein in the form substantially as follows:

The contracting states solemnly agree that the party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

§ 2541. Definitions

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the

United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to § 2542 hereof or at the time that a request for custody or availability is initiated pursuant to § 2543 hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to § 2542 or § 2543 hereof.

§ 2542. Written notice requesting disposition, trial within 180 days; waiver of extradition

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the commissioner of corrections or other official

having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The Commissioner of corrections, his delegated agent, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned

to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

§ 2543. Approval of court; disapproval of Governor, trial; dismissal

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with § 2544 (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated: provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request: and provided further that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this section, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this section shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to §2544 (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

§ 2544. Delivery of temporary custody; refusal; return; responsibility

(a) In response to a request made under § 2542 or § 2543 hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in § 2542 of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in § 2542 or § 2543 hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the

jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the department, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

§ 2545. Time periods; determination; tolling

(a) In determining the duration and expiration dates of the time periods provided in § 2542 and § 2543 of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

§ 2546. Commissioner of Corrections designated enforcing officer

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement; for purposes of this

section in the State of Delaware the Commissioner of the Department of Corrections of the State of Delaware is hereby so designated.

§ 2547. Effect of agreement; repeal; preservation of rights

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

§ 2548. Construction; severability

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party 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 agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§ 2549. Habitual offenders law; application

Nothing in this act or in the Agreement on Detainers shall be construed to require the application of the habitual offenders law to any person on account of any conviction had in a proceeding brought to final disposition by reason of the use of said agreement.

§ 2550. Power of Commissioner of Corrections; transfer of inmate

It shall be lawful and mandatory upon the Commissioner of Corrections or other official in charge of a penal or correctional

institution in this state to give over the person of any inmate thereof whenever so required by the operation of the Agreement on Detainers.

Section 2. All courts, departments, agencies, officers and employees of this state and its political subdivisions are hereby directed to enforce the Agreement on Detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

Section 3. Copies of this act shall upon its approval, be transmitted to the governor of each state, the attorney general and the administrator of general services of the United States, and the Council of State Governments.

Section 4. This act shall take effect upon approval of the Governor.

Approved July 8, 1969.

CHAPTER 224

AN ACT TO AMEND SECTION 9525, TITLE 10, DELAWARE CODE, PERTAINING TO THE PROSECUTION OF CIVIL ACTIONS IN JUSTICE OF THE PEACE COURTS.

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

Section 1. Section 9525, Title 10, Delaware Code, is amended by adding a subsection designation "(a)" before the first paragraph thereof.

Section 2. § 9525, Title 10, Delaware Code, is amended by adding a new subsection thereto to read as follows:

(b) Any civil action pursuant to this subchapter may be brought and prosecuted to final judgment by any person, including, where a corporation is a plaintiff, a lay officer or employee of a corporation, who may or may not be a duly licensed attorney-at-law.

Approved July 8, 1969.

CHAPTER 225

AN ACT TO AMEND CHAPTER 27, SUBCHAPTER II, TITLE 21, SECTION 2732, DELAWARE CODE, RELATING TO MANDATORY REVOCATION OF DRIVERS LICENSE AND DRIVING PRIVILEGES.

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

Section 1. Chapter 27, Subchapter II, Title 21, Section 2732, Delaware Code, is hereby amended by inserting in the first sentence thereof after the word "license" and before the word "of" the following:

"and/or driving privileges"

Section 2. Chapter 27, Subchapter II, Title 21, Section 2732, Delaware Code, is hereby amended by adding a new subparagraph as follows:

(8) A conviction of attempting to flee or elude a police officer after having received a visual or audible signal therefrom (§ 4103 (b)).

Approved July 8, 1969.

CHAPTER 226

AN ACT TO AMEND CHAPTER 27, SUBCHAPTER III, TITLE 21, DELAWARE CODE, BY ADDING A NEW SECTION THERETO RELATING TO DRIVING DURING A PERIOD OF LICENSE DENIAL AND PROVIDING PENALTIES THEREFOR.

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

Section 1. Chapter 27, Subchapter III, Title 21, Delaware Code, is hereby amended by adding a new section thereto as follows:

§ 2748. Driving during period of denial; penalties

(a) Any person not licensed to drive a motor vehicle and who is arrested and convicted of an offense, for which the penalty is a mandatory suspension or revocation of a driver's license or driving privileges, shall serve a period of denial of any license equal to the mandatory suspension or revocation period.

(b) Any person not licensed as a driver who is convicted of driving a motor vehicle during a period license denial, shall be punished as provided in section 2746 under this title.

Approved July 8, 1969.

CHAPTER 227

**AN ACT TO AID CERTAIN CIVIC ORGANIZATIONS
WHICH MAINTAIN EMERGENCY VEHICLES BY
MAKING APPROPRIATIONS 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, Georgetown, Delaware: | \$1,250 |
| American Legion, Kent Post #14, Smyrna, Delaware: | \$1,250 |
| Selbyville American Post #39, Inc., Selbyville, Delaware: | \$1,250 |
| Sussex Memorial Post #7422, V.F.W., Millsboro, Delaware | \$1,250 |
| TOTAL | \$5,000 |

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, 1970, 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 7, 1969.

CHAPTER 228

AN ACT TO TRANSFER TO THE STATE FROM SEVERAL COUNTIES RESPONSIBILITY FOR AND PAYMENT OF: (1) CERTAIN EXPENSES OF THE INDIGENT SICK INCURRED IN CERTAIN HOSPITALS WITHIN THE STATE, AT GOVERNOR BACON HEALTH CENTER AND AT DELAWARE STATE HOSPITAL, INCLUDING EXPENSES OF CRIMINALLY INSANE ADULTS AND CRIMINALLY INCLINED JUVENILES COMMITTED ON COURT ORDER; (2) CERTAIN EXPENSES FOR STATE PUBLIC ASSISTANCE OR WELFARE; AND (3) CERTAIN EXPENSES RELATING TO THE ADMINISTRATION OF JUSTICE; AND MAKING SUPPLEMENTARY APPROPRIATIONS THEREFOR; AND TRANSFERRING RECEIPTS OF CERTAIN FEES, FINES AND COSTS RELATING TO THE ADMINISTRATION OF JUSTICE TO THE STATE; AND PROVISION FOR EMPLOYMENT BY THE STATE OF COURT EMPLOYEES, THEIR COMPENSATION AND PENSION BENEFITS, WITH RELATED AMENDMENTS OF STATE POLICE AND STATE EMPLOYEES' PENSION PLANS.

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

Section 1. Chapter 18, Title 9, Delaware Code, providing for appropriations by the County Council of New Castle County for the relief of the indigent sick who are residents of New Castle County and procedures for payment to certain hospitals located in New Castle County for the care of the indigent sick residents of New Castle County is hereby repealed.

Section 2. Chapter 42, Title 9, Delaware Code, providing for appropriations by the Levy Court of Kent County for the relief of the indigent sick who are residents of Kent County and procedures for payment to certain hospitals located in Kent County for the care of the indigent sick residents of Kent County is hereby repealed.

Section 3. Chapter 62, Title 9, Delaware Code, providing for appropriations by the Levy Court of Sussex County for the relief of the indigent sick who are residents of Sussex County and procedures for payment to certain hospitals located in Sussex County for the care of the indigent sick residents of Sussex County is hereby repealed.

Section 4. Title 29, Delaware Code, is amended by adding thereto a new Chapter 66 to read as follows:

CHAPTER 66. INDIGENT SICK

§ 6601. Hospitals caring for indigent sick

Any and all hospitals located within each of the several counties 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 such County in which such hospital is located, and to furnish them with proper medical or surgical care and attention, to be paid therefor in the manner provided in this chapter.

§ 6602. Records

Every hospital, qualifying under Section 6601 of this title, which furnishes medical or surgical and attention to any indigent sick residing in the County in which such hospital is located, shall keep a record thereof in the manner and form prescribed by the Budget Director 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.

§ 6603. Audit of records by Budget Director

Every hospital which desires to be paid by the State Treasurer for medical or surgical care and attention for any indigent sick resident in the County in which such hospital is located, shall on or before the fifteenth day of each month transmit to the Budget Director a duly verified copy of the record

required by Section 6602 of this title, for the preceding month, and the Budget Director upon receipt thereof may 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 Budget Director is satisfied that the facts contained in the submitted record are true and correct, he shall approve the payment by the State Treasurer to the hospital of the amount shown to be due by the record; otherwise, the Budget Director shall disapprove the same.

§ 6604. Payment by State Treasurer

The State Treasurer shall pay to each hospital qualified under section 6601 of this title, such amount shown to be due to it by its verified record as shall be approved by the Budget Director at such rate per day as shall be determined by the Budget Director in his discretion for each person receiving such medical or surgical care and attention. Payments under this section shall be made out of the fund allocated for the county in which such hospital is located under this title. No money shall be paid to any hospital for any month until the amount due to all the hospitals in such County for the preceding month has been fully determined and paid.

Section 5. There is hereby appropriated the following sums for the fiscal year beginning July 1, 1969 for the hospitals described in Section 4 above:

\$510,000 for the qualifying hospitals in New Castle County
\$35,000 for the Kent General Hospital in Kent County
\$83,500 for the qualifying hospitals in Sussex County—
Milford Memorial, Beebe and Nanticoke.

Section 6. Section 5128, Chapter 51, Title 16, Delaware Code, relating to the expense of examination and removal of indigent patients at Delaware State Hospital is amended by striking the words, "shall be paid by the county of which the person was a resident at the time of his or her examination and removal." and by inserting in lieu thereof the words, "shall be paid by the State Treasurer."

Section 7. Section 5154, Chapter 51, Title 16, Delaware Code, relating to the liability for cost of removal, admission, maintenance and care of an indigent criminally insane adult or a criminally inclined juvenile at Delaware State Hospital committed by court order, is amended by striking the words, "the Levy Court or County Council of the county where the person committed was a resident at the time of the commitment" and inserting in lieu thereof the words, "the State Treasurer."

Section 8. Subparagraph (d), Section 5325, Chapter 53, Title 16, Delaware Code, relating to liability for expenses for care, treatment, and maintenance of an indigent person at Governor Bacon Health Center, is amended by striking the words, "shall be paid by the county of which such indigent person was a resident at the time of his admission." and inserting in lieu thereof, "shall be paid by the State Treasurer."

Section 9. Section 513, Title 31, Delaware Code, relating to financial participation and the amount of State Public Assistance to be provided the Department of Public Welfare, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 513 to read as follows:

§ 513. Financial participation

(a) The amount of assistance paid to a recipient of Old Age Assistance, Aid and Services to Needy Families with Children, Aid to the Disabled, and to a recipient of General Assistance who shall receive cash assistance in accordance with Department policies, shall be by check or warrant drawn by the State Treasurer.

(b) With respect to assistance provided as Medical Care as defined in Section 502 of this title, to recipients of Aid to the Blind or to medically indigent persons who would be eligible, except for need, to receive Aid to the Blind, applications for such Medical Care and supporting information relating thereto shall be certified to the Department by the Delaware Commission for the Blind, which Department shall base its determinations of eligibility on the rules and regulations promulgated by the Department. Persons certified by said Commission shall be eligible for Medical Care in all respects on the same basis as persons who apply to the Department.

Section 10. There is hereby appropriated the following sum for the fiscal year beginning July 1, 1969 for the purpose described in Section 10 above:

\$3,409,976 to the State Department of Welfare.

Section 11. Title 10 and Title 11, Delaware Code, relating to the Administration of Justice by the Court of Chancery, the Superior Court, the Orphans' Court, the Family Court of Kent and Sussex Counties and the Courts of Common Pleas of New Castle, Kent and Sussex Counties, the payment of the expenses of the administration of such courts by the several counties and their receipt of the fees, fines and costs of such courts and provisions for employment by the State of Court employees, their compensations and pension benefits, are hereby amended as follows:

Section 11-1. § 306, Title 10, Delaware Code, is amended by striking the words and figures "Sections 322, 323, 324 of this Title" and inserting in lieu thereof the words "this chapter".

Section 11-2. § 326, Title 10, Delaware Code, is amended in subsection (a) by striking the designation (a), by striking the words "Levy Courts or County Council of the respective counties" and inserting in lieu thereof the words "Chancellor", and by striking the words, "payable in the same manner as the salaries of other county officers are paid"; and by striking subsection (b) in its entirety.

Section 11-3. § 327, Title 10, Delaware Code, is amended by striking the words and figures "Sections 322, 323, and 324 of this Title" and inserting in lieu thereof the words "this chapter".

Section 11-4. § 329, Title 10, Delaware Code, is amended in subsection (b) by striking the words "from the respective counties", and by striking the words "Levy Courts in the respective counties" and inserting in lieu thereof the words "Chancellor"; and by striking subsection (c) in its entirety.

Section 11-5. § 504, Title 10, Delaware Code, is amended by striking the words "Levy Court or County Council of the County" and inserting in lieu thereof the words "State Treasurer".

Section 11-6. § 505, Title 10, Delaware Code, is amended by striking the words "Levy Court or County Council of the county" and inserting in lieu thereof the words "State Treasurer".

Section 11-7. § 508, Title 10, Delaware Code, is amended by striking the words and figures "Sections 527, 528, and 529 of this Title" and inserting in lieu thereof the words "this chapter".

Section 11-8. § 522, Title 10, Delaware Code, is amended in subsection (a) by striking the designation (a), by striking the words "Levy Courts or County Council of the respective counties, payable in the same manner as the salaries of other county officers" and inserting in lieu thereof the words "President Judge"; and by striking subsection (b) in its entirety.

Section 11-9. § 523, Title 10, Delaware Code, is amended in subsection (b) by striking the words "from the respective counties", and by striking the words "Levy Courts in the respective counties" and inserting in lieu thereof the words "President Judge"; and by striking subsection (c) in its entirety.

Section 11-10. § 526, Title 10, Delaware Code, is amended in subsection (a) by striking the words "County Treasurer or Department of Finance of the respective counties, for the use of such county" and inserting in lieu thereof the words "State Treasurer"; and in subsection (b) by inserting the words "or State" after the word "county" in line 2, and by striking the words "respective county Treasurer or Department of Finance for the use of the county" and inserting in lieu thereof the words "State Treasurer".

Section 11-11. § 1104, Title 10, Delaware Code, is amended by striking the words "respective Levy Courts of Kent and Sussex Counties" and inserting in lieu thereof the words "State of Delaware".

Section 11-12. § 1109, Title 10, Delaware Code, is amended by striking the words "respective Levy Courts of Kent and/or Sussex County" and inserting in lieu thereof the words "State Treasurer".

Section 11-13. § 1180, Title 10, Delaware Code, is amended in subsection (e) by striking the word "Juvenile" and inserting in lieu thereof the word "Family", and by striking the words "County Treasurers in the respective counties in which they are collected" and inserting in lieu thereof the words "State Treasurer".

Section 11-14. § 1302, Title 10, Delaware Code, is amended in subsection (c) by striking the words "County Council of New Castle County as other salaries are paid by the County Council of New Castle County" and inserting in lieu thereof the words "State Treasurer".

Section 11-15. § 1306, Title 10, Delaware Code, is amended by striking the words "into the Treasury of New Castle County" and inserting in lieu thereof the words "to the State Treasurer".

Section 11-16. § 1321, Title 10, Delaware Code, is amended by striking subsection (b) and inserting in lieu thereof the following subsection (b) :

(b) The Clerk of the Court shall receive such compensation as the Judges shall from time to time determine, such compensation to be paid by the State Treasurer.

Section 11-17. § 1324, Title 10, Delaware Code, is amended by striking the third and fourth sentences thereof and inserting in lieu thereof the following sentence:

The Deputy Clerk of the Court shall receive such compensation as the Judges shall from time to time determine, such compensation to be paid by the State Treasurer.

Section 11-18. § 1325, Title 10, Delaware Code, is amended by striking the section in its entirety and substituting the following section:

Appointment of Bailiff—Compensation. The Judges of the Court of Common Pleas shall appoint a Bailiff who shall receive such compensation as the Judges from time to time shall determine, such compensation to be paid by the State Treasurer.

Section 11-19. § 1326, Title 10, Delaware Code, is amended in subsection (c) by striking the words "County Council of New Castle County" and inserting in lieu thereof the words "State Treasurer".

Section 11-20. § 1503, Title 10, Delaware Code, is amended by striking the second sentence and inserting in lieu thereof the following: The State of Delaware shall provide some suitable place for the holding of the Court.

Section 11-21. § 1505, Title 10, Delaware Code, is amended by striking the words "Levy Court of Kent County" and inserting in lieu thereof the words "State Treasurer".

Section 11-22. § 1508, Title 10, Delaware Code, is amended by striking the words "County Treasurer of Kent County" and inserting in lieu thereof the words "State Treasurer".

Section 11-23. § 1521, Title 10, Delaware Code, is amended in subsection (c) by striking the words "Levy Court of Kent County" where they appear and inserting in lieu thereof the words "State Treasurer"; and in subsection (d) by striking the words "Levy Court of Kent County" and inserting in lieu thereof the words "State Treasurer".

Section 11-24. § 1525, Title 10, Delaware Code, is amended by striking the words "Levy Court of Kent County" and inserting in lieu thereof the words "State Treasurer".

Section 11-25. § 1525, Title 10, Delaware Code, is amended in subsection (c) by striking the words "Levy Court of Kent County" and inserting in lieu thereof the words "State Treasurer".

Section 11-26. § 1604, Title 10, Delaware Code, is amended by striking the second sentence and third sentence and inserting in lieu thereof the following:

"The State of Delaware shall provide some suitable place for the holding of the Court".

Section 11-27. § 1605, Title 10, Delaware Code, is amended by striking the words "Levy Court of Sussex County" and inserting in lieu thereof the words "State Treasurer".

Section 11-28. § 1608, Title 10, Delaware Code, is amended by striking the words "County Treasurer of Sussex County" and inserting in lieu thereof the words "State Treasurer".

Section 11-29. § 1621, Title 10, Delaware Code, is amended in subsection (d) by striking the words "Levy Court of Sussex County" where these words appear and inserting in lieu thereof the words "State Treasurer"; and in subsection (e) by striking the words "Levy Court of Sussex County" and inserting in lieu thereof the words "State Treasurer"; and in subsection (f) by striking the words "Levy Court of Sussex County" and inserting in lieu thereof the words "State Treasurer".

Section 11-30. § 1624, Title 10, Delaware Code, is amended by striking the words "Levy Court of Sussex County" and inserting in lieu thereof the words "State Treasurer".

Section 11-31. § 1625, Title 10, Delaware Code, is amended in subsection (c) by striking the words "Levy Court of Sussex County" and inserting in lieu thereof the words "State Treasurer".

Section 11-32. § 4501, Title 10, Delaware Code, is amended by striking the words "Treasurer of the county wherein they reside" and inserting in lieu thereof the words "State Treasurer".

Section 11-33. § 4526, Title 10, Delaware Code, is amended in subsection (a) by striking the words "Treasurer or Department of Finance of the county" and inserting in lieu thereof the words "State Treasurer"; and in subsection (b) by striking the words "Levy Court or Department of Finance" and inserting in lieu thereof the words "State Treasurer".

Section 11-34. § 8905, Title 10, Delaware Code, is amended by striking the words "County Treasurer of New Castle

County” and inserting in lieu thereof the words “State Treasurer”, and by striking the word “County” in line 11 and inserting in lieu thereof the word “State”.

Section 11-35. § 4336, Title 11, Delaware Code, is amended in subsection (c) by striking the words “respective Levy Courts and to the respective County Treasurers” and inserting in lieu thereof the words “State Treasurer”, and by striking the word “county” in line 7 and inserting in lieu thereof the word “State”.

Section 11-36. § 4702, Title 11, Delaware Code, is amended in subsection (b) by striking the words “Levy Court or County Council of the county where the act charged was committed, or of the county of such mentally ill person’s residence” and inserting in lieu thereof the word “State”.

Section 11-37. § 4703, Title 11, Delaware Code, is amended in subsection (d) by striking the words “County Treasurer” and inserting in lieu thereof the words “State Treasurer”.

Section 11-38. § 4704, Title 11, Delaware Code, is amended under subsection (b) by striking the words “Levy Court or County Council of the county where the act charged was committed or of the county of such mentally ill person’s residence” and inserting in lieu thereof the word “State”.

Section 11-39. § 5305, Title 11, Delaware Code, is amended in subsection (b) by striking the words “County Treasurer” and inserting in lieu thereof the words “State Treasurer”.

Section 11-40. § 5505, Title 11, Delaware Code, is amended in subsection (b) by striking the words “County Treasurer” and inserting in lieu thereof the words “State Treasurer”.

Section 11-41. § 5605, Title 11, Delaware Code, is amended in subsection (b) by striking the words “County Treasurer” and inserting in lieu thereof the words “State Treasurer”.

Section 11-42. § 306, Title 10, Delaware Code, is amended by adding the following new paragraph :

The State Treasurer shall pay to each county out of funds regularly appropriated for operation of the Court of Chancery rent based upon the cost of servicing and maintenance and carrying charges applicable to the space occupied by the Court of Chancery, its judges, officers, employees and facilities, in such amounts as shall be fixed annually by agreement between the State Budget Director and the Levy Court or County Executive of each county; provided that if agreement cannot be reached, final determination of such amounts shall be made by a panel of three, one member to be designated by the State Budget Director, one member to be designated by the Levy Court or County Executive, and one member to be selected by the other two members.

Section 11-43. § 504, Title 10, Delaware Code, is amended by adding the following new paragraph:

The State Treasurer shall pay to each county out of funds regularly appropriated for operation of the Superior Court rent based upon the cost of servicing and maintenance and carrying charges applicable to the space occupied by the Superior Court, its judges, officers, employees and facilities, in such amounts as shall be fixed annually by agreement between the State Budget Director and the Levy Court or County Executive of each county; provided that if agreement cannot be reached, final determination of such amounts shall be made by a panel of three, one member to be designated by the State Budget Director, one member to be designated by the Levy Court or County Executive, and one member to be selected by the other two members.

Section 11-44. § 909, title 10, Delaware Code, is amended by adding the following new paragraph:

The State Treasurer shall pay to the county out of funds regularly appropriated for operation of the New Castle County Family Court rent based upon the cost of servicing and maintenance and carrying charges applicable to the space occupied by the New Castle County Family Court, its judges, officers, employees and facilities, in such amounts as shall be fixed annually by agreement between the State Budget Director and the Levy Court or County Executive of each county; provided that

if agreement cannot be reached, final determination of such amounts shall be made by a panel of three, one member to be designated by the State Budget Director, one member to be designated by the Levy Court or County Executive, and one member to be selected by the other two members.

Section 11-45. § 1109, Title 10, Delaware Code, is amended by adding the following new paragraph:

The State Treasurer shall pay to each county out of funds regularly appropriated for operation of the Family Court of Kent and Sussex Counties rent based upon the cost of servicing and maintenance and carrying charges applicable to the space occupied by the Family Court of Kent and Sussex Counties, its judges, officers, employees and facilities, in such amounts as shall be fixed annually by agreement between the State Budget Director and the Levy Court or County Executive of each county; provided that if agreement cannot be reached, final determination of such amounts shall be made by a panel of three, one member to be designated by the State Budget Director, one member to be designated by the Levy Court or County Executive, and one member to be selected by the other two members.

Section 11-46. § 1303, Title 10, Delaware Code, is amended by adding the following paragraph:

The State Treasurer shall pay to the county out of funds regularly appropriated for operation of the Court of Common Pleas of New Castle County rent based upon the cost of servicing and maintenance and carrying charges applicable to the space occupied by the Court of Common Pleas of New Castle County, its judges, officers, employees and facilities, in such amounts as shall be fixed annually by agreement between the State Budget Director and the Levy Court or County Executive of each county; provided that if agreement cannot be reached, final determination of such amounts shall be made by a panel of three, one member to be designated by the State Budget Director, one member to be designated by the Levy Court or County Executive, and one member to be selected by the other two members.

Section 11-47. § 1505, Title 10, Delaware Code, is amended by adding the following new paragraph:

The State Treasurer shall pay to the county out of funds regularly appropriated for operation of the Court of Common Pleas of Kent County rent based upon the cost of servicing and maintenance and carrying charges applicable to the space occupied by the Court of Common Pleas of Kent County, its judges, officers, employees and facilities, in such amounts as shall be fixed annually by agreement between the State Budget Director and the Levy Court or County Executive of each county; provided that if agreement cannot be reached, final determination of such amounts shall be made by a panel of three, one member to be designated by the State Budget Director, one member to be designated by the Levy Court or County Executive, and one member to be selected by the other two members.

Section 11-48. § 1605, Title 10, Delaware Code, is amended by adding the following new paragraph:

The State Treasurer shall pay to the county out of funds regularly appropriated for operation of the Court of Common Pleas of Sussex County rent based upon the cost of servicing and maintenance and carrying charges applicable to the space occupied by the Court of Common Pleas of Sussex County, its judges, officers, employees and facilities, in such amounts as shall be fixed annually by agreement between the State Budget Director and the Levy Court or County Executive of each county; provided that if agreement cannot be reached, final determination of such amounts shall be made by a panel of three, one member to be designated by the State Budget Director, one member to be designated by the Levy Court or County Executive, and one member to be selected by the other two members.

Section 12. § 8323, Title 11, Delaware Code, is amended by adding a new subsection "(g)" to read as follows:

(g) Nothing in this section shall prevent the employment by the Superior Court, Orphans' Court, Court of Chancery, Courts of Common Pleas, or Family Courts in or of any county of any person receiving a State Police Pension. Persons so employed may receive compensation for such services without deduction from their State Police Pension.

Section 13. § 5525, Title 29, Delaware Code, is amended by adding a sentence at the end of subsection (c) to read as follows:

The pension payable under this chapter to employees of the Superior Court, Orphans' Court, Court of Chancery, Courts of Common Pleas or Family Courts in or of any county shall be in addition to any pension payable to them under the State Police Pension Plan.

Section 14. § 5522, Chapter 55, Title 29, Delaware Code, is amended by adding a new paragraph at the end thereof:

Any employee of the Superior Court, Orphans' Court, Court of Chancery, Court of Common Pleas, or Family Courts in or of any county who was so employed while the compensation for such employment was paid by a County Government of this State shall receive full credit for time he was so employed and compensated in computing the number of years service required to receive pension benefits and in computing the amount of such pension benefits under this chapter.

Section 15. In construing this statute, employees of the Superior Court, Orphans' Court, Court of Chancery, Courts of Common Pleas and the Family Court in or of any County shall include without limitation clerks, deputy clerks, bailiffs, office secretaries and stenographers, court reporters, criers, pages, law clerks, presentence officers, and assistance presentence officers, but shall not include the Prothonotaries, their chief deputies (including those appointed by the Superior Court), deputies, clerks and employees, and the Registers in Chancery and Clerks of the Orphans' Court, their chief deputies (including those appointed by the Court of Chancery), deputies, clerks and employees.

Section 16. Nothing herein shall require the reduction of compensation or benefits of any Court employee.

Section 17. Any compensation fixed by the Judges as provided by law shall not exceed the amounts appropriated by the General Assembly for that purpose.

Section 18. There is hereby appropriated the following sums for the fiscal year beginning July 1, 1969 for the Administration of Justice for the purposes described in sections 11 through 17 above.

| | <i>New Castle County</i> | <i>Kent County</i> | <i>Sussex County</i> |
|--|------------------------------|------------------------|--------------------------|
| For the Superior Court | \$257,367 | \$64,145 | \$65,300 |
| For the Presentence Office— | | | |
| Superior Court | 74,798 | 19,296 | 19,165 |
| For the Court of Chancery | 31,824 | 12,947 | 14,040 |
| For the Family Court | 25,000 | 18,442 | 19,440 |
| For the Court of Common Pleas. | 119,210 | 58,570 | 50,845 |
| Contingency Fund for the above courts | 25,000 | 5,000 | 5,000 |

Section 19. This Act shall become effective on July 1, 1969.

Approved July 9, 1969.

CHAPTER 229

AN ACT TO AMEND CHAPTER 4, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING IN KENT COUNTY.

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

Section 1. § 421, Title 28, Delaware Code, is amended by striking the last sentence therefrom in its entirety.

Approved July 10, 1969.

CHAPTER 230

**AN ACT TO AMEND SUBCHAPTER II, SECTION 522 (c),
TITLE 28, DELAWARE CODE, RELATING TO LI-
CENSES TO CONDUCT HARNESS RACING MEETS.**

WHEREAS, SENATE BILL NO. 371 has been passed by the Senate; and

WHEREAS, it appears that there is an error in the title of said SENATE BILL NO. 371.

NOW, THEREFORE:

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

Section 1. Amend Subchapter II, Section 522, Title 28, Delaware Code, by striking subsection (c) thereof in its entirety and inserting in lieu thereof a new subsection (c) as follows:

(c) The Commission shall, on or before the Fifteenth day of January of each year award all dates for harness horse racing in this State for the current year, but the dates so awarded subject to the provisions hereafter stated shall not exceed one hundred (100) days in the aggregate for New Castle County, one hundred forty (140) days in the aggregate for Kent and Sussex Counties. The dates available for award to Kent and Sussex Counties shall be used by the licensees in Kent and Sussex Counties for racing in only those counties. If the harness racing dates as applied for do not conflict with each other, the Commission shall award the dates applied for; but if the harness racing dates as applied for conflict with each other, then the racing dates awarded in any year for Harrington Raceway shall begin September 1st, or if that day falls on a Sunday, September 2nd, and shall not conflict or overlap with the racing dates awarded to any other licensee. Provided, however, that there shall be no racing between December 19 and December 25, inclusive. Notwithstanding any of the foregoing, Harrington Raceway shall have at its option the right to race seventy (70) days from September 1st until November 24th.

Approved July 10, 1969.

CHAPTER 281

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE STATE EMPLOYEES' RETIREMENT FUND
FROM THE CAPITAL INVESTMENT FUND.**

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

Section 1. There is hereby appropriated to the State Employees' Retirement Fund the sum of \$5,000,000.

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

Section 3. This appropriation from the Capital Investment Fund shall be permanent in order to augment the capital funding of the State Employees' Retirement Fund and shall not revert.

Approved July 10, 1969.

CHAPTER 232

AN ACT TO AMEND CHAPTER 17, TITLE 10, DELAWARE CODE, RELATING TO THE MUNICIPAL COURT FOR THE CITY OF WILMINGTON AND PROVIDING FOR A CHIEF JUDGE THEREFOR.

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, Title 10, Delaware Code, is amended to read as follows:

§ 1702. Judges; appointments; terms; qualifications; salary

(a) The Governor shall, with the consent of the Senate, appoint and commission three (3) Judges, each for a term of twelve (12) years and each of whom shall be qualified to hold and preside over the Municipal Court for the City of Wilmington. No more than two (2) Judges shall be appointed from the membership of the same political party.

(b) No person shall be eligible to hold 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 (5) years preceding 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 three (3) 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.

(f) One of the Judges appointed hereunder shall be appointed as Chief Judge of the Municipal Court for the City of Wilmington, and shall be the Chief Administrative Officer of the Court; and the other two (2) Judges appointed hereunder shall be appointed as Associate Judges for the said Court.

(g) In the event of a vacancy by death, resignation or otherwise, the Governor shall appoint a successor for the full term of twelve years (12), who shall be confirmed by the majority of the Members elected to the Senate.

Section 2. This Act shall become effective upon its signature by the Governor; provided, however, that the Judges of the Municipal Court for the City of Wilmington presently commissioned and serving as Chief Judge and/or Associate Judge shall have the option of completing their respective terms of office without regard to the provisions of Subsection (e) of § 1702 of Section 1. Any Judge presently commissioned and serving as a Chief Judge shall complete his term in that capacity and thereafter the office of Chief Judge must be fulfilled in accordance with the provisions of § 1702 of Section 1.

Section 3. Section 1703, Title 10, Delaware Code, is hereby repealed; provided, however, any Associate Judge commissioned and serving pursuant to said Section shall continue to serve as provided in Sections 1 and 2 of this Act.

Section 4. In the event that the duties or any part of the duties now entrusted to any of the Judges of the Municipal Court for the City of Wilmington are transferred to the Court of Common Pleas in and for New Castle County or the Superior Court of the State of Delaware in and for New Castle County, then the Chief Justice of the State of Delaware is hereby authorized to assign the President Judge and/or the other two or any one of the other two Judges of the Municipal Court for the City of Wilmington to the Court to which that part of the function of the Municipal Court for the City of Wilmington has been transferred.

Approved July 10, 1969.

CHAPTER 233

AN ACT TO AMEND SECTION 6521, TITLE 11, DELAWARE CODE BY PLACING THE EMPLOYEES OF THE DIVISION OF FIELD SERVICES, DEPARTMENT OF CORRECTIONS, UNDER THE STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

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

Section 1. Section 6521, Title 11, Delaware Code, is amended by striking said section in its entirety, and substituting in lieu thereof a new section to read as follows:

§ 6521. Division of Field Services

The employees of the Division of Field Services, Department of Corrections, shall have their job qualifications and pay scales approved by the Director of the State Personnel Commission and the Commissioner of the Department of Corrections.

Section 2. All employees of the Division of Field Services at the time this Act becomes effective shall continue to be employees of the Department of Corrections hereafter as long as they fulfill the requirements of the job.

Approved July 10, 1969.

CHAPTER 234

AN ACT TO AMEND CHAPTERS 63 AND 65, TITLE 29, DELAWARE CODE, RELATING TO THE AUTHORITY OF THE BUDGET DIRECTOR WITH RESPECT TO LOCAL SCHOOL DISTRICT REVENUE AFFAIRS.

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

Section 1. Section 6315, Chapter 63, Title 29, Delaware Code, is hereby amended by adding at the end of said section the following sentence:

A further exception to the provisions of this chapter is provided for all financial affairs of local school districts and special school districts with respect to locally raised revenue only; this exception shall not apply to State supplied monies administered by such local school districts or special school districts.

Section 2. Section 6529, Chapter 65, Title 29, Delaware Code, is hereby amended by adding at the end of said section the following sentence:

With respect to local school districts and special school districts this section shall apply only to those funds administered by such agency which are State supplied monies; the powers of the Budget Director shall not extend to the administration of locally raised revenue.

Approved July 10, 1969.

CHAPTER 235

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 17 OF TITLE 24, DELAWARE CODE, RELATING TO LICENSURE TO PRACTICE MEDICINE AND SURGERY, THE TERMINATION OF HUMAN PREGNANCY, AND PENALTIES FOR VIOLATION OF THE SAID CHAPTER.

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

Section 1. Amend House Substitute 1 for House Bill No. 200 by adding the following sentence to Section 2, § 1790 (b) (2) :

In a case where the personal physician of an expectant mother claims that she has a mental or emotional condition, a psychiatrist licensed by this State shall, in addition to the personal physician, certify to the abortion review authority of the hospital where such procedure is to be performed that he is of the opinion, formed in good faith, that one of the circumstances set forth in subsection (a) of this section exists (except that no such certification is necessary for the circumstances set forth in subsection (a) (3) (b) hereof.

Section 2. Amend House Substitute 1 for House Bill No. 200 by deleting the period at the end of subsection 1790(b) (2) and substituting in lieu thereof a semi-colon, followed by the word "and".

Approved July 10, 1969.

CHAPTER 236

AN ACT TO AMEND SECTION 503, TITLE 31, DELAWARE CODE, RELATING TO ELIGIBILITY FOR WELFARE ASSISTANCE.

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

Section 1. Section 503, Title 31, Delaware Code, is amended by striking subsection (c) and substituting in lieu thereof a new subsection (c) as follows:

(c) The amount of assistance allowed in each case of old age assistance shall be limited by the circumstances of such case as ascertained, after full and complete investigation, by the Department. The limitations on the amount of old age assistance may be exceeded however, by the amount of any payments for medical care as defined in section 502, of this chapter. In no case should the amount of assistance allowed exceed \$130 monthly.

Approved July 10, 1969.

CHAPTER 237

AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY PROVIDING FOR CHILDREN WITH LEARNING DISABILITIES AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. Amend § 1703, Title 14, Delaware Code, in the second paragraph in that section after the sentence ending with the words, "... the unit for classes for the blind shall be eight," by inserting a new sentence to read as follows:

For those children in the classification designated as having "learning disabilities" the unit shall be eight.

Section 2. Amend § 3101, Title 14, Delaware Code, by inserting a new paragraph into that section, immediately following the paragraph beginning with the words "Socially or emotionally maladjusted" and preceding the paragraph beginning with the words "Gifted children" to read as follows:

"Learning disability" means children who exhibit a disorder in one or more of the basic psychological or physiological processes involved in understanding and in using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling, or arithmetic. They include, but are not limited to, conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and/or developmental aphasia. They do not include learning problems which are due primarily to visual, hearing, or orthopedic handicaps, to emotional disturbance if these are provided for elsewhere, or to mental retardation, or to environmental disadvantage.

Section 3. Amend § 1703, Title 14, Delaware Code, by inserting into that section and to read as follows:

The State Board of Education shall provide through rules and regulations for the establishment of evaluation and placement committees in the school districts of the State, the purpose

of which shall be to evaluate each potential candidate for enrollment in a class in the category known as "learning disabilities" and to recommend appropriate placement to the parents or legal guardian of such potential candidate and to the superintendent of the school district. Each evaluation and placement committee shall contain a psychologist and/or psychiatrist licensed to practice in Delaware. No school district shall be entitled to enroll more than 2% of its enrollment in this category described as "Learning disability". No state expenditure for classes in the category known as "learning disability" shall be authorized unless the qualifications of the teacher and the instructional program shall have been approved by the State Board of Education. In any instance in which such an evaluation and placement committee certifies that a particular child cannot be adequately served in any of the units herein described for handicapped children, including the unit described by the term "learning disabilities" or where such a unit for learning disabilities is not available in the district of residence or a district within reasonable transportation distance of the home of the child, then the committee may recommend to the parents or legal guardian of such child and to the superintendent of the district that the child be authorized to attend a specialized public or private school in Delaware or in another state of the United States and that the district of residence be authorized to include in the budget of that district a separate amount to be drawn from State funds, which may be used to cover the cost of tuition, transportation and housing for such a specialized assignment. Such amounts may be used up to but not in excess of an amount equal to the Delaware average expenditure per pupil as expended from State funds in the prior year. Any amount so authorized and allocated in the budget of the school district, shall not be counted against the allocation otherwise granted to that district for other unit purposes, nor shall the district count said student in the certified count by which units are determined for the school district. When the timing of a pupil evaluation and placement does not coincide with the timing of the budget presentation, then the amounts shall be provided from the Educational Contingency Fund.

Section 4. The sum of \$350,000 is hereby appropriated to the "EDUCATIONAL CONTINGENCY FUND, Growth and

Upgrading—Learning Disabilities” for the fiscal year ending June 30, 1970, with the general purpose of carrying out the intent of this bill.

Section 5. 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, 1970.

Section 6. 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 July 10, 1969.

CHAPTER 238

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO SICK LEAVE PROVISIONS FOR SCHOOL EMPLOYEES BY PROVIDING TERMINAL PAY FOR UNUSED SICK LEAVE TIME.

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

Section 1. Title 14, Section 1318, Delaware Code, is hereby amended by adding the following new paragraph:

(e) In the case of an employee to be retired subsequent to June 1, 1969, after serving in covered employment under provisions of Title 29, Chapter 55, Delaware Code, payment shall be made for each unused sick leave day, not to exceed 90 days, upon retirement. The total amount paid shall be based on that portion of salary paid by the State and shall be based upon 50 per cent of the per diem rate of pay in effect at the time of retirement. For school employees of the State Board units, special school districts and for the City of Wilmington, the per diem rate shall be 1/185 of the salary paid by the State for those employed 10 months; for those employed 11 months, the per diem rate shall be 1/210 of the salary paid by the State and for those employed 12 months, the per diem rate shall be 1/235 of the salary paid by the State. Administrative staffs employed by the State Board of Education and the Board of Education, City of Wilmington, shall have their payments for 10 months employment 1/196 of the salary paid by the State; 11 months employees 1/215 of the salary paid by the State and those on 12 months employment 1/235 of the salary paid by the State. The local employing agency shall certify the number of days to which the employee shall be entitled.

Section 2. This Act shall become effective July 1, 1969.

Approved July 10, 1969.

CHAPTER 239

AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, ENTITLED "STATE SUPPORTED SALARY SCHEDULES FOR SCHOOL EMPLOYEES" TO RE-ENTITLED SAID CHAPTER TO READ "SALARIES AND WORKING CONDITIONS OF SCHOOL EMPLOYEES", AND TO PROVIDE A DUTY-FREE PERIOD FOR GRADES 1 TO 12 INCLUSIVE SCHOOL TEACHERS, AND TO MAKE A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. Chapter 13, Title 14, Delaware Code, is hereby amended by re-entitling said chapter to read, "SALARIES AND WORKING CONDITIONS OF SCHOOL EMPLOYEES".

Section 2. Chapter 13, Title 14, Delaware Code, is hereby amended by adding thereto the following new Section "1328" to read as follows:

§ 1328. Hours of duty of grades 1 to 12 inclusive school teachers; duty-free period

In all reorganized school districts each school teacher grade 1 to 12 inclusive shall have, during each school day, a duty-free period consisting of at least thirty consecutive minutes of duty-free time; provided, however, the provisions hereof shall not be deemed to bar the allowance of a longer or additional duty-free period each day.

Section 3. The sum of \$200,000 is hereby appropriated as a supplementary appropriation for the fiscal year 1969-1970. The State Board of Education is directed to allocate monies from this fund only to reorganized school districts, for grades 1 to 6 inclusive school teachers, which demonstrate inability to implement the intent of this law without State aid, provided that no such district shall receive more than an amount

equal to that proportion of \$200,000 which such district's number of school units of pupils in grades 1 to 6 inclusive, as defined in 14 Delaware Code, Section 1703, as amended, bears to the total number of such units in the State.

Section 4. 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. Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1970.

Section 5. This Act shall become effective on September 1, 1969.

Approved July 10, 1969.

CHAPTER 240

AN ACT AMENDING CHAPTER 30 OF TITLE 31, DELAWARE CODE OF 1953, BY CREATING THE POSITION OF DIRECTOR OF THE STATE HUMAN RELATIONS COMMISSION, SPECIFYING THE DUTIES AND RESPONSIBILITIES OF SUCH DIRECTOR, AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR TO SAID COMMISSION.

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

Section 1. Section 3003 of Title 31, Delaware Code of 1953, is hereby amended to read as follows:

§ 3003. Director and other personnel

(a) The Commission may employ a Director to devote his full time to the work of the Commission at such compensation as shall be set by the Commission. The Director shall be responsible for carrying out such public information and education programs as are approved by the Commission, for preparing reports and recommendations concerning the work of the Commission which shall be presented to the Commission, for making surveys and studies required by the Commission, and for supervising the work of other employees of the Commission.

(b) The Commission may employ such additional personnel, including an Executive Secretary, as are required for the work of the Commission, at such compensation as shall be set by the Commission. The duties of such additional personnel shall be fixed by the Commission and they shall be responsible to the Director in the discharge thereof.

Section 2. There is hereby appropriated to the State Human Relations Commission the sum of \$15,000 for the fiscal year ending June 30, 1970 for employment of a Director by said Commission.

Section 3. Any funds hereby appropriated that remain uncommitted on July 1, 1970 shall revert to the State.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved July 10, 1969.

CHAPTER 241

AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES BY PARTIES.

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

Section 1. (a) § 3101, Chapter 31, Title 15, Delaware Code, is amended by striking the definition of "Party" or "Political Party" appearing therein and inserting in lieu thereof a new definition to read as follows:

Party or political party means any political party, organization or association which elects delegates to a National Convention, nominates candidates for electors of President and Vice President, United States Senator, Representative in Congress, Governor and other offices, and elects a State Committee and officers of a State Committee, by a State Convention composed of elected members from each representative district provided a registered party member is available in each representative district;

(b) Further amend § 3101, Chapter 31, Title 15, Delaware Code, by adding a new definition to read as follows:

Local means any political district smaller than the State including Municipal, County, State Representative or State Senatorial.

Section 2. § 3102, Chapter 31, Title 15, Delaware Code, is repealed and a new § 3102 inserted in lieu thereof to read as follows:

§ 3102. Dates for holding primary elections

(a) The time for holding any primary election for the election of delegates to any State Party convention shall be the third Tuesday in April in the year in which such primary election is held.

(b) The time for holding all other primary elections, including those for candidates for State wide and/or Local offices whose election is determined in November of the even-numbered years, shall be the third Tuesday in June in the year which such primary is held.

Section 3. § 3103, Chapter 31, Title 15, Delaware Code, is repealed and a new § 3103 inserted in lieu thereof to read as follows:

§ 3103. Primary elections in all districts to be held on same day

The primary elections for all political parties shall be held in the various districts on the same day as elsewhere provided in this Title.

Section 4. § 3104, Chapter 31, Title 15, Delaware Code, shall read as follows:

§ 3104. Filing fees

Filing fees for primary elections for candidates for any office of any political party may only be levied by the Chairman or Treasurer of the regularly organized or constituted committee of the political party in the appropriate political subdivision and may be no greater than 3 per cent of the total salary for the entire term of office for which the candidate is filing. The filing fee shall be returned to the loser of the primary contest providing he had obtained at least 35 per cent of the votes cast in that contest.

Section 5. § 3107, Chapter 31, Title 15, Delaware Code, is amended by striking § 3107 in its entirety and inserting in lieu thereof a new § 3107 to read as follows:

§ 3107. Date for filing of candidacy for nomination at a primary election

Prior to any primary election, any person desiring to be voted for as a local candidate for nomination shall notify the County Committee Chairman of the political party in the County in which he resides and any statewide candidate shall notify the State Chairman of his Party. Such notification shall be in writing and shall be before the third Saturday in May of the year in which such primary election is held except that whenever there is a contest for State Convention delegates such notification must be before the 2nd Saturday in March to the Chairman of the appropriate Party committee.

Section 6. § 3108, Chapter 31, Title 15, Delaware Code, is amended by striking § 3108 in its entirety, and inserting in lieu thereof a new § 3108 to read as follows:

§ 3108. Notification to Department of Elections of intent to call a Primary election

Whenever a Political Party desires to hold a Primary Election, the Chairman or Secretary of the regularly organized and constituted committee of the appropriate political subdivision of that Party shall notify in writing the Department of Elections, of the same political subdivision, of their desire to hold a primary election which notification shall be given as follows:

(a) Prior to the third Saturday in March in the year in which such primary election is held for the election of delegates to a State Party Convention.

(b) Prior to the third Saturday in May in the year in which such primary election is held for candidates for State or Local offices.

Section 7. § 3114, Chapter 31, Title 15, Delaware Code, is repealed in its entirety.

Section 8. Chapter 31, Title 15, Delaware Code, is amended by adding a new § 3116 to read as follows:

§ 3116. Certification of convention nominees for primary election

The Presiding Officer and Secretary of the Convention of any political party shall certify to the several Departments of Elections, the State Election Commissioner, and the Secretary of State, the names of all persons receiving at least thirty-five (35) per cent of the votes cast on the final polled vote in said convention for the nomination of United States Senator, Representative in Congress, Governor and other state offices. Such certification shall be made within ten (10) days of such final vote. When the names of two such persons are so certified with respect to any office, a primary election shall be held on the third Tuesday in June in all districts in which votes may be cast at the general election for that office and in the same manner as

elsewhere provided in this title for primary elections, provided that the person receiving the lesser number of votes at the convention with respect to any office shall, within ten (10) days of such final vote, have notified the several Departments of Elections, the State Election Commissioner and the Secretary of State, in writing of his intent to be voted for as a candidate for nomination to such office.

Section 9. § 3301, Chapter 33, Title 15, Delaware Code, is amended by adding thereto a new subsection (c) to read as follows:

(c) No nomination or certificate of nomination of candidates for electors for President and Vice-President, United States Senator, Representative in Congress, Governor and other state offices shall be made, nor shall the name of any such candidate be certified as provided in this section or be placed on the ballot in any general election in this State, except that such nominations shall be made by a majority vote of the members of a convention of the political party to be held not later than the second Saturday in May in the even numbered years.

Section 10. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Approved July 10, 1969.

CHAPTER 242

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

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

Section 1. The sum of \$3,200 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1970 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. 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 10, 1969.

CHAPTER 243

AN ACT TO AMEND § 5111, TITLE 16, RELATED TO "MENTAL HEALTH" BY PROVIDING A DIRECTOR OF COMMUNITY MENTAL RETARDATION PROGRAMS.

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

Section 1. § 5111, Title 16, Delaware Code, is hereby amended by striking out subsection (g) and by inserting in lieu thereof a new subsection to read as follows:

(g) The Commissioner shall appoint, with Board approval, a Director of Community Mental Retardation Programs, who shall have appropriate educational training and experience in mental retardation and program administration. This Director shall be the chief administrative officer of all community mental retardation programs of the Department.

Approved July 10, 1969.

CHAPTER 244

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE PLANNING OFFICE.**

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

Section 1. The sum of \$24,000 is appropriated to the Delaware State Planning office to prepare interpretive soils maps in cooperation with the United States Department of Agriculture.

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

Section 3. The sum herein appropriated shall not revert to the General Funds of the State of Delaware until the purposes of this Act are completed or until June 30, 1970, whichever first occurs.

Approved July 10, 1969.

CHAPTER 245

AN ACT TO AMEND CHAPTER 1, TITLE 16, DELAWARE CODE, RELATING TO DEPUTY STATE HEALTH OFFICERS.

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

Section 1. Section 108, Title 16, Delaware Code, is amended to read as follows:

§ 108. Same; powers and duties

The duties of Deputy State Health Officers shall be to act as representatives of, and under the direction of, the State Board of Health and of the Executive Secretary, in securing the enforcement of the provisions of the laws of the State pertaining to the public health. They shall also enforce all rules, regulations, and orders adopted or promulgated by the Board in accordance with law and they shall undertake such other duties as may be assigned to them by the Board or the Executive Secretary. Deputy State Health Officers shall supervise all public health matters within their respective counties, including the City of Wilmington, except in incorporated cities and towns other than the City of Wilmington having duly constituted boards of health. The governing authorities of any incorporated city or town other than the City of Wilmington may by resolution duly adopted by the governing authority, and with the approval of the State Board, designate the Deputy State Health Officer to act as health officer of such incorporated city or town, and when so designated he shall exercise the powers and perform the duties of the local board of health.

Approved July 10, 1969.

CHAPTER 246

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE CUSTODIAN OF THE STATE HOUSE AND ADMINISTRATION BUILDINGS FOR THE PURPOSE OF PROVIDING FUNDS TO STAFF AND MAINTAIN THE BUILDING AND GROUNDS OF THE NEW STATE HIGHWAY DEPARTMENT ADMINISTRATION BUILDING FOR THE BALANCE OF THE FISCAL YEAR ENDING JUNE 30, 1969.

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

Section 1. The sum of \$47,500 is hereby appropriated to the Custodian of the State House for the fiscal year ending June 30, 1969 for the purpose of providing the Custodian with funds needed to staff and maintain the new State Highway Department Administration Building for the balance of the fiscal year and to be expended for the following purposes:

- (1) \$10,000 — salaries
- (2) \$32,000 — contractual services
- (3) \$ 5,500 — supplies and materials

TOTAL \$47,500

Section 2. This Act shall be considered a supplementary appropriation and the monies hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of the funds in the above categories remain unexpended upon June 30, 1969, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved May 28, 1969.

CHAPTER 247

AN ACT TO AMEND TITLE 31, DELAWARE CODE, RELATING TO THE DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. Chapter 5, Title 31, Delaware Code, is amended by adding a new section 518 thereto as follows:

§ 518. Refusal to accept job placement

Notwithstanding any other provision of law the Department of Public Welfare shall discontinue assistance on behalf of any adult or any youth 16 years of age or older and not attending school, who is a member of any Aid to Families of Dependent Children assistance unit, and who has been referred to Employment Security Commission for regular job placement, training, or other work or training placement, when such individual so referred declines to accept such placement and continues to refuse such placement after 60 days during which period the Department shall provide counseling service to such individual. Discontinuance of such assistance shall remain in effect so long as refusal to accept job placement and/or training exists in each individual situation.

Approved July 10, 1969.

CHAPTER 248

AN ACT TO AMEND TITLE 31, DELAWARE CODE, RELATING TO THE DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. Title 31, Delaware Code, is amended by striking the phrase "aid and services to needy families with children" and inserting in lieu thereof the phrase "aid to families with dependent children" in all sections of Title 31 where this program is involved. Specifically these sections are:

Section 503, subsection (d)
Section 504, subsection (2)
Section 513, subsection (a) (b)
Section 902.

Approved July 10, 1969.

CHAPTER 249

AN ACT TO AMEND SECTION 504, TITLE 31, DELAWARE CODE, RELATING TO ELIGIBILITY FOR WELFARE ASSISTANCE.

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

Section 1. Section 504, Title 31, Delaware Code, is amended by striking out the second paragraph of Subsection (2) and substituting in lieu thereof a new paragraph in Subsection (2) as follows:

If found feasible by, and in accordance with regulations prescribed by the Department, the term "Aid to Families with Dependent children shall also include aid granted with respect to children who are removed from their home and placed in foster care as a result of a judicial determination, initiated during the month in or for which such children were receiving such aid, or initiated during the month in or for which such children would have received such aid if application had been made therefor, or if such children, who within six months prior to the month court proceedings were initiated had been living with a specified relative and would have been eligible for assistance in or for such month except for failure to meet the "living with" requirement, that continuation in the parent's or relative's home would be contrary to the child's welfare.

Approved July 10, 1969.

CHAPTER. 250

AN ACT TO AMEND CHAPTER 5, TITLE 31 AND CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO THE PAYMENT TO THE DEPARTMENT OF PUBLIC WELFARE OF SUMS COLLECTED FOR SUPPORT UNDER COURT ORDER, AND TO THE INITIATION OF ACTION BY THE FAMILY COURTS FOR BETTER JOB STATUS AND EMPLOYING THE DEPARTMENT OF PUBLIC WELFARE TO INSTITUTE SUPPORT PROCEEDINGS.

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

Section 1. Chapter 5, Title 31, Delaware Code, is amended by adding a new section thereto to read as follows:

§ 503 A. Collection and transfer of support payments; powers and duties of Family Courts

(a) The Department of Public Welfare shall provide to the Family Court in New Castle County and the Family Court of Kent and Sussex Counties, the names and addresses of all recipients of assistance under 31 Delaware Code, Section 503 (d) and the name and last known address of the fathers of any dependent child or children. It shall then be the legal responsibility of the aforesaid courts, notwithstanding any other provision of law to the contrary, to pay directly to the Department of Public Welfare all sums collected pursuant to the orders of those courts from fathers whose children are receiving assistance under 31 Delaware Code, Section 503 (d). The Department of Public Welfare shall credit the sums received from those courts to the budget allotment under which payments are made pursuant to 31 Delaware Code, Section 503 (d).

(b) Wherever it appears to any of the said Courts that the father of any dependent child or children will not be able to meet all or part of the obligation of any support order, the Court shall initiate action to improve the earning capabilities of the father by cooperating with the appropriate state agencies to provide the necessary training and/or job upgrading.

Section 2. Section 503, Chapter 5, Title 13, Delaware Code, is amended by designating the present section as subsection (a) and by adding thereto a new subsection (b) to read as follows:

(b) The Department of Public Welfare may institute proceedings for non-support in the Family Court of the appropriate county where the Department has been designated as the attorney-in-fact by and on behalf of the mother, guardian or person standing in loco parentis to a dependent child.

Approved July 10, 1969.

CHAPTER 251

AN ACT TO AMEND SECTION 503, (a) OF TITLE 31, DELAWARE CODE, TO PROVIDE AN INCENTIVE SYSTEM FOR WELFARE RECIPIENTS.

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

Section 1. Title 31, Delaware Code, Section 503, (a) is amended by adding the following paragraph:

In the event that a person receiving assistance pursuant to this subsection has an increase in his personal income as a result of being gainfully employed, such assistance shall not be reduced by the amount of the increase in said income, provided that his income meets the minimum subsistence standards established by the Department of Public Welfare, at that time the assistance granted under this chapter shall be reduced in accordance with the following formula:

For the first three months by 25% of the monthly increased income; and for the next three months by an additional 25% of the monthly increased income; and thereafter by an additional 10% of monthly increased income for each succeeding three month period until the end of the eighteenth month, or until the total amount of assistance for which he is eligible is reduced to zero, whichever first occurs.

Approved July 10, 1969.

CHAPTER 252

AN ACT TO AMEND TITLE 31, DELAWARE CODE, RELATING TO THE DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. Chapter 5, Title 31, Delaware Code, is amended by adding a new section 519 thereto as follows:

§ 519. Payment of assistance grants by the Department of Welfare

Notwithstanding any other provision of law the Department of Public Welfare may make payment of assistance grants under the Aid to Families with Dependent Children program on behalf of certain eligible cases/families directly to the Employment Security Commission, Department of Labor, State of Delaware, with the understanding that such assistance payments so made shall be used to compensate the eligible case/family for employment services rendered through placement of the employable adult or person 16 years of age or older and not in school, with a public or private non-profit agency for the purpose of performing specific duties.

The Employment Security Commission shall maintain accounting controls of such assistance payments made by the Department of Public Welfare, and shall refund to the Department of Public Welfare any and all such assistance payments received which may not have been used for the intended purpose, such refunding to be effected within 90 days after such payment is issued.

Approved July 10, 1969.

CHAPTER 253

AN ACT TO AMEND TITLES 10 AND 30, DELAWARE CODE, TO PROVIDE FOR INCOME TAX REFUNDS TO BE APPLIED TO DELINQUENT SUPPORT PAYMENT.

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

Section 1. Chapter 9, Title 10, Delaware Code, is amended by adding a new Section 964, to read as follows:

§ 964. Individuals in arrears in support payments

(a) Not later than December 31 and March 31 in every calendar year, the Court shall forward to the State Tax Department the names of all persons who have failed to comply with any valid support order of the Court, or who are then in arrears in any support payments due pursuant to any valid Court order.

(b) The Court shall credit all payments from the State Tax Department made pursuant to section 1183, Title 30, Delaware Code, to the account of the individual who is in arrears in his support payments. All money in excess of the arrearage shall be paid over to the individual.

Section 2. Chapter 11, Title 10, Delaware Code, is amended by adding a new Section 1159, to read as follows:

§ 1159. Individuals in arrears in support payments

(a) Not later than December 31 and March 31 in every calendar year, the Court shall forward to the State Tax Department the names of all persons who have failed to comply with any valid support order of the Court, or who are then in arrears in any support payments due pursuant to any valid Court order.

(b) The Court shall credit all payments from the State Tax Department made pursuant to section 1183, Title 30, Delaware Code, to the account of the individual who is in arrears in his support payments. All money in excess of the arrearage shall be paid over to the individual.

Section 3. Section 1183, Chapter 11, Title 30, Delaware Code, is amended by adding a new subsection (f), to read as follows:

(f) All refunds due to any individual, which individual's name has been forwarded to the Tax Department by the Family Court of New Castle County pursuant to section 964, Title 10, Delaware Code, or by the Family Court of Kent and Sussex Counties pursuant to section 1159, Title 10, Delaware Code, shall be paid to the respective Family Court and a notice of such payment shall be sent to the individual.

Approved July 10, 1969.

CHAPTER 254

AN ACT TO AMEND SECTION 507, TITLE 13, DELAWARE CODE RELATING TO ATTACHMENT OF SALARY OR WAGES IN CHILD SUPPORT CASES.

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

Section 1. The provisions following the end of the first sentence in Subsection (c) of Section 507, Title 13, Delaware Code, are repealed and the following added in their place:

(d) In accordance with the foregoing and in order to enforce the court's orders, the court shall have the right to attach the salary or wages of any defendant against whom an order has been entered. Such wage attachment shall be made by the court only in cases where there is a child whom the defendant is legally bound to support. Not more than 25% of the defendant's "net" or "take home" salary or wages shall be attached in any case where there is not more than one child whom the defendant is legally bound to support; and not more than an additional 5% of the defendant's "net" or "take home" salary or wages shall be attached for each additional child whom the defendant is legally bound to support.

(e) It is specifically understood that any wage attachment made under this statute shall have initial priority notwithstanding the provisions of 10 Delaware Code, section 4913 or any other statute to the contrary, and that any attachment called for in this statute is not subject to the exemptions or limitations of 10 Delaware Code, section 4931.

(f) In the case of any wage attachment made under this section any employer of the defendant, upon receipt of a certified copy of the wage assignment from the court, shall periodically deduct the sum certain, or the fixed percentage stated therein, as the case may be, from the "net" or "take home" wages due the defendant-employee, and periodically mail or otherwise deliver the wage or salary deduction to the court, and he shall continue to make the periodic wage deductions and mail or otherwise deliver the periodic payments to the court for so

long as the defendant shall remain employed by said employer, unless the court prior to the termination of such employment, otherwise orders. The remittance in each of these cases made by the employer to the court shall be made by check or money order payable to "The (here naming the court imposing the order) Court," and in every case the employer shall so identify each remittance as to enable the court to make proper distribution thereof.

(g) In the event that any employer dismisses, terminates or causes the termination of any defendant's employment as a result of an attachment under this statute, such employer shall be guilty of a criminal offense and shall be subject to a fine for the first offense of not more than \$1,000 or ninety days in jail, or both; and for each subsequent offense shall be subject to a fine of not more than \$5,000 or one year in jail, or both.

Approved July 10, 1969.

CHAPTER 255

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE PUBLIC ARCHIVES COMMISSION.**

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

Section 1. The sum of \$14,000 is appropriated to the Public Archives Commission for the fiscal year ending June 30, 1970, to be expended for the repair of the bulkhead of the Fort Christina Monument.

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, 1971.

Section 4. This act shall become effective immediately upon the adoption of the Fiscal 1970 Budget Bill.

Approved July 10, 1969.

CHAPTER 256

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 thereof concurring therein):

Section 1. The sum of \$10,000 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 \$2,500 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 \$1,500 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 \$1,500 is appropriated to the American Legion Auxiliary, Department of Delaware, for the bearing of expenses incident to the holding of Girls' State.

Section 11. The sums appropriated herein are for the fiscal year ending June 30, 1970 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 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 10, 1969.

CHAPTER 257

AN ACT TO AMEND CHAPTER 337, VOLUME 56, DELAWARE LAWS, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1969" TO ALLOW THE BUDGET DIRECTOR TO PAY STATE EMPLOYEES ACCORDING TO THEIR MERIT SYSTEM SALARY SCHEDULE RATHER THAN THEIR LINE ITEM SALARY APPROPRIATION.

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

Section 1. Chapter 337, Volume 56, Delaware Laws, is amended by adding a new section thereto to read as follows:

In any case where the salary payable to any State employee covered by and whose salary is set by the Personnel Commission pursuant to Chapter 59, Title 29, Delaware Code, is more or less than the salary provided in this Act, the Budget Director shall have the authority to pay such employee solely according to his Merit System fee schedule.

Approved July 10, 1969.

CHAPTER 258

**AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE
CODE, RELATING TO THE PUBLIC SERVICE COM-
MISSION.**

*Be it enacted by the General Assembly of the State of Dela-
ware:*

Section 1. § 169 (a), Chapter 1, Title 26, Delaware Code, is amended by striking the words "and wilfully" and "or wilfully" where they appear therein.

Approved July 10, 1969.

CHAPTER 259

AN ACT TO AMEND § 3701 (b), TITLE 18, DELAWARE CODE, RELATING TO THE EFFECTIVE DATE OF THE DELAWARE INSURANCE CODE.

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

Section 1. Amend § 3701 (b), title 18, Delaware Code, by striking said subsection in its entirety.

Approved July 10, 1969.

CHAPTER 260

AN ACT TO AMEND § 1741 (b) (2), TITLE 18, DELAWARE CODE, RELATING TO THE RESIDENCE QUALIFICATIONS FOR THE ISSUANCE OF AN ADJUSTOR'S LICENSE.

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

Section 1. § 1741 (b) (2), title 18, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection to read as follows:

(2) Must reside, or have, in the discretion of the Commissioner, sufficient contact within this State so as to provide adequate service to the residents of this State; or be resident of another state which grants adjustor licenses to residents of this State.

Approved July 10, 1969.

CHAPTER 261

AN ACT TO AMEND TITLE II, DELAWARE CODE, TO ADD A NEW CHAPTER 84 TO PROVIDE MANDATORY TRAINING AND EDUCATION FOR POLICE OFFICERS OF MUNICIPALITIES AND OTHER GOVERNMENTAL UNITS OF THE STATE OF DELAWARE AND ESTABLISHING THE DELAWARE POLICE TRAINING COMMISSION.

WHEREAS, it is vital and necessary to public safety and security in these modern times to improve the administration of local and county law enforcement in order to better protect the health, safety and welfare of the citizens of this State, and, to that end, it is necessary and feasible to bring about such improvement through compulsory and uniform education and training for persons who seek to become permanent law enforcement officers; and

WHEREAS, facilities are under construction in this State for the purpose of providing a training academy for the Delaware State Police, which said facility, properly staffed and administered, by the Delaware State Police, could also provide much needed training for police officers and prospective police officers of municipalities, counties and other governmental units and agencies of the State of Delaware;

NOW, THEREFORE,

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

Section 1. Title II of the Delaware Code of 1953, is hereby amended by adding thereto a new Chapter 84 to be entitled, "Delaware Police Training Commission and Program" and to read as follows:

§ 8401. Definitions

As used in this chapter—

"Approved school" shall mean a school authorized by the Commission to provide a mandatory training and education for police officers as prescribed in this chapter.

"Commission" shall mean the Delaware Police Training Commission.

"Permanent appointment" shall mean appointment by the authority of any municipality or governmental unit in or of the State of Delaware to permanent status as a police officer.

"Police Officer" shall mean a member of a police force or other law enforcement agency of the state or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of laws of the state or other governmental units within the state; provided, however, for purposes of this Chapter this term shall not include the following: (a) a Sheriff, regular Deputy Sheriff or Constable; (b) Game Warden or Inspector for a State Agency whose responsibility is limited to the enforcement of the laws and regulations pertaining to such agency; or (c) a person holding police power by virtue of occupying any other position or office.

§ 8402.

There is hereby created the Delaware Police Training Commission. For administrative purposes only, this Commission and its staff shall be within the State Highway Department, Division of State Police.

§ 8403.

(a) The Commission shall be composed of six members.

(b) The Commission shall be as follows, a Chairman to be appointed by and to serve at the pleasure of the Governor, the Attorney General, the Superintendent of the Delaware State Police, the Chief of the City of Wilmington Police, the Superintendent of the Department of Public Instruction, the President of the Delaware League of Local Governments. The Chairman shall be a person with substantial practical experience in the field of law enforcement.

(c) No formal action on any matter of policy, appointment or certification shall be valid unless it shall be by unanimous vote of members personally.

§ 8404. Organization of the Commission

(a) A Vice-Chairman and a Secretary shall be elected from among the members of the Commission at its first meeting. The Commission shall hold no less than two regular meetings each year and may meet at such other times as it may determine. The Chairman shall fix the time and place of such meetings in his discretion, but upon written request of any three members, the Chairman shall call a meeting pursuant to the terms of such request. The Commission shall report annually to the Governor and the General Assembly concerning its activities. Four members shall constitute a quorum. The Governor shall summon the Commission to its initial meeting.

(b) Notwithstanding any provision of law, Commission membership shall not disqualify any member from holding any other public or employment or constitute a forfeit of such office.

(c) Commission members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

§ 8405. Powers and duties

The Commission shall have the following powers and duties:

(a) To establish minimum educational and training qualifications requisite to permanent appointment as a police officer.

(b) To establish minimum educational and training qualifications for temporary, seasonal or probationary, employment as a police officer.

(c) To prescribe standards for schools at which police training courses shall be conducted, including but not limited to existing county or municipal schools.

(d) To establish minimum training requirements, attendance requirements, and standards of operations for such police training schools.

(e) To prescribe minimum qualifications for instructors at such schools and certify, as qualified, such instructors to their particular courses of study.

(f) To approve and issue certificates of approval to such police training schools, to inspect such schools from time to time, and to revoke for cause any approval or certificate issued to such schools.

(g) The Director of the Delaware State Police, Training Division, shall be responsible for administering the mandatory training and education for police officers program with responsibility and authority to obtain professional assistance from other police and professional organizations to accomplish the purposes and objectives of the program.

(h) To consult and cooperate with all agencies of government, state and local, concerning the development and administration of the training and standard program and to contract with such agencies as it deems necessary to the performance of its powers and duties.

(i) To accept or receive grants or donations from any source, public or private, for the purposes of this chapter.

(j) To make such rules and regulations as may be necessary to carry out purposes and objectives of this chapter.

(k) To provide a modification of or exemption from the application of any provision of this chapter or the rules and regulations promulgated thereunder, for any police officer of a municipality if (1) the police officer is employed on a part-time basis, which for this purpose shall be defined to mean a police officer employed for at least ten months per year for less than an average of 30 hours per week, or a police officer employed for less than twelve weeks each year; and (2) the municipality makes application for such modification or exemption and establishes that it will suffer a hardship if the modification or exemption is not granted.

§ 8406. Mandatory training of police officers

(a) Every municipality or other governmental unit of this State employing or intending to employ on a permanent basis police officers as defined in this chapter shall authorized attendance at an approved school by persons holding a probationary appointment as a police officer, and, upon the expiration of one

year after the effective date of this chapter, every such municipality or other governmental unit shall require that no person shall thereafter be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training and education course at an approved school.

(b) Police officers already serving under permanent appointment on the effective date of this chapter shall not be compelled to meet this requirement as a condition of tenure or continuing employment; nor shall failure of any such police officer to fulfill such requirements as the Commission may hereafter establish by regulation make him ineligible for promotion to which he might otherwise be eligible.

§ 8407. Probationary or temporary appointment

Notwithstanding the provision of Section 8406 herein, upon the expiration of one year from the effective date of this chapter, a probationary or temporary appointment as a police officer may be made for a total period not exceeding one year for the purpose of enabling a person seeking permanent appointment to take a police training course of program as prescribed under this chapter. No person shall be permitted to take a police training course unless he holds such probationary or temporary appointment, except in the discretion of the Commission, and such appointee shall be entitled to a leave of absence with pay during the period of attendance at such police training course or program.

§ 8408. Compensation and expenses

During any training program, the compensation or wages of any trainee police officer shall be the responsibility of the employing authority. The responsibility for providing all other costs, including but not limited to tuition, living expenses, books and equipment shall be that of the Commission.

§ 8409. Reservation of local powers

Except as expressly provided herein, nothing contained in this chapter shall be deemed to limit the powers, rights and duties of any State, county, municipal or other governmental unit.

§ 8410.

The General Assembly shall appropriate each year to the Delaware Police Training Commission such funds as are necessary for the purpose of carrying out the provisions of this Act.

Approved July 11, 1969.

CHAPTER 262

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE GOVERNOR FOR THE DELAWARE AGENCY TO REDUCE CRIME IN ORDER TO PROVIDE AID TO LOCAL LAW ENFORCEMENT AGENCIES.

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

Section 1. There is hereby appropriated to the Governor for the Delaware Agency to Reduce Crime, as established by Executive Order Number Thirty-seven, dated August 20, 1968, and expanded by Executive Order Number Six, dated May 22, 1969, the sum of one million dollars (\$1,000,000.00) for the purpose of aid to local law enforcement agencies of the State not regularly financed by the Annual Budget Act, under the supervision of the Governor, pursuant to the conditions, guidelines and directions set forth in the aforementioned Executive Order Number Six.

Section 2. (a) All funds hereby appropriated which are distributed to any local government entity or local law enforcement agency pursuant to this Act and the Executive Orders referred to in Section 1 hereof, shall be so distributed only upon the commitment by such local entity or law enforcement agency to the program or project in question of additional locally-raised funds equal to one-half of the State monies so distributed.

(b) In no event shall the matching local share of any monies hereby appropriated be funds otherwise received by a local governmental entity from the State Treasury pursuant to the provisions of any other Act of the General Assembly, including, without limitation, the Municipal Street Aid Act.

Section 3. This appropriation shall be considered a supplementary appropriation, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of such funds hereby appropriated remaining unexpended on June 30, 1970, shall revert to the General Fund of the State Treasury.

Section 4. The State Auditor is authorized to conduct an audit of the books or records of any local government entity or law enforcement agency receiving any funds pursuant to this Act for the purpose of determining the use of such funds.

Section 5. This Act shall be effective from the effective date of the Annual Budget Act of 1969-70.

Approved July 11, 1969.

CHAPTER 263

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO PROCEDURES FOR THE TERMINATION OF SERVICES AND TO PROVIDE FOR LONG-TERM CONTRACTS FOR PROFESSIONAL EMPLOYEES.

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

Section 1. Section 1401, Title 14, Delaware Code, is amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 1401. Definitions

As used in this chapter—

“Board” means a Board of Education of a Reorganized School District.

“Teacher” means and includes all persons certified to teach and who are employed by a Board as a teacher. It shall not include persons employed as assistant principal, principal, supervisor, administrative assistant, director, assistant superintendent, or superintendent; except that any such person who has completed three years of service in the State, two years of which shall have been in the employ of the same Board, may at his option elect and he shall be granted the right to be assigned as a teacher in the employ of said Board.

Section 2. Chapter 13, Title 14, Delaware Code, is amended by inserting a new section “1328” to read as follows:

§ 1328. Employment contracts

Nothing in this title shall be construed as prohibiting the Board and any assistant principal, principal, supervisor, administrative assistant, director, assistant superintendent, or superintendent from entering into an employment contract for a period of up to five years.

Section 3. This Act shall become effective upon signature by the Governor.

Approved July 11, 1969.

CHAPTER 264

**AN ACT TO AMEND PART II, TITLE 9, DELAWARE CODE,
PROVIDING FOR THE REORGANIZATION OF THE
COUNTY COUNCIL OF NEW CASTLE COUNTY,
CHANGING THE SALARIES OF THE COUNCILMEN
AND CHANGING THE NUMBER OF COUNCILMANIC
DISTRICTS AND BOUNDARIES.**

WHEREAS, the New Castle County Reorganization Act was enacted to provide New Castle County with a more responsive and effective form of government; and

WHEREAS, the growth of New Castle County has resulted in excessively large constituencies for some County Council districts and has resulted in under-representation for citizens of some of the districts in New Castle County; and

WHEREAS, the 1967 special census disclosed that the largest County Council district contains more than twice the population of the smallest district; and

WHEREAS, representation must be equitable and responsive for the New Castle County Council to discharge its responsibilities to the citizens of New Castle County; and

WHEREAS, there is great need for prompt action to correct the inequities, to provide more compact County Council districts, and to provide greater representation for the citizens of New Castle County;

NOW, THEREFORE,

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

Section 1. Section 1141 (a), Title 9, Delaware Code, is amended by striking the number "7" in the first line thereof and inserting in lieu thereof the figure "13".

Section 2. Section 1141 (a), Title 9, Delaware Code, is amended by striking the word "Six" in the first line thereof and inserting in lieu thereof the word "Twelve".

Section 3. Section 1141 (a), Title 9, Delaware Code, is amended by striking the word "seventh" from the second line thereof and inserting in lieu thereof the word "thirteenth".

Section 4. Section 1141 (b), Title 9, Delaware Code, is amended by adding at the end thereof the following:

This subsection shall become ineffective after the first Tuesday of January, 1971.

Section 5. Section 1144, Title 9, Delaware Code, is amended by striking the figure "7,000" where it appears therein and inserting in lieu thereof the figure "6,000".

Section 6. Section 1164, Title 9, Delaware Code, is amended to read as follows:

§ 1164. Councilmanic districts; boundaries

The Boundaries of the twelve councilmanic districts shall be as follows:

DISTRICT 1
(Wilmington)

The boundaries of the first councilmanic district in the City of Wilmington shall comprise all of the 1st and 3rd General Assembly Representative Districts, as described in Section 621 (a) and (c), Title 29, Delaware Code.

DISTRICT 2
(Wilmington)

The boundaries of the second councilmanic district in the City of Wilmington shall comprise all of the 2nd and 6th General Assembly Representative Districts, as described in Section 621 (b) and (f), Title 29, Delaware Code.

DISTRICT 3
(Wilmington)

The boundaries of the third councilmanic district in the City of Wilmington shall comprise all of the 4th and 5th General Assembly Representative Districts, as described in Section 621 (d) and (e), Title 29, Delaware Code.

DISTRICT 4

The boundaries of the fourth councilmanic district shall comprise all of the 7th and 11th General Assembly Representative Districts, as described in Section 631 (a) and (e), Title 29, Delaware Code, and all that portion of Brandywine Hundred bounded by a line beginning at a point where the center line of Foulk (Faulk) Road intersects the center line of Shipley Road; thence in a northwesterly direction along the center line of Shipley Road to its intersection with the center line of Silver-side Road; thence in a northeasterly and southeasterly direction along the center line of Silverside Road to its intersection with the center line of Foulk (Faulk) Road; thence in a north-easterly direction along the center line of Foulk (Faulk) Road to its intersection with the center line of Grubb Road;; thence in an easterly direction along the center line of Grubb Road to its intersection with the eastern property boundary line of St. David's Episcopal Church; thence along the center line of the eastern property boundary line of St. David's Episcopal Church (extended) in a southwesterly direction to its inter-section with the center line of Floral Drive; thence in a south-westerly direction along the center line of Floral Drive to its intersection with the center line of Silverside Road; thence in a northwesterly direction along the center line of Silverside Road to its intersection with the center line of Grubb Road; thence in a southwesterly direction along the center line of Graylyn Road to its intersection with the center line of Graywell Road; thence in a southeasterly direction along the center line of Gray-well Road to its intersection with the center line of Wilson Road; thence in a southwesterly direction along the center line of Wil-son Road to its intersection with the center line of Foulk (Faulk) Road; thence in a northeasterly direction along the center line of Foulk (Faulk) Road to its intersection with the center line of Shipley Road, the point and place of beginning.

DISTRICT 5

The boundaries of the fifth councilmanic district shall com-prise all of the 8th and 9th General Assembly Representative Districts, as described in Section 631 (b) and (c), Title 29, Del-aware Code, and all that portion of Brandywine Hundred bounded by a line beginning at a point where the center line of

Naamans Creek or Zebley Road intersects the center line of the boundary line of the Delaware-Pennsylvania border; thence in a southeasterly and southerly direction along the center line of Naamans Creek or Zebley Road to its intersection with the center line of Marsh Road; thence in a southerly and southwesterly direction along the center line of Marsh Road to its intersection with the center line of Silverside Road; thence in a northwesterly direction along the center line of Silverside Road to its intersection with the center line of Floral Drive; thence in a northeasterly direction along the center line of Floral Drive to its intersection with the center line of the eastern property boundary line (extended) of St. David's Episcopal Church; thence in a northeasterly direction along the center line of the eastern property boundary line (extended) of St. David's Episcopal Church to its intersection with the center line of Grubb Road; thence in a northwesterly direction along the center line of Grubb Road to its intersection with the center line of Foulk (Faulk) Road; thence in a northeasterly direction along the center line of Foulk (Faulk) Road to its intersection with the boundary line of the Delaware-Pennsylvania border; thence in an easterly direction along the Delaware-Pennsylvania Border to its intersection with the center line of Naamans Creek or Zebley Road, the point and place of beginning.

DISTRICT 6

The boundaries of the sixth councilmanic district shall comprise all of the 12th and 16th General Assembly Representative Districts, as described in Section 631 (f) and (j), Title 29, Delaware Code, and all that portion of the Brandywine Hundred bounded by a line beginning at a point where Delaware-Pennsylvania border intersects the center line of Foulk (Faulk) Road; thence in a southerly and southwesterly direction along the center line of Foulk (Faulk) Road to its intersection with the center line of Silverside Road; thence in a northwesterly and southwesterly direction 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 Wood 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 Foulk (Faulk) Road, the point and place of beginning.

DISTRICT 7

The boundaries of the seventh councilmanic district shall comprise all of the 13th and 15th General Assembly Representative Districts, as described in Section 631 (g) and (i), Title 29, Delaware Code; and all that portion of Mill Creek Hundred bounded by a line beginning at a point where the center line of Calf Run intersects the center line of the Kirkwood Highway; 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 southwestwardly 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 southwestwardly 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 southwestwardly along the center line of the White Clay Creek to its intersection with the center line of the Wilmington and Christiana Turnpike; thence northerly and northeasterly along the center

line of the Wilmington and Christiana Turnpike 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 Kirkwood Highway; thence northeasterly along the center line of Kirkwood Highway to its intersection with the center line of Calf Run, the point and place of beginning.

DISTRICT 8

The boundaries of the 8th Councilmanic District shall comprise all of the 17th and 18th General Assembly Representative Districts as described in Section 631 (k) and (l), Title 29, Delaware Code, and all that portion of New Castle Hundred bounded by a line beginning at a point where the center line of Cleveland Avenue, extended, intersects a center line of Du Pont Parkway; thence in a northwesterly direction along the center line of Cleveland Avenue extended, to its intersection center line of the right-of-way of the Delmarva Power and Light Company power line; thence in a northwesterly direction along the center line of the right-of-way of the Delmarva Power and Light Company power line to its intersection with the center line of the Christiana River; thence in a northeasterly, easterly and northerly direction along the center line of the Christiana River, by its several courses to its intersection with the southern boundary of the City of Wilmington; thence southeasterly along the southern boundary of the City of Wilmington to its intersection with the center line of Route 13 (Du Pont Parkway); thence in a southeasterly and southwesterly direction along the center line of Route 13 (Du Pont Parkway) to its intersection with the center line of Cleveland Avenue, extended, the point and place of beginning.

DISTRICT 9

The boundaries of the ninth councilmanic district shall comprise all of the 20th and 21st General Assembly Representative Districts, as described in Section 631 (n) and (o), Title 29, Delaware Code, and all that portion of New Castle Hundred beginning at a point where the center line of Route 13 (Du Pont Parkway) intersects the southerly boundary of the City of Wilmington; thence in a southeasterly direction along the southerly

boundary of the City of Wilmington to its intersection with the center line of New Castle Avenue; thence, in a southwesterly direction along the center line of New Castle Avenue to its intersection with the center line of Rogers Road; thence in a northwesterly direction along the center line of Rogers Road to its intersection with the center line of South Heald Street; thence in a westerly direction along the center line of South Heald Street to its intersection with the center line of Route 13 (Du Pont Parkway); Thence in a northerly direction along the center line of Route 13 (Du Pont Parkway) to its intersection with the southerly boundary of the City of Wilmington, the point and place of beginning; and all that portion of New Castle Hundred beginning at a point where the center line of the Pennsylvania Railroad right-of-way intersects the center line of the Du Pont Parkway; thence in a southeasterly direction along the center line of the Du Pont Parkway to its intersection with the center line of Basin Road; thence in a northwesterly direction along the center line of Basin Road to its intersection with a line 150 feet west of the center line of Jefferson Avenue, (Wilmington Manor); thence in a northeasterly direction along the line 150 feet west of the center line of Jefferson Avenue to its intersection with the center line of the right-of-way of the Delmarva Power and Light Company power line; thence in a southeasterly direction along the center line of the right-of-way of the Delmarva Power and Light Company power line and along the center line of Cleveland Avenue, extended, to the center line of the Du Pont Parkway; thence in a southwesterly direction along the center line of the Du Pont Parkway to its intersection with the center line of Jefferson Avenue; thence in a southeasterly direction along the center line of Jefferson Avenue to its intersection with the center line of Stahl Avenue; thence in a southwesterly direction along the center line of Stahl Avenue to its intersection with the center line of Roosevelt Avenue; thence in a southerly direction along the center line of Roosevelt Avenue to its intersection with the center line of Finney Drive; thence in an easterly direction along the center line of Finney Drive to its intersection with the center line of Booth Drive; thence in a southeasterly direction along the center line of Booth Drive to its intersection with the center line of Fithian Drive; thence in a southwesterly direction along the center line

of Fithian Drive to its intersection with the center line of Crippen Drive; thence in a southwesterly direction along the center line of Crippen Drive to its intersection with the center line of Basin Road; thence in a southeasterly direction along the center line of Basin Road and Washington Avenue, extended, to its intersection with the Delaware River; thence in a southwesterly direction along the Delaware River to its intersection with the southern boundary of the Town of New Castle; thence in a northwesterly direction along the southern boundary of the Town of New Castle to its intersection with the center line of the Pennsylvania Railroad right-of-way; thence in a westerly direction along the center line of the Pennsylvania Railroad right-of-way to its intersection with the center line of the Du Pont Parkway, the point and place of beginning.

DISTRICT 10

The boundaries of the tenth councilmanic district shall comprise all of the 22nd and 27th General Assembly Representative Districts, as described in Section 631 (p) and (u), Title 29, Delaware Code, and all that portion of New Castle Hundred bounded by a line beginning at the intersection of the center line of the Du Pont Parkway and 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 the center line of 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's Road; thence northwesterly along the center line of Churchman's 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's Road; thence northwesterly along the center line of New Churchman's Road to its intersection with

the center line of the Christiana River; thence northeasterly along the center line of the Christiana 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-Christiana Turnpike (Market Street); thence easterly along the center line of the Wilmington-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 to the point at which Water Street is closest to the Christiana River; thence southerly along said line running perpendicular to Water Street to its intersection with the center line of the Christiana River; thence northeasterly along the center line of the Christiana River to its intersection with the center line of the right-of-way of the Delmarva Power and Light Company line; thence southeasterly along the center line of the right-of-way of the Delmarva Power and Light Company boundary line to its intersection, a point 150 feet west of the center line of Jefferson Avenue; thence in a southwesterly direction along the line 150 feet west of the center line of Jefferson Avenue to its intersection with the center line of Basin Road; thence southeasterly along the center line of Basin Road to its intersection with the center line of Du Pont Parkway; thence southwesterly along the center line of the Du Pont Parkway to its intersection with the center line of Christiana Road (Hares Corner), the point and place of beginning.

DISTRICT 11

The boundaries of the eleventh councilmanic district shall comprise all of the 23rd General Assembly Representative District, as described in Section 631 (q), Title 29, Delaware Code, and all that portion of Mill Creek Hundred bounded by a line beginning at the intersection of the center line of White Clay Creek and the center line of Wilmington and Christiana Turnpike; thence in a northerly and northeasterly direction along the center line of Wilmington and Christiana Turnpike to its inter-

section with the center line of Limestone Road; thence in a northwesterly direction along the center line of Limestone Road to its intersection with the center line of Kirkwood Highway; thence easterly 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 southwesterly 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 southwesterly along the center line of Milltown Road to its intersection with the western branch of Calf Run; thence northwesterly and northerly along the center line of the western 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 with the center line of Milltown Road; thence southwesterly along the center line of Milltown Road to its intersection with the center line of Ball Run; thence southwesterly along the center line of Ball Run to its intersection with the center line of Kirkwood Highway; thence southwesterly along the center line of Kirkwood Highway to its intersection with the center line of the entrance road to Delaware Park; thence southeasterly along the center line of the entrance road to Delaware Park to its intersection with the center line of Old Capitol Trail; thence westerly along the center line of Old Capitol Trail to its intersection with the center line of Oak Street; thence southerly and southwesterly along the center line of Oak Street to its intersection with the center line of Marta Drive; thence southerly and southwesterly along the center line of Marta Drive to its intersection with the center line of a stream connecting Marta Drive with White Clay Creek; thence southeasterly along the center line of said stream to its intersection with the center line of White Clay Creek; thence northeasterly along the center line of White Clay Creek to its intersection with the center line of Wilmington and Christiana Turnpike, the point and place of beginning; and all that portion 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

the center line of the Christiana River; thence northeasterly along the center line of the Christiana 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-Christiana Turnpike (Market Street); thence easterly along the center line of the Wilmington-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 to the point at which Water Street is closest to the Christiana River; thence southerly along said line running perpendicular to Water Street to its intersection to the center line of the Christiana River; thence northeasterly along the center line of the Christiana River to its intersection with the center line of the right-of-way of the Delmarva Power and Light Company line; thence southeasterly along the center line of the right-of-way of the Delmarva Power and Light Company boundary line to its intersection, a point 150 feet west of the center line of Jefferson Avenue; thence in a southwesterly direction along the line 150 feet west of the center line of Jefferson Avenue to its intersection with the center line of Basin Road; thence southeasterly along the center line of Basin Road to its intersection with the center line of Du Pont Parkway; thence southwesterly along the center line of the Du Pont Parkway to its intersection with the center line of Christiana Road (Hares Corner), the point and place of beginning.

DISTRICT 11

The boundaries of the eleventh councilmanic district shall comprise all of the 23rd General Assembly Representative District, as described in Section 631 (q), Title 29, Delaware Code, and all that portion of Mill Creek Hundred bounded by a line beginning at the intersection of the center line of White Clay Creek and the center line of Wilmington and Christiana Turnpike; thence in a northerly and northeasterly direction along the center line of Wilmington and Christiana Turnpike to its inter-

section with the center line of Limestone Road; thence in a northwesterly direction along the center line of Limestone Road to its intersection with the center line of Kirkwood Highway; thence easterly 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 southwesterly 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 southwesterly along the center line of Milltown Road to its intersection with the western branch of Calf Run; thence northwesterly and northerly along the center line of the western 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 with the center line of Milltown Road; thence southwesterly along the center line of Milltown Road to its intersection with the center line of Ball Run; thence southwesterly along the center line of Ball Run to its intersection with the center line of Kirkwood Highway; thence southwesterly along the center line of Kirkwood Highway to its intersection with the center line of the entrance road to Delaware Park; thence southeasterly along the center line of the entrance road to Delaware Park to its intersection with the center line of Old Capitol Trail; thence westerly along the center line of Old Capitol Trail to its intersection with the center line of Oak Street; thence southerly and southwesterly along the center line of Oak Street to its intersection with the center line of Marta Drive; thence southerly and southwesterly along the center line of Marta Drive to its intersection with the center line of a stream connecting Marta Drive with White Clay Creek; thence southeasterly along the center line of said stream to its intersection with the center line of White Clay Creek; thence northeasterly along the center line of White Clay Creek to its intersection with the center line of Wilmington and Christiana Turnpike, the point and place of beginning; and all that portion 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, also known as Ruthby Road; thence northerly along the center line of Red Mill Road, also known as Ruthby Road, 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 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 (North Chestnut Hill Road); thence southwesterly along the center line of North Chestnut Hill Road to its intersection with the center line of Brennen Drive; thence in a northwesterly direction along the center line of Brennen Drive to its intersection with the center line of Isle Drive; thence in a northeasterly direction along the center line of Isle Drive to its intersection with the center line of Shue Drive; thence in a northwesterly and westerly direction along the center line of Shue Drive to its intersection with the center line of Brennen Drive; thence in a northerly direction along the center line of Brennen Drive and Brennen Drive (extended) to its intersection with the center line of Cool Run; thence in an easterly and northeasterly direction along the center line of Cool Run to its intersection with the center line of Route 273; thence in a northwesterly and westerly direction along the center line of Route 273 to its intersection with the center line of Main Street (extended) (Newark); thence westerly along the center line of Route No. 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, the point and place of beginning.

DISTRICT 12

The boundaries of the twelfth councilmanic district shall comprise all of the 25th and 26th General Assembly Representative Districts, as described in Section 631 (s) and (t), Title 29, Delaware Code, and all that portion of land bounded by a line beginning at the intersection of the center line of Brennen Drive and the center line of Chestnut Hill Road; thence north-

westerly 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 and westerly along the center line of Shue Drive to its intersection with the center line of Brennen Drive; thence northerly along the center line of Brennen Drive and Brennen Drive (extended) 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 Route No. 273; thence southwest-erly along the center line of Route No. 273 to its intersection with 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 Brennen Drive; the point and place of beginning.

DISTRICT 13

The boundaries of the thirteenth councilmanic district shall comprise all of New Castle County.

Section 7. Section 1165 (a), Title 9, Delaware Code, is amended by striking the figure "7" where it appears on line 2 thereof and inserting in lieu thereof the figure "13".

Section 8. Section 1165 (a), Title 9, Delaware Code, is amended by striking the figure "6" where it appears therein and inserting in lieu thereof the figure "12".

Section 9. Section 1166 (b), Title 9, Delaware Code, is amended by striking the second sentence and inserting in lieu thereof the following:

One category shall consist of Councilmanic Districts 1, 3, 5, 7, 9 and 11, and the second category shall consist of Councilmanic Districts 2, 4, 6, 8, 10 and 12.

Section 10. Section 1166 (c), Title 9, Delaware Code, is amended to read as follows:

(c) The first Councilmen in Councilmanic Districts 1, 3, 5, 7, 9 and 11 shall be elected at the General Election in November, 1970, and shall serve until the first Tuesday in January, 1973. Councilmen subsequently elected to those first elected to Districts 1, 3, 5, 7, 9 and 11 shall serve a term of 4 years and shall be elected in even numbered and presidential election years. The first Councilman in Councilmanic District 13 shall be elected at the General Election in November, 1972, and shall serve until the first Tuesday in January, 1977, and a councilman subsequently elected to District 13 shall serve a term of 4 years and shall be elected in even numbered and presidential election years. The Councilman elected in the November, 1968 election from the then District 7, shall serve until the first Tuesday in January, 1973.

Section 11. Section 1166 (d), Title 9, Delaware Code, is amended to read as follows:

(d) The first Councilmen in Councilmanic Districts 2, 4, 6, 8, 10 and 12 shall be elected at the General Election in November, 1970, and shall serve until the first Tuesday in January, 1975. Councilmen subsequently elected to those first elected to Districts 2, 4, 6, 8, 10 and 12 shall serve a term of 4 years and shall be elected in even numbered and non-presidential election years.

The provisions of the subsection are subject to the redistricting provisions of § 1165 of the Title, and in the event of a redistricting, Councilmen elected for a 4 year term may only be able to serve a portion of said term.

Section 12. Section 1307, Title 9, Delaware Code, is amended by striking the words "1 through 6" where they appear on the 3rd line thereof and inserting in lieu thereof the words "one member from each two councilmanic districts.

Section 13. Section 1307, Title 9, Delaware Code, is amended by striking the period at the end of the next to the last sentence and inserting in lieu thereof the following:

or changes in number of Councilmanic Districts.

Section 14. Section 1165 (a), Title 9, Delaware Code, is amended by striking the second sentence thereof and inserting in lieu thereof a new sentence to read as follows:

"To accomplish the redistricting the County Council shall within 60 days after the official reporting of the 1970 Federal Decennial Census, by the President to Congress, and every tenth year thereafter, appoint 13 qualified voters of the county who shall comprise a Redistricting Commission.

Section 15. Section 1165 (a), Title 9, Delaware Code, is amended by striking the number "4" where it appears therein and inserting in lieu thereof the number "7".

Section 16. Section 1165(a), Title 9, Delaware Code, is amended by striking the date "April 1, 1974, where it appears therein and inserting in lieu thereof the date "April 1, 1972".

Section 17. Section 302 (c), Title 9, Delaware Code, is amended by adding at the end thereof the following:

This subsection shall become ineffective after the first Tuesday of January, 1971.

Section 18. The foregoing provisions shall be effective on the first Tuesday of January, 1971, except that those provisions relating to the election of Councilmen shall be in effect for the General Election in November, 1970.

Approved July 11, 1969.

CHAPTER 265

AN ACT RELATING TO EDUCATION OF THE CITIZENS OF DELAWARE BY MAKING AN APPROPRIATION TO WHY, INC. ENGAGED IN EDUCATING THE PEOPLE OF THIS STATE.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each House thereof concurring therein):

Section 1. The sum of \$100,000 is appropriated to WHY, Inc. to be used to aid and support the operation of WHY-TV as an educational, non-profit, non-commercial, instructional and cultural television serving the State.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1970, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State not otherwise appropriated.

Approved July 14, 1969.

CHAPTER 266

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE PARK COMMISSION FOR THE CONSTRUCTION OF A BOAT LAUNCHING RAMP IN THE VICINITY OF DELAWARE CITY.

WHEREAS, water rescues from the Delaware River in the vicinity of Pea Patch Island and from the Chesapeake and Delaware Canal are performed by several volunteer fire companies; and

WHEREAS, there is no boat launching ramp facility for such rescues in the vicinity of Delaware City or at Fort Delaware State Park on Pea Patch Island; and

WHEREAS, a boat launching ramp facility in the vicinity of Delaware City would also serve the needs of the State Park Commission as well as the people of the State of Delaware;

NOW, THEREFORE:

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

Section 1. The sum of \$35,000 is hereby appropriated to the State Park Commission of Delaware for the Construction of a boat launching ramp facility in the vicinity of Delaware City, the location thereof to be determined by the State Park Commission.

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 not otherwise appropriated.

Section 3. Any money appropriated hereunder and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1970.

Approved July 14, 1969.

CHAPTER 267

AN ACT TO AID ORGANIZATIONS MAINTAINING RESIDENTIAL FACILITIES BY MAKING APPROPRIATIONS THEREFOR.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof concurring therein):

Section 1. 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.

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.

Section 3. The sums appropriated herein are for the fiscal year ending June 30, 1970.

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 14, 1969.

CHAPTER 268

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE BUDGET DIRECTOR FOR THE DEVELOP-
MENT OF FEDERAL PROGRAM REIMBURSEMENT
PLANS.**

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

Section 1. The sum of \$37,500 is appropriated to the Budget Director of the State of Delaware for the cataloging of all Federal Programs and the development of cost allocation plans and indirect cost rates for use by the State of Delaware (under U.S. Bureau of the Budget Circular No. A-87) in receiving reimbursement of indirect costs under federal grants.

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

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund on June 30, 1970.

Approved July 14, 1969.

CHAPTER 269

AN ACT MAKING AN 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 House thereof concurring therein):

Section 1. The sum of \$7,500 is appropriated to Big Brothers Association of Northern Delaware, Inc., for the fiscal year ending June 30, 1970.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the funds in the General Fund of the State 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, 1970.

Approved July 14, 1969.

CHAPTER 270

**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 CAPITAL OUTLAY AC-
COUNT.**

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 Board of Education of the Milford Special School District is authorized to transfer the sum of \$25,000 from its Local Debt Service Account to its Capital Outlay Account. The sums transferred are to be used for the purchase of additional office space for the school district.

Approved July 14, 1969.

CHAPTER 271

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION OF CERTAIN VEHICLES.

WHEREAS, 56 Delaware Laws, Chapter 437, authorized the Motor Vehicle Department to adopt rules and regulations to permit the monthly inspection of vehicles; and

WHEREAS, said Motor Vehicle Department desires to have said inspections coincide with a monthly registration system.

NOW, THEREFORE,

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

Section 1. Section 2109, Title 21, Delaware Code, is amended to read as follows:

§ 2109. Period of registration; effective date

(a) All vehicles set out in Sections 2151 (1) and (2) of this Title may be registered for a period of twelve (12) months or six (6) months and the effective date of any registration shall be considered the first day of the calendar month in which the vehicle is registered and the required fees paid. The registration of said vehicle shall expire at midnight on the last day of the period for which it is registered and the vehicle shall not thereafter be operated upon the highways of this State until it has been re-registered according to law. The provisions of this subsection shall not apply to the operation of vehicles under temporary or limited permits or certificates as otherwise provided by this Title. During the registration year 1970, the Department may register a vehicle for a period less than twelve (12) or six (6) months which period shall expire on such month and day as the Department shall designate and the fees paid shall be prorated.

(b) All other vehicles set out in Section 2151, except subsection (1) and (2) of this Title may be registered for a period of twelve (12) months or (6) months and the effective date of

any registration shall be considered the first day of the calendar quarter in which the vehicle is registered and the required fees paid. The registration of said vehicle shall expire at midnight on the last day of the period for which it is registered and the vehicle shall not thereafter be operated upon the highways of this State until it has been re-registered according to law. The provisions of this subsection shall not apply to the operation of vehicles under temporary or limited permits or certificates as otherwise provided by this Title.

Section 2. Section 2110 (a), Title 21, Delaware Code, is amended to read as follows:

(a) Any time prior to the expiration of the period for which a vehicle is registered pursuant to § 2109 (a) of this Title the registration thereof may be renewed to extend from the date of expiration for an additional period of six (6) months or one (1) year and in such event the effective date of the renewed registration shall be considered the first day of the calendar month following the period for which the vehicle is currently registered.

Any time prior to the expiration of the period for which a vehicle is registered pursuant to § 2109 (b) of this Title, the registration thereof may be renewed to extend from the date of expiration for an additional period of three (3) months, six (6) months or one (1) year and in such event the effective date of the renewed registration shall be considered the first day of the calendar quarter following the period for which the vehicle is currently registered.

Section 3. Section 2183, Title 21, Delaware Code, is amended by striking the word "quarter" where it appears therein and inserting in lieu thereof the word "month".

Approved July 14, 1969.

CHAPTER 272

AN ACT TO AMEND CHAPTER 62, TITLE 29, DELAWARE CODE, RELATING TO PLANNING BY PROVIDING A NEW SUBCHAPTER TO CREATE A FEDERAL REINSURANCE FACILITY FUND TO SATISFY THE STATE OF DELAWARE'S OBLIGATIONS PURSUANT TO PART B, TITLE XII OF THE NATIONAL HOUSING ACT AND MAKING AN APPROPRIATION THEREFOR FROM THE CAPITAL INVESTMENT FUND.

WHEREAS, under the provisions of Part B of Title IXX of the National Housing Act, the State of Delaware, in order to participate in the federal program for reinsurance of losses from riots or civil disorders must make provisions to satisfy a portion of the riot or civil disorder loss; and

WHEREAS, the General Assembly of the State of Delaware wishes to provide the mechanism whereby the State of Delaware can qualify for participation in this program; and

WHEREAS, the State of Delaware might not be called to pay any moneys pursuant to this program for several years, if ever;

NOW, THEREFORE,

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

Section 1. Amend Chapter 62, Title 29, Delaware Code, by adding the following new Subchapter :

SUBCHAPTER II**FEDERAL REINSURANCE FACILITY FUND****§ 6210. Federal Reinsurance Facility Fund**

(a) A special fund is hereby created in the State Treasury to be known as the "Federal Reinsurance Facility Fund", hereafter referred to in this Subchapter as "Fund".

(b) The Fund shall initially consist of \$1,000,000.

(c) The Fund shall be expended to pay any claim against the State of Delaware from the Federal Reinsurance Facility.

§ 6211. Withdrawals from the fund

Before any sum is withdrawn from the Fund to pay a claim against the State of Delaware from the Federal Reinsurance Facility, a request shall be made by the Insurance Commissioner to the Budget Commission.

§ 6212. Reversion of unused funds

Any moneys which shall not be expended by the Insurance Commissioner within twelve (12) months shall revert to the Budget Commission to be redeposited in the Fund.

§ 6213. Segregation of capital investment fund moneys

The Budget Commission shall segregate and set aside the sum of \$1,000,000 of the moneys in the Capital Investment Fund to be known as the Federal Reinsurance Facility Fund in order to fulfill the purpose of this Act.

The funds in the Capital Investment Fund segregated and set aside pursuant to this section and unexpended as of June 30, 1971 shall be released, and such segregation of funds shall expire on June 30, 1971.

§6214. Idle moneys to be held in capital investment fund

Any moneys 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 Federal Reinsurance Facility Fund.

Approved July 14, 1969.

CHAPTER 273

AN ACT TO AMEND TITLE 19, CHAPTER 31, DELAWARE CODE, PERMITTING THE TAKING OF AN APPEAL TO THE COURTS BY AN AGGRIEVED PARTY FROM AN ADVERSE DECISION BY THE EMPLOYMENT SECURITY COMMISSION IN A PROCEEDING PURSUANT TO TITLE 19, SECTION 3155, DELAWARE CODE, AND TO PROVIDE FOR PAYMENT OF THE COSTS THEREFROM FROM THE GENERAL FUNDS OF THE STATE OF DELAWARE NOT OTHERWISE APPROPRIATED.

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

Section 1. Title 19, Chapter 31, Delaware Code, is amended by adding thereto a new section to read:

§ 3157. Judicial review; procedure

(a) Within 10 days after the decision of the Commission has been rendered in any proceeding pursuant to section 3155 of this Title, any party aggrieved thereby may secure judicial review thereof by commencing an action in the Superior Court in the county in which the employment agency has its main office, against the Commission for review of such decision, which action any other party to the proceeding before the Commission shall be made a defendant. In such action, a petition, which need not be verified, but which shall state the grounds upon which a review is sought shall be served upon the Commission, or upon such person as the Commission may designate and such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the petition as there are defendants and the Commission shall forthwith mail one such copy to each defendant. With its answer, the Commission shall certify and file with the Court all documents and papers and a transcript of all testimony taken in the matter, together with the Commission's findings of fact and decision therein. The Commission may also certify to the Court questions of law involved in any decision. A review de

novo by the Superior Court with respect to the matter shall be allowed. All such actions and the questions so certified shall be heard in a summary manner.

(b) An appeal may be taken from the decision of the Superior Court to the Supreme Court of this State in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases.

(c) It shall not be necessary in any judicial proceeding under this section, to enter exceptions to the ruling of the Commission and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the Commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a super-seedeas or stay unless the Commission so orders.

Section 2. The cost of preparation of transcripts of hearing testimony for use in appeal proceedings shall be paid from the General Fund of the State of Delaware not otherwise appropriated.

Approved July 14, 1969.

CHAPTER 274

AN ACT TO AMEND CHAPTER 1, TITLE 22, DELAWARE CODE, RELATING TO MUNICIPALITIES.

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

Section 1. Chapter 1, Title 22, Delaware Code, is amended by adding the following:

§ 105. Withdrawal or removal of property from city or town; special election; voting rights

The General Assembly shall not enact any law which removes real property from within the limits of any city or incorporated town in this State until after the question of such removal shall have first been submitted to the governing body of said city or incorporated town and at a special election to the qualified voters and real estate owners of the city or incorporated town. The governing body of said city or incorporated town must first grant its approval by an affirmative vote by a majority of the members of said body. When a special election is held the majority of the qualified voters and real estate owners in such city or incorporated town must vote their approval to the removal from within the limits of the city or incorporated town. Then and only then shall such real property be removed from the assessment rolls of the city or incorporated town. Such special election shall be held by the proper election officers of the city or incorporated town. The requirements for the right to vote in deciding the removal of property from a city or town shall be the same as those that exist for all other municipal elections that are held in the municipality involved.

Approved July 14, 1969.

CHAPTER 275

AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, IN ORDER TO ADOPT THE INTERSTATE CORRECTIONS COMPACT.

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

Section 1. Chapter 65, Title 11, Delaware Code, is hereby amended by adding a new "Subchapter X" as follows:

SUBCHAPTER X. INTERSTATE CORRECTIONS COMPACT

§ 6570. Terms of the compact between the States

The Governor of this State shall execute a compact on behalf of the State of Delaware with any of the United States legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

Section 1. Title.—This chapter may be cited as the Interstate Corrections Compact.

Section 2. Interstate Corrections Compact.—The Interstate Corrections Compact is hereby enacted into law and entered into by this state with any other states legally joining therein in the form substantially as follows:

**INTERSTATE CORRECTIONS COMPACT
ARTICLE I**

Purpose and Policy

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting econo-

mies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

ARTICLE II

Definitions

As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" means a state party to this compact in which conviction or court commitment was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

(d) "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.

(e) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in (d) above may lawfully be confined.

ARTICLE III

Contracts

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.

2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

4. Delivery and retaking of inmates.

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV

Procedures and Rights

(a) Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the

hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V

Acts Not Reviewable in Receiving State; Extradition

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited

officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

Federal Aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII

Entry into Force

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

ARTICLE VIII

Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written no-

tice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX

Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a non-party state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X

Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating 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 therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 3. Powers.—The Commissioner of the Department of Corrections is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular.

Approved July 14, 1969.

CHAPTER 276

AN ACT TO AMEND CHAPTER 11, TITLE 17, DELAWARE CODE, RELATING TO OUTDOOR ADVERTISING AND THE CONTROL THEREOF IN AREAS ADJACENT TO THE PUBLIC HIGHWAYS AND PUBLIC LANDS OF THIS STATE.

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

Section 1. Chapter 11, Title 17, Delaware Code, is hereby amended by striking out said Chapter 11 and substituting therefor a new Chapter 11 to read as follows:

CHAPTER 11.**REGULATION OF OUTDOOR ADVERTISING****Subchapter 1. General Provisions****§ 1101. Purpose and policy**

The rapid growth in the use of motor vehicles throughout this State and the concurrent extension of highways built or improved at public expense has led to great changes in the extent and character of public travel. The investment of this State, municipalities and towns in good roads, parks, parkways, playgrounds and reservations, and the safety, convenience and welfare of the inhabitants have been affected.

The regulations and control of outdoor advertising signs, displays and devices of all kinds is provided for in order to promote the general welfare, especially in the particulars hereinafter recited.

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 and system. It is, consequently, the intention of this act, among other things, to provide a statutory basis for regulation of outdoor advertising consistent with the public policy relating to areas adjacent to federal-aid Interstate and Primary Systems declared by Congress of the United States, in Title 23, United States Code.

§ 1102. Scope and definitions

(a) The powers and authority granted in this chapter are in derogation of no other powers or authority granted by or created or exercised under any other statute, or by a planning or zoning board or authority, or other public officer, but shall be construed as in addition to any such power or authority, which shall remain unaffected.

(b) As used in this chapter:

(1) "Outdoor advertising" or "outdoor advertising signs, displays and devices" shall include any outdoor sign, display, device, picture, emblem, trademark, figure, painting, drawing, message, placard, poster, billboard, light or other thing which is designed, intended or used to advertise, to inform or to attract the attention of the traveling public.

(2) "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 of the United States, pursuant to the provisions of Title 23, United States Code, "Highways".

(3) "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 of the United States pursuant to the provisions of Title 23, United States Code, "Highways".

(4) "A controlled area" shall mean, and "controlled areas" shall include, any area inside the boundaries of this State which is adjacent to and within 660 feet of the edge of the right-of-way of a highway of the Interstate System or the Primary System.

(5) "The laws of this State" shall include 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.

(6) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

(7) "Information center" means an area or site established and maintained at a safety rest area for the purpose of informing the public of places of interest within the State and providing such other information as the Department may consider desirable.

(8) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(9) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of a sign or sign structure.

(10) "Commercial or industrial activities for purposes of unzoned commercial and industrial areas" mean those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

(1) Outdoor advertising structures.

(2) Forestry, ranching, grazing and farming including, but not limited to, wayside fresh produce stands.

(3) Transient or temporary activities.

(4) Activities more than 660 feet from the nearest edge of the right-of-way along the Interstate and Federal Aid Primary route.

(5) Activities conducted in buildings principally used as a residence.

(6) Railroad tracks and minor sidings.

(11) "Zoned commercial or industrial areas" mean those areas which are zoned for business, industry, commerce or trade pursuant to a State or local zoning ordinance or regulation.

(12) "Unzoned commercial or industrial areas" mean those areas not zoned by any State, county or local ordinance or regulation on which there is located one or more permanent structures devoted to a business activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending for a radius of 1500 feet outward and beyond the edge of such activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, stores or processing areas of the commercial or industrial activities, not from the property line of the activities, and shall be along or parallel to the pavement of the highway.

§ 1103. Control criteria for size; spacing and lighting

In order to provide criteria for the size, spacing and lighting of signs which effectively control the erection of outdoor advertising signs, displays and devices erected subsequent to the effective date of this Chapter, other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, the following criteria shall be utilized by the Department in making, publishing and enforcing regulations.

(a) In zoned commercial and industrial areas, the Department shall certify to the administrator as notice of effective control, that there has been established within such areas regulations which are enforced with respect to the size, lighting and spacing of outdoor advertising signs, displays and devices. In such areas, the size, lighting and spacing requirements set forth below shall not apply.

(b) In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply:

(1) *Size of Signs*

(a) The maximum area for any one sign shall be 1,200 square feet with a maximum height of 25 feet and maximum

length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron, supports and other structural members.

(b) The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.

(c) A sign structure may contain one or two signs per facing and two sign facings may be placed back to back or V-Type at one location but in no event shall the total area of any facing exceed 1,200 square feet.

(d) A sign which exceeds 600 square feet in area may not be on the same sign facing with any other sign.

(2) *Spacing of Signs*

(a) Interstate and Federal-aid Primary Highways

(1) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) Interstate Highways and Controlled Access Highways on the Federal-aid Primary System

(1) No two structures shall be spaced less than 500 feet apart.

(2) Outside of villages and cities, no structure may be located within 500 feet of an interchange, intersection at grade, safety rest area or information center (measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

(c) Non-Controlled Access Federal-Aid Primary Highways

(1) Outside of villages and cities—no two structures shall be spaced less than 300 feet apart.

(2) Within villages and cities—no two structures shall be spaced less than 100 feet apart.

(d) The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

(e) Official and "on premise" signs, as defined in Section 131 (c) of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

(f) The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

(3) *Lighting*

Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or Federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State.

(4) The State and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this Chapter. At any time that a political subdivision adopts regulations which include the size, lighting and spacing of outdoor advertising, the State shall so certify to the Administrator, and control of outdoor advertising in commercial or industrial areas will transfer to subsection (a) of this section.

§ 1104. Enforcement of chapter; rules and regulations, examinations; territorial limitations

(a) The Department shall:

(1) Enforce the provisions of this chapter; and

(2) Make, publish and enforce such regulations for the proper control and restriction of outdoor advertising signs, displays and devices as may be necessary or advisable to implement the policy and accomplish the purposes of this chapter.

Such regulations shall exclude from their operation any areas in which the Department finds bona fide zoning has been established which regulates the erection and maintenance of outdoor advertising signs, displays and devices, including the size, lighting and spacing thereof, in a manner consistent with the purposes of this chapter and the public policy relating to controlled areas declared by the Congress of the United States in 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 city or town and all controlled areas within such corporate limits.

(d) The provision of this chapter shall apply only to outdoor advertising signs, displays and devices situate outside the corporate limits of any incorporated city or town in this State, and to those outdoor advertising signs, displays and devices situate in controlled areas within such corporate limits.

§ 1105. Application and issuance of permits; revocation

(a) Except as otherwise provided, no person, whether engaged in the business of outdoor advertising or not, shall erect, maintain or display any outdoor advertising sign, display or device, above or upon real property, without first obtaining a permit from the Department.

(b) A separate application for a permit shall be made for each separate outdoor advertising sign, display or device on a form furnished by the Department, which application shall contain such information as it may require. Each application shall be accompanied by the written consent of the owner or tenant of the real property upon which such sign, display or device is to be erected or maintained. No new application shall be made for a permit to maintain any existing outdoor advertising sign, display or device or to renew a permit.

(c) The Department, in accordance with the provisions of this chapter, shall issue or renew permits for a period of at least one year for the erection and maintenance of all types of outdoor advertising signs, displays and devices; provided, however, no permit shall be issued for the erection or construction of any sign which would be a violation of local law or ordinance at the time application is filed.

(d) The Department may establish and collect fees for the issuance of permits and renewals thereof. The amount of such charge shall be so fixed as to provide the Department with the funds deemed necessary by it to defray the costs of the administration of this chapter.

(e) When an application for a permit or for a renewal thereof is made by a nonresident or by a foreign corporation engaged in the business of outdoor advertising, the Department, in its discretion, as a condition to the issuance of such permit

or renewal, may require such corporation to deposit with the Department a bond, in an amount and with surety to be approved by the Department, to secure such corporation's compliance with the provisions of this chapter.

§ 1106. Advertising identification; exception

The Department shall require that each outdoor advertising sign, display or device shall bear an identifying tag or plate to be issued by the Department; and if erected or maintained by a person engaged in the business of outdoor advertising that it shall also bear his name and the Department shall make suitable provisions for the details thereof; excepting, however, all signs, devices or announcements which a telephone, telegraph or electric power company places on its poles to indicate danger or ownership thereof, or on buildings or structures, to indicate the places where its services are available or its offices are situated, or crossing signs, devices or announcements erected or maintained by incorporated railroad or railway companies or caution crossing and danger stop signs erected by utility companies or municipal authorities.

§ 1107. Removal upon expiration or revocation of permit

All outdoor advertising signs, displays and devices shall be removed by the outdoor advertiser or other person erecting, owning maintaining or displaying the same, or, in the event of his default, by the owner or tenant of the premises upon which any such sign, display or device is located, within 30 days from the date of the expiration or revocation of the permit for the same.

§ 1108. Unlawful to remove or damage road markers, etc. or place advertising on highways

(a) No person shall willfully or maliciously displace, remove, destroy, or injury a mile-board, mile-stone, danger sign, or signal, guide-sign, or guide-post or any inscription thereon, lawfully within the right-of-way of a public highway.

(b) No person shall in any manner paint, print, place, put or affix an advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-stone, danger signal, guide-sign, guide-post, building or other object lawfully within the right-of-way of any public highway.

§ 1109. Location and condition of advertising regulated

(a) Subject to the provisions of subsection (c) of this section, no outdoor advertising sign, display or device except a directional or warning sign erected by or with the approval of the Department shall be erected subsequent to the passage of this act:

(1) Within 25 feet of the right-of-way line of any public highway, if visible from any portion of the same;

(b) Subject to the provisions of subsection (c) of this section, no outdoor advertising sign, display or device except a directional or warning sign erected by or with the approval of the Department shall be erected or maintained:

(1) On the right-of-way of any public highways;

(2) Within 25 feet of any public playground, school or church, if visible from any portion of the same;

(3) Upon the inside curves or at or near a railroad crossing or a highway intersection, if such would obstruct or interfere with the view of a train, locomotive, streetcar or other vehicle at or approaching such crossing or intersection or so as to obstruct the view of such intersection or crossing or of a turn or a sharp change in alignment or in any manner dangerous to the public;

(4) If such sign, display or device is obsolete or is not in good physical condition;

(5) If such sign, display or device is not securely affixed to a substantial structure or in any way endangers traffic on any public highway.

(c) Subsection (a) (1) of this section shall not apply to outdoor advertising signs, displays or devices which advertise the sale or lease of, or activities conducted upon, the real property where they are located; or any school bus waiting shelter displaying outdoor advertising signs.

§ 1110. Forbidden advertising

No outdoor advertising signs, displays or devices shall display copy which violates any Federal or State law, or which is

offensive to the moral standards of the community at the time the copy is offered for display, or which is false, misleading, or deceptive.

§ 1111. Public nuisance; abatement

Any outdoor advertising sign, display or device, which is erected or maintained in violation of this chapter or any regulations lawfully adopted pursuant to this chapter, is declared to be a public nuisance and may be forthwith removed, obliterated or abated by the Department, its employees or any peace officer of this State, when such violation is not corrected after 30 days written notice of the violation to the owner of the sign, display or device or to the owner, lessee or occupant of the land upon which said sign, display or device is located. All costs incurred by the Department in abating a nuisance pursuant to this section shall be the responsibility of the owner of the sign, display or device and the Department shall have an action at law to recover such costs, as well as the expenses of suit.

§ 1112. Injunctive relief

The Department or any taxpayer may maintain an action for an injunction to restrain any violation or threatened violation of the provisions of this chapter or of any regulation lawfully adopted pursuant thereto.

§ 1113. Violations and penalties

Whoever violates the provisions of this chapter or any regulation lawfully adopted pursuant to this chapter shall be fined not less than \$10.00 nor more than \$50.00.

Each day that a violation is allowed to continue, after 30 days written notice of its existence, shall constitute a separate offense.

§ 1114. Signs and announcements excepted from provisions of this subchapter

The classes of signs described below are excepted from all provisions of this subchapter other than the provisions of Section 1104 (a) (2) insofar as those provisions may be implemented by regulations controlling and restricting outdoor advertising signs, displays and devices in controlled areas:

(1) A sign erected or maintained upon property to identify a business conducted thereof provided such sign does not exceed 30 square feet in area and is placed on the premises.

(2) A sign containing 6 square feet or less upon real property stating that the property, or a part thereof, is for sale or for rent.

(3) A notice or advertisement required by law in any legal proceeding or put upon by public authority.

(4) A danger or precautionary sign containing 2 square feet or less relating to the premises or a sign warning of the condition of or danger of travel on a highway.

(5) Any notice or sign of any railroad or other transportation or transmission or communication company necessary for the direction or information or safety of the public.

(6) Any sign containing 6 square feet or less and bearing announcement of any town, village or city advertising itself or local industries, meetings, buildings, historical markers or attractions, provided the same is maintained at public expense.

Subchapter 2.

Areas Adjacent to Highways of the Interstate and Primary Systems

§ 1121. Limitations of outdoor advertising in controlled areas

Subject to the provisions of Section 1122 of this Title, no outdoor advertising sign, display or device, any part of the advertising, informative or attention attracting contents of which is visible from the main-traveled way of a highway of the Interstate System or Primary System shall be erected or maintained within a controlled area, unless it shall come within one or more of the following categories:

(1) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions as authorized or required by the laws of this State.

(2) Signs, displays and devices advertising the sale or lease of the real property upon which they are located.

(3) Signs, displays and devices advertising activities conducted on the real property upon which they are located.

(4) Signs, displays and devices located either (1) in controlled areas adjacent to the Interstate System and within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property is subject to municipal regulation and control, which are zoned industrial or commercial, or (2) in other controlled areas adjacent to the Interstate System zoned industrial or commercial which were zoned industrial or commercial as of September 21, 1959.

(5) Signs, displays and devices located in controlled areas adjacent to highways of the Primary System which are zoned industrial or commercial.

(6) Signs, displays, and devices located in unzoned commercial and industrial controlled areas adjacent to highways of the primary system and defined by regulations to be promulgated by the Department.

(7) Any school bus waiting shelter displaying a sign thereon provided such sign does not exceed 30 square feet in area and with a limit of 2 signs per shelter.

Such outdoor advertising signs, displays and devices as are permitted in controlled areas under this section shall be erected and maintained only in conformity with such applicable regulations as may be promulgated by the Department under Section 1104 of this chapter.

§ 1122. Removal of nonconforming advertising; fair compensation

(a) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays and devices:

(1) Those lawfully in existence on the effective date of this Chapter;

(2) Those lawfully on any highway made a part of the Interstate of Federal Aid Primary System on or after the effective date of this Chapter; and

(3) Those lawfully erected on or after the effective date of this Chapter.

(b) The Department is hereby authorized to acquire the necessary right in and to property and is directed to pay compensation therefor in the same manner as other property is acquired for State highway purposes with respect to the foregoing outdoor advertising signs, displays and devices. The compensation to be paid shall be to the following:

(1) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in such sign, display and device; and

(2) The taking from the owner of the real property on which such sign, display or device is located, of the right to erect and maintain such signs, displays or devices thereon. Notwithstanding these provisions, no rights in and to property shall be acquired with respect to any outdoor advertising sign, display or device except to the extent that Federal Funds authorized to be appropriated pursuant to the Federal "Highway Beautification Act of 1965", as amended, to reimburse the State for 75% of the cost thereof, are in fact appropriated and allocated to the State for that purpose.

§ 1123. Advertising in safety rest areas

In order to provide information in the specific interest of the traveling public, the Department is hereby authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas, and to establish information centers in such areas for the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable; provided, however, that no such information centers shall be established within controlled areas adjacent to the Interstate System without the approval of the Secretary of Transportation of the United States.

§ 1124. Signs, displays and devices providing information for the traveling public; location

Signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained, pursuant to agreement between the Department and the

Secretary of Transportation of the United States, within the right-of-way of highways of the Interstate System, at appropriate distances from interchanges on such systems.

§ 1125. Agreements with federal government or agencies

The Department may enter into agreements with the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas, consistent with the provisions of this chapter, and take action in the name of the State to comply with the terms of such agreements.

Approved July 14, 1969.

CHAPTER 277

AN ACT TO CREATE THE OFFICE OF CONTROLLER GENERAL AND TO MAKE A SUPPLEMENTARY APPROPRIATION THEREFOR.

WHEREAS, it is the primary responsibility of the General Assembly of the State of Delaware to appropriate the funds necessary to operate the State Government including all of its Executive and Judicial agencies as well as to provide the revenues necessary to meet the State's commitments; and

WHEREAS, the General Assembly has in the past not provided itself with the necessary assistance to effectively discharge its hereinabove cited responsibilities and to assure itself that the citizens' tax dollar is being well spent,

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

Section 1. There is hereby created the office of Controller General who shall be employed by and be responsible to the Legislative Council. The primary responsibility of the Controller General shall be to work with and assist the Joint Finance Committee of the General Assembly of the State of Delaware. The Controller General shall perform such duties as are set forth in Section 2 hereof and such other duties as may be assigned or delegated to him by the Legislative Council. The Controller General and Aides shall be placed on the payroll of the Legislative Council.

Section 2. The Controller General shall: (1) at all times have full and complete access to all records of all agencies of the State Government; (2) participate in any or all hearings held by the Budget Director, the Joint Finance Committee or other State agencies in connection with contemplated General Fund Budget appropriations, Capital Improvement Programs or Supplementary Appropriations; (3) request and obtain from any State agency all reasonable information and data, as directed by the Joint Finance Committee, to assist the General Assembly in the effective discharge of its State financial responsibilities.

Section 3. The Legislative Council of the 125th General Assembly shall initiate this new function, effective July 1, 1969, with two persons including a well qualified Controller General and a Secretary, for which there is hereby appropriated the sum of \$31,000 or so much thereof as may be necessary to carry out the intent of this Act, including salaries and all other necessary expenses, for the fiscal year ending June 30, 1970.

Approved July 14, 1969.

CHAPTER 278

AN ACT TO PERMIT MUNICIPALITIES TO ADOPT COUNTY ASSESSMENTS FOR PURPOSES OF MUNICIPAL TAXATION AND PROVIDING FOR THE IMPLEMENTATION THEREOF.

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

Section 1. Title 22, Delaware Code, is hereby amended by adding a new Chapter 9 as follows:

CHAPTER 9.**ASSESSMENTS FOR MUNICIPAL TAXATION.**

Section 1. Any municipal corporation in this State (hereinafter referred to as "municipality") may by ordinance elect to use the assessments and supplementary assessments for property in the municipality as established annually or quarterly by the Board of Assessment or Board of Assessment Review in which such municipality is located, subject to statutory judicial appeals, as the assessment role of such municipality for municipal taxation.

Section 2. The election by the municipality to use the County assessments shall be made before February 1 of any year and shall continue in effect from year to year until revoked by ordinance adopted by the municipality. Notice of such election shall be given to the Board of Assessment or Board of Assessment Review prior to March 1 in the year in which such election occurs and shall be published at least once a week for two weeks prior to March 1 of each year in at least two newspapers in the municipality, or to the extent no such newspaper exists, then in a newspaper of general circulation in the County in which such municipality is located.

Section 3. The municipality shall be entitled to receive a copy of the County assessments for the properties in the municipality from the Board of Assessment or Board of Assessment Review upon payment of the costs of producing the copy.

Section 4. At the time of certification provided in Section 8315, Title 9, Delaware Code, the Board of Assessment or Board of Assessment Review shall certify the total assessed valuation for properties in the municipality to each municipality which shall have theretofore furnished the notice provided for in Section 2 of this Chapter.

Approved July 14, 1969.

CHAPTER 279

AN ACT TO AMEND CHAPTER 74, TITLE 29, DELAWARE CODE, RELATING TO BONDS OF THE STATE BY PROVIDING FOR THE REPLACEMENT OF LOST, DESTROYED OR DEFACED BONDS.

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

Section 1. Chapter 74, Title 29, Delaware Code, is hereby amended by the addition of a new §7412A to read as follows:

§ 7412A. Replacement of lost, destroyed or defaced bonds

The State Treasurer may issue a new bond to replace an unmatured bond which has been lost, destroyed or defaced upon giving to and satisfactory to him, of (a) proof of ownership, (b) proof of loss or destruction, or, in the case of a defaced bond, the bond and coupons, if any, (c) adequate security to indemnify the State and the bank or banks at which the bond and coupons are payable against any loss that may be suffered by them on account of such replaced bond and coupons, and (d) payment of the cost of preparation of the new bond and coupons, if any.

The new bond and coupons, if any, shall be of the same form and tenor as the bond and coupons originally issued, shall be executed by the manual or facsimile signature of such officers in office at the time of the replacement, and shall bear the seal of the State or a facsimile thereof and a facsimile of the State Treasurer's signature may appear on the coupons, if any; provided, however, that on the bond the signature of the State Treasurer shall be in his own proper handwriting. There shall be endorsed on the new bond a statement in substantially the following form:

This bond has been reissued to replace a lost, destroyed or defaced bond.

Approved July 14, 1969.

CHAPTER 280

AN ACT TO AMEND CHAPTER 21, TITLE 14, DELAWARE CODE, RELATING TO LOCAL SCHOOL BONDS BY PROVIDING FOR THE REPLACEMENT OF LOST, DESTROYED OR DEFACED BONDS.

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

Section 1. Chapter 21, Title 14, Delaware Code, is hereby amended by the addition of a new § 2112A to read as follows:

§ 2112A. Replacement of lost, destroyed or defaced bonds

The School Board of any District may issue a new bond to replace an unmatured bond which has been lost, destroyed or defaced, upon the written request of the owner thereof, his legal representatives, successors or assigns, and upon giving (a) proof of ownership, (b) proof of loss or destruction, or in the case of a defaced bond and coupons, if any, the bond and coupons, (c) adequate security to indemnify the District and the bank or banks at which the bond and coupons are payable against any loss that may be suffered by them on account of such replaced bond and coupons, and (d) payment of the cost of preparation of the new bond and coupons, if any.

The new bonds and coupons, if any, shall be executed by the officials (including, in the case of a School District, a member of the Board of School Trustees of the District) in office at the time of such replacement and shall bear the seal of the District. The coupons, if any, shall be signed by the facsimile of the signatures of the appropriate officers. There shall be endorsed on the new bond a statement in substantially the following form:

This bond has been reissued to replace a lost, destroyed or defaced bond.

The replacement shall be authorized by a resolution of the School Board which shall set forth a copy of the written request of the owner, his legal representatives, successors or assigns, and the designation, date, maturity, interest rate, denomination and number of the replaced bond.

Approved July 14, 1969.

CHAPTER 281

AN ACT TO AMEND TITLE 14, ENTITLED "EDUCATION" BY ADDING THERETO A NEW PART ENTITLED "DELAWARE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH".

WHEREAS, Delaware is one of nine states in the United States without a State supported medical school; and

WHEREAS, Delaware is the only one of said nine states which does not contribute to an out of State medical school some portion of the cost of the medical education of its State residents; and

WHEREAS, it is difficult for qualified Delaware residents to obtain admission to medical schools in other states because of the policy in many medical schools of favoring residents of their own states; and

WHEREAS, the rate of growth of medical manpower resources in many communities in Delaware has not kept up with the rate of population growth in Delaware, and the popular demand for medical care throughout Delaware exceeds the capacity of health services to deliver; and

WHEREAS, feasibility studies have recommended against the establishment of a tax supported medical school in Delaware at this time, in part because it would require a capital outlay of \$60 to \$90 million and an annual operating budget in the order of \$5 to \$7 million; and

WHEREAS, the University of Delaware, the Wilmington Medical Center and The Jefferson Medical College of Philadelphia have been exploring the possibility of a joint program designed to increase substantially the number of Delaware residents annually admitted to medical school, to develop a medical school affiliation for the Wilmington Medical Center and for such other hospitals or health agencies as may eventually qualify, to increase substantially the number of physicians practicing in Delaware, to expand and extend training programs to the allied health professions and programs of continuing education in these fields as well as in medicine, and to direct maximum efforts

in these and related programs to the achievement of more comprehensive health services in the State with particular concern for their quality, accessibility and efficiency; and

WHEREAS, this joint program gives promise of achieving for the people of Delaware most of the advantages of a State medical school at a fraction of the capital and operating costs of a full medical school commitment; and

WHEREAS, the University of Delaware, the Wilmington Medical Center and The Jefferson Medical College of Philadelphia cannot accomplish such purposes unless the General Assembly of the State of Delaware will appropriate funds to underwrite the cost of such a joint program; and

WHEREAS, it is deemed desirable to establish a State agency to enter into a formal arrangement with the University of Delaware, the Wilmington Medical Center and The Jefferson Medical College of Philadelphia on behalf of the State, to administer funds appropriated by the State, and to correlate the planning and programming of health and medical education and research throughout the State;

NOW, THEREFORE,

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

Title 14, Delaware Code, is amended by adding thereto a new part to read:

PART VII. DELAWARE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH

CHAPTER 100. DELAWARE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH

§ 1001. Definitions

As used in this chapter—"Board" means the Board of Trustees of the Delaware Institute of Medical Education and Research. "The Institute" means the Delaware Institute of Medical Education and Research.

§ 1002. Creation of board

There shall be a Board of Trustees of the Delaware Institute of Medical Education and Research which shall be a State agency.

§ 1003. Composition; appointment; term; compensation; vacancies; quorum

(a) The Board shall consist of nine trustees.

(b) Three of the trustees, one of whom shall be a resident of each of the several counties, shall be appointed by the Governor by and with the consent of a majority of the members elected to the Senate.

(c) Three of the trustees shall be appointed by the Board of Trustees of the University of Delaware.

(d) Three of the trustees shall be appointed by the Board of Directors of the Wilmington Medical Center.

(e) All members shall be appointed for terms of three years each, subject to one consecutive reappointment, except that of the members first appointed, one each from the three appointing agencies shall be appointed for a term of one year, and similarly three for two years and three for three years. Any member appointed to fill a vacancy shall be appointed only for the unexpired term.

(f) No member of the Board shall receive any compensation for his duties in such capacity except that he may receive his actual travel expenses, including room and board.

(g) Five members of the Board shall constitute a quorum. A majority of the members present at any meeting at which a quorum is present shall be sufficient for any action by the Board.

§ 1004. Purposes

The purposes of the Institute shall be to initiate, encourage and promote:

(a) A satisfactory alternative to a State supported medical school until such time as it appears feasible to establish a state supported medical school.

(b) Expansion of opportunities for Delaware residents to obtain training at a reasonable cost in the health and health-related professions.

(c) A strengthening of the factors favoring decision of qualified personnel in the health and health-related professions to practice in Delaware.

(d) Development of a coordinated program of pre-medical, medical and graduate education among the University of Delaware, the Wilmington Medical Center and a cooperating medical college.

(e) An increased role for the University of Delaware in programs of education and training in the health fields and of health education of the public, as well as in research in health and health-related fields—both basic and applied, including the vital area of community health planning and health-care costs.

(f) Regional centers of health education, research and referral care, with particular emphasis upon direct service to private and public efforts to extend modern medical care to all sections of the State.

(g) Correlation of health and health education planning and programs throughout the State.

§ 1005. Powers and duties of the board

In furtherance of the purposes set forth in Section 1004 above, the Board shall have the following powers:

(a) *Fiscal and Property*: To pay or contribute to the cost of a joint program of the University of Delaware, the Wilmington Medical Center and a cooperating medical college in medical education, graduate education in the clinical, biomedical and behavioral sciences and continuing education for the practicing professions, to contribute financially to the medical education of qualified residents of Delaware at such cooperating medical college and to make such other payments as are required for the furtherance of the purposes of the Institute and the performance of the duties of the Board. To receive, hold, invest, reinvest and use, on behalf of the Institute and for any of its purposes, real property, personal property and moneys, or any

interest therein, and income therefrom, either absolutely or in trust. The Board may acquire such property or moneys for such purposes by the acceptance of gifts, grants, appropriations, bequests and devises from any source, either public or private.

(b) Education: To foster and support educational opportunities for Delaware residents both within and outside the State of Delaware, in health and health-related fields including graduate programs in the clinical, biomedical and behavioral arts and sciences; to promote curricular and program studies designed to reconcile educational and service practices and needs in these fields; and to pursue these and similar aims through contracts or other appropriate means, in cooperation with the Federal Government, the State Government and the political divisions thereof, educational institutions, health services, non-profit institutions and organizations, business enterprise and other persons concerned with the health of the people and with scientific and technological research, development and education.

(c) Research: To foster and support health and health-related research and development in the State, to enhance opportunities for greater correlation of research efforts between the private and public sector not only in the biomedical and behavioral arts and sciences, but also in the fields of clinical medicine, socio-economic disciplines and management; and to pursue these and similar aims through contracts or other appropriate means as set forth in the previous paragraph.

(d) Register: To maintain a register of scientific and technological personnel and facilities in the State.

(e) Organizational and General: For the effectuation of the purposes of this Chapter, the Board, in addition to such other powers expressly granted to it by this Chapter, shall have the following powers:

- (1) To select such officers, including a Chairman, as it may deem desirable from among its own membership;
- (2) To adopt and use a seal;
- (3) To sue and be sued;

(4) To appoint or employ such agents or employees as may be required to carry out the provisions of this Chapter and to fix and determine their qualifications, duties, compensation, term of employment and all other terms and conditions of employment;

(5) To adopt by-laws and to make and promulgate such rules and regulations as are necessary and proper for the conduct of the business of the board;

(6) To exercise all other powers not inconsistent with the provisions of this Chapter which may be reasonably necessary or incidental to effectuate the purposes of the Institute.

Approved July 14, 1969.

CHAPTER 282

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE PARK COMMISSION FOR PURPOSES OF REFUNDING AND ADMINISTERING THE RECREATION ASSISTANCE FUND ESTABLISHED BY TITLE 7, SECTION 4730, DELAWARE CODE.

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

Section 1. In addition to any other sums heretofore appropriated to the State Park Commission for the fiscal year ending June 30, 1969, the sum of \$450,000 is hereby appropriated to the State Park Commission in order to refund and provide for administration costs of the Recreation Assistance Fund as established by Title 7, Section 4730, Delaware Code, and administered by the State Park Commission and the Recreation Advisory Council pursuant to Subchapter III, Title 7, Delaware Code.

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

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1970.

Approved July 14, 1969.

CHAPTER 283

AN ACT TO AMEND CHAPTER 64, TITLE 7, DELAWARE CODE, RELATING TO UNDERWATER LANDS.

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

Section 1. Amend § 6401, Title 7, Delaware Code, by striking the phrase "as used in this subchapter, unless the context requires otherwise:" and inserting in lieu thereof the following:

The provisions of this subchapter shall apply to all lands located within the boundaries of the State of Delaware except that sections relating to any fees, royalties or rights to lease shall be applicable only to lands owned by the State of Delaware. Unless the context requires otherwise."

Section 2. Amend § 6406 (b) by striking subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Upon conviction the Court shall impose a fine of not less than \$25 nor more than \$100 or imprisonment not more than 30 days, or both.

Approved July 15, 1969.

CHAPTER 284

AN ACT TO ALLOW PAYMENT OF INTEREST UPON LOCAL SCHOOL FUNDS ON DEPOSIT.

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

Section 1. Chapter 19 of Title 14, Delaware Code, is hereby amended by adding thereto a new § 1924 which shall be as follows:

§ 1924. Payment of interest upon local school funds on deposit

(a) On the 30th day of June and the 31st day of December of each year hereafter, the State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer in the Farmers Bank of the State of Delaware such amounts of interest as determined by this section upon such funds. This section shall be deemed an amendment to any prior legislation concerning the payment of interest on such funds inconsistent herewith.

(b) With regard to school operating and debt service funds, the State Treasurer shall credit the operating account of each district with interest at the same rate as that paid on State funds by the Farmers Bank on 80% of the average balances in operating and debt service accounts for six month periods ending in May and in November. The average balance shall be determined by averaging the balances of such funds as of that day of each month when the balances of all State funds deposited with the State Depository are determined.

(c) With regard to school construction funds, the State Treasurer shall credit the operating account of each local school district with interest at the same rate as that paid the State by the Farmers Bank on 90% of the average balance of that proportion of the construction accounts, contributed by the local district for six month periods ending in May and November. The average proportional amount contributed by the local school

district shall be determined by averaging the balances of such proportional amounts as of that day of each month on which the balances of all State funds deposited with the State Depository are determined.

Approved July 15, 1969.

CHAPTER 285

AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, WITH RESPECT TO SEVERAL SECTIONS RELATING TO THE WATER AND AIR RESOURCES DEPARTMENT.

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. Amend § 6006, Title 7, Delaware Code, by inserting the words "or its duly authorized designee" after the word "Commission" where it appears in the first line of § 6006.

Section 2. Amend § 6007, Title 7, Delaware Code, by striking said section in its entirety and inserting in lieu thereof the following:

§ 6007. Public hearings; notice; waiver

The Commission shall hold a public hearing with respect to any permit, lease, variance or grant for which a commercial type application is made under this Part. The Commission may hold a public hearing with respect to any permit, lease, variance or grant for which an individual type application is made under this Part.

(a) For purposes of this Chapter an individual type application shall mean any application relating to private wells and private sewage systems serving or intended to serve three (3) or less families; open burning for agricultural land clearing purposes recommended by a County Agricultural Agent or the State Forester.

(b) For purposes of this Chapter a commercial type application shall mean any application not heretofore defined as an individual application.

(c) With respect to any public hearing pursuant to this section notice shall be served upon the applicant as summonses are served or by registered or certified mail not less than 20

days before the time set for said hearing. Twenty days' notice shall also be published in a newspaper of general circulation throughout the State and, in addition, in a newspaper of general circulation in the County to which the application applies. If an applicant wishes to waive a public hearing, the published notice shall advise interested persons to file any written protests to the application within 10 days. In the absence of such protests, the Commission may, notwithstanding any other provisions of this section, in its discretion act without a public hearing.

Section 3. Amend § 6013, Title 7, Delaware Code, by striking the section in its entirety and inserting in lieu thereof the following:

§ 6013. Violation and penalties; jurisdiction

(a) Whoever violates any of the provisions of this Part or neglects or fails to obey any rule or regulation or general or special order of the Commission respecting any "commercial type application" as that term is defined in § 6007 hereof shall be fined not more than \$500 for each violation, failure or refusal.

(b) Whoever violates any of the provisions of this Part or neglects or fails to obey any rule or regulation or general or special order of the Commission respecting any "individual type application" as that term is defined in § 6007 hereof shall be fined not less than \$25 nor more than \$100 for each violation, failure or refusal.

(c) After written notice is given that a person is in violation of the provisions of this Part, each day of continued violation shall be a separate offense.

(d) Fines collected under this section shall be paid into the General Fund of the State of Delaware.

(e) The Superior Court shall have jurisdiction of offenses under subsection (a) hereof.

(f) Justices of the Peace shall have jurisdiction of offenses under subsection (b) hereof.

Section 4. Amend Chapter 60, Title 7, Delaware Code, by adding thereto a new section to be denoted as § 6017 and to read as follows:

§ 6017. Temporary limits and procedure for hazardous operations

Where no code rules or regulation has been promulgated which sets specific limits for a use, emission or discharge, or operating procedure for hazardous operations, the Commission may set temporary limits or operating procedure provided that the temporary limits or orders shall not be effective for more than six months unless adopted into permanent rules and regulations within that period. The affected parties shall be given a hearing before the Commission within 30 days, if requested, on any action taken under this section.

Section 5. Amend § 6002, Title 7, Delaware Code, by adding thereto a new subsection to be denoted as subsection (d):

(d) The Commission in regulating water and air pollution or any other matters over which it has jurisdiction pursuant to this Title, may enter at reasonable times upon any private or public property for the purposes of investigating conditions within its jurisdiction and powers conferred by this Title upon giving verbal notice and after presenting official identification to the owner, occupant, custodian, or agent of said property.

Approved July 15, 1969.

CHAPTER 286

**AN ACT MAKING AN APPROPRIATION TO DELAWARE
ADOLESCENT PROGRAM, INC.**

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each House thereof concurring therein):

Section 1. The sum of \$50,000 is appropriated to Delaware Adolescent Program, Inc., for the fiscal year ending June 30, 1970.

Section 2. The money hereby 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 15, 1969.

CHAPTER 287

**AN ACT RELATING TO A PENSION FOR MARIE G. RYAN,
A FORMER EMPLOYEE OF THE BOARD OF PUBLIC
EDUCATION IN WILMINGTON.**

WHEREAS, Marie G. Ryan was employed by the Board of Public Education in Wilmington as a school teacher for a period of 34 years and 8 months; and

WHEREAS, Marie G. Ryan presently is not receiving a State pension due to unusual circumstances; and

WHEREAS, Marie G. Ryan is in need of a State pension and is deserving of such pension for the long and faithful service she has rendered as a school teacher in the Wilmington public schools;

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 Marie G. Ryan for pension benefits under the State Employees' Pension Plan, set forth in Chapter 55, Title 29, Delaware Code, and is further directed to determine the said Marie G. Ryan to be eligible for State pension benefits, any other provisions of Chapter 55, Title 29, Delaware Code, notwithstanding.

Section 2. The pension benefits conferred hereby shall become effective July 1, 1969 and shall not be awarded retroactively.

Approved July 15, 1969.

CHAPTER 288

AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A POLICE PENSION FUND: FOR MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON".

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

Section 1. Chapter 113, Volume 32, Laws of Delaware, is hereby amended by redesignating Section 9 thereof as Section 10, and by inserting a new Section 9 to read as follows:

Section 9. The right of any person to any payment under this Act shall not be transferable or assignable at law or in equity, and none of the monies paid or payable, or rights existing under this Act, shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency laws.

Approved July 15, 1969.

CHAPTER 289

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE II, SECTION 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE TIME AND FREQUENCY OF SESSIONS AND PROVIDING TERMINATION DATES.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 124th General Assembly as follows:

AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE TIME AND FREQUENCY OF SESSIONS AND PROVIDING TERMINATION DATES.

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

Section 1. Section 4, Article II, of the Constitution of the State of Delaware is amended by striking said section in its entirety and adding in lieu thereof the following new Section 4:

Section 4. The General Assembly shall convene on the second Tuesday of January of each calendar year unless otherwise convened by the Governor, or by mutual call of the presiding officers of both Houses.

The General Assembly may continue in session each calendar year so long as, in its judgment, the public interest may require; however, each session shall not extend beyond the last day of June unless the session is recalled by the Governor or the mutual call of the presiding officers of both Houses.

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each branch in the said 124th 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 27, 1969.

CHAPTER 290

**AN ACT PROPOSING AN AMENDMENT TO SECTION 2,
ARTICLE V, OF THE CONSTITUTION OF THE STATE
OF DELAWARE, RELATING TO QUALIFICATIONS
FOR VOTING.**

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 2, Article V, of the Constitution of the State of Delaware, is amended by striking out the word "twenty-one" in lines 1 and 2 and inserting in lieu thereof the word "nineteen".

CHAPTER 291

**AN ACT PROPOSING AN AMENDMENT TO ARTICLES
III AND XV OF THE CONSTITUTION OF THE STATE
OF DELAWARE TO ABOLISH THE OFFICE OF COR-
ONER.**

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 11, Article III of the Constitution of the State of Delaware, is amended by striking out the words "Sheriff or Coroner" and by inserting in lieu thereof the words "Or Sheriff".

Section 2. Section 22, Article III of the Constitution of the State of Delaware, is amended by striking out the words "Terms of office of Sheriffs and Coroners shall be two years" and by inserting in lieu thereof the words "term of office of Sheriffs shall be two years."

Section 3. Section 1, Article XV of the Constitution of the State of Delaware, is amended by striking out the words "and Coroners".

CHAPTER 292

AN ACT TO AMEND SECTION 1, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE EXEMPTION FROM TAXATION OF REAL PROPERTY.

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. § 1, Article VIII of the Constitution of the State of Delaware, is amended by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

§ 1. Uniformity of taxes; collection under general laws; exemption for public welfare purposes

Section 1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws passed by the General Assembly. County Council of New Castle County and the Levy Courts of Kent and Sussex Counties are hereby authorized to exempt from county taxation such property in their respective counties as in their opinion will best promote the public welfare. The county property tax exempt on power created by this section shall be exclusive as to such property as is located within the respective counties. With respect to real property located within the boundaries of any incorporated municipality, the authority to exempt such property from municipal property tax shall be exercised by the respective, incorporated municipality, then in the opinion of the said municipality it will best promote the public welfare.

Section 2. This Act shall become effective July 1, following its adoption. This Act shall be operative for the fiscal years of the respective counties and incorporated municipalities which commence subsequent to the effective date of this Act.

CHAPTER 293

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE CREATION OF A COURT ON THE JUDICIARY.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 124th General Assembly as follows:

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.

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each branch in the said 124th 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):

CHAPTER 293

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE CREATION OF A COURT ON THE JUDICIARY.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 124th General Assembly as follows:

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.

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each branch in the said 124th 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 April 24, 1969.

CHAPTER 294

AN ACT PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO ACTIVE JUDICIAL DUTY BY RETIRED JUDGES.

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

Section 1. Article 4, Section 2 of the Constitution of the State of Delaware, is amended by adding the following paragraph thereto:

A former State Judge (including former Justices of the Supreme Court), who is voluntarily retired pursuant to a statutory judicial pension system enacted by the General Assembly and receiving a judicial pension and who assents to active judicial duty and who is not actively engaged in the practice of law, shall be authorized to sit in the Court from which he retired upon designation of the Chief Justice of the Supreme Court and shall be authorized to sit by appropriate designation in any other Court to which he could be designated under the Constitution and statutes of the State if he still held the judicial position from which he retired. Nothing herein shall authorize the designation of any former State Judge (including former Justices of the Supreme Court) to sit in the Supreme Court except temporarily to fill up the number of that Court to the required quorum.

CHAPTER 295

AN ACT AGREEING TO A PROPOSED AMENDMENT TO SECTION 20, ARTICLE 3, OF THE DELAWARE CONSTITUTION RELATING TO GUBERNATORIAL DISABILITY.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 124th General Assembly as follows:

AN ACT PROPOSING AN AMENDMENT TO SECTION 20, ARTICLE 3, OF THE DELAWARE CONSTITUTION RELATING TO GUBERNATORIAL DISABILITY:

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 20, Article 3, of the Constitution of the State of Delaware, is hereby amended by adding the following language which shall constitute a new subsection "(b)":

Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor.

Whenever the Chief Justice of the Delaware Supreme Court, the President of the Medical Society of Delaware and the Commissioner of the Department of Mental Health, acting unanimously, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives, their written declaration that the Governor is unable to discharge the powers and duties of his office because of mental or physical disability, the Lieutenant Governor shall immediately assume the powers and duties of the office as Acting Governor.

Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no disability exists, he shall resume the powers and duties of his office unless the Chief Justice of the Supreme Court of Delaware, the President of the Medical Society of Delaware and the Commissioner of the Department of Mental Health, acting unanimously, transmit within five days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office because of mental or physical disability. Thereupon the General Assembly shall decide the issue, assembling within seventy-two hours for that purpose if not then in session. If the General Assembly within ten days after receipt of the latter written declaration determines by two-thirds vote of all the members elected to each house that the Governor is unable to discharge the powers and duties of his office because of mental or physical disability, the Lieutenant Governor shall continue to discharge same as Acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

Section 2. Section 20, Article 3, of the Constitution of the State of Delaware, is further amended by designating the present language of said section as subsection "(a)" of said Section 20.

Section 3. Section 20, Article 3, of the Constitution of the State of Delaware, is further amended by placing a semi-colon at the end of the heading of said section and adding the following phrase:

"Disability of Governor"

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each branch in the said 124th 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 June 10, 1969.

CHAPTER 296

AN ACT TO AMEND ARTICLE 5, SECTION 6, OF THE CONSTITUTION OF THE STATE OF DELAWARE.

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. Section 6, Article 5 of the Constitution of the State of Delaware, is amended by striking therefrom the last full paragraph of said article and inserting in lieu thereof a new paragraph to read as follows:

Two shall constitute a quorum. The chief Justice shall have the power to appoint from among the constitutional judges of the State a Judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any other Judge, or for any other cause, a quorum could not otherwise be had.

CHAPTER 297

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DE-
PARTMENT.**

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

Section 1. In addition to other sums previously appropriated, the sum of \$12,000 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1969, to be expended for the purpose of defraying expenses of the Delaware Inaugural Committee at the Inauguration of President Nixon and Vice-President Agnew.

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 17, 1969.

CHAPTER 298

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO EDUCATION BY PROVIDING FOR NEGOTIATIONS AND RELATIONS BETWEEN BOARDS OF EDUCATION AND ORGANIZATIONS OF PUBLIC SCHOOL EMPLOYEES.

WHEREAS, certified professional employees of the public school system of this State are presently prohibited from organizing and bargaining under Chapter 13, Title 19, Delaware Code;

NOW, THEREFORE,

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

Section 1. Title 14, Delaware Code, is amended by adding a new chapter thereto as follows:

CHAPTER 40

PROFESSIONAL NEGOTIATIONS AND RELATIONS**§ 4001. Definition of terms**

As used herein:

(a) "Employee organization" means any organization of certified employees of a public school district and which has as one of its purposes the representation of such employees in their relations with the Board of Education of the district.

(b) "School district" means any school district or reorganized school district of the State.

(c) "Public school employee" means any certificated non-administrative employee employed by a school district. Supervisory or staff personnel shall not be included within the meaning of the term "public school employee" as used herein.

§ 4002. Purpose

The purpose of this Act is to promote the improvement of personnel management and employer-employee relationships within the public school system by recognizing the right of the public employees to join organizations of their own choice and to be represented by such organizations in their professional and employment relationships with Boards of Education. To this end, a free and open exchange of views between the Board of Education of the school district and public school employees is deemed desirable and in the public interest.

§ 4003. Public school employees organizations

(a) Public school employees have the right to join any organization for their professional or economic improvement, but membership in any specific organization shall not be required as a condition of employment.

(b) Organizations that seek to represent a certificated school district employee in Professional negotiations shall so specify on membership applications.

(c) Dues shall be deducted by the employer for organizations representing employees only with the request and assent of the employee in writing.

§ 4004. Certification of exclusive negotiating representative

(a) Any employee organization may petition the Board of Education for certification as the exclusive negotiating representative of the public school employees of a school district. Any such petition shall be dated and shall have annexed to it a list of the current members of said employee organization, certified as correct by an officer of said employee organization authorized to make such certification, and delivered to the Secretary of the Board of Education. Copies of such petition (but not of the list of members) shall be posted on the door of every school house in the district and in one other prominent place inside each school house in the district. The original petition, including list of members, shall be filed with the Secretary of the Board of Education for permanent record. Employee organizations shall submit promptly for inspection of the Board of Edu-

cation, all of its membership applications in order that the Board may be definitively assured that a majority of the membership of the employee organization have indicated their desire to be represented by the organization in collective bargaining negotiations, as prescribed by Section 4003 (b) hereof.

(b) In the event the Board of Education determines that a majority of its public school employees are listed as members of said organization, and the majority of such members have indicated a desire to be represented by the employee organization in collective bargaining negotiations as prescribed by Section 4003 (b) hereof, the Board of Education shall certify in writing not less than thirty days and not later than forty-five days after the filing and posting of said petition, that said organization is the exclusive negotiating representative of the public school employees of the school district, unless within said thirty day period a petition requesting the holding of an election is filed as herein-after provided.

(c) If within 30 days after the filing and posting of said petition at least 30 percent of the total number of the public school employees of the school district file with the Secretary of the Board of Education a petition requesting that an election be held to determine the exclusive negotiating representative, such election shall be held not less than 30 days of receipt of the petition by the Secretary of the Board of Education, between the dates of September 1 and June 15.

(d) The local Board of Education may order an election to determine the exclusive negotiating representative.

(e) In the event that the Board of Education determines in good faith that an organization does not have the requisite membership for certification, or that an organization does not have the right to an election under Section 4004 (c), the organization shall have the right to appeal within thirty (30) days to the State Board of Education.

§ 4005. Conduct of election

(a) Whenever an election to determine the exclusive negotiating representative shall be held it shall be the responsibility of the Board of Education to conduct the election, to set the

time, location (locations) of the polls and to act as officers or to appoint officers, except that no officer appointed shall be a member of any organization that appears on the ballot.

(b) The ballot at said election shall contain the name of the employee organization which filed the petition under § 4004 (a) and the name of any other employee organization which, not less than 20 days before said election, files with the Secretary of the Board of Education written certified evidence of membership enrollment of at least 30 percent of the total members of public school employees of the school district. The ballot shall also contain an appropriate space for the public school employee to indicate "No negotiating unit desired."

(c) When an election is held the exclusive negotiating representative shall not be certified which does not receive an affirmative vote by a majority of the total number of public school employees eligible to vote in the election.

(d) An employee organization denied certification in an election as the exclusive negotiating representative of the public school employees of a school district under the provisions of this section shall be ineligible to petition said school district under Section 4004 for a period of one year from the date of such denial.

§ 4006. Exclusive negotiating representative

(a) An organization certified as the exclusive negotiating representative shall have the right to be the exclusive negotiating representative of public school employees of the school district in all matters relating to salaries, employee benefits, and working conditions.

(a-1) For the purpose of this Act:

"Salaries" are defined as the direct compensation of the employee for his (her) professional services.

"Employee benefits" are defined as those items contributing to the employee's welfare, paid by the local school district and are not subject to income taxation of the employee, i.e., medical and life insurance. "Employee benefits" also include a "dues check-off" system.

"Working conditions" are defined as physical condition of facilities in the school district building such as, but not limited to heat, lighting, sanitation, and food processing.

(b) Professional Relations. Nothing in this Chapter shall be construed as to prohibit the Board of Education and the exclusive negotiating representative from mutually agreeing upon other matters for discussion, except as prohibited in Section 4011 (c).

(c) The certification of an exclusive negotiating representation either by election or otherwise, shall be for a minimum period of 24 months from the date of certification. At least 30 calendar days prior to the expiration of said certification, the exclusive negotiating representative may apply for renewal of its certification by submitting a certified count of its members, or any other employee organization may apply for certification as the exclusive negotiating representative of the public school employees as provided for in § 4004 or 30 percent of the total number of the other school employees of the school district may petition for a new election as provided for in § 4004 (c).

§ 4007. Rights of individual employees

Nothing in this Act shall prohibit any certificated employee from appearing in his own behalf on matters relating to his employment relations with the school district.

§ 4008. Obligations of both parties

(a) The Board of Education or its representative and the exclusive negotiating representative of the public school employees, through their designated officials or representatives, and upon the request of either party, shall have the duty to negotiate in good faith with respect to salaries, employee benefits, and working conditions.

(b) Such duties shall also include the obligation of the Board of Education or its representative and the exclusive negotiating representative of the public school employees to meet at reasonable times and to confer in good faith with respect to the matters of § 4006 (a) of this chapter.

(c) No contract or agreement executed between the two parties shall specify directly or indirectly binding arbitration or decision-making by a third party or parties. The rights or the public through their legally elected or appointed Board of Education in final policy making is not subject to negotiation.

(d) Any contract or agreement reached between the two parties shall be for a minimum period of two years from the effective date of such contract or agreement and negotiations concerned with the terms of such contract or agreement shall not be reopened during that time.

§ 4009. Rights guaranteed

The Board of Education and/or its designated representative(s) shall not interfere, restrain or coerce employees in the right to organize guaranteed by this Act, and in absence of any certification as the exclusive bargaining representative all organizations seeking to represent public school employees shall be accorded equal treatment with respect to access to such employees.

No representative of any employee organization shall be permitted to solicit membership therein, or to solicit petitions or votes for the purpose of obtaining a collective bargaining agreement, on school property at any time, unless he shall be a bona fide employee of the particular school district involved and a member of the local employee organization whom he purports to represent. All election campaigning on school property during school hours shall be restricted to those areas reserved exclusively for teacher use.

§ 4010. Submission to an impartial committee

Whenever it appears to the Board of Education or the exclusive negotiating representative that a persistent disagreement exists with respect to salaries, employee benefits and working conditions as defined in Section 4006 (a-1) concerning which the parties have been negotiating, either the Board of Education or the exclusive negotiating representative may request mediation by any method mutually agreed upon. In the absence of such an agreement and within 10 days, the Board of Education and the exclusive negotiating representative should

select a mediator by mutual agreement. In the absence of such agreement, and within another 10 days, a mediation committee, which shall consist of three persons, one selected by the exclusive negotiating representative, one selected by the Board of Education, and a third person selected by mutual agreement of both parties, shall be formed. The third person mentioned above will serve as chairman of the mediation committee.

In the event that fact-finding is requested by either party, a fact-finding committee will be selected by the method described above for mediation.

Within 21 calendar days of its existence, the mediation committee will issue a report setting forth the circumstances of the impasse and their recommendations for settling the dispute.

Any costs involved in resolving such an impasse shall be divided equally between the parties.

§ 4011. Observance of teaching contract

(a) It shall be unlawful for any public school employee to engage in any tactic which circumvents any provision of his teaching contract.

(b) If an employee organization designated as exclusive representative shall violate the provisions hereof, its designation as exclusive representative shall be revoked by the public school employer, and said employee organization and any other employee organization which violates any of the provisions hereof, shall be ineligible to be designated as exclusive representative for a period of two (2) years thereafter. If any employee organization violates the provisions hereof, the public school employer shall refrain from making payroll deductions for that organization's dues for a period of one (1) year thereafter.

(c) No public school employee shall strike while in the performance of his official duties. For purposes of this section the word "strike" shall be deemed an unexcused absence.

§ 4012. Existing agreements

Nothing herein shall be deemed as a termination or invalidation of existing agreements between a Board of Education and an organization of public school employees, except to the extent that they are in conflict with provisions of this chapter.

§ 4013. Other statutes

The Act is intended to be in addition and supplementary to other laws of the State and shall not be construed to repeal any of the other provisions of Title 14, Delaware Code. If there is a conflict between any agreement arising under the provisions of this Act and a provision arising under any other Chapter of this Title, the provision arising under any other Chapter of the Title shall prevail.

Approved October 31, 1969.

CHAPTER 299

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 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 \$48,973,000, or so much thereof as may be necessary for carrying out the purposes of this Act, which shall be used for the purposes set forth in Section 7, Section 8, Section 9 and Section 10 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 and Section 10 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 ordinary or normal maintenance expense of highways, bridges or other properties.

Section 3. None of the moneys appropriated by this Act shall be expended before July 1, 1969. None of the moneys appropriated by this Act shall be expended after June 30, 1972, on any of the individual projects authorized in the 1970 Annual Capital Projects Schedule, as amended, unless such projects have progressed into any or all of the following phases prior to July 1, 1972:

Initial Engineering, Planning, Procurement, Construction

Section 4. The said sum of \$48,973,000 or so much thereof as may be necessary for carrying out the purposes of this Act,

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 1970".

Section 5. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 6. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 7. The moneys appropriated herein, 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:

| | |
|--|---------------------|
| (a) State Highway Department Communications Division | \$ 105,000 |
| (b) State Custodian | 650,000 |
| (c) Board of Game and Fish Commissioners | 100,000 |
| (d) Home & Hospital for the Chronically Ill at Smyrna | 315,000 |
| (e) Department of Mental Health | 1,975,000 |
| (f) State Highway Department Motor Vehicle Division | 448,000 |
| (g) State Highway Department State Police Division | 675,000 |
| (h) Office of the Medical Examiner | 350,000 |
| (i) State Park Commission | 230,000 |
| (j) Youth Services Commission | 596,000 |
| (k) State Budget Commission | 750,000 |
| (l) Wilmington State Office Building Commission | 500,000 |
| (m) Delaware State College | 4,080,000 |
| (n) University of Delaware | 2,950,000 |
| (o) Delaware Technical and Community College | 1,830,000 |
| (p) State Board of Education for construction or improvement of school facilities and construction of kindergarten classrooms as more particularly set forth in Section 10 of this Act ... | 14,219,000 |
| (q) State Highway Department for construction or improvement of highway and highway related facilities as more particularly set forth in Section 8 of this Act | 19,000,000 |
| (r) Water and Air Resources Commission for planning and obtaining rights-of-way for a Bay Outfall from Murderkill River treatment plant site of the "Kent County Sewage Treatment System" to upper edge Mohawk Slew (60 feet in depth) | 200,000 |
| TOTAL | \$48,973,000 |

Section 8. The sum of \$19,000,000, appropriated by Section 7 (q) 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 Improvement Programs:

| | |
|---|--------------|
| (a) General Highway Construction Program | \$10,400,000 |
| (b) Non-Corridor Route Improvement Program .. | 3,500,000 |
| (c) Highway & Rail Crossing Safety Improve- ments | 250,000 |
| (d) Topics Program | 100,000 |
| (e) Intersection Improvements Program | 200,000 |
| (f) Traffic Signal Improvements Program | 100,000 |
| (g) Small Bridge Replacement Program | 750,000 |
| (h) Miscellaneous Small Projects | 100,000 |
| (i) Dirt Road Improvement Program | 500,000 |
| (j) Suburban Development Street Improvement Program | 400,000 |
| (k) Suburban Development Street Reconstruction Program | 1,000,000 |
| (l) Advance Planning and Engineering Program. | 300,000 |
| (m) Beach Erosion | 400,000 |
| (n) Engineering and Contingencies | 1,000,000 |
| | <hr/> |
| Total | \$19,000,000 |

Section 9. The moneys allocated in Section 8 of this Act shall be expended for highway construction or related purposes, but they shall not be used for office supplies or for office equipment and furnishings.

With the exception of those projects to which specific sums have been allotted, the funds provided for the Preliminary Engineering, the Right-of-Way, and the Construction Programs may be expended on any or all of the projects listed within the respective programs.

The moneys authorized in Section 8 of this Act and termed (n) Engineering and Contingencies shall be accounted for by project.

Section 10. The sum of \$14,219,000, appropriated by Section 7 (p) 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 maxi-

mum totals and shares, or in the proportions represented by said maximum totals and shares:

| <i>Name of School District</i> | <i>Total Cost</i> | <i>State Share</i> | <i>Local Share</i> |
|---|-----------------------|------------------------|------------------------|
| (a) Alfred I. du Pont .. | \$ 2,940,000 | \$ 1,849,000 | \$ 1,091,000 |
| (b) Appoquinimink | 97,000 | 59,000 | 38,000 |
| (c) Newark | 1,922,000 | 1,394,000 | 528,000 |
| (d) Stanton | 914,000 | 592,000 | 322,000 |
| (e) New Castle Vocational Technical | 3,215,000 | 3,215,000 | — |
| (f) Wilmington | 1,200,000 | 1,060,000 | 140,000 |
| (g) New Castle-Gunning Bedford | 1,932,000 | 1,637,000 | 295,000 |
| (h) Conrad Area | 295,000 | 177,000 | 118,000 |
| (i) Caesar Rodney | 728,000 | 436,000 | 292,000 |
| (j) Capitol | 719,000 | 431,000 | 288,000 |
| (k) Kent County Vocational Technical | 861,000 | 861,000 | — |
| (l) Delmar | 424,000 | 254,000 | 170,000 |
| (m) Seaford | 221,000 | 133,000 | 88,000 |
| (n) Sussex County Vocational Technical | 1,795,000 | 1,795,000 | — |
| (o) Laurel | 206,000 | 124,000 | 82,000 |
| (p) Cape Henlopen | 337,000 | 202,000 | 135,000 |
| TOTALS | \$17,806,000 | \$14,219,000 | \$ 3,587,000 |

Section 11. The sums of money appropriated and allocated for school construction purposes pursuant to Section 7 and Section 10 of this Act shall be expended in accordance with the provisions of this Act, and Chapter 75, title 29, Delaware Code.

Section 12. No money appropriated and allocated by this Act for school construction purposes pursuant to Section 10 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.

Section 13. Each of the local shares listed in Section 10 hereinabove shall be credited with interest when and to the same extent as the Farmers Bank credits interest on deposits of other state moneys in said bank and each individual disbursement during the project construction shall be assumed to have been disbursed 60% from the State Share and 40% from the Local Share or in such other ratio as evidenced by the listing in Section 10 hereof.

Section 14. All moneys appropriated by this Act shall be considered to be in compliance with and shall be expended in accordance with the intent of the 1970 Annual Capital Projects Schedule as prepared by the State Planning Office and approved by the Governor, and as further amended hereby.

Section 15. (a) In compliance with § 7526 of Title 29, Delaware Code, the State Board of Education and the local Reorganized School Districts shall allocate such portions of the total appropriation for the total cost of any school construction authorized by Section 10 hereof as shall be necessary to provide for the customary audit function, but in no event shall such allocation exceed one-half per cent of such total cost. The State Auditor of Accounts shall be responsible for arranging the audit function in accordance with § 2906 and § 2907 of Title 29, Delaware Code.

(b) In compliance with § 7526 of Title 29, Delaware Code, the State Board of Education and the local Reorganized School Districts shall allocate such portions of the total appropriation for the total cost of any school construction authorized by Section 10 hereof as shall be necessary to provide for the customary supervision (construction inspection services), but in no event shall such allocation exceed one per cent of such total cost.

(c) In contracting for the supervision (construction inspection services) as prescribed in Section 15(a) hereinabove, the State Board of Education shall give first preference to an ex-

perienced Delaware organization, able to, and offering to provide quality service on a "non-profit, at cost" basis, and in so contracting it shall not be subject to the bidding laws as prescribed by Chapter 69, Title 29, Delaware Code. If no such organization is able to or is willing to offer to perform such specialized service on such "non-profit, at cost" basis, then the State Board of Education may contract for such services with profit making organizations on a bid basis as prescribed by Chapter 69, Title 29, Delaware Code.

Section 16. 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 funds that shall accrue to any school district in this State from the Treasury of the United States for building purposes shall be deposited in the State Treasury and shall be allocated by the State Board of Education to the School district for which the funds are appropriated. The said funds shall be in addition to any other local share and/or state share.

Section 17. No money appropriated and allocated by this Act in excess of \$2,000 shall be paid for materials, supplies, services or construction by any State department, agency, or commission to any person, corporation, or other business association until such department, agency, or commission shall have obtained assurance in writing that such person, corporation, or other business association has paid all taxes due the State Tax Department and has, to the best knowledge of the State Tax Department, obtained all necessary licenses and permits and has complied with all rules and regulations of said State Tax Department.

Section 18. No bonds or notes shall be issued or moneys borrowed on behalf of this State, pursuant to this Act, after June 30, 1975, except as provided in Chapter 75, Title 29, Delaware Code.

Section 19. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1970".

Section 20. None of the funds appropriated by this Act for highway construction purposes shall be used for the Frederica-Camden construction program, also known as the New Alignment-Frederica to Camden Highway.

Approved October 31, 1969.

CHAPTER 300

AN ACT PROVIDING FOR A SUPPLEMENTAL APPROPRIATION TO VARIOUS STATE AGENCIES FOR THE PURPOSE OF ADDING TO, CONSTRUCTING, REPAIRING, REMODELING, AND EQUIPPING CERTAIN CAPITAL IMPROVEMENTS.

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

Section 1. There is appropriated to the agencies of this State set forth in Sections 5, 6 and 7 hereof, the sum of \$1,342,000 or so much thereof as may be necessary for carrying out the purposes of this Act.

Section 2. The funds appropriated by this Act may be used for the costs incidental to but not limited to design, planning, land acquisition, construction, repairing, remodeling, equipping, and other costs. The funds, however, are not to be used for any other purposes except those set forth in Sections 5, 6 and 7.

Section 3. None of the moneys appropriated by this Act shall be expended before July 1, 1969. None of the moneys appropriated by this Act shall be expended after June 30, 1971 on any of the individual projects authorized in this Act unless such projects have progressed into any or all of the following phases prior to July 1, 1972.

Initial Engineering, Planning, Procurement, Construction.

Section 4. No money allocated and appropriated by this Act in excess of \$2,000 shall be paid by any State department, agency, or commission to any person, corporation, or other business association until such department, agency, or commission shall have obtained assurance in writing that such person, corporation, or other business association has paid all taxes due the State Tax Department and has, to the best knowledge of the State Tax Department, obtained all necessary licenses and permits and has complied with all rules and regulations of said State Tax Department.

Section 5. The monies appropriated herein below, 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:

| | |
|--|-----------|
| STATE HIGHWAY DEPARTMENT— | |
| COMMUNICATIONS DIVISION | |
| Emergency Generator—New Castle & Sussex Counties | \$ 12,000 |
| STATE CUSTODIAN | |
| Rehabilitation of Old Highway Administration Building | \$ 91,000 |
| STATE DISTRIBUTION AGENCY | |
| Re-roof Warehouses— Governor Bacon Health Center | \$ 12,000 |
| STATE FORESTRY DEPARTMENT | |
| Forest Land Improvements | \$ 15,000 |
| Parking Areas in State Forest | \$ 10,000 |
| BOARD OF GAME AND FISH COMMISSIONERS | |
| Fishing Piers | \$ 15,000 |
| Wetland Development | \$ 10,000 |
| HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA | |
| Renovations to Utilities | \$100,000 |
| BOARD OF HEALTH— | |
| EMILY P. BISSELL HOSPITAL | |
| Roof Replacements—All Buildings | \$ 12,000 |
| Electric Service—Tallman Building | \$ 12,000 |
| Interior Alterations—Tallman Building | \$ 20,000 |
| ARCHAEOLOGICAL BOARD | |
| Land Acquisition—Island Field Site | \$ 26,000 |
| DELAWARE NATIONAL GUARD | |
| Minor Capital Improvement— National Guard Armories | \$ 87,000 |
| ARCHIVES COMMISSION | |
| Robinson—Swedish Houses Restoration | \$ 70,000 |
| STATE PARK COMMISSION | |
| Dump Improvement—Killens Pond State Park .. | \$ 25,000 |

Section 6. (a) The sum of \$553,000 is appropriated by 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) Any school district receiving from the State Board of Education a portion of the monies allocated by Subsection (f) of this Section to the State Board of Education shall be deemed to have been included in Subsection (f) and shall be subject to the same provisions of this Act as applies to those school districts specifically identified under Subsection (f) of this Act.

(c) 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 re-building or major repair of roofs, floors, heating systems, electrical, plumbing, water systems, facilities roadways, and play areas. 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 sixty percent (60%) of the total costs of such capital improvements and repairs.

(d) Before any improvements or repairs authorized by this Section are undertaken by any school district, the school district shall itemize the improvements or repairs needed and show the estimated costs of each item. The State Board, using the criteria set forth in Subsection (c) of this Section, shall decide as to the right of payment to the local school district for any improvements or repairs, and the decisions of the State Board shall be final.

(e) 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 (c) 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.

(f) 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 combination of the amount shown opposite the name of the school district in the following table, and the portion granted by the State Board of Education to any school district of the moneys allocated specifically to the State Board of Education in the following table:

| <i>Name of School District</i> | <i>Maximum Amount</i> | <i>Maximum State Share</i> | <i>Maximum Local Share</i> |
|------------------------------------|---------------------------|------------------------------------|------------------------------------|
| Claymont | \$ 27,000 | \$ 16,000 | \$ 11,000 |
| Conrad Area | 102,000 | 60,000 | 42,000 |
| Capitol | 10,000 | 6,000 | 4,000 |
| Delmar | 35,000 | 21,000 | 14,000 |
| Alexis I du Pont | 26,000 | 15,000 | 11,000 |
| Alfred I. du Pont | 74,000 | 44,000 | 30,000 |
| Lake Forest | 46,000 | 28,000 | 18,000 |
| Indian River | 72,000 | 43,000 | 29,000 |
| Laurel | 10,000 | 6,000 | 4,000 |
| De La Warr | 30,000 | 22,000 | 8,000 |
| Caesar Rodney | 5,000 | 3,000 | 2,000 |
| Marshallton-McKean | 14,000 | 8,000 | 6,000 |
| Milford | 39,000 | 23,000 | 16,000 |
| Mt. Pleasant | 46,000 | 28,000 | 18,000 |

| | | | |
|---|-----------|-----------|-----------|
| New Castle-Gunning Bedford | 30,000 | 18,000 | 12,000 |
| Newark | 60,000 | 36,000 | 24,000 |
| Cape Henlopen | 11,000 | 7,000 | 4,000 |
| Seaford | 89,000 | 53,000 | 36,000 |
| Stanton | 34,000 | 20,000 | 14,000 |
| Wilmington | 37,000 | 22,000 | 15,000 |
| Woodbridge | 24,000 | 14,000 | 10,000 |
| Department of Public Instruction Contingency Fund | 100,000 | 60,000 | 40,000 |
| Total | \$921,000 | \$553,000 | \$368,000 |

(g) Any school district may levy and collect a tax to pay their forty percent (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, Delaware Code, except that no referendum shall be required.

(h) Any school district, as an alternate to the levy and collection of a tax to pay its forty percent (40%) share as provided in (f) above, may authorize the issuance of bonds to pay its forty percent (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.

(i) 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 (h) above.

Section 7. The sum of \$250,000 is appropriated to the legislative Building Committee, or so much thereof as may be needed, to complete construction, furnishing, and equipping of the new additions to Legislative Hall.

Approved October 31, 1969.

CHAPTER 301

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 79 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DEFINING ITS ORGANIZATION, POWERS, DUTIES AND FUNCTIONS AND PROVIDING FOR THE TRANSFER OF MATERIALS AND EQUIPMENT TO SAID DEPARTMENT FROM VARIOUS STATE AGENCIES AND PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE GOVERNOR TO IMPLEMENT THE PROVISIONS OF THIS ACT.

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

Section 1. Title 29, Delaware Code, is hereby amended by adding a new Chapter thereto to be designated as Chapter 79 to read as follows:

CHAPTER 79.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

§ 7901. Establishment of Department of Health and Social Services

A Department of Health and Social Services is hereby established.

§ 7902. Secretary; Division Directors; Acting Secretary; Appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Health and Social Services, 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. He shall be paid an annual salary not in excess of \$34,000.

(b) In the event the position of Secretary is vacant, the Governor, by appointment, shall have the power to fill the position or positions of division director as are vacant. Directors so appointed shall serve at the pleasure of the Governor and upon the position of Secretary being filled such directors may be removed from office by the Secretary with the written approval of the Governor.

(c) In the event of death, resignation, temporary incapacity or removal of the Secretary and prior to the appointment of his successor, the Governor may appoint the director of any division of the Department to serve as Acting Secretary. The Secretary may, during his absence from the State, appoint the director of any division of the Department to serve as Acting Secretary during such absence. In either case the Acting Secretary shall have all the powers and shall perform all the duties and functions of the Secretary during his absence or incapacity or until his successor is duly qualified and appointed.

§ 7903. Powers; duties and functions of the Secretary

The Secretary shall have the following powers, duties and functions:

(a) To supervise, direct and account for the administration and operation of the Department, its divisions, subdivisions, offices, functions and employees;

(b) To appoint and fix the salary with the written approval of the Governor, the following division directors and office heads, who may be removed from office by the Secretary with the written approval of the Governor, and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Secretary:

(1) A Director of the Division of Physical Health, who shall be known as the Director of Physical Health, and who shall be a licensed physician who shall have had at least one (1) year's post-graduate training in public health or in lieu thereof at least five (5) year's experience as a full-time health official.

(2) A Director of the Division of Mental Health and Mental Retardation, who shall be known as the Director of Mental Health and Mental Retardation, and who shall be a psychiatrist

certified by the American Board of Psychiatry and Neurology and further qualified by training and experience in the administration of hospital and community programs of prevention and early treatment.

(3) A Director of the Division of Social Services, who shall be known as the Director of Social Services, and who shall be qualified by education, ability and experience in the administration of social work or services.

(4) A Director of the Division of Corrections, who shall be known as the Director of Corrections, and who shall have had a minimum of an earned graduate degree above that of bachelor's from an accredited college or university, in one of the behavioral sciences, such as corrections, sociology, psychology or social work, with five (5) years' experience in the corrections field, including a responsible administrative position.

(5) An administrator and head of the Office of Business Administration and General Services who shall be known as the Chief of Business Administration and General Services and who shall be a person qualified by training and experience to perform the duties of his office.

(6) An administrator and head of the Office of Planning, Research and Evaluation who shall be known as the Chief of Planning, Research, and Evaluation and who shall be a person qualified by training and experience to perform the duties of his office.

(c) To appoint, with the written approval of the Governor, an administrator and head of the Office of Medical Examiner who shall be known as the Medical Examiner of the State of Delaware for a term of ten (10) years, subject to reappointment, but always subject to removal for cause. The Medical Examiner shall be a physician licensed to practice in the State of Delaware and shall be a Board certified pathologist, with preference given to applicants with training and experience in the field of forensic pathology.

(d) To appoint such additional personnel as may be necessary for the administration and operation of the Department within such limitations as may be imposed by law.

(e) To establish an Office of Business Administration and General Services in order to administer and coordinate the record keeping, transportation, fiscal affairs, data processing, statistics, accounting, personnel and such other general services for the Department as the Secretary may deem necessary for the proper, efficient and economical operation of the Department and to coordinate such general services and business administration with other departments, agencies and offices of the Government of this State.

(f) To establish an Office of Planning, Research and Evaluation in order to provide for and carry out the future comprehensive planning of the programs, policies and operation of the Department and the evaluation, necessary research, data collection and analysis of the programs, policies and operations of the Department.

(g) To establish, consolidate or abolish such divisions, subdivisions, and offices within the Department or transfer or combine the powers, duties and functions of the divisions, subdivisions and offices within the Department as the Secretary, with the written approval of the Governor, may deem necessary, providing that all powers, duties and functions required by law shall be provided for and maintained.

(h) To retain, employ and contract for the services of private and public consultants, research and technical personnel and to procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed by the Secretary necessary or desirable, in the performance of the functions of the Department, and whenever funds shall be available for such purpose. All necessary legal services shall be provided pursuant to Title 29, Chapter 25, Delaware Code.

(i) To delegate any of his powers, duties or functions to a director of a division except his power to remove employees of the Department or to fix their compensation.

(j) To establish and to promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by him and which are not inconsistent with the laws of this State.

(k) To maintain such facilities throughout the State as may be required for the effective and efficient operation of the Department.

(l) To adopt an official seal or seals for the Department.

§ 7904. Division of Physical Health; State Board of Health

(a) The Division of Physical Health is hereby established having powers, duties and functions as directed by the State Board of Health.

(b) The State Board of Health shall consist of the Secretary of the Department and the Director of Physical Health and shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions heretofore vested in :

(1) The State Board of Health pursuant to the provisions of Title 16, Delaware Code, Chapters 1, 5, 7, 10A, 11, 14, 15, 17, 21, 23, 31, 33, 35, 37, 41, 43, 45, 74, 79 and 90; Title 3, Delaware Code, Chapter 87, and Title 7, Delaware Code § 2133;

(2) The Board of Trustees of the Delaware Home and Hospital for the Chronically Ill at Smyrna pursuant to the provisions of Title 31, Delaware Code, Chapter 28;

(3) The Hospital Advisory Council pursuant to the provisions of Title 16, Delaware Code, Chapter 10A.

(c) The Director of Physical Health shall be the State Health Officer and State Registrar of Vital Statistics and shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions heretofore vested in said offices pursuant to the provisions of Title 16, Delaware Code, Chapter 1.

(d) The administrative, ministerial, fiscal, clerical, and inspection functions of the following Boards set forth in Title 24, Delaware Code, shall be performed by the Division of Physical Health:

State Board of Examiners of Barbers
State Board of Chiropractic Examiners
Delaware State Board of Cosmetology

State Board of Dental Examiners
The Medical Council of Delaware
Board of Medical Examiners
Delaware Board of Nursing
Delaware State Board of Examiners in Optometry
State Board of Pharmacy
State Examining Board of Physical Therapists
The Board of Chiropody And/or Podiatry Examiners
State Board of Examiners of Psychologists
State Board of Examiners of Undertakers
State Board of Veterinary Medicine

Except as therein provided in subsection (d) above, the membership remuneration, organization, meetings, powers, duties and functions of the boards listed above shall remain as prescribed by Title 24, Delaware Code.

§ 7905. Council on Physical Health

(a) There is hereby established the Council on Physical Health.

(b) The Council on Physical Health shall serve in an advisory capacity to the Director of Physical Health and shall consider matters relating to physical health in the State of Delaware and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Physical Health. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Physical Health, upon the effective date of this Chapter, shall be composed of the members of the State Board of Health and the Hospital Advisory Council whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Physical Health for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. When the number of the members has been reduced to less than seven (7), by reason of expiration of terms, resignations, death or incapacity, the Governor shall appoint new members. The terms

of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall hereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7), any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7906. Council on Radiation

(a) There is hereby established the Council on Radiation.

(b) The Council on Radiation shall serve in an advisory capacity to the Director of Physical Health and shall consider matters relating to the regulation and utilization of the sources of ionizing radiation, the promotion of an orderly regulatory pattern among the states and between the Federal Government with respect to the use and regulation of ionizing radiation and the establishment of regulatory responsibilities with respect to by-products, source and special nuclear materials and such other matters as may be referred to it by the Governor, Secretary of

the Department, or Director of Physical Health. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Radiation, upon the effective date of this Chapter, shall be composed of the members of the Authority on Radiation Protection whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Radiation for the period of his unexpired term, unless he vacates his position by resignation, death or incapacity. When the number of the members has been reduced to less than seven (7), by reason of expiration of terms, resignations, death or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a

member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7907. Council on the Delaware Home and Hospital

(a) There is hereby established the Council on the Delaware Home and Hospital.

(b) The Council on the Delaware Home and Hospital shall serve in an advisory capacity to the Director of Physical Health and shall consider matters relating to the physical health, comfort, care and support of the persons in the Delaware Home and Hospital for the Chronically Ill at Smyrna and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Physical Health. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on the Delaware Home and Hospital, upon the effective date of this Chapter, shall be composed of the members of the Board of Trustees of the Delaware Home and Hospital for the Chronically Ill at Smyrna whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on the Delaware Home and Hospital for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of terms, resignations, death or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same poli-

tical party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council may serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7908. Division of Mental Health and Mental Retardation

(a) The Division of Mental Health and Mental Retardation is hereby established having powers, duties and functions as follows:

(1) The Division of Mental Health and Mental Retardation shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions heretofore vested in the Board of Trustees of the Department of Mental Health and the Department of Mental Health pursuant to the provisions of Title 16, Delaware Code, Chapters 51, 53, 55, 57, 59, 60 and 61.

§ 7909. Council on Mental Health

(a) There is hereby established the Council on Mental Health.

(b) The Council on Mental Health shall serve in an advisory capacity to the Director of Mental Health and Mental Retardation and shall consider matters relating to mental health in the State and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Mental Health and Mental Retardation. The Council may study, re-

search, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Mental Health, upon the effective date of this Chapter shall be composed of the members of the Board of Trustees of the Department of Mental Health whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Mental Health for the period of his unexpired term unless he vacates his position by resignation, death, or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of terms, resignations or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7) the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7), any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7910. Council on Mental Retardation

(a) There is hereby established the Council on Mental Retardation.

(b) The Council on Mental Retardation shall serve in an advisory capacity to the Director of Mental Health and Mental Retardation and shall consider matters relating to mental retardation in the State and such matters as may be referred to it by the Governor, Secretary of the Department or Director of Mental Health and Mental Retardation. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Mental Retardation shall be composed of seven (7) members appointed by the Governor. The terms of the members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, appointed members shall serve for a term of three (3) years.

(d) No more than four (4) of the members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7911. Division of Social Services

(a) The Division of Social Services is hereby established having powers, duties and functions as follows:

(1) The Division of Social Services shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The Department of Public Welfare and the Board of Welfare pursuant to the provisions of Title 31, Delaware Code, Chapter 1, Subchapters I, III, IV and VII of Chapter 3, Chapters 5, 9 and 11;

(ii) The Delaware Commission for the Blind pursuant to Title 31, Delaware Code, Chapters 21 and 23;

(iii) The Delaware Commission for the Aging, pursuant to the provisions of Title 31, Delaware Code, Chapter 29;

(iv) The Delaware Commission on Children and Youth, pursuant to the provisions of Title 31, Delaware Code, Chapter 27.

§ 7912. Council on Family Services

(a) There is hereby established the Council on Family Services.

(b) The Council on Family Services shall serve in an advisory capacity to the Director of Social Services and shall consider matters relating to programs of public assistance for the State and welfare services related to such programs, including general relief, child welfare, and the disabled, except such programs relating to the blind. The Council shall also consider such other matters as may be referred to it by the Governor, the Secretary of the Department or Director of Social Services. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Family Services, upon the effective date of this Chapter, shall be composed of the members of the Board of Welfare whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the

Council on Family Services for the period of his unexpired term unless he vacates his position by resignation, death, or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of terms, resignations or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7913. Council on the Blind

(a) There is hereby established the Council on the Blind.

(b) The Council on the Blind shall serve in an advisory capacity to the Director of Social Services and shall consider matters relating to the general supervision and control of the edu-

cation, training and welfare of blind persons residing in the State. The Council shall also consider such other matters as may be referred to it by the Governor, the Secretary of the Department or Director of Social Services. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on the Blind, upon the effective date of this Chapter, shall be composed of the members of the Delaware Commission for the Blind whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on the Blind for the period of his unexpired term, unless he vacates his position by resignation, death, or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of terms, resignations or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7914. Council on Children and Youth

(a) There is hereby established the Council on Children and Youth.

(b) The Council on Children and Youth shall serve in an advisory capacity to the Director of Social Services and shall consider matters relating to the study and evaluation of facilities and services for the children and youth of this State, the formulation of plans and courses of action covering the needs of the children and youth of this State and such other matters as may be referred to it by the Governor, the Secretary of the Department or Director of Social Services. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Children and Youth, upon the effective date of this Chapter, shall be composed of the members of the Delaware Commission on Children and Youth whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Children and Youth for the period of his unexpired term, unless he vacates his position by resignation, death, or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of terms, resignations or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the

newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7), any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7915. Council on the Aging

(a) There is hereby established the Council on the Aging.

(b) The Council on the Aging shall serve in an advisory capacity to the Director of Social Services and shall consider matters relating to the formation of local community councils for the aging, programs and projects in this State to benefit the aging, and such other matters as may be referred to it by the Governor, the Secretary of the Department or Director of Social Services. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on the Aging, upon the effective date of this Chapter, shall be composed of the members of the Delaware Commission for the Aging whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on the Aging for the period of his unexpired term, unless he vacates his position by resignation, death, or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of

terms, resignations or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7) the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7916. Division of Corrections

(a) The Division of Corrections is hereby established having powers, duties, and functions as follows:

(1) The Division of Corrections shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The Department of Correction and the Board of Correction pursuant to Title 11, Delaware Code, Chapters 43 and 65;

(ii) The Youth Services Commission of Delaware pursuant to the provisions of Title 31, Delaware Code, Chapters 51 and 52;

(2) The Division of Corrections shall furnish the Board of Parole adequate office facilities and supplies to properly perform its duties pursuant to the provisions of Title 11, Delaware Code, Subchapter IV of Chapter 43.

§ 7917. Council on Adult Corrections

(a) There is hereby established the Council on Adult Corrections.

(b) The Council on Adult Correction shall serve in an advisory capacity to the Director of Corrections and shall consider matters relating to the development and progress of the adult correctional system of this State, including correctional facilities and services and such other matters as may be referred to it by the Governor, the Secretary of the Department or Director of Corrections. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Adult Corrections, upon the effective date of this Chapter, shall be composed of the members of the Board of Correction whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Adult Corrections for the period of his unexpired term, unless he vacates his position by resignation, death, or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of terms, resignations or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7) the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7918. Council on Youth Services

(a) There is hereby established the Council on Youth Services.

(b) The Council on Youth Services shall serve in an advisory capacity to the Director of Corrections and shall consider matters relating to the administration of training facilities for the detention, care, treatment, and after-care supervision for youthful offenders and delinquents of this State. The Council shall also consider matters relating to the expansion of community services directed toward the over-all prevention and control of juvenile delinquency in the State of Delaware and such other matters as may be referred to it by the Governor, the Secretary of the Department or Director of Corrections. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Youth Services, upon the effective date of this Chapter, shall be composed of the members of The Youth

Services Commission of Delaware whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Youth Services for the period of his unexpired term, unless he vacates his position by resignation, death, or incapacity. When the number of the members has been reduced to less than seven (7) by reason of expiration of terms, resignations or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 7919. Office of Medical Examiner

(a) The Office of Medical Examiner is hereby established having powers, duties and functions as follows:

(1) The Office of Medical Examiner shall have the power to perform and shall be responsible for the performance of all powers, duties and functions heretofore vested in the Board of Post-Mortem Examiners for the State of Delaware pursuant to the provisions of Title 29, Delaware Code, Chapter 47.

§ 7920. Governor's Council on Health and Social Services

(a) There is hereby established the Governor's Council on Health and Social Services.

(b) The Governor's Council on Health and Social Services shall be composed of the chairmen of the councils to the respective divisions of the Department, as herein provided, one (1) of whom shall be designated by the Governor as Chairman of the Governor's Council on Health and Social Services and he shall serve as such at the pleasure of the Governor. The Council may study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The terms of the members of the Governor's Council on Health and Social Services shall coincide with the terms for which the members serve as chairmen of their respective councils.

(d) The Governor's Council on Health and Social Services shall advise, recommend and refer to the Secretary of the Department matters which, in its opinion, are of departmental concern and shall consider such other matters as may be referred to it by the Governor or the Secretary of the Department.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

§ 7921. Books, records; access; annual report

(a) The Governor's Council on Health and Social Services shall have access to all books, records, reports, and other documents relating to the Department of Health and Social Services unless otherwise prohibited by law.

(b) The various councils of the divisions of the Department of Health and Social Services shall have access to all books, records, reports, and other documents relating to their respective divisions unless otherwise prohibited by law.

(c) The Chairman of the Governor's Council on Health and Social Services and the chairmen of the councils of the divisions of this Department shall make an annual report of the activities of each of said councils to the Secretary of the Department, the Governor and the General Assembly and render such other reports as the Secretary, the Governor or the General Assembly may from time to time request or as may be required by law.

§ 7922. Exemptions

The following positions set forth in this Act shall be exempt from the provisions of Title 29, Delaware Code, Chapter 59:

- (a) Secretary of Health and Social Services
- (b) Director of Physical Health
- (c) Director of Mental Health and Mental Retardation
- (d) Director of Social Services
- (e) Director of Corrections
- (f) Medical Examiner
- (g) Chief of Business Administration and General Services
- (h) Chief of Planning, Research and Evaluation

§ 7923. Functions prior to effective date of this Chapter

The Department, through appropriate divisions, subdivisions, and offices, shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions vested by law in the State Board of Health, the Board of Trustees of the Delaware Home and Hospital for the Chronically Ill at Smyrna, the Hospital Advisory Council, the Department of Mental Health, the Board of Trustees of the Department of Mental Health, the Department of Public Welfare, the Board of Welfare, the Youth Services Commission of Delaware, the Department of Correction, the Board of Correction, the

Commission for the Blind, the Commission for the Aging, the Commission on Children and Youth, and the Board of Post-Mortem Examiners of the State of Delaware immediately prior to the effective date of this Chapter and which are not otherwise herein above specifically transferred to the Department by the provisions of this Chapter.

§ 7924. Appeals

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions hereby transferred to the Department or to any division or subdivision thereof shall continue to exist with respect to such act or acts as hereafter performed by the Department or by the division, subdivision or office to which such function is hereby transferred, and each such appeal shall be perfected in the manner heretofore provided by law.

§ 7925. Transfers and continuity

(a) All books, records, papers, maps, charts, plans and other material including, but not limited to, any equipment in the possession of any agency of the State and used in connection with a function hereby transferred to the Department shall on the effective date of this Chapter be delivered into the custody of the Department. All investigations, petitions, hearings, and legal proceedings pending before or instituted by any agency from which functions are hereby transferred and not concluded prior to the effective date of this Chapter shall continue unabated and remain in full force and effect, notwithstanding the passage of this Chapter and where necessary, may be completed before, by or in the name of the Department. All orders, rules and regulations made by any agency from which functions are hereby transferred and governing such functions and which are in effect upon the effective date of this Chapter shall remain in full force and effect until revoked or modified in accordance with law by the Department. All contracts and obligations of any agency made or undertaken in the performance of a function hereby transferred to the Department and being in force on the effective date of this Chapter, shall, notwithstanding the provisions of this Chapter, remain in full force and effect and be performed by the Department.

(b) All persons in the custody or under the jurisdiction or control of the Department of Correction, the Board of Correction, the Youth Services Commission of Delaware, the Board of Trustees of the Delaware Home and Hospital for the Chronically Ill at Smyrna, the Department of Mental Health and the Board of Trustees of the Department of Mental Health on the effective date of this Chapter, are hereby transferred and committed to the custody of the Department.

(c) The Department shall succeed to the custody and control of all monies and personal property held by the Department of Correction, the Board of Correction, the Youth Services Commission of Delaware, the Board of Trustees of the Delaware Home and Hospital for the Chronically Ill at Smyrna, the Department of Mental Health, and the Board of Trustees of the Department of Mental Health belonging to persons committed to their custody.

(d) All employees of any commission, board, department, authority or agency shall, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, shall continue and be deemed to be the employees of the Department on the effective date of this Chapter and, where applicable, with all the benefits accrued as merit employees as of the effective date of this Chapter.

(e) All definitions and references to any commission, board, department, authority or agency which appear in any other Act or law shall, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, be construed as referring and relating to the Department of Health and Social Services as created and established herein.

(f) All definitions and references to any director, commissioner, executive secretary, commission, board or council member or other similar person which appear in any other Act or law, shall, to the extent that same are consistent with this Chapter, and in connection with a function hereby transferred to the Department, be construed as referring or relating to such person or persons and their powers, duties and function as established and created herein.

§ 7926. Annual report

The Secretary of the Department shall make an annual report to the Governor and the General Assembly of the Department's operations, and render such other reports as the Governor or General Assembly may from time to time request or as may be required by law.

§ 7927. Misnomer of Department in donation

Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department if it sufficiently appears by the will, conveyance or other writing, that the party making the same intended to pass and convey thereby to the Department or to any commission, board, department, authority, council or agency, to which, by the provisions of this Act, the powers, duties and functions have been transferred to the Department, the estate or interest therein expressed or described.

§ 7928. Budgeting and financing

The Secretary in cooperation with the Division Directors shall prepare a proposed budget for the operation of the Department to be submitted for the consideration of the Governor and the General Assembly. The Department shall be operated within the limitation of the Annual Appropriation and any other funds appropriated by the General Assembly.

Special funds may be used in accordance with approved programs, grants and appropriations.

§ 7929. Severability

If any provision of this Chapter, or of any rule, regulation or order thereunder of the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Chapter and the application of such provision of this Chapter or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 2. The provisions of this Act shall become effective on the date the Governor signs an executive order stating

that he has found it administratively feasible to implement this Act or on July 1, 1970, whichever first occurs.

Section 3. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated to the Governor for the fiscal year ending June 30, 1970, for the purposes of implementing the provisions of this Act. This appropriation shall be considered as a supplementary appropriation and shall be paid out of funds not otherwise appropriated and any portion thereof which is unexpended or unencumbered as of June 30, 1970 shall revert to the General Fund.

Section 4. Any sums appropriated to any Board, Commission, Council or Agency affected by this Act, and which, upon the effective date of this Act, are unencumbered or unexpended shall be and are hereby appropriated and transferred to the Department of Health and Social Services.

Approved November 5, 1969.

CHAPTER 302

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 80 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DEFINING ITS ORGANIZATION, POWERS, DUTIES AND FUNCTIONS AND PROVIDING FOR THE TRANSFER OF MATERIALS AND EQUIPMENT TO SAID DEPARTMENT FROM VARIOUS STATE AGENCIES AND PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE GOVERNOR TO IMPLEMENT THE PROVISIONS OF THIS ACT.

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

Section 1. Title 29, Delaware Code, is hereby amended by adding a new Chapter thereto to be designated as Chapter 80 to read as follows:

CHAPTER 80.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**§ 8001. Establishment of Department of Natural Resources and Environmental Control**

A Department of Natural Resources and Environmental Control is established.

§ 8002. Secretary; Division Directors; Acting Secretary; appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Natural Resources and Environmental Control, 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. He shall be paid an annual salary not in excess of \$34,000.

(b) In the event the position of Secretary is vacant, the Governor, by appointment, shall have the power to fill the position or positions of division director as are vacant. Directors so appointed shall serve at the pleasure of the Governor and upon the position of Secretary being filled such directors may be removed by the Secretary with the written approval of the Governor.

(c) In the event of death, resignation, temporary incapacity or removal of the Secretary and prior to the appointment of his successor, the Governor may appoint the director of any division of the Department to serve as Acting Secretary. The Secretary may, during his absence from the State, appoint the director of any division of the Department to serve as Acting Secretary during such absence. In either case the Acting Secretary shall have all the powers and shall perform all the duties and functions of the Secretary during his absence or incapacity or until his successor is duly qualified and appointed.

§ 8003. Powers; duties and functions of the Secretary

The Secretary shall have the following powers, duties and functions:

(a) To supervise, direct and account for the administration and operation of the Department, its divisions, subdivisions, offices, functions and employees;

(b) To appoint, and fix the salary with the written approval of the Governor, the following division directors, who may be removed from office by the Secretary with the written approval of the Governor, and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Secretary;

(1) A Director of the Division of Fish and Wildlife, who shall be known as the Director of Fish and Wildlife, and who shall be qualified by training and experience to perform the duties of his office.

(2) A Director of the Division of Parks, Recreation and Forestry, who shall be known as the Director of Parks, Recreation and Forestry, and who shall be qualified by training and experience to perform the duties of his office.

(3) A Director of the Division of Soil and Water Conservation, who shall be known as the Director of Soil and Water Conservation, and who shall be qualified by training and experience to perform the duties of his office.

(4) A Director of the Division of Environmental Control, who shall be known as the Director of Environmental Control, and who shall be qualified by training and experience to perform the duties of his office.

(c) To appoint such additional personnel as may be necessary for the administration and operation of the Department within such limitations as may be imposed by law;

(d) To establish, consolidate or abolish such divisions, subdivisions and offices within the Department or transfer or combine the powers, duties and functions of the divisions, subdivisions and offices within the Department as the Secretary, with the written approval of the Governor, may deem necessary, provided that all powers, duties and functions required by law shall be provided for and maintained;

(e) To retain, employ and contract for the services of private and public consultants, research and technical personnel and to procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed by the Secretary necessary or desirable in the performance of the functions of the Department and whenever funds shall be available for such purposes. All necessary legal services shall be provided pursuant to Title 29, Chapter 25, Delaware Code;

(f) To delegate any of his powers, duties or functions to a director of a division except his power to remove employees of the Department or to fix their compensation;

(g) To establish and to promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by him and which are not inconsistent with the laws of this State;

(h) To maintain such facilities throughout the State as may be required for the effective and efficient operation of the Department;

(i) To adopt an official seal or seals for the Department.

§ 8004. Division of Fish and Wildlife

(a) The Division of Fish and Wildlife is hereby established having powers, duties and functions as follows:

(1) The Division of Fish and Wildlife shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The Board of Game and Fish Commissioners of the State of Delaware, pursuant to the provisions of Title 7, Delaware Code, Chapters 1, 3, 5, 7, 9, 11, 13, 17 and 58.

(ii) The Delaware Commission of Shell Fisheries pursuant to the provisions of Title 7, Delaware Code, Chapters 19, 21, 23 and 27, and Title 23, Delaware Code, Chapter 21.

(2) The administrative, ministerial, fiscal and clerical functions of the Atlantic States Marine Fisheries Commission set forth in Title 7, Delaware Code, Chapter 15, shall be performed by the Division of Fish and Wildlife.

(i) Except as otherwise provided in (2) above the membership, remuneration, organization, meetings, powers, duties and functions of the Atlantic States Marine Fisheries Commission shall remain as prescribed by Title 7, Delaware Code, Chapter 15.

§ 8005. Council on Game and Fish

(a) There is hereby established the Council on Game and Fish.

(b) The Council on Game and Fish shall serve in an advisory capacity to the Director of Fish and Wildlife and shall consider matters relating to the protection, conservation and propagation of all forms of fish and protected wildlife of the State of Delaware and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Fish and Wildlife. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Game and Fish, upon the effective date of this Chapter, shall be composed of the members of the Board

of Game and Fish Commissioners of the State of Delaware whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Game and Fish for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. When the number of the members has been reduced to less than seven (7), by reason of expiration of terms, resignations, death or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7) the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven, no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7), any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 8006. Council on Shell Fisheries

(a) There is hereby established the Council on Shell Fisheries.

(b) The Council on Shell Fisheries shall serve in an advisory capacity to the Director of Fish and Wildlife and shall consider matters relating to the control and direction of the shellfish industry and the protection, conservation and propagation of shellfish of the State of Delaware and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Fish and Wildlife. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Shell Fisheries, upon the effective date of this Chapter, shall be composed of the members of the Delaware Commission of Shell Fisheries whose terms as of the effective date of this Chapter, have not expired. They shall serve as members of the Council on Shell Fisheries for the period of their unexpired term. The Council shall be composed of seven (7) members. The Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) No more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 8007. Division of Parks, Recreation and Forestry

(a) The Division of Parks, Recreation and Forestry is hereby established having powers, duties and functions as follows:

(1) The Division of Parks, Recreation and Forestry shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The State Park Commission of Delaware pursuant to the provisions of Title 7, Delaware Code, Chapters 45, 47 and 58.

(ii) The State Forestry Department and the State Forestry Commission, pursuant to the provisions of Title 7, Delaware Code, Chapters 29, 31, 33 and 35.

(2) The administrative, ministerial, fiscal and clerical functions of the Recreation Advisory Council set forth in Title 7, Delaware Code, Chapter 47, shall be performed by the Division of Parks, Recreation and Forestry.

(i) Except as otherwise provided in (2) above, the membership, remuneration, organization, meetings, powers, duties and functions of the Recreation Advisory Council shall remain as prescribed by Title 7, Delaware Code, Chapter 47.

§ 8008. Council on Parks

(a) There is hereby established the Council on Parks.

(b) The Council on Parks shall serve in an advisory capacity to the Director of Parks, Recreation and Forestry and shall consider matters relating to the preservation and protection of the scenic, historic, scientific, perhistoric and wildlife resources of the State for the purposes of public use and enjoyment and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Parks, Recreation and Forestry. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Parks, upon the effective date of this Chapter, shall be composed of the members of the State Park

Commission of Delaware whose terms as of the effective date of this Chapter, have not expired. They shall serve as members of the Council on Parks for the period of their unexpired term. The Council shall be composed of seven (7) members. The Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) No more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 8009. Recreation Advisory Council

(a) The Recreation Advisory Council established in Title 7, Delaware Code, Chapter 47, shall serve in an advisory capacity to the Director of Parks, Recreation and Forestry. The Council shall consider such advisory matters as set forth in Title 7, Delaware Code, Chapter 47, and shall consider such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Parks, Recreation and Forestry. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(b) The Recreation Advisory Council, upon the effective date of this Chapter, shall be composed of the members of the Recreation Advisory Council pursuant to the provisions of Title 7, Delaware Code, § 4732, whose terms, as of the effective date of this Chapter, have not expired. They shall serve as members of the Recreation Advisory Council for the period of their unexpired term. Thereafter, the qualification, terms, manner of appointment and all other circumstances relating to the composition of the Council shall be the same as those provided by Title 7, Delaware Code, § 4732.

§ 8010. Council on Forestry

(a) There is hereby established the Council on Forestry.

(b) The Council on Forestry shall serve in an advisory capacity to the Director of Parks, Recreation and Forestry and shall consider matters relating to the protection of State forest lands from fire, disease, and insect damage including the application of control measures, the establishment of forest growth on denuded or non-forested lands and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Parks, Recreation and Forestry. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Forestry, upon the effective date of this Chapter, shall be composed of the members of the State Forestry Commission whose terms, as of the effective date of this Chapter, have not expired. They shall serve as members of the Council on Forestry for the period of their unexpired term. The Council shall be composed of seven (7) members. The Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) No more than four (4) of the newly appointed members shall be affiliated with the same political party. Any per-

son who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 8011. Division of Soil and Water Conservation

(a) The Division of Soil and Water Conservation is hereby established having powers, duties and functions as follows:

(1) The Division of Soil and Water Conservation shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions heretofore vested in the Delaware Soil and Water Conservation Commission, pursuant to the provisions of Title 7, Delaware Code, Chapters 39 and 41.

(2) The administrative, ministerial, fiscal and clerical functions of the Boards of Ditch Commissioners set forth in Title 7, Delaware Code, Chapter 41, shall be performed by the Division of Soil and Water Conservation.

(i) Except as otherwise provided in (2) above, the membership, remuneration, organization, meetings, powers, duties, and functions of the Boards of Ditch Commissions shall remain as prescribed by Title 7, Delaware Code, Chapter 41.

§ 8012. Council on Soil and Water Conservation

(a) There is hereby established the Council on Soil and Water Conservation.

(b) The Council on Soil and Water Conservation shall serve in an advisory capacity to the Director of Soil and Water Conservation and shall consider matters relating to the conservation, protection, development and utilization of land and water resources in the State and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Soil and Water Conservation. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Soil and Water Conservation, upon the effective date of this Chapter, shall be composed of the members of the Delaware Soil and Water Conservation Commission whose terms as of the effective date of this Chapter have not expired. Each member shall serve as a member of the Council on Soil and Water Conservation for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. When the number of the members has been reduced to less than seven (7), by reason of expiration of terms, resignation, death or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, and the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7) the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7) any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 8013. Division of Environmental Control

(a) The Division of Environmental Control is hereby established having powers, duties and functions as follows:

(1) The Division of Environmental Control shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions heretofore vested in the Delaware Water and Air Resources Commission pursuant to the provisions of Title 7, Delaware Code, Chapters 39, 60, 61, 62 and 63 and Title 16, Delaware Code, Chapters 15 and 17, except for the following sections thereof, the powers, duties and functions of which shall be vested in the Delaware Water and Air Resources Commission:

(i) § 6005; § 6008; § 6009; § 6011; § 6012; § 6023; § 6024; § 6104; (1), (7) and (8); § 6203 (a) (1), (5) and (b); § 6303 (4).

(2) In addition to the powers, duties and functions provided in (1) (i) above, the Commission shall hear appeals from any order or action of the Division of Environmental Control as provided for in Title 7, Delaware Code, Chapter 60, or as otherwise provided by law.

(3) The membership, remuneration, organization and meetings of the Commission shall remain as prescribed under Title 7, Delaware Code, Chapter 60 except that the Commission shall meet at such time and places as determined by the Chairman of the Commission or the Director of Environmental Control.

(4) The administrative, ministerial, fiscal and clerical functions of the State of Delaware as a member of the Delaware River Basin Commission set forth in Title 7, Delaware Code,

Chapter 65, shall be performed by the Division of Environmental Control.

(i) Except as otherwise provided in (4) above, the membership, remuneration, organization, meetings, powers, duties and functions of the Delaware River Basin Commission shall remain as prescribed by Title 7, Delaware Code, Chapter 65.

§ 8014. Council on Environmental Control

(a) There is hereby established the Council on Environmental Control.

(b) The Council on Environmental Control shall serve in an advisory capacity to the Director of Environmental Control and shall consider matters relating to the development, utilization and control of all water, underwater and air resources of the State and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Environmental Control. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Environmental Control, upon the effective date of this Chapter, shall be composed of the members of the Delaware Water and Air Resources Commission pursuant to the provisions of Title 7, Delaware Code, Chapter 60, whose terms, as of the effective date of this Chapter, have not expired. They shall serve as members of the Council on Environmental Control for the period of their unexpired term. Thereafter, the qualification, terms, manner of appointment and all other circumstances relating to the composition of the Council shall be the same as those provided by Title 7, Delaware Code, Chapter 60.

§ 8015. Governor's Council on Natural Resources and Environmental Control

(a) There is hereby established the Governor's Council on Natural Resources and Environmental Control.

(b) The Governor's Council on Natural Resources and Environmental Control shall be composed of the chairmen of the

councils to the respective divisions of the Department as provided herein, one of whom shall be designated by the Governor as Chairman of the Governor's Council on Natural Resources and Environmental Control and he shall serve, as such, at the pleasure of the Governor.

(c) The terms of the members of the Governor's Council on Natural Resources and Environmental Control shall coincide with the terms for which the members serve as chairmen of their respective councils.

(d) The Governor's Council on Natural Resources and Environmental Control shall advise, recommend and refer to the Secretary of the Department matters which in its opinion, are of Departmental concern and shall consider such other matters as may be referred to it by the Governor or the Secretary of the Department. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

§ 8016. Books; records; access; annual report

(a) The Governor's Council on Natural Resources and Environmental Control shall have access to all books, records, reports, and other documents relating to the Department of Natural Resources and Environmental Control unless otherwise prohibited by law.

(b) The various councils of the divisions of the Department of Natural Resources and Environmental Control shall have access to all books, records, reports, and other documents relating to their respective divisions unless otherwise prohibited by law.

(c) The Chairman of the Governor's Council on Natural Resources and Environmental Control and the chairmen of the councils of the divisions of this Department shall make an annual report of the activities of each of said councils to the Secre-

tary of the Department, the Governor and the General Assembly and render such other reports as the Secretary, the Governor or the General Assembly may from time to time request or as may be required by law.

§ 8017. Exemptions

The following positions set forth in this Act shall be exempt from the provisions of Title 29, Delaware Code, Chapter 59:

- (1) Secretary of Natural Resources and Environmental Control
- (2) Director of Fish and Wildlife
- (3) Director of Parks, Recreation and Forestry
- (4) Director of Soil and Water Conservation
- (5) Director of Environmental Control

§ 8018. Functions prior to effective date of this Chapter

The Department, through appropriate divisions, subdivisions, and offices, shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions vested by law in the Board of Game and Fish Commissioners, Delaware Commission of Shell Fisheries, State Park Commission, State Forestry Department, State Forestry Commission, Delaware Soil and Water Conservation Commission, and Delaware Water and Air Resources Commission immediately prior to the effective date of this Chapter and which are not otherwise herein above specifically transferred to the Department by the Provisions of this Chapter.

§ 8019. Appeals

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions hereby transferred to the Department or to any division or subdivision thereof shall continue to exist with respect to such act or acts as hereafter performed by the Department or by the division, subdivision or office to which such function is hereby transferred, and each such appeal shall be perfected in the manner heretofore provided by law.

8020. Transfers and continuity

(a) All books, records, papers, maps, charts, plans and other material including, but not limited to, any equipment in the possession of any agency of the State and used in connection with a function hereby transferred to the Department shall on the effective date of this Chapter be delivered into the custody of the Department. All investigations, petitions, hearings, and legal proceedings pending before or instituted by any agency from which functions are hereby transferred and not concluded prior to the effective date of this Chapter shall continue unabated and remain in full force and effect, notwithstanding the passage of this Chapter and where necessary, may be completed before, by, or in the name of the Department. All orders, rules and regulations made by any agency from which functions are hereby transferred and governing such functions and which are in effect upon the effective date of this Chapter shall remain in full force and effect until revoked or modified in accordance with law by the Department. All contracts and obligations of any agency made or undertaken in the performance of a function hereby transferred to the Department and being in force on the effective date of this Chapter, shall, notwithstanding the provisions of this Chapter, remain in full force and effect and be performed by the Department.

(b) All employees of any commission, board, department, council or agency shall, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, shall continue and be deemed to be the employees of the Department on the effective date of this Chapter and, where applicable, with all the benefits accrued as merit employees as of the effective date of this Chapter.

(c) All definitions and references to any commission, board, department, council or agency which appear in any other Act or law shall, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, be construed as referring and relating to the Department of Natural Resources and Environmental Control as created and established herein.

(d) All definitions and references to any director, commissioner, executive secretary, commission, board or council mem-

ber or other similar person which appear in any other Act or law, shall, to the extent that same are consistent with this Chapter, and in connection with a function hereby transferred to the Department, be construed as referring or relating to such person or persons and their powers, duties and function as established and created herein.

§ 8021. Annual report

The Secretary of the Department shall make an annual report to the Governor and the General Assembly of the Department's operations, and render such other reports as the Governor or General Assembly may from time to time request or as may be required by law.

§ 8022. Misnomer of Department in donation

Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department if it sufficiently appears by the will, conveyance or other writing, that the party making the same intended to pass and convey thereby to the Department or to any commission, board, department, authority, council or agency, to which, by the provisions of this Act, the powers, duties and functions have been transferred to the Department, the estate or interest therein expressed or described.

§ 8023. Budgeting and financing

The Secretary, in cooperation with the Division Directors, shall prepare a proposed budget for the operation of the Department to be submitted for the consideration of the Governor and the General Assembly. The Department shall be operated within the limitation of the Annual Appropriation and any other funds appropriated by the General Assembly.

Special funds may be used in accordance with approved programs, grants and appropriations.

§ 8024. Severability

If any provision of this Chapter, or of any rule, regulation or order thereunder of the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Chapter and the application of such provisions of this

Chapter or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 2. The Provisions of this Act shall become effective on the date the Governor signs an executive order stating that he has found it administratively feasible to implement this Act or on July 1, 1970, whichever first occurs.

Section 3. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated to the Governor for the fiscal year ending June 30, 1970 for the purposes of implementing the provisions of this Act. This appropriation shall be considered as a supplementary appropriation and shall be paid out of funds not otherwise appropriated and any portion thereof which is unexpended or unencumbered as of June 30, 1970 shall revert to the General Fund.

Section 4. Any sums appropriated to any board, commission, department, council or agency affected by this Act and which, upon the effective date of this Act, are unencumbered or unexpended shall be and are hereby appropriated and transferred to the Department of Natural Resources and Environmental Control.

Approved November 5, 1969.

CHAPTER 303

**AN ACT TO AMEND PART II, TITLE 9, DELAWARE CODE,
RELATING TO THE GOVERNMENT OF NEW CASTLE
COUNTY.**

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

Section 1. Section 1141 (a), Title 9, Delaware Code, is amended by striking the number "13" in the first sentence and inserting in lieu thereof the number "7".

Section 2. Section 1141 (a), Title 9, Delaware Code, is amended by striking the word "Twelve" in the second sentence and inserting in lieu thereof the word "Six".

Section 3. Section 1141 (a), Title 9, Delaware Code, is amended by striking the word "thirteenth" in the third sentence and inserting in lieu thereof the word "seventh".

Section 4. Section 1144, Title 9, Delaware Code, is amended by striking the amount "\$6,000" and inserting in lieu thereof the amount "\$7,000".

Section 5. Section 1164, Title 9, Delaware Code, is amended to read as follows:

§ 1164. Councilmanic districts

The boundaries of the seven councilmanic districts shall be as follows:

DISTRICT 1

The boundaries of the first councilmanic district shall comprise all that portion of the City of Wilmington, Christiana Hundred and New Castle Hundred bounded by a line beginning at the point of intersection of the center line of the northerly boundary of the City of Wilmington with the center line of the boundary line of the States of Delaware and New Jersey; thence in a generally westerly direction along the center line of the

boundary of the City of Wilmington to its point of intersection with the center line of the Pennsylvania Railroad right-of-way; thence in a southwesterly direction along the center line of the Pennsylvania Railroad right-of-way to its point of intersection with the center line of Todds Lane extended; thence in a northwesterly direction along the center line of Todds Lane extended and Todds Lane to its point of intersection with the center line of Bowers Street; thence in a southwesterly direction along the center line of Bowers Street to its point of intersection with the center line of 27th Street; thence in a northwesterly direction along the center line of 27th Street to its point of intersection with the center line of Claymont Street; thence in a southwesterly direction along the center line of Claymont Street to its point of intersection with the center line of 26th Street; thence in a northwesterly direction along the center line of 26th Street to its point of intersection with the center line of North East Boulevard; thence in a northeasterly direction along the center line of North East Boulevard to its point of intersection with the center line of 30th Street; thence in a northwesterly direction along the center line of 30th Street to its point of intersection with the center line of Market Street; hence in a southwesterly direction along the center line of Market Street to its point of intersection with the center line of Concord Avenue; thence in a northerly direction along the centerline of Concord Avenue to its point of intersection with the center line of Washington Street; thence in a southwesterly direction along the center line of Washington Street to its point of intersection with the center line of Baynard Boulevard; thence in a southerly direction along the center line of Baynard Boulevard to its point of intersection with the center line of the Brandywine Creek; thence in a northwesterly direction along the center line of the Brandywine Creek to its intersection with the center line of Adams Street extended; thence in a southwesterly direction along the center line of Adams Street extended and Adams Street to its point of intersection with the center line of Delaware Avenue; thence in a southeasterly direction along the center line of Delaware Avenue to its point of intersection with the center line of Adams Street; thence in a southwesterly direction along the center line of Adams Street to its point of intersection with the center line of 10th Street; thence in a northwesterly direction along the center line of 10th Street to its

point of intersection with the center line of Jackson Street; thence in a northeasterly direction along the center line of Jackson street to its point of intersection with Delaware Avenue; thence in a northwesterly direction along the center line of Delaware Avenue to its point of intersection with the center line of Pennsylvania Avenue; thence in a westerly direction along the center line of Pennsylvania Avenue to its point of intersection with the center line of Broom Street; thence in a southwesterly direction along the center line of Broom Street to its point of intersection with the center line of 6th Street; thence in a northwesterly direction along the center line of 6th Street to its point of intersection with the center line of du Pont Street; thence in a southwesterly direction along the center line of du Pont Street to its point of intersection with the center line of 4th Street; thence in a northwesterly direction along the center line of 4th Street to its point of intersection with the center line of Union Street; thence in a southwesterly direction along the center line of Union Street to its point of intersection with the center line of Linden Street; thence in a northwesterly direction along the center line of Linden street and Linden Street extended to its point of intersection with the center line of the boundary of the City of Wilmington; thence in a southwesterly and southeasterly direction along the center line of the boundary of the City of Wilmington and the boundary of the City of Elsmere to its point of intersection with the most eastern point of the center line of the boundary of the City of Elsmere, thence in a southwesterly direction along the center line of the boundary of the City of Elsmere to its point of intersection with the center line of du Pont Road; thence in a southeasterly direction along the center line of du Pont Road to its point of intersection with the center line of Howard Street; thence in a southerly direction along the center line of Howard Street to its point of intersection with the center line of Matthes Avenue; hence in an easterly direction along the center line of Matthes Avenue to its point of intersection with the center line of Maryland Avenue; thence in a southwesterly direction along the center line of Maryland Avenue to its point of intersection with the center line of Middleboro Road; thence in an easterly direction along the center line of Middleboro Road and Middleboro Road extended to its point of intersection with the center line of the Pennsylvania Railroad right-of-way; thence in a

southwesterly direction along the center line of the Pennsylvania Railroad right-of-way (extended) to its intersection with the center line of the Christina River; thence in an easterly and northerly direction along the center line of the Christina River to its point of intersection with the center line of the boundary of the City of Wilmington; thence in a southeasterly direction along the center line of the boundary of the City of Wilmington to its point of intersection with the center line of South Heald Street (Heald Street Cut-Off); thence in a southwesterly direction along the center line of South Heald Street (Heald Street Cut-Off) to its intersection with the center line of Rogers Road; thence in a southeasterly direction along the center line of Rogers Road to its point of intersection with the center line of New Castle Avenue; thence southwesterly along the center line of New Castle Avenue to its point of intersection with the center line of Lambson Lane; thence in an easterly direction along the center line of Lambson lane to its intersection with the center line of the boundary of the City of Wilmington; thence in a southeasterly direction along the center line of the boundary of the City of Wilmington to its point of intersection with the center line of the Boundary of the States of Delaware and New Jersey; thence in a northeasterly direction along the center line of the Boundary of the States of Delaware and New Jersey to its intersection with the center line of the northern boundary of the City of Wilmington, the point and place of beginning.

DISTRICT 2

The boundaries of the second councilmanic district shall comprise all that portion of Brandywine Hundred and the City of Wilmington bounded by a line beginning at the point of intersection of the center line of the most eastern point of the State Boundary of the States of Delaware and New Jersey; thence in a northwesterly direction along the center line of the State Boundary of the States of Delaware and New Jersey to the point of its intersection with the center line of the State Boundary of the States of Delaware and Pennsylvania; thence in a westerly direction along the center line of the State Boundary of the State of Delaware and Pennsylvania to its point of intersection with the center line of Dartmouth Woods Road extended; thence in a southerly direction along the center line of Dart-

mouth Woods Road extended and Dartmouth Woods Road to its point of intersection with the center line of Naamans Road; thence in a westerly direction along the center line of Naamans Road to its point of intersection with the center line of Grubb Road; thence in a southeasterly direction along the center line of Grubb Road to its point of intersection with the center line of Weatherton Drive; thence in a southerly direction along the center line of Weatherton Drive to its point of intersection with the center line of Raven Road; thence in a westerly direction along the center line of Raven Road to its point of intersection with the center line of Kingman Drive; thence in a generally southerly direction along the center line of Kingman Drive to its point of intersection with the center line of Silverside Road; thence in a southeasterly direction along the center line of Silverside Road to its point of intersection with the center line of Graylyn Road; thence in a southwesterly direction along the center line of Graylyn Road to its point of intersection with the center line of Graywell Road; thence in a southeasterly direction along the center line of Graywell Road to its point of intersection with the center line of Wilson Road; thence in a southwesterly direction along the center line of Wilson Road to its point of intersection with the center line of Shipley Road; thence in a southerly direction along the center line of Shipley Road to its point of intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence in a southwesterly direction along the center line of the Baltimore and Ohio Railroad right-of-way to its point of intersection with the center line of the boundary of the City of Wilmington; thence in a southerly, easterly and northerly direction along the center line of the boundary of the City of Wilmington to its intersection with the center line of Lea Boulevard; thence in a southeasterly direction along the center line of Lea Boulevard to its intersection with the center line of Washington Street; thence in a southwesterly direction along the center line of Washington Street to its intersection with the center line of 33rd Street; thence in a southeasterly direction along the center line of 33rd Street to its point of intersection with the center line of Market Street; thence in a southwesterly direction along the center line of Market Street to its point of intersection with the center line of 30th Street; thence in a southeasterly direction along the center line of 30th Street to its point of intersection with the

center line of North East Boulevard; thence in a southwesterly direction along the center line of North East Boulevard to its point of intersection with the center line of 26th Street; thence in a southeasterly direction along the center line of 26th Street to its point of intersection with the center line of Claymont Street; thence in a northeasterly direction along the center line of Claymont Street to its point of intersection with the center line of 27th Street; thence in a southeasterly direction along the center line of 27th Street to its point of intersection with the center line of Bowers Street; thence in a northeasterly direction along the center line of Bowers Street to its point of intersection with the center line of Todds Lane; thence in a southeasterly direction along the center line of Todds Lane and Todds Lane extended to its point of intersection with the center line of the Pennsylvania Railroad right-of-way; thence in a northeasterly direction along the center line of the Pennsylvania Railroad right-of-way to its point of intersection with the center line of the boundary of the City of Wilmington; thence in a generally easterly direction along the center line of the northern boundary of the City of Wilmington to its point of intersection with the center line of the State Boundary of the States of Delaware and New Jersey; thence in a northeasterly direction along the center line of the State Boundary of the States of Delaware and New Jersey to the most eastern point of the State Boundary of the States of Delaware and New Jersey, the point and place of beginning.

DISTRICT 3

The boundaries of the third councilmanic district shall comprise all that portion of Brandywine Hundred, Christiana Hundred, Mill Creek Hundred, and the City of Wilmington bounded by a line beginning at the point of intersection of the center line of the State Boundary of the States of Delaware and Pennsylvania and the center line of Dartmouth Woods Road extended; thence in a generally westerly direction along the center line of the boundaries of the States of Delaware and Pennsylvania to its point of intersection with the center line of Old Wilmington Road; thence in a generally southeasterly direction along the center line of Old Wilmington Road to its point of intersection with the center line of Loveville Road; thence in a southerly direction along the center line of Loveville Road to its point of

intersection with the center line of Lancaster Pike (Route 48) ; thence in a southeasterly direction along the center line of Lancaster Pike (Route 48) to its point of intersection with the center line of Center Road (Route 141) ; thence in a southwesterly direction along the center line of Center Road (Route 141) to its point of intersection with the center line of Faulkland Road ; thence in an easterly direction along the center line of Faulkland Road to its point of intersection with the center line of duPont Road ; thence in a southerly direction along the center line of duPont Road to its point of intersection with the center line of the boundary of the City of Elsmere ; thence in a southeasterly direction along the center line of the boundary of the City of Elsmere to its point of intersection with the center line of the boundary of the City of Wilmington ; thence in a northeasterly direction along the center line of the boundary of the City of Wilmington to its point of intersection with the center line of Linden Street extended ; thence in a southeasterly direction along the center line of Linden Street extended and Linden Street to its point of intersection with the center line of Union Street ; thence in a northeasterly direction along the center line of Union Street to its point of intersection with the center line of 4th Street ; thence in a southeasterly direction along the center line of 4th Street to its point of intersection with the center line of duPont Street ; thence in a northeasterly direction along the center line of duPont Street to its intersection with the center line of 6th Street ; thence in a southeasterly direction along the center line of 6th Street to its point of intersection with the center line of Broom Street ; thence in a northeasterly direction along the center line of Broom Street to its intersection with the center line of Pennsylvania Avenue ; thence in an easterly direction along the center line of Pennsylvania Avenue to its point of intersection with the center line of Delaware Avenue ; thence in a southeasterly direction along the center line of Delaware Avenue to its second point of intersection with the center line of Jackson Street ; thence in a southwesterly direction along the center line of Jackson Street to its point of intersection with the center line of 10th Street ; thence in a southwesterly direction along the center line of 10th Street to its point of intersection with the center line of Adams Street ; thence in a northeasterly direction along the center line of Adams Street to its point of intersection with the center line of

Delaware Avenue; thence in a northwesterly direction along the center line of Delaware Avenue to its point of intersection with the center line of Adams Street; thence in a northeasterly direction along the center line of Adams Street and Adams Street extended to its point of intersection with the center line of the Brandywine Creek; thence in a southeasterly direction along the center line of the Brandywine Creek to its point of intersection with the center line of Baynard Boulevard; thence in a northeasterly direction along the center line of Baynard Boulevard to its point of intersection with the center line of Washington Street; thence in a northeasterly direction along the center line of Washington Street to its point of intersection with the center line of Concord Avenue; thence in a southerly direction along the center line of Concord Avenue to its point of intersection with the center line of Market Street; thence in a northeasterly direction along the center line of Market Street to its point of intersection with the center line of 33rd Street; thence in a northwesterly direction along the center line of 33rd Street to its point of intersection with the center line of Washington Street; thence in a northeasterly direction along the center line of Washington Street to its point of intersection with the center line of Lea Boulevard; thence in a northwesterly direction along the center line of Lea Boulevard to its point of intersection with the center line of the boundary of the City of Wilmington; thence in a westerly, southerly and northerly direction along the center line of the boundary of the City of Wilmington to its point of intersection with the center line of the Baltimore and Ohio Railroad right-of-way; thence in a northeasterly direction along the center line of the Baltimore and Ohio Railroad right-of-way to its point of intersection with the center line of Shipley Road; thence in a northwesterly direction along the center line of Shipley Road to its point of intersection with the center line of Wilson Road; thence in a northeasterly direction along the center line of Wilson Road to its point of intersection with the center line of Graywell Road; thence in a northwesterly direction along the center line of Graywell Road to its point of intersection with the center line of Graylyn Road; thence in a northeasterly direction along the center line of Graylyn Road to its point of intersection with the center line of Silverside Road; thence in a northwesterly direction along the center line of Silverside Road to its point of intersection with

the center line of Kingman Drive; thence in a generally northerly direction along the center line of Kingman Drive to its point of intersection with the center line of Raven Road; thence in an easterly direction along the center line of Raven Road to its point of intersection with the center line of Weatherton Drive; thence in a northeasterly direction along the center line of Weatherton Drive to its point of intersection with the center line of Grubb Road; thence in a northwesterly direction along the center line of Grubb Road to its point of intersection with the center line of Naamans Road; thence in an easterly direction along the center line of Naamans Road to its point of intersection with the center line of Dartmouth Woods Road; thence in a northeasterly direction along the center line of Dartmouth Woods Road and Dartmouth Woods Road extended to its point of intersection with the center line of the State Boundary of the States of Delaware and Pennsylvania, the point and place of beginning.

DISTRICT 4

The boundaries of the fourth councilmanic district shall comprise all that portion of Christiana Hundred, Mill Creek Hundred, the City of Elsmere and the City of Newport bounded by a line beginning at the point of intersection of the center line of Center Road (Route 141) and the center line of Lancaster Pike (Route 48); thence in a northwesterly direction along the center line of Lancaster Pike (Route 48) to its point of intersection with the center line of Loveville Road; thence in a southerly direction along the center line of Loveville Road and McKennans Church Road to its point of intersection with the center line of Milltown Road; thence in a southwesterly direction along the center line of Milltown Road to its point of intersection with the center line of the Kirkwood Highway (Route 2); thence in a southwesterly direction along the center line of Kirkwood Highway (Route 2) to its point of intersection with the center line of the entrance road to Delaware Park; thence in a southeasterly direction along the center line of the entrance road to Delaware Park to its point of intersection with the center line of Old Capitol Trail; thence in a southwesterly direction along the center line of Old Capitol Trail to its point of intersection with the center line of Oak Street; thence in a south-

easterly and southwesterly direction along the center line of Oak Street to its point of intersection with the center line of Marta Drive; thence in a southwesterly direction along the center line of Marta Drive to its point of intersection with the center line of a stream connecting Marta Drive with White Clay Creek; thence in a southeasterly direction along the center line of a stream connecting Marta Drive with White Clay Creek to its point of intersection with the center line of the White Clay Creek; thence in a generally northeasterly, southerly and easterly direction along the center line of the White Clay Creek to its point of intersection with the Christina River; thence generally northeasterly along the center line of the Christina River to its intersection with the center line of the Pennsylvania Railroad right-of-way extended; thence in a northeasterly direction along the center line of the Pennsylvania Railroad right-of-way extended to its point of intersection with the center line of Middleboro Road extended; thence in a westerly direction along the center line of Middleboro Road extended and Middleboro Road to its point of intersection with the center line of Maryland Avenue; thence in a northeasterly direction along the center line of Maryland Avenue to its point of intersection with the center line of Matthes Avenue; thence in a northwesterly direction along the center line of Matthes Avenue to its point of intersection with the center line of Howard Street; thence in a northerly direction along the center line of Howard Street to its point of intersection with the center line of duPont Road; thence in a northwesterly direction along the center line of duPont Road to its point of intersection with the center line of the boundary of the City of Elsmere; thence in a northeasterly and generally northwesterly direction along the center line of the boundary of the City of Elsmere to its point of intersection with the center line of duPont Road; thence in a northerly direction along the center line of duPont Road to its point of intersection with the center line of Faulkland Road; thence in a westerly direction along the center line of Faulkland Road to its point of intersection with the center line of Center Road (Route 141); thence in a northeasterly direction along the center line of Center Road (Route 141) to its point of intersection with the center line of Lancaster Pike (Route 48), the point and place of beginning.

DISTRICT 5

The boundaries of the fifth councilmanic district shall comprise all that portion of Mill Creek Hundred, White Clay Creek Hundred, Pencader Hundred and the City of Newark bounded by a line beginning at the intersection of the center line of Old Wilmington Road and the center line of the State Boundary of the States of Delaware and Pennsylvania; thence in a southwesterly direction along the center line of the State Boundary line of the States of Delaware and Pennsylvania to its intersection with the center line of the boundaries of the States of Maryland and Delaware; thence in a southerly direction along the center line of the boundary of the States of Maryland and Delaware to its point of intersection with the center line of U.S. Route 40; thence in a generally easterly direction along the center line of U.S. Route 40 to its point of intersection with the center line of Salem Church Road; thence in a generally northwesterly direction along the center line of Salem Church Road to its point of intersection with the center line of the Christina Creek; thence in a generally northeasterly direction along the center line of the Christina Creek to its point of intersection with the center line of Ogleman Road (Route 7); thence in a generally northwesterly direction along the center line of Ogleman Road (Route 7) to its point of intersection with the center line of Christina Road (Route 273); thence northwesterly along the center line of the Christina Road (Route 273) to its intersection with the center line of Harmony Road; thence in a generally northerly direction along the center line of Harmony Road to its point of intersection with the center line of Ogletown-Stanton Road; thence in a northeasterly direction along the center line of the Ogletown-Stanton Road to its point of intersection with the center line of the Wilmington-Christiana Turnpike (Route 7); thence in a northerly direction along the center line of the Wilmington-Christiana Turnpike (Route 7) to its point of intersection with the center line of the Pennsylvania Railroad right-of-way; thence in a northeasterly direction along the center line of the Pennsylvania Railroad right-of-way to its point of intersection with the center line of White Clay Creek; thence in a northerly and generally westerly direction along the center line of White Clay Creek to its point of intersection with the center line of the stream connecting White Clay Creek with Marta

Drive; thence in a northerly direction along the center line of the stream connecting White Clay Creek with Marta Drive to its point of intersection with the center line of Marta Drive; thence in a northeasterly direction along the center line of Marta Drive to its point of intersection with the center line of Oak Street; thence in a northeasterly and northwesterly direction along the center line of Oak Street to its point of intersection with the center line of Old Capitol Trail; thence in a northeasterly direction along the center line of Old Capitol Trail to its point of intersection with the center line of the entrance road to Delaware Park; thence in a northwesterly direction along the center line of the entrance road to Delaware Park to its point of intersection with the center line of the Kirkwood Highway (Route 2); thence in a northeasterly direction along the center line of the Kirkwood Highway (Route 2) to its point of intersection with the center line of Milltown Road; thence in a northeasterly direction along the center line of Milltown Road to its point of intersection with the center line of McKennans Church Road; thence in a generally northerly direction along the center line of McKennans Church-Loveville Road to its point of intersection with the center line of Old Wilmington Road; thence in a northwesterly direction along the center line of Old Wilmington Road to its point of intersection with the center line of the boundary of the States of Delaware and Pennsylvania, the point and place of beginning.

DISTRICT 6

The boundaries of the sixth councilmanic district shall comprise all that portion of New Castle Hundred, Pencader Hundred, Red Lion Hundred, St. Georges Hundred, Appoquinimink Hundred and Blackbird Hundred bounded by a line beginning at the point of intersection of the center line of the southerly boundary of the City of Wilmington and the center line of the State Boundary of the States of Delaware and New Jersey; thence in a northwesterly direction along the center line of the southerly boundary of the City of Wilmington to its point of intersection with the center line of Lambson Lane; thence in a generally westerly direction along the center line of Lambson Lane to its point of intersection with the center line of New Castle Avenue; thence in a northeasterly direction along the

center line of New Castle Avenue to its point of intersection with the center line of Rogers Road; thence in a northwesterly direction along the center line of Rogers Road to its point of intersection with the center line of South Heald Street (Heald Street Cut-Off); thence in a northeasterly direction along the center line of South Heald Street (Heald Street Cut-Off) to its point of intersection with the center line of the boundary of the City of Wilmington; thence in a northwesterly direction along the center line of the boundary of the City of Wilmington to its point of intersection with the center line of the Christina River; thence in a generally southwesterly direction along the center line of the Christina River to its point of intersection with the center line of the White Clay Creek; thence in a generally westerly direction along the center line of the White Clay Creek to its point of intersection with the center line of the Pennsylvania Railroad right-of-way; thence in a southwesterly direction along the center line of the Pennsylvania Railroad right-of-way to its point of intersection with the center line of Wilmington Christiana Turnpike (Route 7); thence in a southerly direction along the center line of the Wilmington Christiana Turnpike (Route 7) to its point of intersection with the center line of Ogletown-Stanton Road; thence in a southwesterly direction along the center line of Ogletown-Stanton Road to its point of intersection with the center line of Harmony Road; thence in a southerly direction along the center line of Harmony Road to its point of intersection with the center line of Christiana-Ogletown Road (Route 273); thence in a southeasterly direction along the center line of Christiana-Ogletown Road (Route 273) to its point of intersection with the center line of the Christina Creek; thence in a generally southwesterly direction along the center line of the Christina Creek to its point of intersection with the center line of Salem Church Road; thence in a southeasterly direction along the center line of Salem Church Road to its point of intersection with the center line of U.S. Route 40; thence in a generally westerly direction along the center line of U.S. Route 40 to its point of intersection with the center line of the State Boundary of the States of Delaware and Maryland; thence in a southerly direction along the center line of the State Boundary of the States of Delaware and Maryland to its point of intersection with the center line of the boundary line between the Counties of Kent and New Castle; thence in a generally easterly

and northeasterly direction along the center line of the boundary between the Counties of Kent and New Castle to its point of intersection with the center line of the Boundary of the States of Delaware and New Jersey; thence in a generally northerly direction along the center line of the Boundary of the States of Delaware and New Jersey to its point of intersection with the center line of the southerly boundary of the City of Wilmington, the point and place of beginning.

DISTRICT 7

The boundaries of the seventh councilmanic district shall comprise all of New Castle County.

Section 6. Section 1165 (a), Title 9, Delaware Code, is amended to read as follows:

§ 1165. Redistricting after each census

(a) It shall be the mandatory duty of the County Council to redistrict New Castle County into seven (7) councilmanic districts, including one (1) district comprising all of New Castle County, for the election of the President of the County Council, after each regular United States decennial census. To accomplish the redistricting, the County Council shall, within sixty (60) days after the official reporting of the 1970 federal decennial census by the President to Congress, and every tenth year thereafter, appoint seven (7) qualified voters of the County who shall comprise a Redistricting Commission. The members of the Redistricting Commission shall be appointed one from each of the councilmanic districts of the County and shall not be employed by the County in any other capacity. No more than four (4) of the members shall be affiliated with the same political party. Within ninety (90) days after appointment by the County Council, the Redistricting Commission shall file with the Clerk of County Council a report containing a recommended plan for adjusting the councilmanic district boundaries of districts one (1) through six (6) to comply with the following specifications: (1) each district shall contain contiguous territory; and (2) each district shall contain as nearly as possible the same number of inhabitants and no district shall deviate in population more than fifteen percent (15%) from the average population

for all districts, the average to be obtained by dividing the number six (6) into the total population of the County according to the last census.

Section 7. Section 1165 (d), Title 9, Delaware Code, is amended by adding at the end thereof, the following:

The redistricting ordinance, if one has been adopted by the County Council and approved by the County Executive, or the redistricting plan as submitted by the Redistricting Commission shall then determine the boundaries of districts one (1) through six (6) until the next redistricting in accordance with the provisions of this section, the provisions of Section 1164 of this Title notwithstanding.

Section 8. Section 1166 (b), Title 9, Delaware Code, is amended by striking the second sentence and inserting in lieu thereof a new second sentence to read as follows:

One category shall consist of councilmanic districts one (1), three (3), five (5) and seven (7), and another category shall consist of councilmanic districts two (2), four (4) and six (6).

Section 9. Section 1166 (c), Title 9, Delaware Code, is amended to read as follows:

(c) The councilmen in councilmanic districts 1, 3, and 5 shall be elected at the general election in November, 1970, and shall serve until the first Tuesday in January, 1973. The councilmen subsequently elected to those first elected in districts 1, 3 and 5 shall serve a term of four years and shall be elected in even numbered and presidential election years. The councilman in councilmanic district seven (7) shall be elected at the general election in November, 1972, and shall serve until the first Tuesday in January, 1977, and a councilman subsequently elected to district seven (7) shall serve a term of four years and shall be elected in even numbered and presidential election years. The councilman elected in the November, 1968 election from district seven (7) shall serve until the first Tuesday in January, 1973.

Section 10. Section 1166 (d), Title 9, Delaware Code, is amended to read as follows:

(d) The councilmen in councilmanic districts 2, 4 and 6 shall be elected at the general election in November, 1970, and shall serve until the first Tuesday in January, 1975. The councilmen subsequently elected to those first elected in districts 2, 4 and 6 shall serve a term of four years and shall be elected in even numbered and non-presidential elections years. The terms provided in this section are subject to the redistricting provisions of § 1165 (e) of this Title.

Section 11. Section 1307, Title 9, Delaware Code, is amended by striking the words "one member from each two councilmanic districts" in the second sentence and inserting in lieu thereof the words "1 through 6".

Section 12. Section 1307, Title 9, Delaware Code, is amended by striking the words "or changes in number of Councilmanic Districts" at the end of the next to the last sentence and inserting a period after the word "district".

Section 13. The foregoing provisions shall be effective on the first Tuesday of January, 1971, except that those provisions relating to the election of councilmen shall be effective for the general election in November, 1970.

Approved November 6, 1969.

CHAPTER 304

**AN ACT TO AMEND SECTION 403 (d), SUBCHAPTER 1,
CHAPTER 4, TITLE 28, DELAWARE CODE, RELATING
TO HORSE RACING IN KENT COUNTY BY ADDING
CERTAIN LANGUAGE TO PERMIT RACING IN FEB-
RUARY.**

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

Section 1. Amend Subsection 403 (d), Subchapter 1, Chapter 4, Title 28, Delaware Code, by adding immediately preceding the word "March" in the first sentence thereof, the word "February".

Approved January 28, 1970.

CHAPTER 305

AN ACT RELATING TO PENSION BENEFITS FOR EDWARD J. SULLIVAN, A FORMER EMPLOYEE OF THE LAUREL SPECIAL SCHOOL DISTRICT.

WHEREAS, Edward J. Sullivan was employed by the Laurel Special School District as a faithful public servant for many years; and

WHEREAS, Edward J. Sullivan is not presently receiving a state pension due to unusual circumstances; but anticipates receiving a pension as of December 1, 1969; and

WHEREAS, Edward J. Sullivan is in bad health and in need of and deserving of a state pension resulting from the long and faithful service 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 Edward J. Sullivan for a Service Pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Edward J. Sullivan to be eligible for said pension, which pension shall be payable so long as Edward J. Sullivan does not return to his employment by the Laurel Special School District.

Approved January 29, 1970.

CHAPTER 306

AN ACT TO AMEND VOLUME 55, LAWS OF DELAWARE, CHAPTER 122, AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CONSTRUCTION OF SANITARY SEWAGE DISPOSAL SYSTEMS AND EMPOWERING THE STATE BOARD OF HEALTH TO ADMINISTER, REGULATE AND DISTRIBUTE SUCH FUNDS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE BOARD OF HEALTH.

WHEREAS, Volume 55, Laws of Delaware, Chapter 122, provided for the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware in the sum of one million five hundred thousand dollars (\$1,500,000) for the purpose of appropriating funds to the State Board of Health for the construction of certain sanitary sewage disposal systems; and

WHEREAS, thirty-three (33) qualified agencies made application to the Board of Health pursuant to the provisions of the Act; and

WHEREAS, the sum appropriated was insufficient to enable the State Board of Health, to distribute the aid funds to two (2) qualified agencies; and

WHEREAS, in order to complete the list of qualified agencies and to distribute to them sufficient funds for the completion of the sanitary sewage disposal system project, an additional sum of two hundred thousand dollars (\$200,000) is required,

NOW, THEREFORE,

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. Volume 55, Laws of Delaware, Chapter 122, is hereby amended by striking therefrom wherever it appears "one million five hundred thousand dollars (\$1,500,000)" and inserting in lieu thereof "one million seven hundred thousand dollars (\$1,700,000)".

Approved February 2, 1970

CHAPTER 307

AN ACT TO AMEND CHAPTER 60, TITLE 29, DELAWARE CODE, RELATING TO THE CLASSIFICATION AND COMPENSATION OF THE STATE TAX COMMISSIONER.

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

Section 1. Section 6002, Chapter 60, Title 29, Delaware Code, is amended by striking from subpart (iii) of subsection (b) thereof the phrase "Commissioner-State Tax Department".

Section 2. Section 6002, Chapter 60, Title 29, Delaware Code, is further amended by adding to subpart (i) of subsection (b) thereof the phrase "Commissioner-State Tax Department" after the phrase "State Superintendent of Public Instruction".

Section 3. The provisions of this Act shall become effective on May 1, 1970.

Approved February 2, 1970.

CHAPTER 308

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR'S TASK FORCE ON GOVERN-
MENT REORGANIZATION.**

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

Section 1. The sum of \$10,000 is appropriated to the Governor's Task Force on Government Reorganization for the fiscal year ending June 30, 1970 for the purpose of continuing its work of government reorganization.

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, 1970.

Approved February 2, 1970.

CHAPTER 309

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE CONSTITUTIONAL REVISION COMMISSION.**

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

Section 1. The sum of \$5,000 is appropriated to the Constitutional Revision Commission for the fiscal year ending June 30, 1970 for the purpose of replacing funds that have reverted to the General Fund of the State of Delaware and of completing its work of constitutional revision.

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, 1970.

Approved February 2, 1970.

CHAPTER 310

AN ACT TO AMEND CHAPTER 8, VOLUME 56, LAWS OF DELAWARE, BEING ENTITLED 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" BY PROVIDING FOR AN INCREASE IN THE BONDED INDEBTEDNESS OF THE CITY OF WILMINGTON FROM 3 PER CENTUM TO 10 PER CENTUM.

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 the first paragraph of Section 7A thereof and inserting in lieu thereof a new first paragraph of Section 7A to read as follows:

The City of Wilmington shall have power and authority to borrow money from time to time to be used for the erection and equipment of new school buildings or additions to or enlargement of old school buildings, or for the re-equipment of old school buildings, including the purchase and improvement of grounds and playgrounds, and the refunding of existing bonds, to an amount, inclusive of its present bonded debt, not exceeding in the aggregate ten per centum of the then assessed value of the real estate of said city; provided, that the indebtedness herein authorized to be incurred shall be exclusive of and in addition to any indebtedness authorized to be incurred by "The City of Wilmington" in the charter of said city as now existing, or as it shall hereafter be amended from time to time.

Approved February 4, 1970.

CHAPTER 311

AN ACT TO AMEND CHAPTER 288, VOLUME 56, LAWS OF DELAWARE, RELATING TO A RATE OF INTEREST IN THE STATE.

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

Section 1. Section 1, Chapter 288, Volume 56, Laws of Delaware, is amended to read as follows:

Section 1. Section 2301, Subsection (a), Chapter 23, Title 6, Delaware Code, is amended by striking all of said subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

(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 9 per cent per annum on the unpaid principal balance.

Approved February 4, 1970.

CHAPTER 312

**AN ACT RELATING TO A PENSION FOR JOHN MCGINNES,
AN EMPLOYEE OF THE DELAWARE DEPARTMENT
OF MENTAL HEALTH.**

WHEREAS, John McGinnes is an employee of the Delaware Department of Mental Health ; and

WHEREAS, John McGinnes is 84 years of age and is employed as an upholsterer at the Delaware State Hospital, a facility of the Delaware Department of Mental Health ; and

WHEREAS, John McGinnes has been employed by the State of Delaware for more than 22 years ; and

WHEREAS, John McGinnes has continued in steady and useful employment by the State of Delaware for nine years beyond the time for mandatory retirement at 75 years of age ; and

WHEREAS, Title 29, Chapter 5505(b) states in part that "Any covered employee who . . . continues in his position beyond the age limit specified for mandatory retirement shall forfeit all his rights and benefits under this chapter" ; and

WHEREAS, this section of the law is manifestly unfair and unjust to John McGinnes who has worked faithfully and efficiently for the State of Delaware for more than 22 years, or more than seven years more than would qualify him for a pension ;

NOW, THEREFORE,

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

Section 1. That Title 29, Chapter 5505(b) of the Delaware Code be amended for the sole purpose of permitting the State of Delaware to pay a pension to John McGinnes, an employee of the Delaware Department of Mental Health ; and that the State Treasurer of the State of Delaware be instructed to pay a pension to John McGinnes, computed as state pensions are computed.

Approved February 4, 1970.

CHAPTER 313

AN ACT TO PERMIT THE BOARD OF EDUCATION OF STANTON SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS 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 Education of the Stanton School District is authorized to transfer the sum of \$90,155 from its local Debt Service Account to its Construction Account. The sums transferred are to be used to complete the construction and equipment of the Linden Hill Elementary School.

Approved February 4, 1970.

CHAPTER 314

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, 1970", BEING HOUSE BILL NO. 187 OF THE 125TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1970 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 187, as approved by both the Senate and the House of Representatives of the 125th General Assembly and entitled "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1970", and also known as the 1970 Budget Appropriation Bill (hereinafter referred to as House Bill No. 187) as amended by House Bill No. 358, as amended by House Amendments Nos. 3 and 5, is amended by striking out the following line in Section 1 thereof under

006 Delaware Commission on Interstate Cooperation
 "Legislative Travel Only7,500"

and inserting in lieu thereof the following:

"Legislative Travel Only 12,500"

Section 2. The said House Bill No. 187 as amended by House Bill No. 358, as amended by House Amendments Nos. 3 and 5, is further amended by changing all the totals and subtotals appearing in Section 1 thereof to reflect the change set forth in Section 1 of this Act.

Approved February 4, 1970,

CHAPTER 315

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF CORRECTION, STATE OF
DELAWARE.**

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

Section 1. The sum of \$100,000 is appropriated to the Department of Correction, State of Delaware, for Hazard Pay for certain employees in accordance with Amendment No. 5.1040 to the Personnel Commission Rules. Said appropriation shall be effective as of July 1, 1969.

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, 1970.

Approved February 6, 1970.

CHAPTER 316

AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PROVIDE A REGISTRATION SYSTEM FOR VOTERS IN THE ANNUAL MUNICIPAL ELECTION.

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

Section 1. Subsection (c), Section 7, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said subsection (c) and substituting in lieu thereof the following:

(c) At such Annual Election, every natural person, male or female, who shall have attained the age of Twenty-one years on the date of the Annual Election and who shall have been a resident of The City of Seaford for at least six months prior to the date of the Annual Election and each non-resident natural person of The City of Seaford who shall have attained the age of Twenty-one years and who shall have been a freeholder of property in The City of Seaford for a period of Six (6) months immediately preceding the date of the Annual Election shall have the right to vote in the Annual Election provided he or she has registered on the "Books of Registered Voters" of The City of Seaford. The City Council of The City of Seaford 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 name of the registered voter arranged in alphabetical order, the address of the voter, the birth date of the voter, the date the voter became a resident of The City of Seaford, and any other pertinent information. No person shall be registered upon The Books of Registered Voters unless such person will have acquired the qualifications to vote in the Annual Election for the year in which such person registers. A person shall be required to register only one time; provided, however, that if a registered voter

fails to vote in two consecutive Annual Elections, the name of such person 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 such registered voter that his name has been removed from The Books 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 in the Office of the City Manager and shall be conclusive evidence of any person to vote in the Annual Election. A person may register at the Office of the City Manager during the regular business hours of such Office until the close of business of such Office on the Seventeenth day prior to the date of the Annual Election by completing such forms as may be required by the City. For all purposes of this Charter, a freeholder shall be deemed to include any natural person who holds fee simple title to real property in his own name, or who holds title to an undivided interest in real property or who holds title to real estate as a tenant by the entirety.

Approved February 6, 1970.

CHAPTER 317

AN ACT TO AMEND 57 DELAWARE LAWS, CHAPTER 135, ALSO KNOWN AS HOUSE BILL NO. 187 OF THE 125TH GENERAL ASSEMBLY, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1970," BY PROVIDING FOR SALARY INCREASES FOR EMPLOYEES IN THE CLASSIFIED SERVICE, DEFINING THE STANDARD WORK WEEK FOR SUCH EMPLOYEES AND THE RELATIONSHIP OF THE INCREASE TO THE WORK WEEK, AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,134,000 FOR THE PROPOSED AMENDMENT.

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

Section 1. Section 1 of House Bill No. 187 of the 125th General Assembly, 57 Delaware Laws, Chapter 135, is hereby amended by adding one (1) new line under the heading "Contingency Fund (Administered by State Budget Commission)," to read as follows:

Salary increases for employees in the classified service
..... \$1,134,000.00

Section 2. Section 17 of House Bill No. 187 of the 125th General Assembly, 57 Delaware Laws, Chapter 135, is hereby amended by adding thereto a new and additional subsection, to read as follows:

"Effective January 1, 1970, the salaries set under the Classification and Pay Plan of the State Personnel Commission shall be increased in accordance with the following schedule:

- Through pay grade 9 by 10%
- From pay grade 10 through pay grade 18 by 7½%
- Above pay grade 18 by 5%

Section 3. In the event the salary and wage appropriation agency is insufficient to permit paying these increases after rea-

sonable allowance is made for salary savings, the Budget Commission may, upon recommendation of the State Personnel Commission, transfer such sums as it may deem necessary into the salary and wage appropriation of such agency from the Contingency Fund set forth for this purpose in Section 1.

Section 4. (a) The standard work week for the employees of any agency which participates in the salary established under this Act shall be 37½ hours.

(b) The hourly wage rate of any employee now employed on a regular 40-hour per week basis shall be increased so that the gross pay for such employee shall be equal to that which would have been paid to him on the basis of a 40-hour work week.

(c) This section shall become effective as of the first day of the second month next after this Act becomes law.

Approved February 6, 1970.

CHAPTER 318

AN ACT TO AMEND SUBSECTION 2707 (a) (1), SUBCHAPTER 1, CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO SCHOOL BUS DRIVER'S LICENSES, BY PERMITTING APPLICANTS TO EMPLOY OPERATOR'S LICENSE FROM A STATE OTHER THAN DELAWARE.

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

Section 1. Amend § 2707 (a) (1), Subchapter 1, Chapter 27, Title 21, Delaware Code, by deleting the present subsection in its entirety and substituting in lieu thereof the following:

1. The applicant shall possess any valid state operator's license or chauffeur's license issued pursuant to the provisions of this chapter.

Approved February 6, 1970.

CHAPTER 319

AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, BY PROVIDING FOR THE COST OF THE PREMIUM OR SUBSCRIPTION CHARGES FOR A HEALTH CARE INSURANCE PLAN FOR REGULAR STATE EMPLOYEES AND ELIGIBLE PENSIONERS.

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

Section 1. Chapter 51, Title 29, Delaware Code, is hereby amended by adding new sections thereto to read as follows:

§ 5120. Payment of premium or subscription charges for a Health Care Insurance Plan for State employees

(a) The State of Delaware shall pay the full cost of premium or subscription charges for a basic plan of health care insurance coverage for all regular officers and employees and for eligible pensioners of the State not otherwise covered under a group health care insurance contract.

(1) A "regular officer or employee" shall be one who has been continuously employed by the State of Delaware for the 12-month period immediately preceding the first day of any given month (exclusive of legal holidays and allowable leave) and who works the regularly scheduled full-time hours of the employing agency or at least thirty or more hours per week or 130 hours per month (with allowable interruptions) throughout the year.

(2) An "eligible pensioner" is one who is receiving or is eligible to receive retirement benefits in accordance with the State employees pension plan (Chapter 55, Title 29), the State Police pension plan (Chapter 83, Title II), or the pension plan for State Judiciary (Chapter 56, Title 29).

(b) If the employee or pensioner is covered in any way by a group insurance program issued by the same insurer, duplicate coverage shall not be procured by the state. However, it shall be at the employee's, or pensioner's, option as to whether to be covered by the state group insurance plan or by a program of the spouse. If covered by a program of the spouse, the employee or pensioner shall obtain no monetary credit or rebate from the state.

(c) For the purposes of this chapter, a husband and wife may each qualify as regular officer, employee, or eligible pensioner of the state. In the case where two members of a family qualify the following options are set forth :

(1) Each may elect to have insurance under the basic plan.

(2) The principal insuree may be the sponsor of the basic plan and the spouse may elect to procure "family, maternity or extended coverage" up to or equivalent to the cost of his or her basic coverage, the cost of which will be borne by the state. The increment of cost of the options selected by the spouse ("family, maternity or extended coverage") which exceed his or her basic equivalent shall be deducted by the State Treasurer from salary or pension.

(3) In no case shall there be a monetary credit or return to the spouse for his or her basic credits.

§ 5121. Specifications of the coverage.

(a) The basic Health Care Insurance Plan for State Employees shall be equivalent to the "Standard 80" hospital and surgical/medical plan currently offered by Blue Cross and Blue Shield of Delaware, Incorporated.

(b) The plan shall be for regular employees and eligible pensioners over sixty-five years of age who are not entitled to services, rights or benefits under the federal Medicare Program (U.S. Public Law 89-97, as amended) ; and "Delaware-65" hospital and surgical/medical plan for full-time employees and eligible pensioners entitled to services, rights or benefits under the federal Medicare Program.

(c) In accordance with the guidelines set forth in (a) and (b) of this section, the Insurance Commissioner, the State Treasurer, the Budget Director, and the Director of the State Personnel Commission shall review group insurance proposals of prospective carriers.

§ 5122. Selection of the group insurance carrier

(a) The health care insurance coverage shall be provided through a carrier incorporated under the laws of this State or

legally authorized to transact business within this State, having adequate servicing facilities to carry out the terms of the contract.

(b) The health care insurance coverage shall be provided by a carrier offering, at the employee's or pensioner's own expense, optional supplemental or extended benefits coverage to each regular employee or eligible pensioner and similar hospital, surgical/medical and supplemental or extended coverage for such employee's or pensioner's spouse and dependents.

(c) The Insurance Commissioner, the State Treasurer, the Budget Director and the Director of the State Personnel Commission, after reviewing competitive group plans, shall select the carrier deemed to offer the best plan to satisfy the interest of the State, its employees and pensioners in carrying out the intent of this chapter.

§ 5123. Duties of State Insurance Commissioner

The State Insurance Commissioner shall be the agent of the State to enter into a contract with the carrier for group insurance for State employees and pensioners.

§ 5124. Duties of State Treasurer

The State Treasurer shall promptly notify the health care insurance carrier of the names and other necessary data related to the employees and pensioners covered and of all changes; and shall pay such obligations as are incurred pursuant to this section, including the cost of premium or subscription charges for health care insurance coverage upon the written request of any State employee, from the funds appropriated therefor, and, in the event such appropriated funds are inadequate, pay such additional sums as may be required from those moneys in the General Fund not otherwise appropriated; and upon written authorization shall withhold from the employee's salary or eligible pensioner's benefits such sums as are necessary for the payment of premium or subscription charges for the optional supplemental or extended benefits coverage and for spouse or dependent coverage.

Section 2. This Act shall become effective July 1, 1970.

Approved February 6, 1970.

CHAPTER 320

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEYS TO THE STATE BOARD OF EDUCATION.

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

Section 1. There is appropriated to the State Board of Education the sum of \$6,700,000, or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the purposes set forth in this Act not to exceed from State Funds for the Capital Improvement Programs 1963 through 1969 the following amounts to the designated districts:

| | |
|----------------------------|-----------|
| Alexis I. duPont | \$336,600 |
| Alfred I. duPont | 859,200 |
| Claymont | 177,600 |
| Laurel | 342,000 |
| Milford | 249,000 |
| Newark | 800,600 |
| New Castle Gunning Bedford | 166,800 |
| Smyrna | 114,600 |
| Stanton | 54,000 |
| Wilmington | 559,800 |

For those projects specified in the Capital Improvement Program 1970, the State's share shall not exceed an additional amount of \$3,039,800.

Section 2. The funds appropriated by this Act may be used for school construction purposes and shall be allocated by the State Board of Education to School Districts in the State of Delaware which are entitled to allocations of moneys appropriated by the State for school construction purposes pursuant to the provisions of any Act of the General Assembly concurred in by three-

fourths of all the members elected to each House appropriating moneys of the State for capital improvements to the school system of the State and authorizing the State to borrow money therefor and to issue bonds and notes in connection therewith adopted by the General Assembly prior to the approval by the Governor of this Act. Provided, however, that moneys appropriated by this Act shall not be allocated to a project on which moneys allocated under such original Act may not be expended at the date of the approval of this Act by the Governor. The State Board of Education shall allocate the sum of \$6,700,000 to any or all of such School Districts as said State Board of Education shall determine based upon the increments in cost to each such School District of the school construction program for the payment of the cost of which said moneys are to be a supplement. In each case of the allocation of funds appropriated by this Act said allocation shall not exceed 60% of the increase in cost of each of such school construction programs as determined by the State Board of Education.

Section 3. Each School District, to which a portion of the funds appropriated by this Act is allocated by the State Board of Education, is authorized to issue its bonds for the purpose of raising its share of the increments to the cost of its school construction program. Such bonds may be issued by resolution of the School Board of the School District and taxes may be levied for the payment of such bonds pursuant to Chapter 21 of Title 14 Delaware Code of 1953. The Certificates of Necessity evidencing the allocation of funds appropriated pursuant to this Act may be issued as supplements or amendments to such original Certificates of Necessity issued with regard to the particular school construction program whether or not a successful referendum on the issuance of bonds for the original local share has been held. Such bonds may be issued notwithstanding that the cost of construction represented thereby has not been included in a School Construction Bond Authorization Act as such term is defined in Chapter 75, Title 29, Delaware Code of 1953. However, said increase in the local share must be approved by the Board of Education of the affected school district and said Board must also determine that such increase is necessary to the school construction program before said increase is provided. In the event that such local Board of Education fails to make such determination and to

approve such increased local share, the local share as set forth in the original School Construction Bond Authorization Act shall apply.

Section 4. 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 5. The said sum of \$6,700,000 shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable. For purposes of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Capital Improvement Bonds of 1970".

Section 6. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 7. 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 8. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs the costs of which are supplemented by the appropriation made by this Act and any funds borrowed pursuant to this Act and remaining unexpended because a project 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 shall be deposited in a special account and applied against future capital improvement bond requirements.

Section 9. None of the moneys appropriated by this Act shall be expended before July 1, 1970. None of the moneys appropriated by this Act shall be expended unless a contract for the expenditure of such moneys is entered into as required by the original Act allocating moneys to the particular school construction program for the payment of the cost of which the funds hereby appropriated are supplemental.

Section 10. No bonds or notes shall be issued or moneys borrowed on behalf of this State, pursuant to this Act, after June 30, 1975, except as provided in Chapter 75, Title 29, Delaware Code.

Approved February 6, 1970.

CHAPTER 321

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE VOCATIONAL-TECHNICAL SCHOOL DISTRICTS FOR ADULT VOCATIONAL-TECHNICAL EDUCATION PROGRAMS.

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

Section 1. The sum of \$106,243 is appropriated for the operation and administration of Adult Vocational and Technical Education Programs in the fields of Apprenticeship, Adult Vocational and Technical Education and Licensed Practical Nursing. The sum to be allocated as follows:

| | |
|--|------------------|
| Kent County Vocational-Technical School District | \$ 19,771 |
| New Castle County Vocational-Technical School District | 66,810 |
| Sussex County Vocational-Technical School District | 13,250 |
| Wilmington Public School District | 6,412 |
| | <hr/> |
| Total | \$106,243 |

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer to the State Board of Education out of monies 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, 1970.

Approved February 9, 1970.

CHAPTER 322

AN ACT TO AMEND TITLE 30, CHAPTER 30, § 3002, RELATING TO MOTOR VEHICLE DOCUMENT FEE WITH RESPECT TO MOTOR VEHICLES OWNED, OPERATED AND USED BY THE STATE OF DELAWARE AND ITS POLITICAL SUBDIVISIONS, THE AMERICAN LEGION, VETERANS OF FOREIGN WARS, AND VOLUNTEER FIRE COMPANIES.

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

Section 1. Amend Title 30, Chapter 30, § 3002 (a), by adding thereto a new paragraph to be designated as paragraph (6) to read as follows:

(6) All motor vehicles, trailers or motorcycles, purchased, transferred, registered, owned, operated or used by the State of Delaware, its agencies and departments, any political subdivision of the State of Delaware, the American Legion, Veterans of Foreign Wars and any volunteer fire company.

Approved February 9, 1970.

CHAPTER 323

AN ACT TO ABOLISH THE PUBLIC BUILDING COMMISSION FOR THE CITY OF WILMINGTON AND FOR NEW CASTLE COUNTY AND TO PROVIDE FOR THE ADMINISTRATION AND USE OF THE PUBLIC BUILDING HERETOFORE UNDER ITS JURISDICTION AND TO PROVIDE FOR PAYMENT THEREFOR.

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

Section 1. Chapter 16, Title 9, Delaware Code, is hereby repealed.

Section 2. The government of New Castle County shall, for the purpose of performing the functions provided in this Act, take and have entire charge of the County Building for New Castle County and the Municipal Building for the City of Wilmington, known as the "Public Building", on the square bounded by King, Tenth, French and Eleventh Streets, in the City of Wilmington, and shall keep and maintain said building in good repair and operating condition and shall provide the necessary utilities and services therefor.

Section 3. The City of Wilmington shall continue to have the use of that portion of the Public Building known as the Municipal Building for the City of Wilmington and shall quarterly-annually pay to New Castle County amounts based upon the cost of maintenance, repairs, utilities and services applicable to the Municipal Building, to be fixed by agreement between the Mayor of the City of Wilmington and the County Executive of New Castle County, provided that if agreement cannot be reached, final determination of the amounts to be paid by the City of Wilmington shall be made by a panel of three, one member to be designated by the Mayor of the City of Wilmington, one member to be designated by the County Executive of New Castle County, and one member to be selected by the other two members. The City of Wilmington shall not be required to pay for any service or work which it shall direct the County not to provide, except contractual obligations incurred by the County prior to such direction.

Section 4. This Act shall not affect the title of the City of Wilmington to the Municipal Building or the title of New Castle County to the County Building.

Section 5. This Act shall be effective July 1, 1970.

Approved February 9, 1970.

CHAPTER 324

AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO CLAIMS OF STATE OFFICERS AND EMPLOYEES, EXCLUDING MEMBERS OF BOARDS OR COMMISSIONS, FOR MILEAGE FOR USE OF PRIVATELY OWNED VEHICLES.

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

Section 1. Section 7103, Chapter 71, Title 29, Delaware Code, is hereby amended by designating as paragraph "(1)" the existing provisions thereof and by adding the following new paragraphs (2) and (3) :

(2) No claim for mileage shall be allowed any employee of the State, its agencies and departments for miles traveled between his place of residence or abode and his principal place of employment by the State.

(3) The prohibition of paragraph (2) shall extend to all officers of the State excluding members of Boards or Commissions, any other provisions of the Delaware law to the contrary notwithstanding.

Section 2. Section 7104, Chapter 71, Title 29, Delaware Code, is hereby amended by designating as paragraph "(1)" the existing provisions thereof and by adding the following new paragraph (2) :

(2) In addition to the penalties provided in paragraph (1) above, any recipient of any allowance for mileage in violation of the provisions of Section 7103 shall be civilly liable to the State in an amount equal to twice the excess allowance received.

Section 3. The provisions of this Act shall become effective thirty days after being enacted into law.

Approved February 9, 1970.

CHAPTER 325

AN ACT AUTHORIZING THE INCUMBENT STATE TREASURER TO TRANSFER CERTAIN BALANCES IN THE ACCOUNTS OF FORMER STATE TREASURER BELLE EVERETT.

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

Section 1. The incumbent State Treasurer is authorized to transfer to the general checking account of the State of Delaware the amount of twenty-two thousand thirty-seven and 36/100 dollars (\$22,037.36) ; such amount being the total of balances on deposit in such accounts, as herein listed, to the credit of the State of Delaware in the Farmers Bank of the State of Delaware, Dover, Delaware, in the name of former State Treasurer Belle Everett, thereby discharging all balances due from said State Treasurer.

| Name of Account | Number of Account | Amount |
|------------------------------|--------------------------|---------------|
| Regular Checking Account | 2217-072-4 | \$12,657.64 |
| Payroll Account | 2217-002-0 | 5,597.43 |
| Welfare Account | 2217-055-9 | 3,682.00 |
| Motor Fuel Tax Refund | 2217-011-9 | 87.29 |
| Motor Vehicle License & Fees | 2217-014-1 | 13.00 |

Approved February 9, 1970.

CHAPTER 326

AN ACT TO AMEND AN ACT BEING CHAPTER 94, VOLUME 56, LAWS OF DELAWARE, ENTITLED "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 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" TO REMOVE THE MAXIMUM RATE OF INTEREST WHICH MAY BE PAID ON BONDS, TO REMOVE THE MAXIMUM RATE OF INTEREST ON BOND ANTICIPATORY NOTES, AND TO PERMIT ADDITIONAL BOND ANTICIPATORY NOTES TO BE ISSUED.

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

Section 1. Section 3, Chapter 94, Volume 56, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 3 and substituting in lieu thereof the following :

Section 3. The bonds of each issue shall be dated, shall bear interest at a rate or rates which, in the opinion of the members of the Levy Court of Sussex County, is the best rate or rates of interest attainable at the time the bonds are sold, 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 sub-division, 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. 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 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 2. Section 4, Chapter 94, Volume 56, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 4 and substituting in lieu thereof the following:

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 which, in the opinion of the members of the Levy Court of Sussex County, is the best rate or rates of interest available at the time each note is issued. 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 June 30, 1971. 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 sub-division 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.

Approved February 9, 1970.

CHAPTER 327

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE BY ADDING THERETO NEW SECTION 132 (b) (8) GIVING THE STATE HIGHWAY DEPARTMENT THE POWER TO PROVIDE RELOCATION ASSISTANCE TO PERSONS DISPLACED AS A RESULT OF THE ACQUISITION FOR HIGHWAY PURPOSES OF REAL PROPERTY UPON WHICH THEY LIVE OR CONDUCT A BUSINESS OR FARM OPERATION AND BY ADDING THERETO NEW CHAPTER 19, SECTIONS 1901-1912 ENTITLED RELOCATION ASSISTANCE.

WHEREAS, the Federal-Aid Highway Act of 1968 establishes a new program of highway relocation assistance; and

WHEREAS, the declared purpose of this program is to insure that a few individuals do not suffer disproportionate injuries as a result of a displacement caused by a Federal highway program; and

WHEREAS, continuing eligibility of the State of Delaware for Federal-aid highway funds is made contingent upon compliance with the terms and provisions of the Federal-Aid Highway Act of 1968; and

WHEREAS, the General Assembly hereby finds and declares that it is in the public interest that persons displaced by the construction of highways, whether Federally financed or not, be fairly compensated for the property acquired and inconvenience suffered as the result of programs designed for the benefit of the public as a whole; and

WHEREAS, the General Assembly hereby further finds and declares that relocation assistance and assistance in the acquisition of replacement housing are proper costs of the construction of highways;

NOW, THEREFORE,

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

Section 1. Chapter 1 of Title 17 of the Delaware Code, is hereby amended by adding thereto new Section 132 (b) (8) as follows:

§ 132. General powers and duties

(b) The Department shall —

(8) Provide relocation assistance to persons displaced as a result of the acquisition for highway purposes of real property upon which they live or conduct a business or farm operation in accordance with the provisions of Chapter 19 of this Title.

Section 2. Title 17 of the Delaware Code, is hereby amended by adding thereto a new Chapter 19 dealing with relocation assistance as follows:

CHAPTER 19. RELOCATION ASSISTANCE

§ 1901. Definitions

As used in this chapter:

(a) "Person" means —

(1) Any individual, partnership, corporation or association which is the owner of a business;

(2) Any owner, part-owner, tenant, or sharecropper who operates a farm;

(3) An individual who is the head of a family; or

(4) An individual not a member of a family.

(b) "Family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(c) "Displaced person" means any person who moves from real property on or after the effective date of this chapter as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for highway purposes, or as a result of the acquisition for highway purposes of other real property on which such person conducts a business or farm operation.

(d) "Business" means any lawful activity conducted primarily:

(1) For the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public; or

(3) By a non-profit organization.

(e) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(f) "Department" means the State Highway Department of the State of Delaware, or the board, body, commission or authority succeeding to the principal functions thereof and to whom the powers given by this chapter to the Department shall be given by law.

(g) "Director" means the Director of Operations of the State Highway Department of the State of Delaware.

§ 1902. Relocation payments

(a) Upon application approved by the Director, a person displaced by any highway project may elect to receive actual reasonable expenses in moving himself, his family, his business or his farm operation, including personal property.

(b) In lieu of the payments authorized by subsection (a) of this section, any displaced person who moves from a dwelling may elect to receive —

(1) A moving expense allowance, determined according to a schedule established by the Department; and

(2) A fixed dislocation allowance in an amount to be determined by the Department.

(c) In lieu of the payments authorized by subsection (a) of this section, and subject to the limitations of subsections (d) and (e), any displaced person who moves or discontinues his business or farm operation may elect to receive a fixed relocation payment in an amount equal to the average net earnings of the business

or farm operation, or a fixed amount to be determined by the Department, whichever is lesser.

(d) In the case of a business under subsection (c), no payments shall be made unless the Director is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage; and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business.

(e) For purposes of subsection (c), the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period. To be eligible for the payment authorized by subsection (c), the business or farm operation must make its State income tax return, its financial statements and its accounting records available for the confidential use of the Director in determining the proper amount of said payment.

§ 1903. Replacement housing

(a) In addition to amounts otherwise authorized by this chapter, the Department shall make a payment to the owner of real property acquired for a highway project which is improved by a single, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed a fixed amount to be determined by the Department, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined in accordance with standards established by the Department to be a descent, safe and sanitary dwelling adequate to accommodate the displaced owner, reasonable accessible to public services and places of employment and available on the private market. Such payment shall be made only

to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project.

(b) In addition to amounts otherwise authorized by this chapter, the Department shall make a payment to any individual or family displaced from any dwelling, not eligible to receive a payment under subsection (a) of this section, which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed a fixed amount to be determined by the Department, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed two years, or to enable such person to make the down payment on the purchase of a decent, safe and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

§ 1904. Maximum Federal participation

In determining the amounts to be paid under Sections 1902 and 1903 of this chapter, the Department shall provide payments which will assure maximum Federal participation in Federally assisted highway projects.

§ 1905. Expenses incidental to transfer of property

In addition to amounts otherwise authorized by this chapter, the Department shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed of record as provided by law on the date of final approval by the Department of the location of such project; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State of Delaware, or the effective date of the possession of such real property by the State of Delaware, whichever is earlier.

§ 1906. Relocation services

(a) The Department shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order to —

(1) Determine the needs, if any, of displaced families, individuals, business concerns and farm operations for relocation assistance;

(2) Assure that, within a reasonable time, prior to displacement there will be available to the extent that can reasonable be accomplished in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Department for decent, safe and sanitary dwellings, equal in number of and available to such displaced families and individuals and reasonably accessible to their places of employment;

(3) Assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations;

(4) Supply information on other programs of this State or the Federal government offering assistance to displaced persons.

(b) In providing such assistance, the Department may establish local relocation advisory assistance offices to assist individuals, families and business which must relocate because of the acquisition of right-of-way for any highway project.

§ 1907. Administration

In order to prevent unnecessary expenses and duplication of functions, the Department may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this law by utilizing the facilities, personnel, and services of any other Federal, State or local governmental agency having an established organization for conducting relocation assistance programs.

§ 1908. Supervision by Department; Rules and Regulations

(a) The Department shall have the power and it shall be its duty to exercise general supervision over the administration and

enforcement of the provisions of this chapter, and it shall adopt such rules and regulations consistent with the provisions of this chapter as it deems necessary or appropriate to carry out those provisions and which will assure maximum Federal participation in Federally assisted highway projects.

(b) Such rules and regulations that the Department shall adopt under subsection (a) hereof shall include, but not be limited to, provisions relating to:

(1) Payments authorized by this chapter to assure that such payments shall be fair and reasonable and as uniform as practicable;

(2) Prompt payment after a move to displaced persons who make proper application for a payment authorized for such persons by this chapter and are entitled to payment, or, in hardship cases, payment in advance;

(3) A schedule of moving expense allowances as provided in Section 1902 (b) (1) of this chapter and the maximum amounts payable under Section 1902 (b) (1) and (2), Section 1902 (c) and Section 1903 (a) and (b);

(4) Standards for decent, safe and sanitary dwellings;

(5) Eligibility of displaced persons for relocation assistance payments, the procedure for such persons to claim such payments and the amounts thereof; and

(6) Procedure for any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, to have his application reviewed by the Director of Operations, whose decision shall be final and not subject to further appeal.

(c) The Department is further authorized within the limits of funds and appropriations therefor, to take such additional action as may be required to fully qualify the Department for any financial Federal aid assistance available for carrying out the purposes for which the Department was created.

§ 1909. Payments not income or resources

No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person

§ 1906. Relocation services

(a) The Department shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order to —

(1) Determine the needs, if any, of displaced families, individuals, business concerns and farm operations for relocation assistance;

(2) Assure that, within a reasonable time, prior to displacement there will be available to the extent that can reasonable be accomplished in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Department for decent, safe and sanitary dwellings, equal in number of and available to such displaced families and individuals and reasonably accessible to their places of employment;

(3) Assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations;

(4) Supply information on other programs of this State or the Federal government offering assistance to displaced persons.

(b) In providing such assistance, the Department may establish local relocation advisory assistance offices to assist individuals, families and business which must relocate because of the acquisition of right-of-way for any highway project.

§ 1907. Administration

In order to prevent unnecessary expenses and duplication of functions, the Department may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this law by utilizing the facilities, personnel, and services of any other Federal, State or local governmental agency having an established organization for conducting relocation assistance programs.

§ 1908. Supervision by Department; Rules and Regulations

(a) The Department shall have the power and it shall be its duty to exercise general supervision over the administration and

enforcement of the provisions of this chapter, and it shall adopt such rules and regulations consistent with the provisions of this chapter as it deems necessary or appropriate to carry out those provisions and which will assure maximum Federal participation in Federally assisted highway projects.

(b) Such rules and regulations that the Department shall adopt under subsection (a) hereof shall include, but not be limited to, provisions relating to:

(1) Payments authorized by this chapter to assure that such payments shall be fair and reasonable and as uniform as practicable;

(2) Prompt payment after a move to displaced persons who make proper application for a payment authorized for such persons by this chapter and are entitled to payment, or, in hardship cases, payment in advance;

(3) A schedule of moving expense allowances as provided in Section 1902 (b) (1) of this chapter and the maximum amounts payable under Section 1902 (b) (1) and (2), Section 1902 (c) and Section 1903 (a) and (b);

(4) Standards for decent, safe and sanitary dwellings;

(5) Eligibility of displaced persons for relocation assistance payments, the procedure for such persons to claim such payments and the amounts thereof; and

(6) Procedure for any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, to have his application reviewed by the Director of Operations, whose decision shall be final and not subject to further appeal.

(c) The Department is further authorized within the limits of funds and appropriations therefor, to take such additional action as may be required to fully qualify the Department for any financial Federal aid assistance available for carrying out the purposes for which the Department was created.

§ 1909. Payments not income or resources

No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person

for assistance under State law or for the purposes of the Delaware State Income or Corporation Income Tax. Such payments shall not be considered as income or resources to any recipient of the public assistance under the provisions of Title 31 of the Delaware Code, and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

§ 1910. Damages

Nothing contained in this chapter shall be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of damages not in existence on the effective date of this chapter, and the payments authorized by this chapter are to be in addition to the just compensation established in such proceedings, but only to the extent they are not otherwise included in the condemnation award.

§ 1911. Maximum amount

Notwithstanding any other provisions of this chapter, the maximum amount payable hereunder to any displaced person shall be \$25,000 except in any case where an additional sum is required in order to qualify the Department to receive Federal financial assistance, in which case the full amount required by Federal law shall be paid.

§ 1912. Severability

If any provision, clause or phrase of this Act, or the application thereof to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, such judgment shall not invalidate the remainder of this chapter, and the application thereof to other persons or circumstances shall not be affected thereby.

Section 3. This Act shall become effective on July 1, 1970.

Approved February 9, 1970.

CHAPTER 328

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE ELECTION COMMISSIONER AND TO
EACH COUNTY DEPARTMENT OF ELECTIONS.**

WHEREAS, Senate Bill Nos. 297 and 305 have been enacted into law; and

WHEREAS, said bills mandated certain expenses be incurred by the State Election Commissioner's office and each County Department of Elections; and

WHEREAS, it is the intent of this bill to provide the necessary funds to implement said Senate Bills.

NOW, THEREFORE,

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

Section 1. The sum of \$17,220 is appropriated to the State Election Commission (016) for the Fiscal year beginning July 1, 1969 and ending June 30, 1970, for the following purposes:

| | |
|----------------------------|-------------|
| Salary for Commissioner | \$12,000.00 |
| Secretary for Commissioner | 5,220.00 |
| | <hr/> |
| Total | \$17,220.00 |

Section 2. The sum of \$111,495.68 is appropriated to the New Castle County Department of Elections (017) for the fiscal year beginning July 1, 1969 and ending June 30, 1970, for the following purposes:

| | |
|--|-------------|
| Rental of 220 polling places @ \$25.00 | \$ 5,500.00 |
| Election officers (5 per district @ \$30.00 each — \$150.00 for 220 districts) | 33,000.00 |
| Delivery of voting machines | 8,800.00 |
| Delivery of Supplies | 150.00 |
| Courtyard Men 2 @ \$25.00 | 50.00 |

| | |
|---|--------------|
| Miscellaneous Printing of ballots, certificates, envelopes, proclamations, etc. | 3,100.00 |
| Advertising — Bids for moving voting machines, election supplies and advertising the primary election in the newspapers | 1,000.00 |
| Rental of cars for Board Members | 150.00 |
| Runners — 6 @ \$25.00 | 150.00 |
| Food Service (Board and employees) | 150.00 |
| | <hr/> |
| Cost for 1 Primary | \$ 52,050.00 |
| Cost for 2 Primaries | \$104,100.00 |
| | <hr/> <hr/> |
| Return to Regular Emergency Fund (01-540-80) | \$ 7,395.68 |
| | <hr/> |
| Total | \$111,495.68 |

Section 3. The sum of \$35,660 is appropriated to the Kent County Department of Elections (018) for the fiscal year beginning July 1, 1969 and ending June 30, 1970, for the following purposes:

| | |
|---|--------------|
| Administrative Director Salary | \$ 4,300.00 |
| Deputy Administrative Director Salary | 3,600.00 |
| Extra employees | 1,000.00 |
| Purchase of 6 voting machines | 11,400.00 |
| Election officers | 6,720.00 |
| Personal services — Shoup Representatives | 500.00 |
| Delivery of Voting Machines | 1,700.00 |
| Printing and advertising | 2,500.00 |
| Return to Governor's Contingency Fund | 1,500.00 |
| Rent for primary polling places | 800.00 |
| New Maps | 500.00 |
| Mileage | 200.00 |
| Ballot boxes for extra districts | 200.00 |
| Binders and bags for new districts | 740.00 |
| | <hr/> |
| Total | \$ 35,660.00 |

Section 4. The sum of \$38,148 is appropriated to the Sussex County Department of Elections (019) for the fiscal year begin-

ning July 1, 1969 and ending June 30, 1970, for the following purposes:

| | |
|---|--------------|
| Administrative Director Salary | \$ 2,868.00 |
| Deputy Administrative Director Salary | 2,327.00 |
| Extra Employees | 1,304.00 |
| Overtime pay — employees | 640.00 |
| Mileage | 500.00 |
| Postage and freights | 800.00 |
| Gas (heating) | 25.00 |
| Telephone | 320.00 |
| Repairs to truck | 120.00 |
| Printing | 1,314.00 |
| Advertising | 200.00 |
| Delivery of voting machines and personal services — Shoup representatives | 1,260.00 |
| Rental of polling places | 1,900.00 |
| Binders and bags | 220.00 |
| Office supplies | 300.00 |
| Extra repairs for voting machines — keys, curtains, cords, locks, etc. | 150.00 |
| Gas for truck | 100.00 |
| Purchase of 3 voting machines | 6,000.00 |
| Purchase of 2 typewriters | 1,000.00 |
| Election officers | 16,800.00 |
| | <hr/> |
| Total | \$ 38,148.00 |

Section 5. 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 6. Any funds hereby appropriated and not used by June 30, 1970, for the purposes set forth in Sections 1 to 4 inclusive shall revert to the General Fund of the State of Delaware.

Approved February 9, 1970.

CHAPTER 329

AN ACT RELATING TO SALARIES OF CERTAIN PUBLIC OFFICIALS BY RAISING CERTAIN SALARIES.

WHEREAS, the Insurance Commissioner, State Treasurer, and Auditor of Accounts may now be receiving a salary that is not commensurate with their duties and responsibilities; and

WHEREAS, said officials' salaries are presently in the same area as that of their Deputy.

NOW, THEREFORE,

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

Section 1. §307, Title 18, Delaware Code, is amended to read as follows:

§ 307. Compensation

The Commissioner shall be paid a salary of \$18,000 per year as full compensation for all the duties required of him by law.

Section 2. §2701, Title 29, Delaware Code, is amended by striking the figures "12,000" and inserting in lieu thereof the figures "18,000".

Section 3. §2902, Title 29, Delaware Code, is amended by striking the figures "12,000" and inserting in lieu thereof the figures "18,000".

Section 4. This Act shall become effective on the First Tuesday of January of 1971.

Approved February 9, 1970

CHAPTER 330

AN ACT APPROPRIATING \$50,000 TO THE STATE BOARD OF EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 1970, FOR THE EXTENSION OF THE MONITOR PROGRAM IN THE WILMINGTON PUBLIC SCHOOLS AND APPROPRIATING \$50,000 TO THE CONTINGENCY FUND (ADMINISTERED BY STATE BUDGET COMMISSION) TO REIMBURSE SAID FUND FOR SUMS PREVIOUSLY EXPENDED.

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

Section 1. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated to the State Board of Education for the fiscal year ending June 30, 1970, such funds to be used for the extension of the monitor program in the Wilmington Public Schools.

Section 2. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated to the Contingency Fund (Emergency Fund) administered by State Budget Commission to reimburse said fund for sums previously expended for the monitor program in the Wilmington Public Schools.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Section 4. Any funds hereby appropriated which remain unexpended or unencumbered on June 30, 1970, shall revert to the General Fund of the State of Delaware.

Approved February 9, 1970.

CHAPTER 331

AN ACT TO AMEND TITLE 11, DELAWARE CODE, CHAPTER 83, RELATING TO SALARIES OF STATE POLICEMEN BY PROVIDING FOR AN INCREASE IN SALARIES FOR THE STATE POLICE AND PROVIDING FOR AN OVERTIME SUPPLEMENT.

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

Section 1. Title II, Delaware Code, Section 8303 is amended by striking said section in its entirety and substituting in lieu thereof the following new section :

§ 8303. Salaries

Each of the State Police shall receive a salary based on the following pay scale :

| | Trooper | Detective Corporal | Sergeant | Lieutenant |
|-----------------|----------------|-------------------------------|-----------------|-------------------------------|
| START | 7,310.00 | | | |
| 1 YEAR | 7,632.50 | | | |
| 2 YEARS | 7,847.50 | | | |
| 3 YEARS | 8,062.50 | 8,600.00 | | |
| 5 YEARS | 8,277.50 | 8,815.00 | 9,245.00 | 9,675.00 |
| 8 YEARS | 8,492.50 | 9,030.00 | 9,460.00 | 9,943.75 |
| 11 YEARS | 8,707.50 | 9,245.00 | 9,675.00 | 10,212.50 |
| 14 YEARS | 8,922.50 | 9,460.00 | 9,890.00 | 10,481.25 |
| 17 YEARS | 9,137.00 | 9,675.00 | 10,105.00 | 10,642.50 |
| | | Staff Captain | Major | Lieutenant Colonel |
| 8 YEARS | 10,320.00 | 10,642.50 | | |
| 11 YEARS | 10,750.00 | 11,072.50 | 13,115.00 | |
| 14 YEARS | 11,180.00 | 11,610.00 | 14,190.00 | 16,000.00 |
| 17 YEARS | 11,610.00 | 12,147.50 | 15,265.00 | 18,000.00 |

Years service—completed as of January 1, or July 1, of each year.

Longevity increases cease after 17 years have been completed.

Section 2. Title II, Delaware Code, Section 8306 is amended by adding thereto a new sentence to read as follows:

The Department shall provide for an overtime supplement for all members of the State Police delineated in Section 8303, based upon 5% of the gross pay then being received; this overtime supplement shall be excluded from calculations of pension contributions and pensions and from salaries of trooper-recruits until they have completed recruit training school.

Section 3. Any payments authorized by this Act or by resolution of the State Highway Department shall be effective as of January 1, 1970.

Approved February 10, 1970.

CHAPTER 332

AN ACT RELATING TO THE SALE OF PUBLIC LANDS.

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

Section 1. Amend Chapter 45, Title 7, Delaware Code, by inserting a new section 4520, to read as follows:

§ 4520. Sale of public lands

(a) All lands to which the State of Delaware directly or indirectly holds title, whether legal, equitable or both, shall be deemed public lands within the meaning of this Chapter, except lands purchased or held by the State Housing Department for improvement and/or redevelopment and resale.

(b) The State Highway Department shall not exercise any power vested in it by this Chapter over public lands which are under the supervision and control of any other agency of this State, without first obtaining the consent of such agency, any other section of this Chapter to the contrary notwithstanding, except that nothing in this section shall affect the power of condemnation held by the State Highway Department. Except as limited by subsection (c) hereof, every agency of this State may exercise as heretofore its authority over public lands under its supervision and control.

(c) With the exception of public lands transferred or conveyed to or by the State Highway Department which, in the Department's judgment are needed for the Highway System of the State, within the meaning of Title 17, Delaware Code, Section 137, or transferred or conveyed to or by the State Highway Department in payment or trade for lands needed for the Highway System within the meaning of Title 17, Delaware Code, Section 137, no public lands shall be transferred or conveyed to, or otherwise placed under the control of any person or persons, State, County, or Municipality or any government agency, whether foreign or domestic, having the power to sell or lease such lands unless the Legislature specifically approves the same, and unless done in conformity with the requirements of this Chapter.

Section 2. Wherever the words "State Housing Department" or "State Highway Department" are used in this Act the same shall be deemed to include that department or its successor.

Approved February 11, 1970.

CHAPTER 333

**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, Title 14, Delaware Code, is hereby amended by striking the section in its entirety and adding a new section as follows:

§ 1305. Basic salary schedule for teachers, principals, superintendents, and other administrative and supervisory employees

(a) All employees who hold appropriate certificates and whose salaries are paid for 10 months per year, shall receive annual salaries in accordance with the following schedule:

| Years of Experience | No Degree | Bachelor's Degree | Bach. Degree Plus 30 Grad. Credits | Master's Degree | Master's Degree Plus 30 Grad. Credits | Doctor's Degree |
|---------------------|-----------|-------------------|------------------------------------|-----------------|---------------------------------------|-----------------|
| 0 | \$ 6,020 | \$ 6,450 | \$ 7,095 | \$ 7,310 | \$ 7,955 | \$ 8,385 |
| 1 | 6,235 | 6,665 | 7,310 | 7,525 | 8,170 | 8,600 |
| 2 | 6,450 | 6,880 | 7,525 | 7,740 | 8,385 | 8,815 |
| 3 | 6,665 | 7,095 | 7,740 | 7,955 | 8,600 | 9,030 |
| 4 | 6,880 | 7,310 | 7,955 | 8,170 | 8,815 | 9,245 |
| 5 | 7,095 | 7,525 | 8,170 | 8,385 | 9,030 | 9,460 |
| 6 | 7,310 | 7,740 | 8,385 | 8,600 | 9,245 | 9,675 |
| 7 | 7,525 | 7,955 | 8,600 | 8,815 | 9,460 | 9,890 |
| 8 | 7,740 | 8,170 | 8,815 | 9,030 | 9,675 | 10,105 |
| 9 | 7,955 | 8,385 | 9,030 | 9,245 | 9,890 | 10,320 |
| 10 | 8,170 | 8,600 | 9,245 | 9,460 | 10,105 | 10,535 |

(b) All who are employed under subsection (a) of this section for more than 10 months per year and paid accordingly shall

receive a payment of one-tenth of the amount designated in the schedule set forth in said subsection for such employee for each additional month of employment per year.

(c) Salary derived from subsection (a) of this section for ten (10) months employment shall mean a total of 185 days. The 185 days shall be full work days with 180 days devoted to actual school sessions for pupils and five (5) days devoted to attendance in inservice education programs or other programs approved by the State Board of Education, except that the State Board of Education may reduce the number of days devoted to school sessions or inservice education programs on just cause or upon showing of unusual circumstances. Full work days shall be defined by the State Board of Education.

Section 2. Section 1306 (a), Title 14, Delaware Code, is hereby amended by striking the subsection in its entirety and substituting in lieu thereof a new subsection (a) to read as follows :

§ 1306. Salary schedule for chief school officers

(a) A superintendent who is the chief school officer of his district and who holds a certificate appropriate for his position, shall receive as a salary the amount for which he qualifies under Section 1316 of this Title and the schedule set forth in subsection 1305 (a) and 1305 (b), plus an annual amount for administrative responsibility to be determined in accordance with the following schedule :

| Number of State Units of Pupils in The School District | | | |
|---|---------------|----------------|-----------------|
| Less Than | | | |
| 71 | 71-149 | 150-249 | 250 Plus |
| \$3225 | 4300 | 5375 | 6450 |

Section 3. Section 1307 (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 :

(a) Full-time principals

| Yrs. of Admin. Exp. | Number of Teachers | | | | |
|---------------------------|--------------------|--------|--------|--------|---------|
| | 15-19 | 20-29 | 30-39 | 40-59 | 60 Plus |
| 0 | \$ 215 | \$ 430 | \$ 645 | \$ 968 | \$1,290 |
| 1 | 430 | 645 | 860 | 1,183 | 1,505 |
| 2 | 645 | 860 | 1,075 | 1,398 | 1,720 |
| 3 | 860 | 1,075 | 1,290 | 1,613 | 1,935 |
| 4 | 1,075 | 1,290 | 1,505 | 1,828 | 2,150 |

Section 4. Section 1307 (c), 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:

(c) Assistant Principals

| Years of Administrative Experience | Amount |
|--|--------|
| 0 | \$108 |
| 1 | 215 |
| 2 | 323 |
| 3 | 430 |
| 4 | 538 |

Section 5. Section 1308 (a), Title 14, Delaware Code, is hereby amended by striking subsection (a) in its entirety and substituting in lieu thereof a new subsection to read as follows:

(a) Each administrative secretary, senior secretary, secretary, and clerk having the qualifications required by the State

Board of Education and who works and is paid for twelve months per year shall be paid in accordance with the following schedule:

| Yrs. of Exp. | Clerk | Secretary | Senior Secretary | Administrative Secretary |
|--------------------|--------|-----------|---------------------|-----------------------------|
| 0 | \$3709 | \$4569 | \$4891 | \$4999 |
| 1 | 3924 | 4784 | 5106 | 5214 |
| 2 | 4139 | 4999 | 5321 | 5429 |
| 3 | 4354 | 5214 | 5536 | 5644 |
| 4 | 4569 | 5429 | 5751 | 5859 |
| 5 | 4784 | 5644 | 5966 | 6074 |
| 6 | | 5859 | 6181 | 6289 |
| 7 | | | | 6504 |
| 8 | | | | 6719 |
| 9 | | | | 6934 |
| 10 | | | | 7149 |

Section 6. Section 1308 (c), Title 14, Delaware Code, is hereby amended by striking the subsection in its entirety and substituting a new subsection (c) as follows:

(c) These same classifications and pay rates shall apply to the State Board of Education and the State Board for Vocational Education, except that the Board shall be authorized to revise the schedule annually to enable the Board to pay salary supplements up to the equivalent of the average of the three highest salaries for like positions paid by school districts.

Section 7. Title 14, Delaware Code, is hereby amended by adding a new section 1309 as follows:

§ 1309. Secretarial classifications and salary supplement for additional training

(a) The State Board of Education shall establish rules and regulations for the assignment of a secretarial classification to

personnel employed pursuant to Section 1308 of this Title who are not otherwise classified.

(b) An administrative secretary, senior secretary or secretary shall receive as a salary the amount for which she qualifies under Section 1308 (a) of this Title plus an annual amount for additional training as defined by the State Board of Education as follows:

| | |
|------------------------------|-------|
| Bachelor's Degree | \$430 |
| Certified Secretary Degree | 323 |
| Senior Secretary Certificate | 215 |

Section 8. Section 1310 (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 Exp. | Reg. Nurse with Prof. Certificate No Degree | Reg. Nurse with Regular Certificate No Degree | Cert. Nurse with Bachelor's Degree | Certified Nurse with Master's Degree |
|--------------------|--|--|---|--|
| 0 | \$5329 | \$5529 | \$6128 | \$6740 |
| 1 | 5533 | 5733 | 6332 | 6945 |
| 2 | 5738 | 5938 | 6536 | 7149 |
| 3 | 5942 | 6142 | 6740 | 7353 |
| 4 | 6146 | 6346 | 6945 | 7557 |
| 5 | 6350 | 6550 | 7149 | 7762 |
| 6 | 6555 | 6755 | 7353 | 7966 |
| 7 | 6759 | 6959 | 7557 | 8170 |
| 8 | 6963 | 7163 | 7762 | 8374 |
| 9 | 7167 | 7367 | 7966 | 8579 |
| 10 | 7372 | 7572 | 8170 | 8783 |

Section 9. Section 1311 (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:

(a) School Custodians:

| Yrs. of Exp. | Custodian | Custodian Fireman | Chief Custodian Supervising 5 or less Custodians | Chief Custodian Supervising 6 or more Custodians | Building & Grounds Supervisor |
|--------------------|-----------|----------------------|--|--|-------------------------------------|
| 0 | 4784 | 4999 | 5106 | 5536 | 6289 |
| 1 | 4945 | 5160 | 5268 | 5698 | 6504 |
| 2 | 5106 | 5321 | 5429 | 5859 | 6719 |
| 3 | 5268 | 5483 | 5590 | 6020 | 6934 |
| 4 | 5429 | 5644 | 5751 | 6181 | 7149 |

Section 10. Section 1311(b), 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:

| | |
|----------------------------------|-------|
| Supervisors and chief custodians | \$430 |
| Fireman and Custodian-Fireman | 323 |
| Custodians | 215 |

Section 11. Section 1314, Title 14, Delaware Code, is hereby amended by striking the section in its entirety and substituting in lieu thereof the following:

§ 1314. Limitation on salary decreases

The salary paid from State funds to any person covered by this Chapter shall not be reduced by reason of the application of any salary schedule contained in this Chapter, except in the case of a change to a lower classification.

Section 12. Section 1320, Title 14, is hereby amended by striking the section and substituting in lieu thereof the following:

For each day's absence for reasons other than those permitted under Section 1318 of this Title, there shall be deducted 1/185th of the annual salary of the employee who is employed for 10 months; 1/204ths for the employee who is employed for 11 months; and 1/222nds for the employee who is employed for 12 months, for each day of unexcused absence.

Section 13. Section 1321(a), Title 14, Delaware Code, is hereby amended by striking the subsection in its entirety and by inserting in lieu thereof a new subsection (a) to read as follows:

(a) Professional employees of the State Board of Education/State Board for Vocational Education having the qualifications required by the certifying board shall receive as an annual salary the amount for which he qualifies under Section 1316 of this Title and the schedule set forth in Section 1305 (a) and (b) of this Title, plus an annual amount for administrative responsibility to be determined as the case may be in accordance with the following schedule:

**STATE BOARD OF EDUCATION AND
STATE BOARD FOR VOCATIONAL EDUCATION**

| Yrs. Exp. | Teacher | Specialist | Asst. Dir. | Supv. | Director | Asst. Supt. | Assoc. Supt. | Deputy Supt. | State Supt. |
|--------------|--------------------|------------|------------|----------|----------|----------------|-----------------|-----------------|----------------|
| 0 | State | \$ 645 | \$ 2,258 | \$ 3,763 | \$ 5,698 | \$ 7,310 | \$ 8,923 | As shown | |
| 1 | Schedule | 968 | 2,580 | 4,085 | 6,020 | 7,633 | 9,245 | in para- | |
| 2 | and as | 1,290 | 2,903 | 4,408 | 6,343 | 7,955 | 9,568 | graph | |
| 3 | shown in | 1,613 | 3,225 | 4,730 | 6,665 | 8,278 | 9,890 | below | |
| 4 | paragraph below | 1,935 | 3,548 | 5,053 | 6,988 | 8,600 | 10,213 | | |

The State Board of Education/State Board of Vocational Education shall be authorized to revise the salary to be paid to any of its professional personnel, which shall enable the Board to pay salary supplements up to the equivalent, but in no case to exceed the average of the three highest salaries for like positions paid by school districts.

The Board shall annually conduct a performance review of each of its professional employees and establish the salary to be paid to each employee which shall not be less than the amount shown in the above schedule nor shall it exceed the allowable maximum salary determined by the above method. The Board shall annually present its revised salary schedule to the State Treasurer who shall pay the additional amount required for each employee because of the application of the revised schedule for the General Fund, notwithstanding any other laws of this State.

Section 14. Section 1321(c), 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:

| Years of Administrative Experience | Teachers, Specialist | Supervisor | Admn. Assst. | Director | Ass. Supt. |
|------------------------------------|----------------------|------------|--------------|----------|------------|
| 0 | To be paid as pro- | \$ 645 | \$ 968 | \$1,075 | \$2,150 |
| 1 | vided for in | 860 | 1,183 | 1,613 | 2,688 |
| 2 | Section 1305 of | 1,075 | 1,398 | 2,150 | 3,225 |
| 3 | this Chapter | 1,290 | 1,613 | 2,688 | 3,763 |
| 4 | | 1,505 | 1,828 | 3,225 | 4,300 |

Section 15. Section 1322, Title 14, Delaware Code, is hereby amended by striking subsection (a) in its entirety and substituting in lieu thereof the following:

(a) School lunch managers who have the qualifications required by the State Board of Education and who work on a program of at least seven hours per day for each day of the 10 month school year (185 days); shall receive annual salaries in accordance with the following schedule:

| SCHOOL LUNCH MANAGERS | | | | | |
|--|-----------|---------|---------|----------|--------|
| Number of Pupils in School Served by Cafeteria | | | | | |
| Yrs. of Exp. | Below 351 | 351-500 | 501-800 | 801-1200 | 1200+ |
| 0 | \$3816 | \$4139 | \$4461 | \$4784 | \$5106 |
| 1 | 3978 | 4300 | 4623 | 4945 | 5268 |
| 2 | 4139 | 4461 | 4784 | 5106 | 5429 |
| 3 | 4300 | 4623 | 4945 | 5268 | 5590 |
| 4 | 4461 | 4784 | 5106 | 5429 | 5751 |
| 5 | 4623 | 4945 | 5268 | 5590 | 5913 |
| 6 | 4784 | 5106 | 5429 | 5751 | 6074 |
| 7 | 4945 | 5268 | 5590 | 5913 | 6235 |
| 8 | 5106 | 5429 | 5751 | 6074 | 6396 |

Salaries provided for in this schedule shall be paid to the school lunch manager of a single lunchroom. Managers in a school serving lunchrooms in more than one building shall receive \$200 for each additional lunchroom. Managers in satellite schools shall receive the salary provided for in this schedule less \$200. A satellite school is defined as a school where no basic food preparation takes place. The salaries listed in this schedule for school lunch managers shall be increased for additional training as defined by the State Board of Education as follows :

| | |
|----------------------|-------|
| One Year of College | \$215 |
| Two Years of College | 323 |
| Bachelor's Degree | 645 |

Section 16. Section 1321(e), Title 14, Delaware Code, is amended by adding a new subsection (10) to read as follows :

(10) Supervisors of school lunch for a period to ten (10) months per year at the rate of one such supervisor in any district having four (4) or more schools with lunch programs, such supervisors to be paid at the salary schedule of "Supervisors" as set forth in Section 1321 (c) above. Qualifications for such supervising manager shall be set by the certifying board.

Section 17. Section 1324(b), 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 :

(b) Attendants and Aides

| Years of Experience | Bus and Class Attendants | Class Aides |
|---------------------|--------------------------|-------------|
| 0 | \$2526 | \$2956 |
| 1 | 2634 | 3171 |
| 2 | 2741 | 3386 |
| 3 | 2849 | 3601 |
| 4 | 2956 | 3816 |

Section 18. The provisions of Section 1 through Section 17 of this Act shall become effective July 1, 1970.

Section 19. Effective July 1, 1971 the State Board of Education shall revise the salary schedules in Sections 1305 (a), 1306 (a), 1307 (a) and (c), 1308 (a), 1309 (b), 1310 (a), 1311 (a) and (b), 1321 (a) and (c), 1322 (a) and (b), and 1324 (b) of this Act to reflect a 5% salary increase rounded to the nearest dollar.

Section 20. Chapter 13, Title 14, Delaware Code, is hereby amended by adding thereto a new section to read as follows:

§ 1328. Work week for certain Employees

The work week for the employees of the State Board of Education and the State Board for Vocational Education shall be 37½ hours per week.

Section 21. Section 1322, Title 14, Delaware Code, is hereby amended by striking subsection (b) thereof in its entirety.

Section 22. Section 1322, Title 14, Delaware Code, is hereby amended by redesignating subsections (c), (d) and (e) as subsections (b), (c) and (d) respectively.

Section 23. Subsection (e) of Section 1322 (redesignated (d) above), Title 14, Delaware Code, is hereby amended by striking (a), (b) and (c) in the first line thereof and substituting in lieu thereof, (a) and (b).

Approved February 11, 1970.

CHAPTER 334

AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO THE LICENSING AND INSPECTION OF DOG KENNELS AND PROVIDING PENALTIES FOR VIOLATIONS.

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

Section 1. Section 1701 (a), Title 7, Delaware Code, is amended by striking the last sentence of said subsection in its entirety and inserting in lieu thereof the following:

No person shall be issued a license upon payment of the kennel tax in accordance with the provisions of this section, unless his facilities for the care and shelter of dogs has been approved by the Board or its authorized representative in accordance with the provisions of subsection (h) of this Section, and unless the kennel, if located within the corporate limits of a town or city, other than the City of Wilmington, has also been approved by the local Board of Health or other duly authorized officials of such corporate town or city and a certificate of approval issued by such authorities. The Board or its authorized representatives shall inspect the premises and facilities of a person to whom a kennel license has been issued at least twice annually for the purpose of ascertaining whether the person is maintaining his facility in accordance with the standards of the Board. At least one such inspection shall be during the third quarter of the calendar year. If a person is not maintaining his facilities in accordance with the provisions of § 1701 (h) of this Title, any license issued in accordance with this section shall be revoked for a period of up to one (1) year or until such time as the provisions of § 1701 (h) have been met. Any person whose kennel license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals being owned, kept or harbored by such person and no part of the kennel license fee shall be refunded. whoever violates any of the provisions of paragraph (a) of this section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense and/or imprisoned for not more than thirty (30) days.

Approved February 13, 1970.

CHAPTER 335

AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO THE CARE AND TREATMENT OF DOGS IN KENNELS.

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

Section 1. Section 1701, Title 7, Delaware Code, is amended by adding thereto subsection (h) to read as follows:

(h) The following are the requirements for the humane handling, care and treatment of dogs in kennels:

1. FACILITIES, GENERAL

(a) **Structural strength.** Housing facilities for dogs shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) **Storage.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(c) **Waste Disposal.** Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

2. FACILITIES, INDOOR

(For Breeds of Dogs adapted to Indoor Housing)

(a) **Heating.** Indoor housing facilities for dogs shall be sufficiently heated when necessary to protect the dogs from cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50°F. for dogs not acclimated to lower temperatures.

(b) **Ventilation.** Indoor housing facilities for dogs shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air condi-

tioning and shall be ventilated so as to minimize drafts, odors and moisture condensation.

(c) **Lighting.** Indoor housing facilities for dogs shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the dogs from excessive illumination.

(d) **Interior surfaces.** The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

3. FACILITIES, OUTDOOR

(For Breeds of Dogs Adapted to Outdoor Housing)

(a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs kept outdoors to protect themselves from the direct rays of the sun.

(b) **Shelter from rain or snow.** Dogs kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) **Shelter from cold weather.** Shelter shall be provided for all dogs kept outdoors when the atmospheric temperature falls below 50°F. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which a dog is acclimated.

(d) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water.

4. PRIMARY ENCLOSURES

(a) Space requirements. Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each dog to turn about freely and to easily stand, sit and lie in a comfortable normal position.

(b) Dog houses with chains. If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well fitted collar. Such chains shall be 6 feet or at least three times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house.

5. ANIMAL HEALTH AND HUSBANDRY STANDARDS

(a) Feeding. Dogs shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog.

(b) Food receptacles shall be accessible to all dogs and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be sanitized at least once every 2 weeks. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

(c) Watering. If potable water is not accessible to the dogs at all times, potable liquids shall be offered to such animals at least twice daily for periods of not less than 1 hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean and shall be sanitized at least once every 2 weeks.

(d) Sanitation. Cleaning of primary enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the dogs contained therein and to re-

duce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure commonly known as a cage, any dog contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(e) Housekeeping. Premises (building and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(f) Pest Control. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

6. EMPLOYEES

(a) A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

7. CLASSIFICATION AND SEPARATION

(a) Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(1) Puppies shall not be housed in the same primary enclosure with adult dogs other than their dams, except when permanently maintained in breeding colonies.

(2) Dogs under quarantine or treatment for a communicable disease shall be separated from other dogs and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

Approved February 13, 1970.

CHAPTER 336

AN ACT TO AMEND 57 DELAWARE LAWS, CHAPTER 135, AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1970", BEING HOUSE BILL NO. 187 OF THE 125TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1970 BUDGET APPROPRIATION BILL.

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

Section 1. Section 9 of House Bill No. 187 of the 125th General Assembly, 57 Delaware Laws, Chapter 135, entitled "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1970", and also known as the 1970 Budget Appropriation Bill (hereinafter referred to as House Bill No. 187), is amended by striking the words "shall be reduced" in subsection (c) thereof and inserting in lieu thereof the words "may be reduced."

Section 2. Section 9 of House Bill 187 is further amended by adding a new subsection (e) thereto to read as follows:

(e) For the Fiscal Year ending June 30, 1970, the Board of Public Education in Wilmington shall be authorized to have Vocational Units based on the actual vocational enrollment in the Howard High School as of September 30, 1969.

Approved February 13, 1970.

CHAPTER 337

AN ACT RELATING TO A PENSION FOR EDITH E. FRANCIS, A FORMER EMPLOYEE OF THE YOUTH SERVICES COMMISSION OF DELAWARE.

WHEREAS, Edith E. Francis was employed by the Youth Services Commission of Delaware as a faithful public servant for many years; and

WHEREAS, while fully eligible to receive a state pension by virtue of years of service, the said Edith E. Francis because of personal circumstances failed to file an application for pension while still an employee of the State; and

WHEREAS, Edith E. Francis has earned the right to pension and should be eligible therefor.

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 Edith E. Francis for a service pension as of the date such application was originally filed in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Edith E. Francis to be eligible for said pension in accordance with her service to the State of Delaware.

Approved February 13, 1970.

CHAPTER 338

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE INDUSTRIAL ACCIDENT BOARD OF THE
STATE OF DELAWARE.**

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

Section 1. The sum of \$9,700 is appropriated to the Industrial Accident Board of the State of Delaware for the fiscal year ending June 30, 1970.

Section 2. This Act is a supplemental 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, 1970.

Approved February 13, 1970.

CHAPTER 339

AN ACT APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF MILITARY VETERANS WHO DIED WHILE IN THE ARMED SERVICES OF THE UNITED STATES OR WHO DIED FROM DISEASE, WOUNDS OR DISABILITIES RESULTING FROM SUCH SERVICE.

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

Section 1. The sum of \$15,000 is appropriated for the fiscal year ending June 30, 1970 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 1 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 training of such children in a sum not to exceed \$500 for any one child for any one year.

Section 4. The amounts that may be due or become due to any such educational or training institution not in excess of the amount specified in Section 3 thereof, shall be payable to said institution as herein mentioned from the fund hereby created on vouchers approved by the Director of the State Board for Vocational Education. It shall be the duty of the 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 thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon vouchers signed by the State Auditor, but the expenses shall not exceed the sum of \$1,000 in any one year, and further provided that said incidental expenses so appropriated shall be in addition to the moneys appropriated in Section 1 of this Act.

Section 5. This Act is a supplementary appropriation act and the money 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 February 13, 1970.

CHAPTER 340

AN ACT TO AMEND AN ACT AUTHORIZING THE CITY OF DOVER TO ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING THE EXTENSION, RECONSTRUCTION, OR IMPROVEMENT OF THE CITY'S WATER SYSTEM, ELECTRICAL SYSTEM AND SEWER SYSTEM, AND TO PROVIDE FOR THE PAYMENT OF SUCH BONDS BY DELETING THEREFROM THE MAXIMUM INTEREST RATE OF SAID BONDS.

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 111, Volume 52, Laws of Delaware, 1959, Section 4, is hereby amended by deleting therefrom the following words found in the fourth and fifth lines of said Section 4:

not exceeding six per centum (6%) per annum.

Approved February 13, 1970.

CHAPTER 341

AN ACT TO AMEND CHAPTER 65, TITLE 29, DELAWARE CODE, RELATING TO EXPENDITURES AND OBLIGATIONS.

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

Section 1: Section 6519, Chapter 65, Title 29, Delaware Code, is hereby amended by adding the second paragraph to read as follows:

Notwithstanding the above, school districts may requisition on or after March 1 school supplies for the following school year with the provision that the obligations thus incurred shall not be due and payable until on or after July 1 of the next fiscal year. This exception to the provision of the first paragraph of this Section shall be permitted under the rules and regulations of the Budget Director.

Approved March 23, 1970.

CHAPTER 342

AN ACT TO AMEND TITLE 21, DELAWARE CODE, ENTITLED "MOTOR VEHICLES" TO PROVIDE FOR SPECIAL NUMBER AND REGISTRATION PLATES FOR CERTAIN MOTOR VEHICLES OF THE FIRE DEPARTMENTS AND FIRE COMPANIES OF THIS STATE.

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

Section 1. Section 2158, Chapter 21, Title 21, Delaware Code, is amended by designating said section 2158 as section "2158 (a)".

Section 2. Section 2158, Chapter 21, Title 21, Delaware Code, is further amended by deleting the "." after the word "paid" appearing in line 13 of said section and inserting in lieu thereof the following:

" ; provided, however, that number and registration plates for certain motor vehicles of the fire departments and fire companies of this State shall have such design and bear such numbers, words and letters as provided for in subparagraph (b) of this section."

Section 3. Section 2158, Chapter 21, Title 21, Delaware Code, is further amended by adding thereto a new subparagraph "(b)" as follows:

"(b) Number and registration plates furnished by the Commissioner to fire departments and fire companies of this State for ambulances, fire trucks and rescue trucks shall have displayed thereon:

(1) the capital letter "A" followed by the fire station or fire company number for ambulance plates;

(2) the capital letter "F" followed by the fire station or fire company number for fire truck plates; and

(3) the capital letter "R" followed by the fire station or fire company number for rescue truck plates.

In addition, such plates shall have displayed thereon the word "Delaware", the words "THE FIRST STATE", the expiration date of the plates, the vehicles number assigned to the vehicle by the fire company, department or other proper official or organization, and red letters on white background."

Approved March 23, 1970.

CHAPTER 343

AN ACT TO AMEND SUBCHAPTER IV, TITLE 30, DELAWARE CODE, TITLED "STATE AID TO MUNICIPALITIES FOR STREETS", TO AUTHORIZE INCORPORATED MUNICIPALITIES TO MAKE SHORT TERM INVESTMENTS OF MUNICIPAL STREET AID PROGRAM FUNDS RECEIVED FROM THE STATE PENDING EXPENDITURE.

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

Section 1. § 5165, Title 30, Delaware Code, is amended by adding thereto a new Subparagraph "(c)" to read as follows:

(c) Pending expenditures of funds received under Section 5163 (b), (1) and (2), an incorporated municipality shall be authorized to make short term investments of such funds in United States Government securities, with any interest earned thereon to be used for the purposes set forth in Subparagraph (a) above; and such short term investments of such funds are not to be deemed to be "expenditures" of such funds which are prescribed by Subparagraph (a) above.

Approved March 23, 1970.

CHAPTER 344

**AN ACT TO AMEND TITLE 24, DELAWARE CODE, § 1766,
RELATING TO THE TERMINATION OF HUMAN PREG-
NANCY.**

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

Section 1. Title 24, Delaware Code, § 1766 is amended by striking subsection (b) thereof in its entirety and inserting in lieu thereof a new subsection (b) as follows:

(b) Whoever shall terminate or attempt to terminate or assist in the termination of a human pregnancy otherwise than by birth, except in accordance with the provisions of Subchapter VIII hereof, shall be guilty of a felony and shall be fined not more than \$5,000 and imprisoned not less than two nor more than ten years.

Approved March 24, 1970.

CHAPTER 345

**AN ACT TO AMEND TITLE 31, SECTION 503, DELAWARE
CODE, RELATING TO ELIGIBILITY FOR WELFARE
ASSISTANCE.**

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

Section 1. Amend Title 31, Section 503, Delaware Code, by adding at the end of subsection (a) the following sentence:

Further provided, assistance shall not be granted to any person who is the legal or equitable owner of two or more automobiles.

Approved March 25, 1970.

CHAPTER 346

**AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE
RELATING TO STATE TAXES ON THE CAPITAL
GAINS REALIZED FROM THE SALE OF A TAXPAY-
ER'S PRINCIPAL RESIDENCE.**

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

Section 1. Chapter 11, Title 30, Delaware Code, is amended by adding a new section 1149 to read as follows:

§ 1149. Treatment of capital gains realized from the sale of a taxpayer's principal residence

(a) If property used by the taxpayer as his old principal residence is sold by him after December 31, 1968 and within a period beginning one year before the date of such sale and ending one year after such date, property is purchased and used by the Taxpayer as his new principal residence, gain (if any) shall be recognized only to the extent that the taxpayer's adjusted sales price (as defined in subsection (b)) of the old residence exceeds the taxpayer's cost of purchasing the new residence.

(b) Adjusted sales price defined —

(I) For purposes of this section, the term "adjusted sales price" means the amount realized, reduced by the aggregate of the expenses for work performed on the old residence in order to assist in its sale.

(II) Limitations. — The reduction provided in paragraph (I) applies only to expenses —

(A) for work performed during the 90-day period ending on the day on which the contract to sell the old residence is entered into;

(B) which are paid on or before the 30th day after the date of the sale of the old residence; and

(C) which are —

(i) not allowable as deductions in computing taxable income; and

(ii) not taken into account in computing the amount realized from the sale of the old residence.

(III) Effective date. — The reduction provided in paragraph (I) applies to expenses for work performed in any taxable year, but only in the case of a sale or exchange of an old residence which occurs after December 31, 1968.

(c) Rules for application of section —

For purposes of this section:

(I) An exchange by the taxpayer of his residence for other property shall be treated as a sale of such residence, and the acquisition of a residence on the exchange of property shall be treated as a purchase of such residence.

(II) A residence any part of which was constructed or reconstructed by the taxpayer shall be treated as purchased by the taxpayer. In determining the taxpayer's cost of purchasing a residence, there shall be included only so much of his cost as is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account, during the period specified in subsection (a).

(III) If a residence is purchased by the taxpayer before the date of his sale of the old residence, the purchased residence shall not be treated as his new residence if sold or otherwise disposed of by him before the date of the sale of the old residence.

(IV) In the case of a new residence the construction of which was commenced by the taxpayer before the expiration of one year after the date of the sale of the old residence, the period specified in subsection (a), shall be treated as including a period of 18 months beginning with the date of the sale of the old residence.

(d) Basis of new residence — Where the purchase of a new residence results, under subsection (a) in the nonrecognition of gain on the sale of an old residence, in determining the adjusted basis of the new residence as of any time following the sale of the old residence, the adjusted basis shall include a reduction by an amount equal to the amount of the gain not so recognized on the sale of the old residence. For this purpose, the amount of the gain not so recognized on the sale of the old resi-

dence includes only so much of such gain as is not recognized by reason of the cost, up to such time, of purchasing the new residence.

(e) In order for this section to apply, the new residence purchased must be located within the State of Delaware.

(f) If the taxable or taxable and spouse or either of them have reached sixty-five (65) years of age before the date of the sale of their principal residence within Delaware a specific exemption of \$15,000 shall be granted to be applied against the capital gains resulting from the sale thereof provided that such premises shall have been the principal residence of the taxables during five of the preceding eight years before date of sale. The exemption provided by this subsection shall not apply to any sale made by the taxable or taxable and spouse or either of them if any exemption under this subsection has been allowed to either or both of them with respect to a previous sale of a residence. This subsection shall not apply to the sale of a principal residence which occurs before December 31, 1968.

(g) Principal residence shall refer to the dwelling of the taxable and the land immediately adjacent thereto, provided that land in excess of five (5) acres in area shall not be considered a part of the principal residence.

Approved March 25, 1970,

CHAPTER 347

**AN ACT TO AMEND SECTION 501, CHAPTER 5, TITLE 7,
DELAWARE CODE, RELATING TO LICENSES FOR
HUNTING, FISHING AND TRAPPING.**

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

Section 1. Amend § 501, Chapter 5, Title 7, Delaware Code, by deleting this section in its entirety and substituting therefor the following:

§ 501. License requirements for residents

Every resident of this State, except as otherwise provided in this Chapter, is to obtain a license before hunting and trapping and before fishing in this State; and every resident of this State under the age of 19 years shall have satisfactorily completed six hours of instruction in safety, conduct in the field wildlife management and laws pertaining to wildlife, such instruction to be provided by personnel of the Board of Game and Fish Commissioners or their authorized agents before a resident may hunt with firearms or bows and arrows in this State.

Section 2. This Act shall become effective July 1, 1970.

Approved March 25, 1970.

CHAPTER 348

AN ACT TO AMEND SECTION 1703 AND 1706, TITLE 14, DELAWARE CODE, RELATING TO UNITS OF PUPILS AND DIVISION II APPROPRIATION.

WHEREAS, there are more employment opportunities today than people trained to avail themselves of these opportunities; and

WHEREAS, certain trades and occupations are critically short of the craftsmen and technicians needed by our society; and

WHEREAS, approximately half our young people terminate their education at or before the end of the twelfth grade and so should be prepared by our education system to forthwith begin regular employment in a satisfying occupation of their choice; and

WHEREAS, in spite of the numerous job offerings, too many of our people, because they have no skills, remain unemployed or under-employed, their families often a burden on the taxpayer; and

WHEREAS, cooperative and work-study programs have proven extraordinarily successful as a rewarding transition from school to work, as have other vocational and occupation courses offered in our high schools; and

WHEREAS, the State Board of Education must annually approve vocational-occupational programs, it will, therefore, be necessary to maintain a perpetual evaluation of all such programs; and

WHEREAS, it is the intent of the Legislature to offer an incentive to all the school districts in the State to expand their vocational occupational offerings so that a higher percentage of high school pupils will be work oriented and trained to become productive citizens.

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 by striking the paragraph pertaining to vocational

school units, being the third full paragraph beginning with the word "Notwithstanding", in its entirety and substituting in lieu thereof the following:

"Notwithstanding the fact that such pupils have been counted in regular units of pupils, grades seven to twelve, inclusive, in the same or another school district, pupils who are enrolled in a vocational or occupational education program which has been approved annually by the State Board of Education and which is conducted by any public school district shall also be counted for entitlement to vocational units.

Pupils having been counted in the occupational-vocational units of pupils shall be deducted from the regular unit entitlement of a comprehensive high school according to the following formula:

Occupational-vocational units x .5 = deductible units
(A major fraction shall be considered a whole unit)

An occupational-vocational unit for financing purposes shall mean 450 pupil-periods per week or major fraction thereof after the first full unit. A pupil-period shall be defined as one pupil enrolled in an occupational-vocational class for a minimum of forty-five minutes."

Section 2. Section 1706, Title 14, Delaware Code, is hereby amended by striking the second paragraph in its entirety and substituting in lieu thereof the following:

"The first paragraph of this section notwithstanding, the funds appropriated to each district for expenses included in Division II based upon each occupational-vocational unit as defined in Section 1703 of this Chapter shall be either one, two, or three times the amount determined for each non-occupational-vocational unit as designated according to rules and regulations of the State Board of Education."

Section 3. The provisions of this Act for the New Castle County Vocational-Technical School District and for pupils enrolled in Howard High School in the Wilmington Public Schools shall become effective on July 1, 1970 and for all other school districts on July 1, 1971.

Approved March 25, 1970.

CHAPTER 349

AN ACT TO AMEND TITLE 30, CHAPTER 11, DELAWARE CODE, SECTION 1186, BY AUTHORIZING THE TAX COMMISSIONER TO PERMIT THE FINANCE OFFICER OF ANY MUNICIPALITY OF THIS STATE LEVYING WAGE OR INCOME TAX TO INSPECT THE INCOME TAX RETURN OF ANY INDIVIDUAL, COMPANY OR CORPORATION.

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

Section 1. Title 30, Chapter 11, Delaware Code, Section 1186, is hereby amended by striking the section and by inserting in lieu thereof the following Section 1186:

§ 1186. Inspection of returns by Commissioner of Internal Revenue; officials of other states; and municipalities of this state

Notwithstanding the provisions of section 1185 of this title, the Tax Commissioner may permit the Commissioner of Internal Revenue of the United States or the proper officer of any state imposing an income tax upon the incomes of individuals, or a financial officer designated by any municipality of this state which imposes an income tax or wage tax, or the authorized representative of any of such officers, to inspect the income tax return of any individual or may furnish to such officer or his authorized representative an abstract of the return of income of any individual or supply him with information contained in any return; or disclosed by the report of any investigation of the income or return of the income of any individual; but such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other states, as the case may be, grant substantially similar privileges to the proper officer of this State charged with the administration of the income tax law thereof. Provided, however, that the financial officer designated by any such municipality shall be permitted to inspect only those portions of the income tax return showing the taxable's wages and number of employees. Provided further, that no municipal offi-

cer shall be permitted to examine a taxable's return unless the taxable shall have contract with such municipality by way of place of residence or employment, and provided further, that no municipal officer shall be permitted to review any portion of a State tax return until the governing body of such municipality shall have adopted an ordinance requiring:

(a) that any information obtained from the State tax return be confidential and usable only for collection purposes;

(b) that such ordinance have the prior approval of the State Tax Commissioner as to form and substance;

(c) that the municipality pay to the State Tax Department the true cost of acquiring such information.

Approved April 7, 1970.

CHAPTER 350

AN ACT TO AMEND HOUSE BILL NO. 478 ENTITLED "AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, BY PROVIDING FOR THE COST OF THE PREMIUM OR SUBSCRIPTION CHARGES FOR A HEALTH CARE INSURANCE PLAN FOR REGULAR STATE EMPLOYEES AND ELIGIBLE PENSIONERS."

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

Section 1. Amend Section 1 of House Bill No. 478 by striking subsection (b) of Section 5121 of Title 29, Delaware Code, as it appears therein in its entirety and inserting in lieu thereof the following:

(b) The plan shall be for regular employees and eligible pensioners under sixty-five years of age and employees and eligible pensioners over Sixty-five years of age who are not entitled to services, rights or benefits under the federal Medicare Program (U.S. Public Law 89-97, as amended); and "Delaware-65" hospital and surgical/medical plan for full-time employees and eligible pensioners entitled to services, rights or benefits under the federal Medicare Program.

Approved April 9, 1970.

CHAPTER 351

**AN ACT TO AMEND TITLE 18, SECTION 1907, DELAWARE
CODE RELATING TO THE ELIGIBILITY OF SURPLUS
LINES INSURERS.**

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

Section 1. Amend Title 18 §1907, Delaware Code, by adding
a new subsection (c) to read as follows:

(c) An insurance company deemed eligible to write surplus
lines insurance pursuant to subsection (b) above may maintain
offices in Delaware subject to the provisions of this chapter and
to such regulations as the Commissioner may prescribe from
time to time.

Approved April 9, 1970.

CHAPTER 352

**AN ACT RELATING TO THE PROHIBITION OF SALES
OF ALCOHOLIC LIQUORS AT CERTAIN TIMES.**

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

Section 1. Amend §717 (c), Title 4, Delaware Code, by striking the words "or before nine o'clock in the morning or after twelve o'clock in the evening" as they appear therein and substituting in lieu thereof the words "or between the hours of one o'clock A.M. and nine o'clock A.M."

Section 2. Amend §717 (d), Title 4, Delaware Code, by striking the words "between twelve o'clock midnight of any day and nine o'clock in the forenoon of the following day," and substituting in lieu thereof the words "between the hours of one o'clock A.M. and nine o'clock A.M."

Approved April 9, 1970.

CHAPTER 353

AN ACT TO AMEND SECTION 5004, TITLE 15, DELAWARE CODE, RELATING TO THE USE OF VOTING MACHINES.

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

Section 1. Section 5004, Title 15, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section 5004 to read as follows:

§ 5004. When used

Voting machines shall be used throughout the State in all primary, general and special elections, and in all municipal elections in all incorporated cities and towns of this State. Voting machines may be used in elections held under the provisions of Title 14. The incorporated cities or towns as provided above, shall be authorized and empowered to utilize the voting machines in the custody of the Board of Election of the county in which they are located upon the payment by said cities, towns or school districts of all costs and expenses incidental to their use.

Approved April 9, 1970.

CHAPTER 354

AN ACT TO AMEND TITLE 17, SECTION 518, DELAWARE CODE SO AS TO INCREASE LITTER PENALTIES.

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

Section 1. Amend Title 17, §518, Delaware Code, by striking subsection (b) in its entirety including the last paragraph and inserting in lieu thereof a news subsection to read as follows:

(b) Whoever violates any provision of this section shall be punished as follows:

the court shall order the defendant within a specified period of time to clean up that section of the public highway or property within 100 feet of said public highway where the defendant has thrown, deposited or placed trash, rubbish or garbage, except that if the defendant refuses to do so, or if such is not possible or feasible, or if the defendant fails to do so to the satisfaction of the court he shall be fined not less than \$250 nor more than \$500 for each violation and there shall be no suspension of the fine as provided herein.

Section 2. Amend Title 17, Section 518, Delaware Code, by adding a new subsection (c) to read as follows:

(c) Each day that any violation is continued shall be deemed a separate offense and violation of the provisions of this section.

Approved April 9, 1970.

CHAPTER 355

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE
CODE RELATING TO THE LIMITATIONS UPON TAX-
ING POWER BY EXEMPTING LANDS AND IMPROVE-
MENTS OF THE CENTRAL GRANGE #61 FROM AS-
SESSMENT AND TAXATION.**

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

Section 1. Section 8105, Title 9, Delaware Code, is amend-
ed 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 Central Grange #61.

Approved April 9, 1970.

CHAPTER 356

AN ACT TO AMEND CHAPTER 155, VOLUME 28, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BLADES" TO PERMIT THE BORROWING OF MONEY IN ANTICIPATION OF REVENUES.

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 155, Volume 28, Laws of Delaware, as amended, is hereby further amended, by inserting a new Section designated as Section 22A to read as follows:

Section 22A. The Town may borrow money in anticipation of revenues on the faith and credit of the Town of Blades such sum or sums not exceeding Ten Thousand Dollars (\$10,000.00) in any one year when, in the opinion of a majority of the Town Council of Blades, the needs of the Town demand it. Any sum so borrowed shall be secured by promissory notes of the Town of Blades, duly authorized by Resolution of the Town Council of Blades and signed by the Mayor and attested by the Secretary 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 Blades 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 Town of Blades, 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. Any interest payable on any note or notes issued pursuant to this Section shall be exempt from taxation by the State of Delaware or any political subdivision thereof.

Approved April 9, 1970.

CHAPTER 357

AN ACT TO AMEND CHAPTER 155, VOLUME 28, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BLADES" BY CHANGING THE QUALIFICATIONS FOR VOTERS AT THE ANNUAL MUNICIPAL ELECTION AND PROVIDING A REGISTRATION SYSTEM FOR VOTERS.

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 2, Chapter 155, Volume 28, Laws of Delaware, as amended, is hereby further amended by striking the last sentence of the first paragraph thereof and inserting in lieu thereof the following:

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 bona fide resident of the Town of Blades for at least Three (3) months prior to the date of the Annual Election provided he or she has registered on the "Books of Registered Voters" of the Town of Blades. The Town Council shall provide two registers to be known as the "Books of Registered Voters" which are to be kept at the Office of the Town Council. The Books of Registered Voters shall contain the following information: The names of the voters arranged in alphabetical order, the permanent address of the voter, the birthdate of the voter, the date the voter became a resident of the Town of Blades and any other pertinent information. No person shall be registered upon the Books of Registered Voters unless he or she will have acquired the qualifications to vote in the Annual Election for the year in which he or she registers. A person shall be required to register only one time; PROVIDED, HOWEVER, that if a register voter fails to vote in Two (2) consecutive annual elections in which there is a contest for any office, 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 the said registered voter 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 the Registered Voters shall be maintained at the Office of the Town Council 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 Town Council during the regular office hours on any day until the close of business of such office on the Twentieth day prior to the day of the annual election by completing such forms as may be provided by the Town.

Approved April 9, 1970.

CHAPTER 358

AN ACT TO AMEND TITLE 10, SECTION 8901 OF THE DELAWARE CODE IN REGARD TO COMPENSATION OF JURORS.

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

Section 1. Section 8901, Title 10, Delaware Code, is amended to read as follows:

§8901. The fees of jurors, for the services specified, shall be as listed below. For attendance by grand, petit, or special juror, \$20 per day and 10 cents per mile going and returning.

Section 2. This Act shall become effective July 1, 1970.

Approved April 9, 1970.

CHAPTER 359

**AN ACT TO PERMIT INDIAN RIVER SCHOOL BOARD TO
TRANSFER CERTAIN FUNDS FROM ITS DEBT SERV-
ICE ACCOUNT TO ITS MINOR CAPITAL IMPROVE-
MENT 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. The Board of Education of the Indian River School District is authorized to transfer the sum of \$23,000 from its local debt service account to its minor capital improvement fund. The sum transferred is to be used for repairs to several schools in the District.

Approved April 9, 1970.

CHAPTER 360

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO REIMBURSE THE GOVERNOR'S CONTINGENCY
FUND FOR FUNDS TRANSFERRED TO THE FAMILY
COURT OF KENT AND SUSSEX COUNTIES.**

WHEREAS, on September 5, 1969 the sum of \$13,000 was transferred from the Governor's Contingency Fund to the Family Court of Kent and Sussex Counties for wages, salaries and capital outlay; and

WHEREAS, this transfer of funds was critical to the continued operation of the Court, permitting it to hire additional staff; and

WHEREAS, the Governor's Contingency Fund must be reimbursed for these funds so transferred;

NOW, THEREFORE,

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

Section 1. The sum of \$13,000 is appropriated to the Governor's Contingency Fund for the purpose of reimbursing the Fund for sums transferred to the Family Court of Kent and Sussex Counties on September 5, 1969.

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 9, 1970.

CHAPTER 361

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE LEGISLATIVE COUNCIL OF DELAWARE.**

WHEREAS, the Legislative Council now has been charged with the ordering of supplies for both Houses of the Delaware General Assembly, in addition to its own needs; and

WHEREAS, the Legislative Council has provided additional legal and secretarial services for both Houses of the General Assembly during the present fiscal year; and

WHEREAS, the Legislative Council has contracted with Mitchell Associates, Inc. for design and consultant services in conjunction with the completion of the council wing in Legislative Hall;

NOW, THEREFORE,

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

Section 1. The sum of \$24,000 is appropriated to the Legislative Council of Delaware for the balance of the fiscal year beginning July 1, 1969, and ending June 30, 1970.

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 9, 1970.

CHAPTER 362

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE COMMISSION FOR THE BLIND FOR BUS TRANSPORTATION OF BLIND CHILDREN OF DELAWARE TO AND FROM THE MARYLAND SCHOOL FOR THE BLIND.

WHEREAS, nineteen blind children, who are residents of Delaware, are attending the Maryland School for the Blind, near Baltimore, under the supervision of the Delaware Commission for the Blind; and

WHEREAS, under the present arrangement, these children are required to return to their homes in Delaware after classes on Friday and return to the Maryland School on Sunday evening; and

WHEREAS, the parents of these children are presently providing the transportation to and from the Maryland school at great expense and inconvenience; and

WHEREAS, The Delaware Commission for the Blind, after having received bids from certain bus companies, has determined that the sum of \$8,000 is needed to provide bus transportation for these children;

NOW, THEREFORE,

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

Section 1. The sum of \$8,000 is appropriated to the Delaware Commission for the Blind.

Section 2. The money appropriated herein shall be used by the Delaware Commission for the Blind for bus transportation of blind children of the State of Delaware to and from the Maryland School for the Blind, near Baltimore.

Section 3. This Act shall be effective upon the signature of the Governor and shall apply to the remainder of the school year which commenced September, 1969.

Section 4. This Act is a supplementary appropriation and the monies hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated. If any of such funds so appropriated remain unexpended upon June 30, 1970, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved April 9, 1970.

CHAPTER 363

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO ADOPTION AND TERMINATION OF PARENTAL RIGHTS TO DEFINE "ABANDONED" IN THE ADOPTION STATUTE CONSISTENTLY WITH THE DEFINITION IN THE TERMINATION OF PARENTAL RIGHTS STATUTE, TO DEFINE "AUTHORIZED AGENCY" TO INCLUDE OUT-OF-STATE AGENCIES, TO ESTABLISH JURISDICTION OVER ADOPTIONS WHEN THE AUTHORIZED AGENCY IS LOCATED WITHIN DELAWARE, TO PERMIT ADOPTIONS BASED ON CONSENT OF OUT-OF-STATE AGENCIES, AND TO PERMIT TRANSFER OF PARENTAL RIGHTS FROM A DELAWARE AGENCY TO AN OUT-OF-STATE AGENCY.

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

Section 1. Section 901, Chapter 9, Title 13, Delaware Code, is amended by deleting the definitions of "Abandoned" and "Authorized agency" as presently set forth in that Section and substituting the following therefor:

" 'Abandoned' shall be interpreted as referring to any child who, for a period of one year, has not received any regular and reasonable financial help from or any substantial visits from his parent or parents or any person having parental rights or responsibility and on whose behalf no substantial contacts have been initiated by his parent or parents or any person having parental rights or responsibility; provided, however, that in the case of any illegitimate child or foundling, or when the child's father is someone other than said mother's husband (which fact shall be deemed established, prima facie, for the purposes of this statute only, if said mother files an affidavit so averring) then 'abandoned' may be interpreted by the court, in its discretion, as referring to a child who, for a period of six months has not received any regular financial help from or any substantial visits from his parent or parents or any person having parental rights or responsibility and on whose behalf no substantial contacts

have been initiated by his parent or parents or any person having parental rights or responsibility.”

“ ‘Authorized agency’ means any agency licensed by the Department of Public Welfare of this state to place children for adoption, or any agency duly approved, certified, recognized or licensed by the proper authority of any other state in which that agency is located to place children for adoption;”

Section 2. Section 902, Chapter 9, Title 13, Delaware Code, is amended by deleting paragraph (b) thereof and substituting the following therefor:

“(b) A petition for adoption shall be filed either in the Orphans’ Court of the county in which the authorized agency placing the child is located, or the Orphans’ Court of the county in which the petitioner resides.”

Section 3. Section 904, Chapter 9, Title 13, Delaware Code, is amended by deleting all of subparagraph (3) thereof.

Section 4. Section 906, Chapter 9, Title 13, Delaware Code, is amended by deleting the phrase “or an accredited out-of-state agency” from the first sentence of paragraph (b) thereof.

Section 5. Section 907, Chapter 9, Title 13, Delaware Code, is amended by deletion of the final sentence thereof, which sentence reads:

“If the child is brought into the state for the purpose of adoption in this state, the permission of the Department of Public Welfare must be obtained in accordance with Section 926 of this title.”

Section 6. Section 908, Chapter 9, Title 13, Delaware Code, is amended by the addition of a new subparagraph, under subparagraph (2) following subparagraph (c) and preceding subparagraph (3) to read as follows:

“(D) By an authorized agency of any other state having the right to consent to an adoption or having accepted consent or relinquishment (for adoption or permanent planning) from the natural parent, parents or guardian in accordance with the law of that jurisdiction.”

Section 7. Section 926, Chapter 9, Title 13, Delaware Code, is amended to read as follows:

"No person or organization, except Delaware authorized agencies licensed by the Department of Public Welfare, shall bring into this state, for the purpose of adoption within the state, a child from outside this state unless such person first receives permission from the Department of Public Welfare. No petition for the adoption of a child brought into the state in violation of this section shall be presented."

Section 8. Section 1101, Chapter 11, Title 13, Delaware Code, is amended by deleting the definition of "Authorized agency" as presently set forth in that section and substituting the following therefor:

"'Authorized agency' means any agency licensed by the Department of Public Welfare of this state to place children for adoption, or any agency duly approved, certified, recognized or licensed by the proper authority of any other state in which that agency is located to place children for adoption;"

Section 9. Section 1102, Chapter 11, Title 13, Delaware Code, is amended by the addition of a new paragraph to read as follows:

"(c) Whenever the Orphans' Court shall assume jurisdiction of a child for the purposes of this chapter, it shall be deemed to have retained jurisdiction for the purposes of proceeding under Chapter 9 of this title relating to adoption."

Approved April 11, 1970.

CHAPTER 364

AN ACT TO AMEND SECTION 464, TITLE 11, DELAWARE CODE, RELATING TO SPEARGUNS.

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

Section 1. Section 464, Title 11, Delaware Code, is amended by striking the catchline and inserting in lieu thereof a new catchline to read as follows:

§ 464. Possession or sale of spring or air weapon, speargun, or silencer; exceptions

Section 2. Section 464, Title 11, Delaware Code, is amended by adding a new subsection (f) to read as follows:

(f) Whoever shall sell or give a child under sixteen years of age any speargun shall be fined in such amount as the court, in its discretion, may determine, and shall be held legally responsible for any and all personal injury or property damage resulting therefrom.

Section 3. Section 464, Title 11, Delaware Code, is amended by adding a new subsection (g) to read as follows:

(g) No child under the age of 16 years shall have possession of any speargun unless under the direct supervision of a full adult. The parent or legal guardian of a child violating the provisions of this subsection shall be fined an amount not to exceed \$25 and with the knowledge of such parent or legal guardian shall be financially liable for any property damage or physical injury that occurs as the result of such violation.

Approved April 11, 1970.

CHAPTER 365

AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO CERTIFICATES AND STATE LICENSES ISSUED TO OSTEOPATHIC PHYSICIANS.

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

Section 1. Section 1753, Section IV, Chapter 17, Title 24, Delaware Code, is amended by striking subsection (a) and substituting in lieu thereof a new subsection (a) as follows:

(a) All osteopathic physicians licensed in the State and those applicants successfully passing the examination and those admitted to practice by reciprocal agreement, shall be entitled to receive, and shall receive, from the Medical Council, a certificate to practice medicine and surgery in the State.

Section 2. Section 1754, Subchapter IV, Chapter 17, Title 24, Delaware Code, is amended by striking said section and substituting in lieu thereof a new § 1754 as follows:

§ 1754. State License

The State Tax Commissioner shall, upon the payment of the amount of the State license fee prescribed by law, issue to any osteopathic physician authorized by law to practice in this State and to any such person who presents to him the certificate of the Medical Council, a license signed by the State Tax Commission certifying that such a person is licensed to practice medicine and surgery in this State conformably to its law.

Approved April 13, 1970,

CHAPTER 366

AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE BY ADDING A NEW SECTION 2721 AND SECTION 2722 RELATING TO A MEDICAL ADVISORY BOARD FOR THE MOTOR VEHICLE DEPARTMENT.

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

Section 1. Amend Title 21, Delaware Code, Chapter 27 by adding a new section 2721 to read as follows:

§ 2721. Medical Advisory Board

(a) There shall be a Medical Advisory Board consisting of a minimum of three members nominated by the President of the Medical Society of Delaware and appointed by the Commissioner. The Chairman of the Board shall be the Executive Secretary of the State Board of Health. At least one member shall be an optometrist nominated by the President of the Delaware Optometric Association.

(b) The Board shall advise the Commissioner on medical criteria and vision standards relating to the licensing of drivers under the provisions of this chapter.

(c) Upon the determination of the Commissioner that a licensed driver or applicant for a license may not be physically, visually, or mentally qualified to be licensed, he will mail to the licensed driver or applicant for a license a registered letter with return receipt requested stating the need for a medical or optometric evaluation along with instructions. Attached to this letter will be a physical, or visual examination report. The individual so notified shall be required within thirty (30) days from the date of notification to have this report completed. He shall make arrangements to be examined by a private physician or private optometrist of his choice at his expense or if it is determined by the Commissioner that the individual is unable to pay for this examination the Commissioner shall arrange with a Deputy Health Officer of the State to have this examination performed. The completed report shall be forwarded by the examining physician or optometrist to the Commissioner.

(d) If this report is not received within the allotted 30 days or if a reasonable explanation for the delay is not received the Commissioner shall notify the individual that his driving privilege has been suspended until such report is received and evaluated. Upon receipt of the completed report the Commissioner shall forward this report to the Executive Secretary of the State Board of Health for review.

(e) The Executive Secretary shall review the report to determine if the case warrants evaluation by the Board. If the report gives no medical information indicating impairment of any degree the report shall be returned to the Commissioner with the indication that there is no apparent need for action based on medical impairment. If the information in the medical report warrants review by the Board a copy of the report shall be forwarded to each member of the Board for evaluation.

(f) After review, each member of the Board shall report his recommendations to the Commissioner. The members of the Board shall not meet as a group, unless such a meeting is called by the Chairman, but rather each member shall arrive at an opinion independently and shall inform the Commissioner of his recommendations. These recommendations could involve any of the following by way of illustration but not of limitation :

1. No action against driver or applicant.
2. Periodic medical evaluation.
3. Specific license restrictions.
4. Further medical or optometric evaluation.
5. Driver improvement activity, including retesting.
6. License suspension.

(g) The Commissioner shall make the final decision on whether the driver or applicant for a license should be licensed, refused, issued a restricted license, or have his license suspended.

(h) Upon the decision of the Commissioner the Department shall notify the driver or applicant and shall afford him an opportunity of a hearing before the Department in the County where he resides. Upon such hearing the Commissioner may rescind the order there being a showing of good cause.

(i) Members of the Board and other persons making or evaluating examinations shall not be held liable for their opinions and recommendations.

(j) Physicians and optometrists shall serve on the Board without pay. Their identities shall be kept confidential.

(k) Reports received or made by the Board, or its members, for the purpose of assisting the Commissioner in determining whether a person is qualified to be licensed are for the confidential use of the Board or the Commissioner and may not be divulged to any person or used as evidence in any trial except that the reports may be admitted in proceedings under Section 2715 and Section 2734 of this chapter.

(1) To maintain confidential the identities of the members of the Board they shall not be required to appear in court. If the qualifications of the members to make recommendations are challenged in court the Commissioner shall give the court brief professional biographies outlining the training experience of each member.

Section 2. Amend Title 21, Delaware Code, Chapter 27 by adding a new Section 2722 to read as follows:

§ 2722. Standards

The Commissioner shall have the authority to promulgate standards which may be applied by the Medical Advisory Board. Such standards shall also apply to the final determination of the Commissioner upon the physical, visual or mental qualifications of a driver or applicant.

Approved April 13, 1970.

CHAPTER 367

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 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 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 Section 11 thereof and inserting in lieu thereof a new Section 11 to read 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 a limit established by the Wilmington School Tax Commission, in cents on each one dollar of the value of real and personal property as assessed and taxable for the City purposes. The Wilmington Tax Commission shall be composed of the Mayor of the City of Wilmington, the President of the City Council of the City of Wilmington, the President of the Board of Public Education in Wilmington, and two (2) City Councilmen, not of the same political party, to be appointed by the Mayor.

Each of the two (2) Councilmen appointed by the Mayor under the provision of this Act shall serve a term of one (1) year

commencing January 1st and ending December 31st in each calendar year, except that any Councilman appointed by the Mayor upon the enactment of this Act shall serve initially only until the end of that calendar year.

The "Wilmington School Tax Commission" must meet before March 31st in order to establish the limit on the taxing authority of the Council except in 1970 when they must meet by June 30th.

The Mayor shall serve as Chairman of this Commission and the Commission shall meet at the call of the chair.

The concurrence of at least three (3) of the elected officials, serving on the Commission, shall be required in establishing the limit set forth in this section.

Approved April 13, 1970.

CHAPTER 368

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 81 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF AGRICULTURE, DEFINING ITS ORGANIZATION, POWERS, DUTIES AND FUNCTIONS AND PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE GOVERNOR TO IMPLEMENT THE PROVISIONS OF THIS ACT.

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

Section 1. Title 29, Delaware Code, is hereby amended by adding a new Chapter thereto to be designated as Chapter 81 to read as follows:

CHAPTER 81. DEPARTMENT OF AGRICULTURE

§ 8101. Establishment of Department of Agriculture

A Department of Agriculture is hereby established having the following powers, duties, and functions:

(a) The Department of Agriculture shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions heretofore vested in:

(1) The State Board of Agriculture pursuant to the provisions of Title 3, Delaware Code, Chapters 1, 3, 5, 11, 13, 15, 16, 17, 19, 21, 25, 31, 33, 35, 37, 39, 51, 53, 55, 61, 63, 65, 67, 71, 73, 75, 87 and 90; Title 16, Delaware Code, Chapter 41;

(2) The State Board of Agriculture and the State Division of Weights and Measures, pursuant to the provisions of Title 6, Delaware Code, Chapter 51;

(3) The State Forestry Department and Commission pursuant to Title 7, Delaware Code, Chapter 29, Sections 2909, 2910 and 2911 and the State Tree Nursery only.

(b) The administrative, ministerial, fiscal and clerical functions of the State Farmland Evaluation Advisory Committee set forth in Title 9, Delaware Code, Chapter 83, Section 8331D.

§ 8102. Secretary; Division Directors; Acting Secretary; Appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Agriculture, 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. He shall be paid an annual salary not in excess of \$25,000.

(b) In the event the position of Secretary is vacant, the Governor, by appointment, shall have the power to fill the position or positions of division director as are vacant. Directors so appointed shall serve at the pleasure of the Governor and upon the position of Secretary being filled such directors may be removed by the Secretary with the written approval of the Governor.

(c) In the event of death, resignation, temporary, incapacity or removal of the Secretary and prior to the appointment of his successor, the Governor may appoint the director of any division of the Department to serve as Acting Secretary. The Secretary may, during his absence from the State, appoint the director of any division of the Department to serve as Acting Secretary during such absence. In either case the Acting Secretary shall have all the powers and shall perform all the duties and functions of the Secretary during his absence or incapacity or until his successor is duly qualified and appointed.

§ 8103. Powers, duties and functions of the Secretary

The Secretary shall have the following powers, duties and functions:

(a) To supervise, direct and account for the administration and operation of the Department, its divisions, subdivisions, offices, functions and employees;

(b) To appoint, and fix the salary of, with the written approval of the Governor, the following division directors, who may be removed from office by the Secretary with the written approval of the Governor, and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Secretary;

(1) A Director of the Division of Standards and Inspections, who shall be known as the Director of Standards and Inspections, and who shall be qualified by training and experience to perform the duties of his office.

(2) A Director of the Division of Production and Promotion, who shall be known as the Director of Production and Promotion, and who shall be qualified by training and experience to perform the duties of his office.

(c) To appoint such additional personnel as may be necessary for the administration and operation of the Department within such limitations as may be imposed by law;

(d) To establish, consolidate or abolish such divisions, subdivisions and offices within the Department or transfer or combine the powers, duties and functions of the divisions and offices within the Department as the Secretary, with the written approval of the Governor, may deem necessary, provided that all powers, duties and functions required by law shall be provided for and maintained;

(e) To make and enter into any and all contracts, agreements or stipulation, and to retain, employ and contract for the services of private and public consultants, research and technical personnel and to procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed by the Secretary necessary or desirable in the performance of the functions of the Department and whenever funds shall be available for such purpose. All necessary legal services shall be provided pursuant to Title 29, Delaware Code, Chapter 25;

(f) To delegate any of his powers, duties or functions to a director of a division except his power to remove employees of the Department or to fix their compensation;

(g) To establish and to promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by him and which are not inconsistent with the laws of this State;

(h) To maintain such facilities throughout the State as may be required for the effective and efficient operation of the Department;

(i) To adopt an official seal or seals for the Department.

§ 8104. Division of Standards and Inspections

(a) The Division of Standards and Inspections is hereby established having such powers, duties and functions as may be assigned to it by the Secretary consistent with the provisions of this Chapter.

§ 8105. Division of Production and Promotion

(a) The Division of Production and Promotion is hereby established having such powers, duties and functions as may be assigned to it by the Secretary consistent with the provisions of this Chapter;

(1) The Division of Production and Promotion shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in;

(i) The Delaware State Apple Commission, pursuant to the provisions of Title 3, Delaware Code, Chapters 51 and 53.

(ii) The Delaware State Poultry Commission pursuant to the provisions of Title 3, Delaware Code, Chapter 61.

(2) The Division of Production and Promotion shall also have such other powers, duties and functions as may be assigned to it by the Secretary consistent with the provisions of this Chapter.

§ 8106. Council on Apple Promotion

(a) There is hereby established the Council on Apple Promotion.

(b) The Council on Apple Promotion shall serve in an advisory capacity to the Director of Production and Promotion and shall consider matters relating to planning and conducting campaigns of education, advertising, publicity, sales promotion and research for the purpose of increasing the demand for and the consumption of Delaware apples and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Production and Promotion. The Council may study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Apple Promotion, upon the effective date of this Chapter, shall be composed of the members of the Delaware State Apple commission whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Apple Promotion for the period of his unexpired term, unless he vacates his position by resignation, death or incapacity. The Council shall be composed of three (3) members. When the number of the members has been reduced to less than three (3), by reason of expiration of terms, resignations, death or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first appointee shall serve for a term of one (1) year, the next appointee shall serve for a term of two (2) years, and the third appointee shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) When the number of members of the Council has been reduced to less than three (3), no more than two (2) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to the provision hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 8107. Council on Poultry Promotion

(a) There is hereby established the Council on Poultry Promotion.

(b) The Council on Poultry Promotion shall serve in an advisory capacity to the Director of Production and Promotion and shall consider matters relating to the promotion, study and activity of the poultry industry in the State of Delaware and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Production and Promotion. The Council may study, research, plan and advise the Director, the Secretary and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Poultry Promotion, upon the effective date of this Chapter, shall be composed of the members of the Delaware State Poultry Commission whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Poultry Promotion for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. When the number of the members has been reduced to less than seven (7), by reason of expiration of terms, resignations, death or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. When the number of members has been reduced to less than seven (7), the Council shall thereafter be composed of not more than seven (7) members.

(d) When the number of members of the Council has been reduced to less than seven (7), no more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) After the Council has been reduced to seven (7), any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term, shall be filled only for the remainder of that term.

§ 8108. Governor's Council on Agriculture

(a) There is hereby established the Governor's Council on Agriculture.

(b) The Governor's Council on Agriculture shall be composed of the members of the State Board of Agriculture whose terms, as of the effective date of this Chapter, have not expired. In addition thereto, the Governor shall appoint four (4) new members. Each member of the State Board of Agriculture shall serve for the period of his unexpired term unless he vacates his position by resignation, death, or incapacity. The terms of new members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years. The Council shall be composed of not more than seven (7) members, one (1) of whom shall be designated by the Governor as Chairman of the Governor's Council on Agriculture and he shall serve as such at the pleasure of the Governor.

(c) The Governor's Council on Agriculture shall advise, recommend and refer to the Secretary of the Department matters which, in its opinion, are of departmental concern and shall consider such other matters as may be referred to it by the Governor or the Secretary of the Department. The Council may study, research, plan, and advise the Secretary and the Governor on matters it deems appropriate to enable the Department to function in the best possible manner.

(d) No more than four (4) members of the Council shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(c) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and nec-

essary expenses incident to their duties as members of the Council.

§ 8109. Books; Records; Access; Annual Report

(a) The Governor's Council on Agriculture shall have access to all books, records, reports, and other documents relating to the Department of Agriculture unless otherwise prohibited by law.

(b) The various councils of the divisions of the Department of Agriculture shall have access to all books, records, reports, and other documents relating to their respective divisions unless otherwise prohibited by law.

(c) The Chairman of the Governor's Council on Agriculture and the chairmen of the councils of the divisions of the Department shall make an annual report of the activities of each of said councils to the Secretary of the Department, the Governor and the General Assembly and render such other reports as the Secretary, the Governor or the General Assembly may from time to time request or as may be required by law.

§ 8110. Exemptions

(a) The following positions set forth in this Act shall be exempt from the provisions of Title 29, Delaware Code, Chapter 59:

- (1) Secretary of Agriculture;
- (2) Director of Standards and Inspections;
- (3) Director of Production and Promotion.

§ 8111. Functions prior to effective date of this chapter

The Department, through appropriate divisions, subdivisions, and offices, shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions vested by law in the State Board of Agriculture, the State Division of Weights and Measures, the Delaware State Apple Commission, the Delaware State Poultry Commission and all matters pertaining to privately owned forest and woodlands within the State immediately prior to the effective date of this chapter and which are not otherwise hereinabove specifically transferred to the Department by the provisions of this Chapter.

§ 8112. Appeals

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions hereby transferred to the Department or to any division or subdivision thereof shall continue to exist with respect to such act or acts as hereafter performed by the Department or by the division, subdivision or office to which such function is hereby transferred, and each such appeal shall be perfected in the manner heretofore provided by law.

§ 8113. Transfers and continuity

(a) All books, records, papers, maps, charts, plans and other material including, but not limited to, any equipment in the possession of any agency of the State and used in connection with a function hereby transferred to the Department shall on the effective date of this Chapter be delivered into the custody of the Department.

All investigations, petitions, hearings, and legal proceedings pending before or instituted by any agency from which functions are hereby transferred and not concluded prior to the effective date of this Chapter shall continue unabated and remain in full force and effect, notwithstanding the passage of this Chapter and where necessary, may be completed before, by, or in the name of the Department. All orders, rules and regulations made by any agency from which functions are hereby transferred and governing such functions and which are in effect upon the effective date of this Chapter shall remain in full force and effect until revoked or modified in accordance with law by the Department. All contracts and obligations of any agency made or undertaken in the performance of a function hereby transferred to the Department and being in force on the effective date of this Chapter, shall, notwithstanding the provisions of this Chapter, remain in full force and effect and be performed by the Department.

(b) All employees of any commission, board, department, council or agency, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, shall continue and be deemed to be the employees of the Department on the effective date of this Chapter and, where applicable with all the benefits accrued as merit employees as of the effective date of this Chapter.

(c) All definitions and references to any commission, board, department, council or agency which appear in any other Act or law shall, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, be construed as referring and relating to the Department of Agriculture as created and established herein.

(d) All definitions and references to any director, commissioner, executive secretary, commission, board or council member or other similar person which appear in any other Act or law, shall, to the extent that same are consistent with this Chapter, and in connection with a function hereby transferred to the Department, be construed as referring or relating to such person or persons and their powers, duties and function as established and created herein.

§ 8114. Annual report

The Secretary of the Department shall make an annual report to the Governor and the General Assembly of the Department's operations, and render such other reports as the Governor or General Assembly may from time to time request or as may be required by law.

§ 8115. Misnomer of Department in donation

Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department if it sufficiently appears by the will, conveyance or other writing, that the party making the same intended to pass and convey thereby to the Department or to any commission, board, department, authority, council or agency, to which, by the provisions of the Act, the powers, duties and functions have been transferred to the Department, the estate or interest therein expressed or described.

§ 8116. Budgeting and financing

The Secretary, in cooperation with the division directors, shall prepare a proposed budget for the operation of the Department to be submitted for the consideration of the Governor and the General Assembly. The Department shall be operated within the limitation of the Annual Appropriation and any other funds appropriated by the General Assembly.

Special funds may be used in accordance with approved programs, grants and appropriations.

§ 8117. Severability

If any provision of this Chapter, or of any rule, regulation or order thereunder of the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Chapter and the application of such provisions of this Chapter or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected hereby.

Section 2. The provisions of this Act shall become effective on the date the Governor signs an executive order stating that he has found it administratively feasible to implement this Act or on January 1, 1971, whichever first occurs.

Section 3. The sum of Ten Thousand Dollars (\$10,000) is hereby appropriated to the Governor for the fiscal year ending June 30, 1970 for the purposes of implementing the provisions of this Act. This appropriation shall be considered as a supplementary appropriation and shall be paid out of funds not otherwise appropriated and any portion thereof which is unexpended or unencumbered as of June 30, 1970 shall revert to the General Fund.

Section 4. Any sums appropriated to any board, commission, department, council or agency affected by this Act and which, upon the effective date of this Act, are unencumbered or unexpended shall be and are hereby appropriated and transferred to the Department of Agriculture.

Approved April 15, 1970.

CHAPTER 369

AN ACT TO AMEND CHAPTER 7, TITLE 13, DELAWARE CODE, RELATING TO MINORS' CONSENT TO DIAGNOSTIC AND LAWFUL THERAPEUTIC PROCEDURES, CARE AND TREATMENT FOR PREGNANCY OR CONTAGIOUS DISEASES.

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

Section 1. Chapter 7, Title 13, Delaware Code, is hereby amended by adding thereto the following new Section 708:

§ 708. Minors' consent to diagnostic and lawful therapeutic procedures; care and treatment for pregnancy or contagious diseases

(a) A minor twelve (12) years of age or over who professes to be either pregnant or afflicted with contagious, infectious or communicable diseases within the meaning of 16 Delaware Code, Chapter 5 and 7, may give written consent to any licensed physician, hospital or public clinic for any diagnostic and lawful therapeutic procedures, medical or surgical care and treatment, including X-rays, by any physician licensed for the practice of medicine or surgery or osteopathic medicine or surgery in Delaware and by any hospital or public clinic, their qualified employees or agents while acting within the scope of their employment.

(b) Such consent so given by a minor 12 years of age or over shall, notwithstanding his or her minority, be valid and legally effective for all purposes, regardless of whether such minor's profession of pregnancy or contagious disease is subsequently medically confirmed, and shall be binding upon such minor, his or her parents, legal guardians, spouse, heirs, executors, and administrators as effectively as if such minor were 21 years of age or over at the time of giving of such consent. A minor giving such consent shall be deemed to have the same legal capacity to act and the same legal obligations with regard to giving such consent as if such minor were 21 years of age or over. Consent so given shall not be subject to later disaffirm-

ance by reason of such minority; and the consent of no other person or Court shall be necessary for the performance of the diagnostic and lawful therapeutic procedures, medical or surgical care and treatment rendered such minor.

(c) The physician licensed for the practice of medicine or surgery or hospital to whom such consent shall be given may, in the sole exercise of his, her, or its discretion, either provide or withhold from the parents or legal guardian or spouse of such minor such information as to diagnosis, therapeutic procedures, care and treatment rendered or to be rendered the minor as such physician, surgeon or hospital deems to be advisable under the circumstances, having primary regard for the interests of the minor.

(d) Lawful therapeutic procedures permitted hereunder shall include abortion as permitted under Delaware law and any subsequent amendments thereof.

(e) The parents, legal guardian or spouse of a consenting minor shall not be liable for payment for diagnostic and lawful therapeutic procedures performed, medical or surgical care or treatment rendered or hospital confinement pursuant to this section.

(f) Notice of intention to perform any operation otherwise permitted hereunder shall be given the parents or legal guardian of such minor at their last-known address, if available, by telegram set at time of diagnosis by the surgeon designated to perform such operation; provided that such operation may proceed forthwith after diagnosis if there is reason to believe that delay would endanger the life of such minor or there is a reasonable probability of irreparable injury.

(g) Nothing contained in this section shall be construed to relieve any licensed physician, hospital or public clinic, their agents and/or employees, from liability for their negligence in the diagnosis, care and treatment rendered such minor.

Approved April 16, 1970.

CHAPTER 370

AN ACT TO AMEND SECTION 9121, TITLE 9, DELAWARE CODE, RELATING TO THE AUTHORIZED MILEAGE RATE FOR OFFICERS OR EMPLOYEES OF ALL OF THE COUNTIES OF THE STATE OF DELAWARE.

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

Section 1. Section 9121, Title 9, Delaware Code, is hereby amended by striking the word "eight" as it appears in the last line of said section, and inserting in lieu thereof, the word "ten".

Approved April 16, 1970.

CHAPTER 371

**AN ACT TO AMEND TITLE 17, § 705, DELAWARE CODE,
RELATING TO RAILROAD CROSSINGS OF PUBLIC
HIGHWAYS.**

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

Section 1. Amend Title 17, § 705, Delaware Code, by striking in its entirety subsection (c) and inserting a new subsection (c) to read as follows:

(c) Every corporation operating any line of railroad within the State shall cause its trains to cross a highway or road for the public use within 10 minutes or less so that the highway or road is not blocked for any longer period of time unless it is determined that an emergency is the cause of the delay.

Section 2. Amend Title 17, § 705, Delaware Code, by adding a new subsection (d) to read as follows:

(d) If any corporation neglects or omits the performance of the duty prescribed and imposed by subsection (c) of this section, it shall be fined no less than \$500 and not more than \$1000 for the first conviction and not less than \$1000 and not more than \$2000 for each subsequent conviction if a subsequent conviction occurs within one year after a previous conviction.

Section 3. Amend Title 17, § 705, Delaware Code, by adding a new subsection (e) to read as follows:

(e) Justices of the Peace shall have jurisdiction of offenses under this section. There shall be a right of appeal to the Superior Court in every case.

Approved April 16, 1970.

CHAPTER 372

AN ACT TO AMEND SECTION 2711, TITLE 11, DELAWARE CODE, RELATING TO PROSECUTION OF CHILDREN AS ADULTS AND SENTENCING OF SUCH CHILDREN.

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

Section 1. Section 2711, Title 11, Delaware Code, is amended by striking the "." at the end of said Section 1, and inserting in lieu thereof the following:

, provided however, in lieu of sentencing such child as an adult, the Superior Court may, in imposing sentence upon such child, in its discretion, commit a male child to Ferris School for Boys and a female child to Woods Haven Kruse School for Girls, or the Court may commit such child to the custody of the Youth Services Commission for such security and rehabilitative service as such agency considers needed by the child until such custody shall be later terminated by the Court on its motion or on the petition of custodian.

Approved April 16, 1970.

CHAPTER 373

AN ACT TO AMEND VOLUME 56, LAWS OF DELAWARE, CHAPTER 435 BY AUTHORIZING THE UNIVERSITY OF DELAWARE TO USE FUNDS APPROPRIATED BY SAID ACT TO DEFRAY IN PART THE CONSTRUCTION COSTS OF THE BUSINESS AND ECONOMICS BUILDING AT THE UNIVERSITY OF DELAWARE.

WHEREAS, under the provisions of the Annual Capital Improvement Act of 1968, Volume 56, Laws of Delaware, Chapter 121, there was appropriated to the University of Delaware the sum of three million eight hundred and fifty-five thousand dollars (\$3,855,000) of which the sum of two million two hundred and forty-four thousand dollars (\$2,244,00) was allocated to defray in part the cost of the Business and Economics Building at the University of Delaware which is under contract to be constructed at a cost of three million five hundred forty-four thousand six hundred and twenty-two dollars (\$3,544,622) ; and

WHEREAS, the University of Delaware applied for Federal funds in the amount of three hundred thousand six hundred and twenty-two dollars (\$300,622) under Title II of the Higher Education Act of 1963 to complete said construction costs; and

WHEREAS, no grant of Federal funds has been made and the University of Delaware is in urgent need of additional funds to complete said Business and Economics Building which is presently being constructed; and

WHEREAS, Chapter 435 of Volume 56, Laws of Delaware, appropriated to the University of Delaware the sum of one million five hundred and fifty thousand dollars (\$1,550,000) and authorized the issuance of bonds and bond anticipation notes therefor, which appropriation was to be used for the renovation and remodeling of Brown Laboratory at the University of Delaware; and

WHEREAS, Section 6 of said Act provided that in the event the University of Delaware obtained a grant under Title II of the Higher Education Act of 1965 to defray in part the

cost of the renovation and remodeling of Brown Laboratory, the appropriation therein provided for shall be reduced by the amount of such grant; and

WHEREAS, the University of Delaware has been notified of a grant under Title II of the Higher Education Act of 1965 in the amount of two hundred thousand dollars (\$200,000) to defray in part the cost of the renovation of Brown Laboratory at the University of Delaware; and

WHEREAS, it is deemed desirable that the two hundred thousand dollars (\$200,000) originally appropriated for part of the cost of renovating Brown Laboratory and no longer needed for that purpose, shall be used to finance a part of the deficit for the construction of the Business and Economics Building at the University of Delaware.

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. Chapter 435 of Volume 56, Laws of Delaware, is hereby amended by striking out and repealing all of Section 6 thereof.

Section 2. Chapter 435 of Volume 56, Laws of Delaware, is hereby further amended by striking out in Section 1 thereof the words "which shall be used for the renovation and remodeling of Brown Laboratory at the University of Delaware" and by inserting in lieu thereof, the words:

of which the sum of one million three hundred and fifty thousand dollars (\$1,350,000) shall be used for the renovation and remodeling of Brown Laboratory and the sum of two hundred thousand dollars (\$200,000) shall be used to defray in part the construction costs of the Business and Economics Building at the University of Delaware.

Approved April 16, 1970.

CHAPTER 374

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION IN THE AMOUNT OF \$78,724.00 TO THE UNIVERSITY OF DELAWARE FOR "OPERATIONS".

WHEREAS, the salaries of employees in the classified service have been increased by the provisions of Senate Bill No. 455; and

WHEREAS, adjustments in the pay scales of University of Delaware employees comparable to employees in the classified service in grades 1 through 18 are essential to the retention and recruitment of such University of Delaware employees; and

WHEREAS, the monies appropriated to the University of Delaware for employees' salaries are included in the line item designated "Operations".

NOW, THEREFORE,

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

Section 1. The sum of \$78,724 is hereby appropriated to the University of Delaware as an additional sum for the line item designated "Operations" for the fiscal year ending June 30, 1970.

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 16, 1970.

CHAPTER 375

AN ACT TO AUTHORIZE A HIGHWAY CROSSING AT GRADE IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, OVER THE SEAFORD SECONDARY TRACKS OF THE PENN CENTRAL RAILROAD.

WHEREAS, the condition of the travelway of Road No. 499 where said roadway crosses, at grade, the Seaford Secondary Tracks of the Penn Central Railroad at a location approximately one half of a mile south of the southerly limits of the Town of Laurel in Little Creek Hundred, Sussex County, has deteriorated to a point where it has become a hazard to motor vehicular traffic using said crossing; and

WHEREAS, the Attorney General of Delaware has indicated, in an opinion, that since the grade crossing in question is not a public crossing and according to the provisions of Section 707, Title 17, Delaware Code, the State Highway Department is prohibited from constructing a crossing at grade at the aforementioned location; and

WHEREAS, a proper construction of the said grade crossing is considered essential to the safety of motor vehicular traffic utilizing such crossing;

NOW, THEREFORE,

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

Section 1. The State Highway Department is authorized to construct at grade a crossing in Little Creek Hundred, Sussex County over the Seaford Secondary Tracks of the Penn Central Railroad at a location approximately one half of a mile south of the southern limits of the Town of Laurel; said location being the site where Road No. 499 currently crosses said tracks at grade.

Section 2. The construction of said crossing at grade provided for in Section 1 hereof is authorized notwithstanding the provisions of Section 707, Title 17, Delaware Code.

Approved April 16, 1970.

CHAPTER 376

**AN ACT TO ALLOW PAYMENT OF INTEREST UPON
LOCAL SCHOOL FUNDS ON DEPOSIT.**

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

Section 1. Section 1924, Chapter 19, Title 14, Delaware Code, as amended by House Bill No. 384 which appears as 57 Laws of Delaware, Chapter 284, effective July 15, 1969, is hereby amended by striking Section 1924 in its entirety and substituting in lieu thereof a new Section 1924 to read as follows:

§ 1924. Payment of interest upon local school funds on deposit

(a) On the 30th day of June and the 31st day of December of each year hereafter the State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer in the Farmers Bank of the State of Delaware such amounts of interest as determined by this section upon such funds. This section shall be deemed an amendment to any prior legislation concerning the payment of interest on such funds inconsistent herewith.

(b) With regard to school operating and debt service funds, the State Treasurer shall credit the operating account and debt service account respectively of each district with interest at the same rate as that paid on State funds by the Farmers Bank on 80% of the average balances in operating and debt service accounts for six month periods ending in May and in November. The average balance shall be determined by averaging the balances of such funds as of that day of each month when the balances of all State funds deposited with the State Depository are determined.

(c) With regard to school construction funds, the State Treasurer shall credit the debt service account of each local school district with interest at the same rate as that paid the State by the Farmers Bank on 90% of the average balance of that proportion of the construction accounts, contributed by the local district for six month periods ending in May and November.

The average proportional amount contributed by the local school district shall be determined by averaging the balances of such proportional amounts as of that day of each month on which the balances of all State funds deposited with the State Depository are determined.

Section 2. The provisions of this Act shall be retroactive to July 15, 1969.

Approved April 16, 1970.

CHAPTER 376

**AN ACT TO ALLOW PAYMENT OF INTEREST UPON
LOCAL SCHOOL FUNDS ON DEPOSIT.**

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

Section 1. Section 1924, Chapter 19, Title 14, Delaware Code, as amended by House Bill No. 384 which appears as 57 Laws of Delaware, Chapter 284, effective July 15, 1969, is hereby amended by striking Section 1924 in its entirety and substituting in lieu thereof a new Section 1924 to read as follows:

§ 1924. Payment of interest upon local school funds on deposit

(a) On the 30th day of June and the 31st day of December of each year hereafter the State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer in the Farmers Bank of the State of Delaware such amounts of interest as determined by this section upon such funds. This section shall be deemed an amendment to any prior legislation concerning the payment of interest on such funds inconsistent herewith.

(b) With regard to school operating and debt service funds, the State Treasurer shall credit the operating account and debt service account respectively of each district with interest at the same rate as that paid on State funds by the Farmers Bank on 80% of the average balances in operating and debt service accounts for six month periods ending in May and in November. The average balance shall be determined by averaging the balances of such funds as of that day of each month when the balances of all State funds deposited with the State Depository are determined.

(c) With regard to school construction funds, the State Treasurer shall credit the debt service account of each local school district with interest at the same rate as that paid the State by the Farmers Bank on 90% of the average balance of that proportion of the construction accounts, contributed by the local district for six month periods ending in May and November.

The average proportional amount contributed by the local school district shall be determined by averaging the balances of such proportional amounts as of that day of each month on which the balances of all State funds deposited with the State Depository are determined.

Section 2. The provisions of this Act shall be retroactive to July 15, 1969.

Approved April 16, 1970.

CHAPTER 377

AN ACT APPROVING THE SALE, TRANSFER AND CONVEYANCE OF CERTAIN PUBLIC LAND BY THE STATE OF DELAWARE TO THE TOWN OF SMYRNA.

WHEREAS, the State of Delaware holds title to the following described parcel of land which is situate in Duck Creek Hundred, Kent County, State of Delaware; and

WHEREAS, said parcel of land is part of the same lands and premises which Cummins E. S. Speakman and wife by deed dated December 3, 1931 and recorded in the Office of the Recorder of Deeds, in and for Kent County, State of Delaware in Deed Record D, Volume 14, Page 45, conveyed to the State of Delaware; and

WHEREAS, the Town of Smyrna needs said parcel of land for the purpose of installing a sewage pumping station thereon, and wishes to purchase said land from the State of Delaware; and

WHEREAS, said parcel of land is under the supervision and control of the Delaware Home and Hospital for the Chronically Ill at Smyrna, which approves of the sale and conveyance of said land to the Town of Smyrna; and

WHEREAS, Title 7, Section 4520 (c), Delaware Code, requires that the Legislature specifically approve the transfer or conveyance of public lands;

NOW, THEREFORE,

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

Section 1. The sale, transfer and conveyance of the following described parcel of land by and from the State of Delaware to the Town of Smyrna is hereby specifically approved:

All that certain lot, piece or parcel of land with no improvements thereon erected, situate in Duck Creek Hundred, Kent

County, State of Delaware, lying on the northwesterly side of Sunnyside Road, being bounded on the east by the aforesaid Sunnyside Road and on the southwest and north by other lands of the Grantor and having a frontage on the aforesaid westerly side of Sunnyside Road on One hundred twenty (120') feet and extending back therefrom between parallel line a distance of One hundred (100') feet and continuing within the aforesaid area, a total of 12,000 square feet of land, be the same more or less, and appearing on a Plot for proposed right of way for Sunnyside Pumping Station dated June, 1969, prepared by Whitman, Requardt & Associates, Consulting Engineers, Baltimore, Maryland.

Approved April 16, 1790.

CHAPTER 378

**AN ACT TO AMEND SECTIONS 1054 AND 1061, TITLE 14,
DELAWARE CODE, RELATING TO VACANCIES ON
SCHOOL BOARDS.**

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

Section 1. Section 1054, Title 14, Delaware Code, is amended by adding a new subsection as follows:

(d) In the event of vacancies under this section which are to be filled at the next regular school board election, candidates shall file for the position vacant to fill the remainder of the unexpired term in accordance with the provisions of Section 1075 of this Chapter.

Section 2. Section 1061, Title 14, Delaware Code, is amended by adding the following sentence to this section: In the event it becomes necessary to fill a vacancy for any reason other than the expiration of term, the new member must be selected from the residents of the previously existing school district and in accordance with Section 1054 of this Chapter.

Approved April 16, 1970.

CHAPTER 379

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF CIVIL DEFENSE.**

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

Section 1. The sum of \$8,404 is appropriated to the Department of Civil Defense for Contractual Services for the fiscal year beginning July 1, 1969 and ending June 30, 1970.

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 not revert to the General Fund on June 30, 1970, but any money appropriated herein and unexpended shall revert to the General Fund on June 30, 1971.

Approved April 16, 1970.

CHAPTER 380

AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, ENTITLED, "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO DELETE ANY ABATEMENT OF 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 (C), Section 27, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said subsection (C) and substituting in lieu thereof the following:

(C) In the collection of said taxes, before the first day of September next, there shall be no interest nor penalty added to the amount of tax assessed by the City Council. On all taxes paid after the first day of September as aforesaid, interest at the rate of one-half of one per cent (.5%) per month and an additional sum of one per cent (1%) per month as a penalty shall be added until the same shall have been paid. The Council shall have the power to make just allowance for delinquencies in the collection of taxes. All taxes unpaid after the first day of September shall be considered delinquent. In effecting collection of any delinquent tax, the City Council may impose a collection charge not to exceed Eighteen per cent (18%) of the amount of the tax, and any interest or penalty imposed thereon.

Approved April 16, 1970.

CHAPTER 381

AN ACT TO AMEND TITLE 14, DELAWARE CODE, CHAPTER 51, SECTION 5115 RELATING TO THE AUTHORITY OF THE UNIVERSITY OF DELAWARE TO ISSUE BONDS BY REMOVING THE CEILINGS ON INTEREST RATES AND INTEREST COSTS.

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

Section 1. Title 14, Delaware Code, Chapter 51, Section 5115 is hereby amended by striking therefrom the words, "not exceeding six per centum".

Section 2. Title 14, Delaware Code, Chapter 51, Section 5115 is further amended by striking therefrom the words, "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 six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values".

Approved April 16, 1970.

CHAPTER 382

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 82 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF PUBLIC SAFETY, DEFINING ITS ORGANIZATION, POWERS, DUTIES AND FUNCTIONS AND PROVIDING FOR THE TRANSFER OF MATERIALS AND EQUIPMENT TO SAID DEPARTMENT FROM VARIOUS STATE AGENCIES AND PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE GOVERNOR TO IMPLEMENT THE PROVISIONS OF THIS ACT.

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

Section 1. Title 29, Delaware Code, is hereby amended by adding a new Chapter thereto to be designated as Chapter 82 to read as follows:

CHAPTER 82. DEPARTMENT OF PUBLIC SAFETY

§ 8201. Establishment of Department of Public Safety

A Department of Public Safety is established.

§ 8202. Secretary, Division Directors; Acting Secretary; appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Public Safety, who shall be a person qualified by training and experience to perform the duties of his office and preference shall be given to a resident of this State provided that he is acceptable and equally qualified. 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. He shall be paid an annual salary not in excess of \$30,000.

(b) In the event the position of Secretary is vacant, the Governor, by appointment, shall have the power to fill the posi-

tion or positions of division director as are vacant. Directors so appointed shall serve at the pleasure of the Governor and upon the position of Secretary being filled such directors may be removed by the Secretary with the written approval of the Governor.

(c) In the event of death, resignation, temporary incapacity or removal of the Secretary and prior to the appointment of his successor, the Governor may appoint the director of any division of the Department to serve as Acting Secretary. The Secretary may, during his absence from the State, appoint the director of any division of the Department to serve as Acting Secretary during such absence. In either case the Acting Secretary shall have all the powers and shall perform all the duties and functions of the Secretary during his absence or incapacity or until his successor is duly qualified and appointed.

§ 8203. Powers, duties and functions of the Secretary

The Secretary shall have the following powers, duties and functions:

(a) To supervise, direct and account for the administration and operation of the Department, its division, subdivisions, offices, functions and employees;

(b) To appoint, and fix the salary of, with the written approval of the Governor, the following division directors, who may be removed from office by the Secretary with the written approval of the Governor, and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Secretary;

(1) A Director of the Division of State Police, who shall be known as the Superintendent of State Police and shall hold the rank of Colonel. The Superintendent of State Police shall be qualified by training and experience to perform the duties of his office. He shall be chosen from among the ranks of the State Police and shall have been promoted through the normal promotional policies of the State Police. The Superintendent of State Police serving at the date of the enactment of this statute shall be appointed Director of the Division of State Police and shall continue in that capacity until the date of his retirement.

(2) A Director of the Division of Boiler Safety who shall be known as the Director of Boiler Safety and who shall be qualified by training and experience to perform the duties of his office.

(3) A Director of the Division of Civil Defense, who shall be known as the Director of Civil Defense, and who shall be qualified by training and experience to perform the duties of his office.

(4) A Director of the Division of Motor Vehicles, who shall be known as the Director of Motor Vehicles, and who shall be qualified by training and experience to perform the duties of his office.

(5) An administrator and head of the Office of Intergovernmental Services, who shall be known as the Chief of Intergovernmental Services, and who shall be qualified by training and experience to perform the duties of his office.

(c) To appoint such additional personnel as may be necessary for the administration and operation of the Department within such limitations as may be imposed by law;

(d) To establish, consolidate or abolish such divisions, subdivisions and offices within the Department or transfer or combine the powers, duties and functions of the divisions, subdivisions and offices within the Department as the Secretary, with the written approval of the Governor, may deem necessary, provided that all powers, duties and functions required by law shall be provided for and maintained;

(e) To make and enter into any and all contracts, agreements or stipulations, and to retain, employ and contract for the services of private and public consultants, research and technical personnel and to procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed by the Secretary necessary or desirable in the performance of the functions of the Department and whenever funds shall be available for such purpose. All necessary legal services shall be provided pursuant to Title 29, Delaware Code, Chapter 25;

(f) To delegate any of his powers, duties or functions to a director of a division except his power to remove employees of the Department or to fix their compensation;

(g) To establish and to promulgate such rules and regulations governing the administration and operation of the Department as may be deemed necessary by him and which are not inconsistent with the laws of this State;

(h) To maintain such facilities throughout the State as may be required for the effective and efficient operation of the Department;

(i) To adopt an official seal or seals for the Department.

§ 8204. Office of Intergovernmental Services

(a) The Office of Intergovernmental Services is hereby established having powers, duties and functions as follows:

(1) The Office of Intergovernmental Services shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The Delaware Police Training Commission pursuant to Title 11, Delaware Code, Chapter 84;

(ii) The State Highway Department, the State Highway Commission, the State Police, the Superintendent of the State Police, and the State Communications Division pursuant to the provisions of Title 17, Delaware Code, Chapter 16.

(2) In addition to the foregoing powers, duties and functions, the office of Intergovernmental Services shall have such other powers, duties and functions as may be assigned to it by the Secretary of the Department, including the administration, operation, planning and coordination of services, programs and functions which are common to or performed by law enforcement agencies and other public safety agencies at the state, county and local levels of government.

§ 8205. Council on Police Training

(a) There is hereby established the Council on Police Training.

(b) The Council on Police Training shall serve in an advisory capacity to the Chief of Intergovernmental Services and shall consider matters relating to police training and such other matters as may be referred to it by the Governor, Secretary of

the Department, or Chief of the Office of Intergovernmental Services. The Council may study, research, plan and advise the Chief, the Secretary and the Governor on matters it deems appropriate to enable the Office of Intergovernmental Services to function in the best possible manner.

(c) The Council on Police Training, upon the effective date of this Chapter, shall be composed of the members of the Delaware Police Training Commission pursuant to the provisions of Title 11, Delaware Code, Chapter 84, whose terms, as of the effective date of this Chapter, have not expired. They shall serve as members of the Council on Police Training for the period of their unexpired term. Thereafter, the qualifications, terms, manner of appointment and all other circumstances relating to the composition of the Council shall be the same as those provided by Title 11, Delaware Code, Chapter 84.

§8206. Division of State Police

(a) The Division of State Police is hereby established having powers, duties and functions as follows:

(1) The Division of State Police shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The State Highway Department, the State Highway Commission, the State Police, and the Superintendent of the State Police, pursuant to the provisions of Title 11, Delaware Code, Chapter 83, Subchapter 1;

(ii) The State Highway Department, the State Highway Commission, the State Police, the Superintendent of the State Police, and the State Bureau of Identification, pursuant to the provisions of Title 11, Delaware Code, Chapter 85.

§ 8207. Division of Motor Vehicles

(a) The Division of Motor Vehicles is hereby established having powers, duties, and functions as follows:

(1) The Division of Motor Vehicles shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The State Highway Department, the State Highway Commission, the Motor Vehicle Department and the Motor Vehicle Commissioner, pursuant to the provisions of Title 21, Delaware Code, Chapters 1, 3, 7, 21, 23, 25, 27, 29, 41, 42, 43, 44, 61, 63, 65, 67, 80, and 81.

(iii) The Motor Vehicle Commissioner pursuant to the provisions of Title 21, Delaware Code, Chapter 45 except § 4505 thereof.

(2) The Reciprocity Commission pursuant to the provisions of Title 21, Delaware Code, Chapter 4. The Director of Motor Vehicles shall have the authority to make any necessary agreements pursuant thereto, with the approval of the Secretary.

§ 8208. Division of Civil Defense

(a) The Division of Civil Defense is hereby established having powers, duties and functions as follows:

(1) The Division of Civil Defense shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Department of Civil Defense, pursuant to the provisions of Title 20, Delaware Code, Chapters 31, and 33.

§ 8209. Council on Civil Defense

(a) There is hereby established the Council on Civil Defense.

(b) The Council on Civil Defense shall serve in an advisory capacity to the Director of Civil Defense and shall consider matters relating to preparation for and carrying out of all emergency functions other than functions for which military forces or other Federal Agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action, or by fire, flood or other causes upon the Governor's declaration that an emergency exists, and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Civil Defense. The Council may also study, research, plan, and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Civil Defense, upon the effective date of this Chapter, shall be composed of seven (7) members appointed by the Governor. The terms of the members shall be staggered. The first two (2) appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) No more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

§ 8210. Division of Boiler Safety

(a) The Division of Boiler Safety is hereby established having powers, duties and functions as follows:

(1) The Division of Boiler Safety shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(i) The Board of Boiler Rules, pursuant to the provisions of Title 16, Delaware Code, Chapter 85.

§ 8211. Council on Boiler Safety

(a) There is hereby established the Council on Boiler Safety.

(b) The Council on Boiler Safety shall serve in an advisory capacity to the State Fire Marshal and shall consider matters relating to the sale, operation, construction and use of boilers in the State of Delaware and such other matters as may

be referred to it by the Governor, Secretary of the Department or the State Fire Marshal. The Council may study, research, plan and advise the State Fire Marshal, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Boiler Safety, upon the effective date of the Chapter, shall be composed of the members of the Board of Boiler Rules whose terms, as of the effective date of this Chapter have not expired. Each member shall serve as a member of the Council on Boiler Safety for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. When the number of the members has been reduced to less than five (5) by reason of expiration of terms, resignations, death or incapacity, the Governor shall appoint new members. The terms of the new members shall be staggered. The first appointee shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years, and the next two (2) appointees shall serve for a term of three (3) years. Thereafter all new appointees shall serve for a term of three (3) years. The Council shall be composed of five (5) members and preferably one shall be a professor of mechanical engineering; another, a manufacturer who shall have been actively engaged in the manufacture of boilers; another, a user of boilers; another, a mechanical engineer; and the fifth, a licensed stationary engineer.

(d) No more than three (3) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(f) A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the ex-

piration of his term, shall be filled only for the remainder of that term.

§ 8212. Governor's Council on Public Safety

(a) There is hereby established the Governor's Council on Public Safety.

(b) The Governor's Council on Public Safety shall be composed of seven (7) members, the following five (5) of which shall be *ex officio*; the Chairman of the State Fire Prevention Commission, the Chairman of the Council on Police Training, the Chairman of the Council on Boiler Safety, the Chairman of the Council on Civil Defense and a retired member of the State Police who attained the rank of Captain or higher. In addition to the foregoing *ex officio* members, the Governor shall appoint two (2) other members. The terms of the members other than the *ex officio* members shall be staggered. The first appointee shall serve for a term of two (2) years, and the other appointee shall serve for a term of three (3) years. Thereafter, said appointees shall serve for a term of three (3) years. Any new appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of his term shall be filled only for the remainder of that term. One member of the Council shall be designated by the Governor as Chairman of the Governor's Council on Public Safety and he shall serve as such at the pleasure of the Governor.

(c) The Governor's Council on Public Safety shall advise, recommend and refer to the Secretary of the Department matters which, in its opinion, are of departmental concern and shall consider such other matters as may be referred to it by the Governor or the Secretary of the Department. The Council may study, research, plan and advise the Secretary and the Governor on matters it deems appropriate to enable the Department to function in the best possible manner.

(d) Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

§ 8213. Books, records; access; annual report

(a) The Governor's Council on Public Safety shall have access to all books, records, reports and other documents relating to the Department of Public Safety unless otherwise prohibited by law.

(b) The various councils of the divisions of the Department of Public Safety shall have access to all books, records, reports, and other documents relating to their respective divisions unless otherwise prohibited by law.

(c) The Chairman of the Governor's Council on Public Safety and chairmen of the councils of the divisions of the Department shall make an annual report of the activities of each of said councils to the Secretary of the Department, the Governor and the General Assembly and render such reports as the Secretary, the Governor or the General Assembly may from time to time request or as may be required by law.

§ 8214. Exemptions

The following positions set forth in this Act shall be exempt from the provisions of Title 29, Delaware Code, Chapter 59;

- (1) Superintendent of State Police;
- (2) Director of Boiler Safety;
- (3) Director of Civil Defense;
- (4) Director of Motor Vehicles;
- (5) Chief of Intergovernmental Services.

§ 8215. Functions prior to effective date of this chapter

The Department, through appropriate division, subdivisions, and offices, shall have the power to perform and shall be responsible for the performance of all of the powers, duties and functions vested by law in the State Police Division of the State Highway Department, the Superintendent of the State Police, the State Communications Division, the State Bureau of Identification, the Motor Vehicle Division of the State Highway Department, the Motor Vehicle Commissioner, the Delaware Police Training Commission, the Department of Civil Defense and the Board of Boiler Rules immediately prior to the effective date of

this Chapter and which are not otherwise hereinabove specifically transferred to the Department by the provisions of the Chapter.

§ 8216. Appeals

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any functions hereby transferred to the Department or to any division or subdivision thereof shall continue to exist with respect to such act or acts as hereafter performed by the Department or by the division, subdivision or office to which such function is hereby transferred, and each such appeal shall be perfected in the manner heretofore provided by law.

§ 8217. Transfers and continuity

(a) All books, records, papers, maps, charts, plans and other material including, but not limited to, any equipment in the possession of any agency of the State and used in connection with a function hereby transferred to the Department shall on the effective date of this Chapter be delivered into the custody of the Department. All investigations, petitions, hearings, and legal proceedings pending before or instituted by any agency from which functions are hereby transferred and not concluded prior to the effective date of this Chapter shall continue unabated and remain in full force and effect, notwithstanding the passage of this Chapter and where necessary, may be completed before, by or in the name of the Department. All orders, rules and regulations made by any agency from which functions are hereby transferred and governing such functions and which are in effect upon the effective date of this Chapter shall remain in full force and effect until revoked or modified in accordance with law by the Department. All contracts and obligations of any agency made or undertaken in the performance of a function hereby transferred to the Department and being in force on the effective date of this Chapter shall, notwithstanding the provisions of this Chapter, remain in full force and effect and be performed by the Department.

(b) All persons in the custody or under the jurisdiction or control of the Superintendent of the State Police or the State Police Division of the State Highway Department on the effective

date of this Chapter, are hereby transferred to the custody and jurisdiction of the Department.

(c) The Department shall succeed to the custody and control of all monies and personal property held by the State Police Division of the State Highway Department, the Superintendent of the State Police, the Motor Vehicle Division of the State Highway Department and the Motor Vehicle Commissioner belonging to persons under their jurisdiction.

(d) All employees of any commission, board, department, authority or agency shall, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, shall continue and be deemed to be the employees of the Department on the effective date of this Chapter and, where applicable, with all the benefits accrued as merit employees as of the effective date of this Chapter.

(e) All definitions and references to any commission, board, department, authority or agency which appear in any other Act or law shall, to the extent that the same are consistent with this Chapter and in connection with a function hereby transferred to the Department, be construed as referring and relating to the Department of Public Safety as created and established herein.

(f) All definitions and references to any director, commissioner, executive secretary, commission, board, or council member or other similar person which appear in any other Act or law shall, to the extent that same are consistent with this Chapter, and in connection with a function hereby transferred to the Department, be construed as referring or relating to such person or persons and their powers, duties and functions as established and created herein.

§ 8218. Annual Report

The Secretary of the Department shall make an annual report to the Governor and the General Assembly of the Department's operations, and render such other reports as the Governor or General Assembly may from time to time request or as may be required by law.

§ 8219. Misnomer of Department in donation

Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department if it sufficiently appears by the will, conveyance or other writing, that the party making the same intended to pass and convey thereby to the Department or to any commission, board, department, authority, council or agency, to which, by the provisions of the Act, the powers, duties and functions have been transferred to the Department, the estate or interest therein expressed or described.

§ 8220. Budgeting and Financing

The Secretary, in cooperation with the division directors, shall prepare a proposed budget for the operation of the Department to be submitted for the consideration of the Governor and the General Assembly. The Department shall be operated within the limitation of the Annual Appropriation and any other funds appropriated by the General Assembly.

Special funds may be used in accordance with approved programs, grants and appropriations.

§ 8221. Severability

If any provision of this Chapter, or of any rule, regulation or order thereunder of the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Chapter and the application of such provisions of this Chapter or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected hereby.

Section 2. The provisions of this Act shall become effective on the date the Governor signs an executive order stating that he has found it administratively feasible to implement this Act or on January 1, 1971, whichever first occurs.

Section 3. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated to the Governor for the fiscal year ending June 30, 1970 for the purposes of implementing the provisions of this Act. This appropriation shall be considered as a supplementary appropriation and shall be paid out of funds not otherwise ap-

propriated and any portion thereof which is unexpended or unencumbered as of June 30, 1971 shall revert to the General Fund.

Section 4. Any sums appropriated to any board, commission, department, division, council or agency affected by this Act and which, upon the effective date of this Act, are unencumbered or unexpended shall be and are hereby appropriated and transferred to the Department of Public Safety.

Approved April 22, 1970.

CHAPTER 383

AN ACT TO AMEND DELAWARE CODE, TITLE 14, RELATIVE TO THE PUBLIC SCHOOL SYSTEM BY DEFINING THE LAWFUL AUTHORITY OF TEACHERS AND PUPILS.

WHEREAS, fifty-six (56) Delaware Laws, Chapter 220, effective December 20, 1967, did establish the lawful authority of teachers and pupils; and

WHEREAS, fifty-six (56) Delaware Laws, Chapter 292, Section 32, effective July 1, 1969, repealed from the Law the entire Chapter in which this Section was contained; and

WHEREAS, it appears desirable to the conduct of the public school system that this definition be re-established;

NOW, THEREFORE,

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

Section 1. Amend Delaware Code, Title 14, by adding a new Chapter 7 to read as follows:

CHAPTER 7. LAWFUL AUTHORITY OF TEACHERS AND PUPILS

§ 701. Every teacher and administrator in the public schools of this State 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 such pupils.

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.

Approved April 23, 1970.

CHAPTER 384

AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO THE STATE ELECTION COMMISSIONER BY PROVIDING FOR REPORTING BY HIS OFFICE OF THE RESULTS OF A GENERAL ELECTION.

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

Section 1. Amend Title 15, Delaware Code, §303, by adding thereto a new section to read as follows:

(12) To collect unofficial results of the general election at each election district in the State and to tabulate, report and disseminate the results of the election as soon as possible to the public.

Approved April 23, 1970.

CHAPTER 385

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE NATIONAL GUARD.**

WHEREAS, there is available \$45,000 in Federal Funds for the purpose of repairing Delaware Armories on a three for one matching basis;

NOW, THEREFORE,

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

Section 1. In addition to other sums previously appropriated, the sum of \$15,000 is appropriated to the Delaware National Guard for the fiscal year ending June 30, 1970, to be used for the purpose of repairing armories.

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, 1971.

Approved April 23, 1970.

CHAPTER 386

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF CORRECTION, STATE OF
DELAWARE.**

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

Section 1. The sum of \$7,500 is appropriated to the Department of Correction, State of Delaware, for Shift Differential Pay for certain employees in accordance with Section V — Paragraph 5, 1030 Rules for Merit System of Personnel Administration (Part 1). Said Appropriation shall be effective as of January 1, 1970.

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, 1970.

Section 4. The payments authorized by this Act shall commence no sooner than April 1, 1970.

Approved April 23, 1970.

CHAPTER 387

**AN ACT TO AMEND SECTION 342, TITLE 11, DELAWARE
CODE, TO INCREASE THE PENALTIES FOR VIOLA-
TION OF CRUELTY TO ANIMAL LAWS.**

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

Section 1. Amend Title 11, Section 342, Delaware Code, by striking the figure "25" as contained in subparagraph (a) thereof and substituting in lieu thereof the figure "50".

Approved April 23, 1970.

CHAPTER 388

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE YOUTH SERVICES COMMISSION.**

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

Section 1. The sum of Fifty-five Hundred Dollars (\$5,500) is appropriated to the Salary Account of the Executive Director of the Youth Services Commission for the fiscal year beginning July 1, 1969 and ending June 30, 1970.

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 funds hereby appropriated which remain unexpended on June 30, 1970 shall revert to the General Fund of the State of Delaware.

Approved April 27, 1970.

CHAPTER 389

AN ACT TO AMEND TITLE 30, DELAWARE CODE, CHAPTER 29, RELATING TO THE LICENSE FEE PAID BY RETAILERS BY PROVIDING AN INCREASE IN THE REDUCTION FROM GROSS PURCHASES BEFORE COMPUTING SAID FEE.

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

Section 1. Title 30, Delaware Code, Section 2905 is amended by striking the words "twenty-five thousand dollars (\$25,000.00) annually," as they appear in subsection (b) thereof and inserting in lieu thereof the following:
twenty thousand dollars (\$20,000.00) each quarter. Said twenty thousand dollar (\$20,000.00) reduction is not to be accumulated, but is applicable for each quarterly installment due pursuant to section 2905 (c) of this Title.

Section 2. Section 1 of this Act shall be effective for purchases made during the quarter commencing April 1, 1970, and for each quarter thereafter.

Section 3. The reduction provided in Section 2905 (b), Title 30, Delaware Code, which was in effect prior to the effective date of this Act, shall continue to be the deduction applicable for the quarter comprised of the months of January, February and March, 1970.

Section 4. Any taxes due and owing the State of Delaware by virtue of Section 2905 (b), Title 30, Delaware Code, as it existed prior to the effective date of this Act, shall continue to be owed and due the State with the said previous annual reduction. Any liability or possible prosecution for insufficient payment or lack of payment of taxes due and owing to the State prior to the effective date of this Act, shall remain in full force and effect until all such taxes have been paid.

Section 5. Should the provisions of Section 1 of this Act be held unconstitutional by any Court of competent jurisdiction

tion, the reduction shall be that reduction which was in effect prior to the effective date of this Act.

Section 6. Title 30, Delaware Code, Section 2905 is amended by striking subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) The quarterly installments shall be accompanied by a certified statement on such forms as the State Tax Department shall require of the quarterly purchase price of all goods purchased for each quarter included in computing the fee due as imposed in subsections (b) and (c) hereof.

Section 7. Should the provisions of Section 1 of this Act be held unconstitutional by a Court of competent jurisdiction, then § 2905 (d), Title 30, Delaware Code, is amended to read as it was prior to the effective date of this Act.

Approved April 29, 1970.

CHAPTER 390

AN ACT PROHIBITING THE DISTRIBUTION OF UNREQUESTED CREDIT CARDS IN THE STATE OF DELAWARE.

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

Section 1. Chapter 25, Title 6, Delaware Code, is amended by adding a new "Subchapter IV" to read as follows:

**SUBCHAPTER IV
DISTRIBUTION OF CREDIT CARDS****§ 2541. Definitions**

As used in this subchapter—

"Credit card" means any card or document entitling its holder to obtain any goods or services by the production of such card or document, and entitling its holder to tender payment for such goods and services at a later date.

§ 2543. Prohibition upon distribution

No person, association, corporation, partnership, or any representative thereof, shall distribute any credit card to any person, association, corporation, partnership, or any representative thereof, within the State of Delaware unless such credit card shall have been requested or unless the issuer shall have given at least 14 days' notice of intention to issue such card. Such notice shall also include a conspicuous legend that the prospective holder has the right to refuse the credit card and shall be accompanied by a postage prepaid, preaddressed envelope or card upon which the prospective holder may indicate such refusal. Provided, however, that use of the credit card by the intended recipient shall constitute acceptance, but there shall be no liability by the intended recipient prior to his use of same. This subchapter shall not apply to the issuance of renewal or substitute cards.

§ 2545. Penalty

Whoever violates the provisions of Section 2543 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense.

§ 2547. Injunctive relief

Whenever the Attorney General has reason to believe that a violation of Section 2543 is a continuing practice, he may apply to the Court of Chancery and may obtain the appropriate injunctive relief pursuant to the Rules of the Court of Chancery against any violator.

Approved April 30, 1970.

CHAPTER 391

AN ACT TO AMEND TITLE 31, SECTION 503, DELAWARE CODE, RELATING TO ELIGIBILITY FOR WELFARE ASSISTANCE.

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

Section 1. Amend Title 31, Section 503, Delaware Code, by adding at the end of subsection (a), as amended by House Bill No. 501, the following sentence:

The Secretary of the Department of Health and Social Services shall have the authority to grant an exemption from the provisions of the preceding sentence when there exists extraordinary circumstances which would otherwise cause an extreme hardship.

Approved April 30, 1970.

CHAPTER 392

AN ACT TO AMEND CHAPTER 112, VOLUME 45, LAWS OF DELAWARE, RELATING TO THE REGULATION AND CONTROL OF VARIOUS CONSTRUCTION AND THE REGISTRATION OF PERSONS ENGAGED IN SUCH CONSTRUCTION IN NEW CASTLE COUNTY OUTSIDE THE CITY OF WILMINGTON.

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

Section 1. Amend Chapter 112, Volume 45, Laws of Delaware, by striking in its entirety Section 6 and inserting in lieu thereof a new Section 6 to read as follows:

Section 6. Exemptions

The provisions of this Act shall not apply to plumbing or plumbing work in or on structures necessary to the operation of farm lands, nor to properties located within any incorporated City or Town in New Castle County.

Approved April 30, 1970.

CHAPTER 393

AN ACT TO AMEND TITLE 28, DELAWARE CODE TO AUTHORIZE RESIDENTS OF THIS STATE TO PURCHASE RIFLES AND SHOTGUNS IN STATES CONTIGUOUS TO THIS STATE.

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

Section 1. Title 28, Delaware Code, is amended by adding a new chapter thereto to read as follows:

CHAPTER 8

PURCHASE OF RIFLES AND SHOTGUNS IN STATES CONTIGUOUS TO THIS STATE**§ 801. Definitions**

(a) As used in this chapter, the term "a State contiguous to this State" shall mean any State having a common border with the State of Delaware.

(b) As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C. Section 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

§ 802. Lawful acts

It shall be lawful for a person residing in this State (including a corporation or other business entity maintaining a place of business in this State) to purchase or otherwise obtain a rifle or shotgun in a State contiguous to this State and to receive or transport such rifle or shotgun into this State, subject however, to such other laws of the State or its political subdivision as may be applicable and subject to the provisions of Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. Section 921 et seq.

§ 803. Not applicable to federal licensees

This Act shall not apply or be construed to affect in any way the purchase, receipt, or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers, or collectors.

Approved April 30, 1970.

CHAPTER 394

AN ACT TO REPEAL TITLE 9, DELAWARE CODE, SECTIONS 1902, 2001, 2004, AND 2005 RELATING TO VOLUNTEER FIRE COMPANIES.

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

Section 1. Title 9, Delaware Code, Sections 1902, 2001, 2004 and 2005 are hereby repealed in their entirety.

Approved April 30, 1970.

CHAPTER 395

AN ACT TO AMEND AN ACT BEING CHAPTER 227, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO PERMIT THE ESTABLISHMENT OF A PENSION PLAN OR A HEALTH AND WELFARE PLAN, OR BOTH, FOR MUNICIPAL EMPLOYEES.

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 277, Volume 49, Laws of Delaware, as amended, is hereby further amended by adding a new Paragraph at the end thereof to be designated as Paragraph (45) as follows:

(45) To establish by ordinance or resolution duly adopted in accordance with this Charter, a pension plan or a health and welfare plan, or both, for the employees of the Town of Laurel under such terms and conditions as the Mayor and Council of Laurel, in their discretion, deem most appropriate; provided, however, that any annual appropriation which is made by the Mayor and Council of Laurel 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 Town, and provided further, that the method of funding may be, if deemed advisable by the Mayor and Council of Laurel, 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 Town Council.

Approved April 30, 1970,

CHAPTER 396

**AN ACT TO PERMIT SMYRNA SCHOOL BOARD TO
TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT
SERVICE ACCOUNT TO ITS CONSTRUCTION FUND
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 Education of the Smyrna School District is authorized to transfer the sum of \$28,000 from its local debt service account to its construction fund account. The sum transferred is to be used for completion of school construction.

Approved April 30, 1970.

CHAPTER 397

AN ACT TO AMEND SECTION 3114, TITLE 24, DELAWARE CODE, RELATING TO EXPIRATION OF CERTIFICATE OF UNDERTAKERS.

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

Section 1. Amend Section 3114, Title 24, Delaware Code, by striking said section and inserting in lieu thereof the following:

§ 3114. Circumstances causing certificate to become void; continuation of certificate under certain conditions

When any person, upon whose examination, a certificate was issued to any firm or corporation or to such person for its or his undertaking business under the provisions of Sections 3108-3111 of this Title, ceases to be a member of such firm or corporation or shall be deceased, the right of such person, firm or corporation to continue in such business shall cease and determine except under the following circumstances and conditions:

(a) Where the undertaking business has been carried on by an individual operating under his own certificate, his estate may be continued in the undertaking business, under the supervision and direction of a licensed undertaker of this State, until such time as the estate shall have been settled but not beyond a period of two years from the date of the decedent's death;

(b) Where the undertaking business has been carried on in the name of a firm or corporation, said firm or corporation may continue to exercise all the rights and prerogatives which said certificate confers and said certificate shall remain in full force and effect so long as any officer of said corporation is a duly licensed undertaker of this State assuming responsibility for compliance with the provisions of this Chapter.

Approved April 30, 1970.

CHAPTER 398

**AN ACT TO AMEND CHAPTER 57, TITLE 25, DELAWARE
CODE, RELATING TO REPLEVIN BONDS.**

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

Section 1. Section 5701, Chapter 57, Title 25, Delaware Code, is amended by striking the words "in a penalty double the value of the property to be estimated by the officer serving the writ, or if either party so request, to be appraised by two judicious persons summoned and sworn, or affirmed by such officer" where they appear therein and inserting in lieu thereof the words "in an amount equal to the sum demanded against the plaintiff.

Approved April 30, 1970

CHAPTER 399

AN ACT TO AMEND SECTION 502, CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO EXCEPTIONS TO REQUIREMENTS FOR A LICENSE TO HUNT, TRAP, OR FISH, BY ADDING NEW SUBSECTIONS EXEMPTING HOSPITAL PATIENTS FROM THE REQUIREMENT OF PURCHASING A LICENSE TO FISH AND EXEMPTING DISABLED VETERANS HONORABLY DISCHARGED FROM THE ARMED FORCES FROM THE REQUIREMENT OF PURCHASING A LICENSE TO HUNT OR FISH, AND EXEMPTING SENIOR CITIZENS FROM THE REQUIREMENT OF PURCHASING A FISHING LICENSE AND EXEMPTING BLIND PERSONS FROM THE REQUIREMENT OF PURCHASING A FISHING LICENSE.

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

Section 1. Amend § 502, Chapter 5, Title 7, Delaware Code, by adding the following new subsection to read as follows:

(h) Persons who are patients in any Veterans Administration facility in this State, or in any public hospital or sanitarium for the treatment of tuberculosis, or a patient in a rehabilitation hospital under the State Department of Health, provided such person carries identification which verifies his status as such a patient, shall not be required to purchase a fishing license. Forms shall be supplied to such persons when they apply for their licenses to be used for the identification purposes described in this subsection.

Section 2. Amend § 502, Chapter 5, Title 7, Delaware Code, by adding the following new subsection to read as follows:

(i) Persons who are residents of the State of Delaware for at least one (1) year immediately prior to the date of application for a license and who has been honorably discharged from the armed forces of the United States and certified by the Veterans' Administration as having at least a sixty percent (60%) service-connected disability shall not be required to purchase a license to fish and hunt.

Section 3. Amend § 502, Chapter 5, Title 7, Delaware Code, by adding the following new subsection to read as follows:

(k) Persons who qualify as senior citizens because they have reached their 65th birthday shall not be required to purchase a license to fish.

Section 4. Amend § 502, Chapter 5, Title 7, Delaware Code, by adding the following new subsection to read as follows:

(I) Persons who are able to establish the fact that they qualify as blind persons shall not be required to purchase a license to fish.

Approved April 30, 1970.

CHAPTER 400

**AN ACT TO AMEND § 710, TITLE 17, DELAWARE CODE,
RELATING TO THE COST OF SAFETY DEVICES AT A
RAILROAD GRADE CROSSING.**

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

Section 1. § 710, Title 17, Delaware Code, is amended by adding thereto the following:

The cost of providing such protection shall be paid for as follows:

(a) Whenever the Department determines to use Federal Aid monies, the railroad or railway company shall pay 10% of said cost and the balance shall be paid from said Federal aid money;

(b) In all other cases, the railroad or railway company shall pay 50% of said cost and the balance shall be paid by the Department.

Approved April 30, 1970.

CHAPTER 401

AN ACT TO AMEND TITLE 14, DELAWARE CODE, SECTION 1321, RELATING TO THE EMPLOYMENT OF DRIVER EDUCATION TEACHERS.

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

Section 1. Section 1321 (e) (8), Title 14, Delaware Code, is hereby amended by adding at the end thereof the following sentence:

A school district may, with approval of the State Board of Education, employ driver education teachers during the summer months and such teachers shall be paid in accordance with the provisions of Chapter 13 of this Title; provided, however, that the district shall not exceed its unit entitlement during any fiscal year as a result of this flexible arrangement.

Approved May 6, 1970.

CHAPTER 402

AN ACT TO ABOLISH THE ORPHANS' COURT; TO TRANSFER ITS JURISDICTION OVER ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS TO THE SUPERIOR COURT; TO TRANSFER ITS JURISDICTION OVER ALL OTHER CASES TO THE COURT OF CHANCERY; AND TO ABOLISH THE OFFICE OF CLERK OF THE ORPHANS' COURT.

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

Section 1. The Orphans' Court is hereby abolished and the jurisdiction and powers heretofore exercised by it are transferred to, and shall hereafter be exercised by, the Superior Court and the Court of Chancery as provided herein. The Judges of the Superior Court and the Orphans' Court shall continue to be the Judges of the Superior Court.

Section 2. The jurisdiction heretofore conferred upon and exercised by the Orphans' Court over adoptions and terminations of parental rights under Title 13, Del. C., Ch. 9 and 13, including all such cases which are pending and uncompleted on the effective date hereof, shall hereafter be vested in and exercised exclusively by the Superior Court. The Superior Court shall have and exercise all the powers heretofore exercised by the Orphans' Court in such proceedings, including the power to hear, determine and dispose of all such cases which are pending and uncompleted on the effective date hereof. All procedures provided in Title 13 Del. C., Ch. 9 and 13, shall continue to be followed. On the effective date of this Act, the Clerks of the Orphans' Court shall deliver all books, papers and records of the Orphans' Court pertaining to adoptions and termination of parental rights, in both pending and completed cases, to the Prothonotary in each County, whereupon they shall become and remain a part of the records of the Superior Court.

Section 3. The jurisdiction heretofore conferred upon and exercised by the Orphans' Court in all types of cases other than adoptions and terminations of parental rights, including all such

cases pending and uncompleted on the effective date hereof, shall hereafter be vested in and exercised exclusively by the Court of Chancery, which shall have and exercise all the powers heretofore exercised by the Orphans' Court in such proceedings, including the power to hear, determine and dispose of all such cases which are pending and uncompleted on the effective date of this Act. All books, papers and records of the Orphans' Court, other than those pertaining to adoptions and terminations of parental rights, in both pending and completed matters, shall become and be a part of the records of the Court of Chancery.

Section 4. Appeals from the Register's Court shall be taken to the Court of Chancery. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the cognizance thereof shall belong to the Court of Chancery. Exceptions to accounts of executors or administrators shall be taken to and heard by the Court of Chancery.

Section 5. The office of Clerk of the Orphans' Court is hereby abolished. After performing the duty required by Section 2 of this Act, each person then holding the office of Register in Chancery and Clerk of the Orphans' Court in the respective Counties shall continue to hold the office of Register in Chancery until the term of office for which he was elected shall terminate. The duties of the Register in Chancery shall include those duties heretofore imposed upon the Clerk of the Orphans' Court. The salaries for the respective Register in Chancery shall continue to be the amount heretofore established for the combined offices of Register in Chancery and Clerk of the Orphans' Court, until changed by law.

Section 6. Any Act or law, or part thereof, inconsistent with the provisions of this Act is hereby repealed.

Section 7. This Act shall become and be effective on the 1st day of July, 1970.

Approved May 6, 1970.

CHAPTER 403

AN ACT TO AMEND SECTION 2920, TITLE 24, DELAWARE CODE, RELATING TO REAL ESTATE BROKERS AND SALESMEN.

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

Section 1. Title 24, Delaware Code, Section 2920 is hereby amended by striking from paragraph four (4) thereof the figure "\$1.00" and substituting in lieu thereof the figure "\$10.00."

Section 2. Title 24, Delaware Code, Section 2920, is amended by striking from paragraph four (4) thereof the number "three" and substituting in lieu thereof the number "one."

Section 3. Title 24, Delaware Code, Section 2920, is amended by adding to paragraph four (4), after the first sentence, the following:

Any real estate salesman who ceases to be employed with a real estate broker, due to service in the armed forces of the United States, shall not be required to pay the fee stated herein, nor be placed on an inactive list, nor be required to pay the annual fee stated in Section 2908 of this Title while serving in the Armed Forces of the United States.

Approved May 6, 1970.

CHAPTER 404

AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO LOCATION OF THE HEAD OFFICE OF THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION, ANNUAL RENEWAL OF LICENSES, ESTABLISHING AN APPLICATION PROCESS FEE, AND ALLOWING THE COMMISSION TO ASSESS COSTS IN HEARINGS.

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

Section 1. Title 4, Section 302, Delaware Code, is hereby amended by striking Section 302 in its entirety and inserting in lieu thereof the following:

§ 302. Location of office

The head office of the Commission shall be in New Castle County, State of Delaware.

Section 2. Title 4, Section 542, Delaware Code, is hereby amended by striking Section 542 in its entirety and inserting in lieu thereof the following:

§ 542. Decision upon application for renewal of license; time of making

On or before the first day of the month preceding the annual expiration date of a license, the Commission shall render its decision upon every application properly and completely made to it on or before the first day of the third month preceding the annual expiration date of a license.

Section 3. Title 4, Section 552, Delaware Code, is hereby amended by striking Section 552 in its entirety and inserting in lieu thereof the following:

§ 552. Expiration date of licenses

All licenses issued under this title shall be valid for a period

of one year, unless it is specifically stated in this Title or by the Commission to be for a shorter period of time, or unless the license shall be cancelled, revoked or suspended by the Commission, or unless the license shall be surrendered by the licensee or expire. The Commission shall determine the precise dates of the validity of a license issued under this Title. A license issued by the Commission, which is not a renewal of a former license, within three months of the date of the license would have to be renewed under the rules of the Commission, may be made to terminate by the Commission one year after the first applicable annual expiration date.

Section 4. Title 4, Section 555, Delaware Code, is hereby amended by adding thereto a new subsection to be designated as subsection "(cc)" and to read as follows :

(cc) *Application process fee*

If any application for a license under this Title requires any investigation by the staff and a hearing by the Commission before the Commission reaches a decision on the application, the applicant shall pay an application process fee of \$200 in addition to any other fees required by this title or the rules of the Commission. The application process fee is not refundable regardless of the decision of the Commission. This provision for an application process fee does not apply to a gathering of persons under Section 514 of this Title. This provision for an application process fee shall not apply to applications for change of officers, directors or stockholders of a corporate licensee if there is no change in the majority of stockholders or majority of directors.

Section 5. Title 4, Delaware Code, is amended by adding thereto a new section to be designated as Section 913 and to read as follows :

§ 913. Licensees convicted of violations by the Commission may be assessed costs

Any licensee found guilty by the Commission of a violation of the rules of the Commission or the provisions of the Liquor Control Act of the State of Delaware, as amended, may be re-

quired by the Commission to pay costs incurred by the Commission for the hearing, whether there is a plea of guilty or not guilty entered by the licensee. If a licensee fails to pay the costs assessed under the provisions of this section, the Commission may suspend or revoke the license or licenses issued by the Commission to the licensee.

Approved May 6, 1970.

CHAPTER 405

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, PERMITTING A DEDUCTION OF LEGAL AND AGENCY FEES INCURRED FROM THE ADOPTION OF CHILDREN.

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

Section 1. Amend Section 1118 of Chapter 11, Title 30, Delaware Code, by adding after subsection (19) the following new subsection:

(20) Parents domiciled in this state who have paid agency and/or legal fees relating to the adoption of children shall be allowed a deduction of such fees, not to exceed \$300, within the income year.

Section 2. This Act shall become effective on July 1, 1970.

Approved May 6, 1970.

CHAPTER 406

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF PENN ACRES SWIM CLUB, INC., FROM ASSESSMENT AND TAXATION.

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

Section 1. § 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as the Penn Acres Swim Club, Inc.

Approved May 6, 1970.

CHAPTER 407

**AN ACT TO EXTEND THE EXPIRATION DATE OF THE
WILMINGTON CIVIC CENTER OFFICE BUILDING
COMMISSION.**

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. Chapter 238, Volume 54, Laws of Delaware, is hereby amended by striking the date, "June 30, 1970" appearing in Section 7 and Section 8 of said chapter, and inserting in lieu thereof the date "June 30, 1971."

Approved May 6, 1970.

CHAPTER 408

AN ACT RELATING TO A PENSION FOR HETTIE D. GARDNER, A FORMER EMPLOYEE OF THE GOVERNOR BACON HEALTH CENTER AND THE STATE OF DELAWARE.

WHEREAS, Hettie D. Gardner was employed by the Governor Bacon Health Center and the State of Delaware as a faithful public servant for many years; and

WHEREAS, the present law does not provide for pension benefits for Hettie D. Gardner; and

WHEREAS, Hettie D. Gardner is deserving of consideration of a State pension because of unusual circumstances; and

WHEREAS, Hettie D. Gardner should receive pension benefits for the long service rendered to the Governor Bacon Health Center and 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 Hettie D. Gardner for a Service Pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Hettie D. Gardner to be eligible for said pension.

Approved May 6, 1970.

CHAPTER 409

**AN ACT AUTHORIZING THE DIVISION OF CORRECTIONS
OF THE DEPARTMENT OF HEALTH AND SOCIAL
SERVICES TO PAY CERTAIN OBLIGATIONS IN-
CURRED IN A PRIOR FISCAL YEAR.**

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

Section 1. Notwithstanding any law to the contrary the Division of Corrections is hereby authorized and directed to pay the sum of \$61.75 from funds heretofore appropriated for the fiscal year beginning July 1, 1969, to the Bennett Machine Company of Milford, Delaware, for work and services performed for said agency during the fiscal year beginning July 1, 1967.

Approved May 6, 1970.

CHAPTER 410

AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO PERMIT CERTAIN LEASEHOLDERS TO HOLD ELECTIVE OFFICE, TO DEFINE THE TERM LEASEHOLDER, TO PERMIT CERTAIN LEASEHOLDERS TO VOTE IN THE ANNUAL MUNICIPAL ELECTION, TO CHANGE THE DATE WHEN THE TAX RATE IS SET, TO CHANGE THE DATE WHEN THE BUDGET IS ADOPTED, TO PERMIT THE BORROWING OF FUNDS AGAINST ANTICIPATED REVENUES, TO ESTABLISH A SALARY FOR THE ELECTED OFFICERS.

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 3, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection a, Section 3, Chapter 197, Volume 54, Laws of Delaware, as amended, 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 or leaseholder 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 or leaseholder 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 undivided interest in real property or who holds title to real estate as a tenant by the entirety. For all purposes of this Charter, a "leaseholder" shall be deemed to include any person holding land under a valid lease either in his own name or who is the owner of an undivided interest in a leasehold or who holds title to a leasehold with his or her spouse for an original 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 is the owner of an improvement erected upon the leasehold having an assessed valuation of at least One Thousand Dollars (\$1,000.00).

Section 2. Subsection d, Section 7, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection d, Section 7, Chapter 197, Volume 54, Laws of Delaware, as amended, 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 or leaseholder 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. 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 birth-date 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, the date the registrant became a leaseholder 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 3. Subsection a, Section 24, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out the word "May" as it appears in the first line of said Subsection a, Section 24, Chapter 197, Volume 54, Laws of

Delaware, as amended, and substituting in lieu thereof the word "June."

Section 4. Subsection c, Section 24, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out the word "July" as it appears in the first line of said Subsection c, Section 24, Chapter 197, Volume 54, Laws of Delaware, as amended, and substituting in lieu thereof the word "June."

Section 5. Subsection b, Section 25, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection b, Section 25, Chapter 197, Volume 54, Laws of Delaware, as amended, 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 and upon any improvements located on land under a lease for an original 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, for a period of ten (10) years, 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 such 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 6. Subsection b, Section 28, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out all of said Subsection b, Section 28, Chapter 197, Volume 54, Laws of Delaware, as amended, and substituting in lieu thereof the following:

b. Annually each year and not later than May 1st, the City Manager shall prepare a rough draft of a City Budget. From this rough draft, the Commissioners of Rehoboth Beach shall, not later than the regular meeting held in May of each year, prepare

the City Budget, containing the financial plan for conducting the affairs of The City for the ensuing fiscal year.

Section 7. Subsection a, Section 29, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by adding at the end of said Subsection a, Section 29, Chapter 197, Volume 54, Laws of Delaware, as amended, a new Paragraph designated as Paragraph 43 to read as follows:

43. To borrow money in anticipation of revenues on the full faith and credit of The City of Rehoboth Beach sum or sums not exceeding One Hundred Thousand Dollars (\$100,000.00) in any one year when, in the opinion of a majority of the Commissioners of Rehoboth Beach, the needs of The City require it. Any sum so borrowed shall be secured by promissory notes of The City of Rehoboth Beach duly authorized by a Resolution adopted by the Commissioners of Rehoboth Beach and signed by the Mayor of The City of Rehoboth Beach and attested by the Secretary of the Commissioners of Rehoboth Beach with the corporate seal affixed and no officer or Commissioner shall be liable for the payments of such notes because it is signed by them as officers of The City and is authorized by the Resolution of the Commissioners of Rehoboth Beach; PROVIDED, HOWEVER, that the total sum outstanding at any one time shall not exceed One Hundred Thousand Dollars (\$100,000.00); AND PROVIDED FURTHER, that any sum of money so borrowed, as aforesaid, in any fiscal year shall be paid from the general fund of The City and shall be completely repaid at any time but must be completely paid at the end of ten (10) fiscal years following the first fiscal year when said sum or sums were borrowed with interest thereon; and PROVIDED FURTHER, that such ad valorem taxes shall be levied as are necessary to pay the principal of and interest on said bonds as is required without regard to any other limitation concerning the maximum rate of taxation and such notes and the interest thereon shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or subdivision thereof.

Section 8. Section 5, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by adding at the end of said Section 5, Chapter 197, Volume 54, Laws of Dela-

ware, as amended, a new Subsection designated as Subsection e, as follows:

e. The Mayor shall receive a salary of One Thousand Dollars (\$1,000.00) per annum. The Secretary of the Commissioners of Rehoboth Beach shall receive a salary of Seven Hundred Fifty Dollars (\$750.00) per annum. Each of the other members of the Commissioners of Rehoboth Beach shall receive a salary of Six Hundred Dollars (\$600.00) per annum; PROVIDED, HOWEVER, that no salary shall be paid until September 1, 1971.

Approved May 6, 1970.

CHAPTER 411

AN ACT TO AMEND CHAPTER 371, VOLUME 56, LAWS OF DELAWARE, MAKING AN APPROPRIATION TO ALFRED I. DU PONT SCHOOL DISTRICT FOR THE PURPOSE OF CONSTRUCTING SIDEWALKS AND ACQUIRING THE NECESSARY RIGHTS-OF-WAY THEREFOR WITHIN THE SCHOOL DISTRICT AT SPECIFIED LOCATIONS.

WHEREAS, pursuant to the provisions of Section 2305 of Title 14, Delaware Code, the Board of Education of the Alfred I. duPont School District has made a careful examination of the transportation facilities, the frequency of exposure to traffic hazards and the possible existence of mechanical hazards which might affect the safety of pupils in the District and has determined the need for a pedestrian crossing bridge and connecting walkway, hereinafter set out; and

WHEREAS, the State Highway Department and the State Board of Education after reviewing and considering the factors required by the provisions of Section 2305 of Title 14, Delaware Code, have indicated their approval in writing of this program for the construction of a pedestrian bridge over the Concord Pike and a connecting walkway leading to the duPont Elementary School.

NOW, THEREFORE,

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

Section 1. Section 3, Chapter 371, Volume 56, Laws of Delaware, is hereby amended by inserting at the end of said section the following:

VI. Concord Pike

Construction of a pedestrian bridge, crossing Concord Pike, Rt. 202, from Florence Avenue to Whitby Drive and an adjoining paved walkway to the duPont Elementary School.

Section 2. That Chapter 371, Volume 56, Laws of Delaware, is hereby amended by striking Section 4 and inserting in lieu thereof the following new Section 4:

Section 4. Any funds hereby appropriated that remain uncommitted on July 1, 1972 shall revert to the State.

Approved May 6, 1970.

CHAPTER 412

AN ACT TO AUTHORIZE THE GOVERNOR OF THE STATE OF DELAWARE TO EXECUTE A QUITCLAIM DEED TO REMOVE A CLOUD ON TITLE TO LANDS OWNED BY BEEBE HOSPITAL OF SUSSEX COUNTY, INC.

WHEREAS, the Beebe Hospital of Sussex County, Inc., a non-profit corporation of the State of Delaware, is the owner in fee of certain lands within the City of Lewes in Sussex County, Delaware, which lands, in part, have as their boundary the Blockhouse Pond, and, in part, include a portion of the bed of said Pond; and

WHEREAS, the City of Lewes has heretofore conveyed and quitclaimed to Beebe Hospital of Sussex County, Inc., portions of the unopened beds of Market Street and Mulberry Street where, if opened and extended, said streets would cross the bed of the aforesaid Pond; and

WHEREAS, the water in the aforesaid Pond receded upwards of thirty years ago so that under the common law right of reliction title to a portion of the bed of said Pond, to the center thereof, would have vested in Beebe Hospital of Sussex County, Inc., as adjoining riparian owner; and

WHEREAS, the public records in the office of the Recorder of Deeds in and for Sussex County and those records in the custody of the Public Archives Commission of the State of Delaware, at Dover, are indefinite or incomplete so that there exists a cloud upon the title of Beebe Hospital of Sussex County, Inc. by reason of a possible claim of ownership by the State of Delaware in undefined portions of the bed of the Pond; and

WHEREAS, it is the sense of the General Assembly that such cloud upon the title should be removed in order that the premises may be put to a useful and productive purpose by the aforesaid Hospital.

NOW, THEREFORE,

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

Section 1. The Governor is authorized, empowered and di-

rected to sell and he is hereby authorized and empowered to execute, on behalf of the State of Delaware, and to deliver to Beebe Hospital of Sussex County, Inc., without further consideration, a quitclaim deed duly attested and acknowledged by the Secretary of State, who is hereby authorized to affix thereto the Great Seal of the State of Delaware, quitclaiming, releasing and conveying to the said Beebe Hospital of Sussex County, Inc., all of the right, title, interest or claim which the State of Delaware may now have in and to all that certain tract or parcel of land situate, lying and being in the City of Lewes, Lewes and Rehoboth Hundred, Sussex County, Delaware, being a part of the bed of Blockhouse Pond, and more particularly described as follows, to wit:

BEGINNING at an iron pipe in the northerly right-of-way line of Market Street and a corner for lands formerly of Charles West and a corner for lands of this Grantee, said point of beginning also lying at the edge of Blockhouse Pond; thence North 40 degrees 51 minutes West and binding along the edge of said Blockhouse Pond a distance of 269.7 feet to a pipe set in the southerly right-of-way line of Mulberry Street, unopened, at 30 feet wide; thence continuing the aforesaid course 30 feet to the northerly right-of-way line of Mulberry Street, unopened; thence South 49 degrees 09 minutes West 508.46 feet to a point in the center line of Blockhouse Pond; thence South 40 degrees 51 minutes East 321.7 feet to a pipe in the southerly right-of-way line of Market Street if extended through the bed of Blockhouse Pond and said point also being in a line of lands of this Grantee; thence following along the same North 49 degrees 09 minutes East 508.46 feet to a point in the edge of Blockhouse Pond; thence following along the same North 40 degrees 51 minutes West 52 feet to a pipe, the point and place of BEGINNING, be the contents thereof what they may but said to contain 3.148 acres of land more or less.

Section 2. The Beebe Hospital of Sussex County, Inc., shall bear all costs and expenses incurred for the preparation, execution and recording of the aforesaid quitclaim deed.

Section 3. The provisions of Chapter 45, Title 7, Delaware Code, shall not be applicable to this transaction and conveyance.

Approved May 6, 1970.

CHAPTER 413

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLES OWNED BY DISABLED VETERANS WHO PURCHASED THE VEHICLES PURSUANT TO CERTAIN FEDERAL STATUTES TO BE EXEMPTED FROM REGISTRATION FEES.

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

Section 1. Amend Chapter 21, Title 21, Delaware Code, by adding a new section to be designated as § 2164 to read as follows:

§ 2164. Motor vehicles owned by veterans

A motor vehicle owned by a disabled veteran who obtained such a vehicle pursuant to Public Law 663, 74th Congress or Public Law 798, 81st Congress or Public Law 187, 82nd Congress, shall be registered, but shall be exempt from the payment of registration fees. The Commissioner shall furnish, without cost, number and registration plates for all such vehicles, of such design as will distinguish them from other plates for which fees are paid. Nothing herein contained shall be construed as exempting such vehicles from the requirement of inspection.

Approved May 6, 1970.

CHAPTER 414

AN ACT TO AMEND SECTION 518 OF TITLE 17, DELAWARE CODE BY CONFERRING JURISDICTION OVER VIOLATIONS THEREOF UPON THE JUSTICES OF THE PEACE.

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

Section 1. Title 17, Delaware Code, Section 518, is amended by adding to the end thereof the following words:

Justices of the peace shall have jurisdiction of offenses under this section.

Approved May 6, 1970.

CHAPTER 415

AN ACT TO AMEND CHAPTER 171, VOLUME 54, LAWS OF DELAWARE, ENTITLED AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE; APPROPRIATING MONEY FOR SAID PURPOSE; AUTHORIZING THE FINANCING OF SUCH ENLARGEMENT AND IMPROVEMENT BY THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE AND BY CONTRIBUTIONS FROM CERTAIN SCHOOL DISTRICTS, AND THE CITY OF WILMINGTON, DEFINING SCHOOL DISTRICTS; AUTHORIZING THE ISSUANCE OF BONDS OF CERTAIN SCHOOL DISTRICTS AND THE CITY OF WILMINGTON FOR THE PURPOSE OF RAISING MONEY TO MAKE SUCH CONTRIBUTIONS; AND AUTHORIZING THE ACCEPTANCE OF FEDERAL FUNDS FOR BUILDING PURPOSES AND CREATING LOCAL SCHOOL BUILDING COMMISSIONS.

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

Section 1. That Chapter 171, Volume 54, Laws of Delaware, is amended by adding at the end thereof a new section to be numbered 40 and to read as follows:

40. The School Building Commission of Indian River School District, successor to Frankford 206, is hereby authorized to expend \$9,527.84 for the construction of classroom space in connection with the school construction program previously approved by the State Board of Education, any other provisions of this Act to the contrary notwithstanding.

Approved May 6, 1970.

CHAPTER 416

AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO GROUNDS FOR CANCELLATION OR SUSPENSION OF LICENSE.

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

Section 1. § 561, Title 4, Delaware Code, is amended by adding a new subsection thereto to read as follows:

(c) The Commission shall not cancel, fine, or suspend any license for the sale of alcoholic liquors for the alleged violation of § 904 of this Title, where the licensee or its employee has been found not guilty, after a hearing on the merits and such finding is based upon the merits as expressly stated in writing by Court order.

Approved May 7, 1970.

CHAPTER 417

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO EMPLOYMENT IN LIQUOR SELLING ESTABLISHMENTS.

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

Section 1. Amend Title 19, Delaware Code, Section 513, by repealing said section in its entirety.

Approved May 11, 1970.

CHAPTER 418

AN ACT TO AMEND TITLE 4, SECTION 522, DELAWARE CODE, RELATING TO THE PURCHASING, SALE AND DISPENSING OF ALCOHOLIC LIQUORS.

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

Section 1. Amend Title 4, Section 522, Delaware Code, by striking subsection (d) (4) in its entirety and inserting in lieu thereof a new subsection (d) (4) to read as follows:

(d) (4) Employ any individual who is less than 21 years of age in a position requiring the selling, handling or serving of alcoholic liquor.

Section 2. Further amend Title 4, Section 522, Delaware Code, by adding a new subsection to be designated as subsection (d) (5) to read as follows:

(d) (5) Employ any individual between the ages of 16 and 21 in licensed hotels, restaurants and clubs with dining facilities unless authorized to do so by written order of the Commission; provided, however, that such person shall not be involved in the sale or service of alcoholic beverages.

Approved May 11, 1970,

CHAPTER 419

AN ACT TO AMEND TITLE 4, DELAWARE CODE, SECTION 701, RELATING TO THE SALE AND DELIVERY OF ALCOHOLIC LIQUOR.

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

Section 1. Title 4, Delaware Code, § 701, is hereby amended by adding at the end thereof a new sentence as follows:

The Commission shall permit the holders of a license under Chapter 5, Subchapter III, of this Title to directly receive or pick up beer in the barrel or keg from a manufacturer, importer or any other person authorized by this Title to sell and deliver alcoholic liquor, notwithstanding any provisions of this Title to the contrary.

Approved May 15, 1970.

CHAPTER 420

**AN ACT TO AMEND SECTION 1756, TITLE 24, DELAWARE
CODE, RELATING TO PHYSICIANS AND SURGEONS.**

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

Section 1. Section 1756, Title 24, Delaware Code, is amended by adding thereto a new sentence to read as follows:

Whenever any law, rule, or regulation of this State requires the services or qualifications of a licensed physician or surgeon, such requirement shall be deemed to include those of an osteopathic physician or surgeon.

Approved May 16, 1970.

CHAPTER 421

AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO CORPORATIONS BY MAKING CERTAIN CHANGES IN SECTIONS 141, 145, 151, 214, 221, 243, 251, 254, 371, 372, 391, 502, 504, 506 and 618.

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 141, Title 8, Delaware Code, is amended by deleting the phrases, "or governing body", "governing body", "or the governing body", "or body", and "body" in each instance in which they appear in subsections (e), (f), (g), and (i) thereof and by adding a new subsection (j) to read as follows:

(j) The certificate of incorporation of any corporation organized under this chapter which is not authorized to issue capital stock may provide that less than one-third of the members of the governing body may constitute a quorum thereof and may otherwise provide that the business and affairs of the corporation shall be managed in a manner different from that provided in this section. Except as may be otherwise provided by the certificate of incorporation, the provisions of this section shall apply to such a corporation, and when so applied, all references to the board of directors, to members thereof, and to stockholders shall be deemed to refer to the governing body of the corporation, the members thereof and the members of the corporation, respectively.

Section 2. Section 145, Title 8, Delaware Code, is amended by adding a new subsection (h) to read as follows:

(h) For the purposes of this section, references to "the corporation" include all constituent corporations absorbed in a consolidation or merger as well as the resulting or surviving corporation so that any person who is or was a director, officer, employee or agent of such a constituent corporation or is or was serving at the request of such constituent corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise shall stand in the same position

under the provisions of this section with respect to the resulting or surviving corporation as he would if he had served the resulting or surviving corporation in the same capacity.

Section 3. Section 151, Title 8, Delaware Code, is amended by deleting subsection (b) and by substituting in lieu thereof the following:

(b) Any preferred or special stock may be made redeemable for cash, property or rights, including securities of any other corporation, at the option of either the holder or the corporation or upon the happening of a specified event, at such time or times, such price or prices, or such rate or rates, 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 stock adopted by the board of directors as hereinabove provided.

Section 4. Section 151, Title 8, Delaware Code, is amended by deleting subsection (g) and by substituting in lieu thereof the following:

(g) When any corporation desires to 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, recorded, and shall become effective, in accordance with Section 103 of this title. Unless otherwise provided 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.

Section 5. Section 214, Title 8, Delaware Code, is amended by deleting said section and substituting in lieu thereof the following:

§ 214. Cumulative voting

The certificate of incorporation of any corporation may provide that at all elections of directors of the corporation, or at elections held under specified circumstances, each holder of stock or of any class or classes or of a series or series thereof 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 by him, 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.

Section 6. Section 221, Title 8, Delaware Code, is amended by deleting said section and by substituting in lieu thereof the following:

§ 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. If the certificate of incorporation so provides, such holders of bonds, debentures or other obligations shall be deemed to be stockholders, and their bonds, debentures or other obliga-

tions shall be deemed to be shares of stock, for the purpose of any provision of this chapter which requires the vote of stockholders as a prerequisite to any corporate action and the certificate of incorporation may divest the holders of capital stock, in whole or in part, of their right to vote on any corporate matter whatsoever, except as set forth in section 242 (c) (2) of this chapter.

Section 7. Section 243, Title 8, Delaware Code, is amended by deleting the title and subsections (a), (b), (c), (d), (e) and (f) and by substituting in lieu thereof the following:

§ 243. Redemption, purchase, retirement, conversion or exchange of 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 redeemable, in the manner provided in the certificate of incorporation, or

(2) 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 at the time of purchase, or

(3) 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, or

(4) Convert or exchange any such shares into or for other shares of the corporation in the manner provided in the certificate of incorporation.

(b) The corporation may apply to such redemption, purchase or retirement, under subparagraphs 1, 2 or 3 of subsection (a) of this section, 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.

No such redemption, purchase, or retirement, however, shall be made out of capital except as provided in this section, and there shall be no such reductions of capital unless the assets of the corporation remaining after such redemption or purchase shall be sufficient to pay any debts of the corporation, the payment of which shall not have been otherwise provided for.

(c) Whenever, upon the conversion or exchange of shares of any class into or for other shares of the corporation, the amount of capital represented by such shares exceeds the total aggregate par or stated value represented by such other shares, the corporation by resolution of the board of directors may reduce its capital at any time thereafter by all or any part of such excess.

(d) Any such shares so redeemed, purchased or retired by the application of capital 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, upon the filing of the certificate required by subsection (e) of this section, reduced to the extent of the total number of such shares.

(e) Whenever any capital of the corporation is applied to the redemption, purchase or retirement of shares pursuant to the provisions of this section, or whenever the certificate of incorporation prohibits the reissue of shares redeemed, purchased or retired with or without the application of capital thereto, or whenever following the conversion or exchange of preferred or special shares of the corporation the capital or 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 reduced by the amount thereof so applied to such redemption, purchase or retirement 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 in accordance with subparagraph (c) of this section, 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 each class of the authorized capital stock of the corporation to the extent of the total number of such shares of such class so redeemed, purchased, retired, or surrendered on conversion or exchange. 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.

Section 8. Section 251, Title 8, Delaware Code, is amended by deleting subsection (c) and substituting in lieu thereof the following:

(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 holder of stock, whether voting

or non-voting, of the 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 taken for its adoption or rejection. If a majority of the outstanding stock of the corporation entitled to vote thereon shall be voted for the adoption of the agreement, that fact shall be certified on the agreement by the secretary or assistant secretary of the corporation under the seal thereof. If the agreement shall be so adopted and certified by each constituent corporation it shall then, in addition to the execution required by subsection (b) of this section, be executed, acknowledged and filed, and shall become effective, in accordance with section 103 of this title. It shall be recorded in the office of the Recorder of the County of this State in which the registered office of each such constituent corporation is located; 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.

Section 9. Section 251, Title 8, Delaware Code, is further amended by deleting subsection (f) and substituting the following in lieu thereof:

(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 amend in any respect the certificate of incorporation of such constituent corporation, (2) each share of stock of such constituent corporation outstanding immediately prior to the merger becoming effective shall remain outstanding immediately after the merger as an identical share of the surviving corporation, and (3) either no shares of common stock of the surviving corporation and no shares, securities or obligations convertible into such stock are to be issued or delivered under the plan of merger, or the authorized unissued shares or the treasury shares of common stock of the surviving corporation to be issued or delivered under the plan of merger plus those initially issuable upon conversion of any other shares, securities or obligations to be issued or delivered under such plan do not exceed 20 percent of the shares of common stock of such constituent corporation 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, the secretary or assistant secretary of that corporation shall certify on the agreement, under its seal, that the agreement has been adopted pursuant to this subsection and that, as of the date of such certificate, the outstanding shares of the corporation were such as to render this subsection applicable. The agreement so adopted and certified shall then be executed, acknowledged and filed and shall become effective, in accordance with section 103 of this title. Such filing shall constitute a representation by the person who executes the agreement that the facts stated in the certificate remain true immediately prior to such filing.

Section 10. Section 254, Title 8, Delaware Code, is amended by deleting Section 254 and substituting in lieu thereof the following:

§ 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 a joint-stock association or joint-stock company and any unincorporated association, trust or enterprise having members or 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 or partnership. 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 association 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. 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.

(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 stock of each stock corporation, the interests of members of each non-stock corporation, and the shares, memberships or financial or beneficial interests in each of the joint-stock associations into shares or other securities of a stock corporation surviving or resulting from such merger or consolidation, or into shares or other securities of any other corporation, or into cash or other consideration, or of converting the shares of stock of each stock corporation, the interest of members of each non-stock corporation and the shares, memberships or financial or beneficial interests in each of the joint-stock associations 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 (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 stock or non-stock corporations in the same manner as is provided in sections 251 or 255 of this title respectively, 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.

(f) 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 11. Section 371, Title 8, Delaware Code, is amended by deleting subsection (b) and inserting in lieu thereof the following:

(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 paid to the Secretary of State of this State for the use of the State, \$50, and shall have filed in the Office of the Secretary of State:

(1) A certificate issued by an authorized officer of the jurisdiction of its incorporation evidencing its corporate existence. If such certificate is in a foreign language, a translation thereof, under oath of the translator, shall be attached thereto.

(2) A sworn statement executed by an authorized officer of each corporation setting forth (i) 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, (ii) a statement, as of a date not earlier than six months prior to the filing date, of the assets and liabilities of the corporation, and (iii) the business it proposes to do in this State, and a statement

that it is authorized to do that business in the jurisdiction of its incorporation.

Section 12. Section 371, Title 8, Delaware Code, is further amended by deleting the word "charter" from the first sentence of subsection (c) and inserting in lieu thereof the words "certificates required by subsection (b) of this section".

Section 13. Section 372, Title 8, Delaware Code, is amended by deleting all of said section and inserting in lieu thereof the following:

§ 372. Additional requirements in case of change of name, change of business purpose or merger or consolidation

(a) Every foreign corporation admitted to do business in this State which shall change its corporate name, or enlarge, limit or otherwise change the business which it proposes to do in this State, shall, within thirty days after the time said change becomes effective, file with the Secretary of State a certificate, which shall set forth:

(1) The name of the foreign corporation as it appears on the records of the Secretary of State of this State;

(2) The jurisdiction of its incorporation;

(3) The date it was authorized to do business in this State;

(4) If the name of the foreign corporation has been changed, a statement of the name relinquished, a statement of the new name and a statement that the change of name has been effected under the laws of the jurisdiction of its incorporation and the date the change was effected;

(5) If the business it proposes to do in this State is to be enlarged, limited or otherwise changed, a statement reflecting such change and a statement that it is authorized to do in the jurisdiction of its incorporation the business which it proposes to do in this State.

(b) Whenever a foreign corporation authorized to transact business in this State shall be the survivor of a merger permitted by the laws of the state or country in which it is incorporated, it shall, within thirty days after the merger becomes effective, file

a certificate, issued by the proper officer of the state or country of its incorporation, attesting to the occurrence of such event. If the merger has changed the corporate name of such foreign corporation or has enlarged, limited or otherwise changed the business it proposes to do in this State, it shall also comply with subsection (a) of this section.

(c) Whenever a foreign corporation authorized to transact business in this State ceases to exist because of a statutory merger or consolidation, it shall comply with section 381 of this title.

(d) The Secretary of State shall be paid, for the use of the State, \$25 for filing and indexing each certificate required by subsection (a) or (b) of this section, and in the event of a change of name an additional \$10 shall be paid for a certificate to be issued as evidence of filing the change of name.

Section 14. Section 391 is amended by adding a new subsection (e) as follows:

(e) The Secretary of State may in his discretion permit the filing of any certificate or other paper without first requiring payment of the taxes or fees required by this section, and may in his discretion permit the extension of credit therefor upon such terms as he shall deem to be appropriate.

Section 15. Section 502, Title 8, Delaware Code, is amended by deleting the words, "the first day of March" in subsection (c) and by substituting in lieu thereof the words, "the first day of February".

Section 16. Section 504, Title 8, Delaware Code, is amended by deleting the words, "the fifteenth day of May" in subsection (a) and by substituting in lieu thereof the words, "the fifteenth day of April".

Section 17. Section 504, Title 8, Delaware Code, is amended by deleting the words, "the first day of July" in subsection (c) and by substituting in lieu thereof the words, "the first day of June".

Section 18. Section 506, Title 8, Delaware Code, is amended

by deleting the figure, "\$20,000" and by substituting in lieu thereof the words, "at least \$5,000, but not more than \$70,000".

Section 19. Section 618, Title 8, Delaware Code, is amended by striking out the last three sentences thereof and by substituting in lieu thereof the following:

The Provisions of Chapter 5, Corporation Franchise Tax, of Title 8 of the Delaware Code, shall be applicable to a corporation organized pursuant to this Chapter; but in addition to the information called for on the Annual Report of all corporations by those provisions, the Annual Report of a corporation organized pursuant to this Chapter shall certify that its shareholders, directors and officers listed on such report are duly licensed, certified, registered or otherwise legally authorized to render the same professional or other personal service in this State.

Section 20. This Act shall become effective on July 1, 1970.

Approved May 16, 1970.

CHAPTER 422

**AN ACT TO AMEND TITLE 7, SECTION 502, DELAWARE
CODE, RELATING TO FISHING LICENSES FOR
MINORS.**

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

Section 1. Amend Title 7, Section 502, Delaware Code, by striking from subsection (d) of Section 502, the words "and residents under 15 years of age".

Approved May 16, 1970.

CHAPTER 423

AN ACT TO AMEND CHAPTER 27, TITLE 24, DELAWARE CODE, RELATING TO THE QUALIFICATIONS OF PROFESSIONAL ENGINEERS.

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

Section 1. Section 2722, Title 24, Delaware Code, is amended by striking paragraph (1) thereof and inserting in lieu thereof a new paragraph (1) as follows:

(1) As a professional engineer.

Engineers — Graduation, Experience and Examination

a. Graduation from an approved engineering curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; has acquired a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the Board, and indicating that the applicant is competent to practice as a professional engineer; and has successfully passed a 16-hour written examination, at least 8 hours of which shall be taken after the engineering experience specified above; provided, however, that for applications made anytime prior to January 1, 1972, the 16-hour written examination will be at the discretion of the Board if the applicant has the education and experience provided above.

Engineers — Experience and Examination

b. Satisfactory completion of an approved related science curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; has acquired a specific record of an additional 8 years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice as a professional engineer; and has successfully passed a 16-hour written examination, at least 8 hours of which shall be taken after the engineering experience specified above; provided, however, that for applications made anytime prior to January 1, 1972, the applicant may successfully pass a written or written and oral examination de-

signed to show knowledge and skill approximating that attained through graduation from an approved four year engineering curriculum and a specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice as a professional engineer.

Engineers — Eminence, Experience

c. Attainment in the engineering profession and recognized as eminent in the applicant's profession plus a specific record of 20 years or more of practice in engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design or to supervise construction of engineering works and provided applicant is not less than 40 years of age.

Approved May 16, 1970.

CHAPTER 424

**AN ACT TO AMEND SECTION 7502, CHAPTER 75, TITLE 16,
DELAWARE CODE, RELATING TO THE INSPECTION
OF FIRE ESCAPES.**

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

Section 1. Section 7502 (a), Chapter 75, Title 16, Delaware Code, is amended by striking the words "chief engineer" as they appear in the first line of said subsection (a) and inserting in lieu thereof the words "chief fire officer".

Approved May 16, 1970.

CHAPTER 425

AN ACT TO AMEND CHAPTER 10, TITLE 22, DELAWARE CODE, RELATING TO EXEMPTIONS FROM MUNICIPAL TAXATION ON REAL PROPERTY OF RESIDENTS OF THE AGE OF 65 YEARS OR MORE.

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

Section 1. Chapter 10, Title 22, Delaware Code, is amended by striking said Chapter in its entirety and inserting in lieu thereof a new Chapter 10 to read as follows:

CHAPTER 10. EXEMPTIONS FROM MUNICIPAL TAXATION ON REAL PROPERTY—PERSONS 65 YEARS OF AGE OR OVER**§ 1001. Definitions**

As used in this Chapter —

“Income” means all income from whatever source derived including but not limited to, realized capital gains and, in their entirety, pension, annuity, retirement and social security benefits.

“Income tax year” means the twelve month period for which the property owner files a federal personal income tax return, or if no such return is filed, the calendar year.

“Municipality” means any incorporated town or city of the State of Delaware.

“Resident” means one legally domiciled within the municipality for the period required by this Chapter. Mere seasonal or temporary residence within the municipality of whatever duration, shall not constitute domicile within the municipality for the purposes of this Chapter. Absence from the municipality for a period of 12 months shall be prima facie evidence of abandonment of domicile in the municipality. The burden of establishing legal domicile within the municipality shall be upon the property owner.

§ 1002. Exemption to be provided for by municipal law or ordinances; amount of exemption

Every person, a resident of a municipality of this State and the owner of real property located therein, who is sixty-five years of age or over shall be entitled, within the limitations of this chapter, to an exemption from municipal taxation on such real property to the extent of the first five thousand dollars of assessed valuation thereof, provided the governing body of such municipality adopts a local law or ordinance providing therefor.

§ 1003. Qualifications

No exemption shall be granted under the authority of this Chapter:

(1) If the income of the property owner exceeds the sum of \$3000 for the income tax year immediately preceding the date of making an application for the exemption.

(2) If the income of the spouse of the property owner exceeds the sum of \$3000 for the income tax year immediately preceding the date of making an application for the exemption and said spouse resides with such property owner.

(3) Unless the real property is used exclusively for residential purposes.

(4) Unless the real property is the legal residence of and is occupied in whole or in part by the property owner.

(5) Unless the property owner has been a resident of the municipality for a period of three years immediately preceding the date of making application for exemption.

§ 1004. Application for exemption

Application for such exemption must be made by the property owner on forms to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required on such forms, and shall be filed in such assessor's office on such date as is prescribed by the municipality.

§ 1005. Tenants in common, joint tenants, tenants by entirety, partnerships, fiduciaries, corporations

(a) Where title to property on which an exemption from municipal taxation is claimed is held by more than one person

either as tenants in common or as joint tenants, each tenant shall not be allowed an exemption against his interest in said property in excess of the assessed valuation of his proportionate share in said property, which proportionate share, for the purposes of this Chapter, shall be deemed to be equal to that of each of the other tenants, unless it is shown that the interests in question are not equal, in which event each tenant's proportionate share shall be as shown.

(b) Nothing in this Chapter shall preclude more than one tenant, whether title be held in common or joint tenancy, from claiming exemption against the property so held, but no more than the equivalent of one full exemption in regard to such property shall be allowed in any year, and in any case in which the tenants cannot agree as to the apportionment thereof, the exemption shall be apportioned between or among them in proportion to their interest. Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but not more than one exemption in regard to such property shall be allowed in any year.

(c) Right to claim exemption from municipal taxation or real property shall extend to property the title to which is held by a partnership to the extent of the claimant's interest as a partner therein, and by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim exemption from municipal taxation on real property but not to property the title to which is held by a corporation.

§1006. Rules and regulations

Each municipality granting an exemption under the authority of this Chapter may promulgate such rules and regulations and prescribe such forms as they shall deem necessary to implement this Chapter.

§ 1007. Appeals

An aggrieved taxpayer may appeal from the disposition of an exemption claim from municipal real property taxation in the same manner as is provided for appeals from assessments generally.

Approved May 16, 1970.

CHAPTER 426

AN ACT TO AMEND TITLE 21, DELAWARE CODE, SECTION 4203 BY INCREASING THE AMOUNT OF APPARENT PROPERTY DAMAGE REQUIRED BEFORE REPORTING ACCIDENT FROM \$25 TO \$100.

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

Section 1. Title 21, Delaware Code, Section 4203, is amended by striking the term "\$25" where it appears therein and inserting in lieu thereof the term "\$100".

Approved May 18, 1970.

CHAPTER 427

**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. In addition to other sums previously appropriated, the sum of \$2000 is appropriated to the Secretary of State of Delaware for the fiscal year ending June 30, 1970, to be expended for the purpose of converting the Corporation and Franchise Tax Department records, from a manual system to a data processing system.

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, 1970.

Approved May 18, 1970.

CHAPTER 428

AN ACT TO AMEND SECTION 2310 (c), TITLE 11, DELAWARE CODE, RELATING TO NIGHT TIME SEARCH WARRANTS.

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

Section 1. Section 2310, Title 11, Delaware Code, is amended by striking the word "forthwith" as the same appears in lines 1 and 2 of the last paragraph, and inserting in lieu thereof the following:

"within 3 days of the date hereof".

Approved May 18, 1970.

CHAPTER 429

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE JUNIOR CHAMBER OF
COMMERCE FOR PROMOTION OF THE STATE OF
DELAWARE AT THE 51ST ANNUAL NATIONAL CON-
VENTION OF UNITED STATES JAYCEES IN ST.
LOUIS, MISSOURI.**

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 \$2,000 is hereby appropriated to the Delaware State Junior Chamber of Commerce for the fiscal year ending June 30, 1970, for the purpose of promoting the State of Delaware at the 51st Annual National Convention of United States Jaycees to be held in June, 1970, in St. Louis, Missouri.

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, 1970.

Approved May 18, 1970.

CHAPTER 430

AN ACT MAKING AN APPROPRIATION TO MILFORD SCHOOL DISTRICT FOR THE PURPOSE OF CONSTRUCTING SIDEWALKS AND ACQUIRING THE NECESSARY RIGHTS-OF-WAY THEREFOR WITHIN THE SCHOOL DISTRICT AT SPECIFIED LOCATIONS.

WHEREAS, the policy of the State Board of Education established on February 27, 1967, precludes approval of off-school site sidewalks for inclusion in School Construction Bond Authorization Acts; and

WHEREAS, pursuant to the provisions of Section 2305 of Title 14, Delaware Code, the Board of School Directors of the Milford School District has made a careful examination of the transportation facilities, the frequency of exposure to traffic hazards and the possible existence of mechanical hazards which might affect the safety of pupils in the district and has determined the need for sidewalks leading to the Milford Senior High School site as hereinafter set out; and

WHEREAS, the State Highway Department and the State Board of Education after reviewing and considering the factors required by the provisions of Section 2305 of Title 14, Delaware Code, have indicated their approval in writing of this program for the construction of sidewalks leading to said school site; and

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. The sum of \$10,200 is hereby appropriated to the Milford School District for the purpose of constructing sidewalks within the Milford School District and acquiring the necessary rights-of-way therefor.

Section 2. The Milford School District prior to the expenditure of any moneys appropriated herein shall supplement the sum appropriated herein in the amount of \$6,800 no later than May 30, 1970. Said sum of \$6,800 shall be transferred from the

Milford School District debt service account to the construction account for the purpose of implementing this Act. No other funds appropriated by the State of Delaware to the Milford School District shall be used for the purposes set forth in this Act.

Section 3. The funds appropriated herein shall be used to construct the approximate linear footage of sidewalk at each location as shown below and for acquiring the necessary rights-of-way therefor at the following locations:

I. NORTH WALNUT STREET

Easterly side, from the end of the existing sidewalk
to the Rehoboth Highway 2,200 feet

II. THE REHOBOTH HIGHWAY

Easterly side, from N.E. 10th Street to the
existing sidewalk leading from the Rehoboth
Highway to the Milford Senior High School .. 500 feet

2,700 feet

Section 4. Any funds hereby appropriated that remain uncommitted on July 1, 1971 shall revert to the State.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be out of the General Fund of the State Treasury from other funds not otherwise appropriated.

Approved May 18, 1970.

CHAPTER 431

AN ACT TO AMEND TITLE 29, CHAPTER 76, DELAWARE CODE, RELATING TO THE DISPLAY OF THE STATE FLAG BY STATE AGENCIES AND APPROPRIATING FIVE THOUSAND DOLLARS (\$5,000) TO THE STATE DISTRIBUTION AGENCY FOR THIS PURPOSE.

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

Section 1. Amend Title 29, Chapter 76, Delaware Code, by adding a new Section 7602 to read as follows:

§ 7602 (a) State agencies including all public schools may cause the flag of this State to be displayed out of doors (weather permitting) on its installation, grounds or campus at each location.

(b) To carry out the purpose of subsection (a) the State Distribution Agency shall purchase and distribute as many flags of this State as necessary to supply each agency and public school with the initial issue, upon certification by the agency or public school head that such purchase is initial and not a replacement.

Section 2. To carry out the purpose of this Act the sum of Five Thousand Dollars (\$5,000) is appropriated to the State Distribution Agency for the fiscal year beginning July 1, 1969 and ending June 30, 1970. Provided, however, that the funds appropriated by this act shall be used only for the purchasing of flags and not for flag poles, other appurtenances, and installation.

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. Any funds hereby appropriated which remain unexpended on June 30, 1970, shall revert to the General Fund of the State of Delaware.

Approved May 18, 1970.

CHAPTER 432

**AN ACT TO AMEND SECTION 702, CHAPTER 7, TITLE 16,
DELAWARE CODE, RELATING TO THE REPORT OF
VENEREAL DISEASE CASES.**

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

Section 1. Section 702, Chapter 7, Title 16, Delaware Code, is amended by striking out said section and inserting in lieu thereof the following:

REPORT OF VENEREAL DISEASE CASES

Any physician or other person who makes a diagnosis or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, and any person in charge of a laboratory finding presumptive evidence significant of venereal disease, shall report such findings to the State Board of Health by name or by number, on a weekly basis, associated with the name of the physician requesting the examination. Any physician or other person making the reports required by this section shall be free of any liability or any cause of action arising out of the making of such a report, if such physician or other person acts without malice and has made a reasonable effort to obtain the facts upon which the report is based. The reports required by this section shall be treated with strict confidence by the State Board of Health, and the patient who has a private physician shall be approached only with the consent of his physician, and the patient who does not have a private physician shall be approached only with the consent of the Attending Chief of the Section of the Clinic or Service concerned. Any investigative action by the State Board of Health will be through the private physician or if the patient does not have a private physician through the Attending Chief of the Section of the Clinic or Service concerned. The State Board of Health may prescribe the forms upon which any such reports are made, and adopt such rules and regulations as may be necessary to carry out the provisions of this Section.

Approved May 18, 1970.

CHAPTER 433

AN ACT TO AMEND CHAPTER 19, TITLE 11, DELAWARE CODE, RELATING TO THE AUTHORIZATION OF LOCAL GOVERNMENTS TO ENTER INTO AND RENEW POLICE MUTUAL AID AGREEMENTS.

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

Section 1. Chapter 19, Title 11, Delaware Code, is hereby amended by adding thereto a new subchapter as follows:

SUBCHAPTER III. Police Mutual Aid Agreements**§ 1941. Short Title**

This subchapter may be cited as the Police Mutual Aid Agreement Act.

§ 1942. Definitions

As used in this subchapter —

“Mutual Aid Agreement” means a covenant between local governments enabling the police of one jurisdiction to enter into another jurisdiction for the purpose of giving assistance in emergencies.

“Emergency” means the existence of internal disorder, fire, flood, epidemic, state of war, other public disaster, or any other circumstance which, in the judgment of the principal law enforcement officer of the requesting jurisdiction, requires additional police assistance.

“Jurisdiction” means a recognized geographical area, such as a county, city, or town, in which a local government and its police have the authority, capacity, power and right to enforce laws.

“Police” includes all authorized law enforcement officers and agents of a jurisdiction.

§ 1943. Basic provisions

Whenever the necessity arises during an emergency, the police of one jurisdiction may, pursuant to a valid mutual aid

agreement, lawfully enter into another jurisdiction for the purpose of assisting in meeting such emergency.

§ 1944. Mutual aid agreement

(a) The governing body of a county, city, or town, may in its discretion enter into mutual aid agreements for such periods as it deems advisable with any other county, city or town, within or without the State, including the District of Columbia, in order to establish and carry into effect a plan to provide mutual assistance through the furnishing of police and all necessary equipment in the event of an emergency.

(b) No governing body of a county, city or town shall enter into a mutual aid agreement unless the agreement provides that each of the parties shall:

(i) waive any and all claims against all other parties to the agreement which may arise out of authorized activities outside their respective jurisdictions pursuant to the agreement;

(ii) indemnify the other parties to the agreement from all claims by third parties for property damage or personal injury which may arise out of authorized activities of the other parties while acting outside their respective jurisdictions pursuant to the agreement.

§ 1945. Liability insurance

The governing body of any city, county or town in this State is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other jurisdictions.

§ 1946. Direction and authorization of activities

(a) The principal law enforcement officer of a jurisdiction shall be responsible for directing the activities of all police coming into his jurisdiction pursuant to the mutual aid agreement.

(b) The principal law enforcement officer shall be empowered to authorize all police from a foreign jurisdiction to enforce the laws of his jurisdiction to the same extent as if they were duly authorized law enforcement officers of the jurisdiction.

§ 1947. Immunities; benefits

Police when acting outside their respective jurisdictions

pursuant to a mutual aid agreement, shall have all the immunities from liability and exemptions from laws, ordinances and regulations, and shall have all the pension, relief, disability, workmen's compensation, and other benefits enjoyed by them while performing their respective duties within their own jurisdiction.

Approved May 18, 1970.

CHAPTER 434

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
IN THE AMOUNT OF \$14,300 TO DELAWARE STATE
COLLEGE FOR SALARIES.**

WHEREAS, the salaries of employees in the classified service have been increased by the provisions of Senate Bill No. 455; and

WHEREAS, adjustments in the pay scales of Delaware State College employees comparable to employees in the classified service in grades 1 through 18 are essential to the retention and recruitment of such Delaware State College employees; and

WHEREAS, the monies appropriated to the Delaware State College for employees salaries are included in the line items designated "Salaries";

NOW, THEREFORE;

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

Section 1. The sum of \$14,300 is hereby appropriated to the Delaware State College as an additional sum for the line items designated "Salaries" for the fiscal year ending June 30, 1970.

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 18, 1970.

CHAPTER 435

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE JUNIOR MISS PAGEANT FOR THE PURPOSE OF PROVIDING FUNDS FOR DELAWARE'S JUNIOR MISS TO ATTEND THE NATIONAL JUNIOR MISS PAGEANT, AND TO DEFRAY RELATED EXPENSES.

WHEREAS, Delaware's Junior Miss has represented the State of Delaware well in both local and national events in the past; and

WHEREAS, the members of the 125th General Assembly desire for the State of Delaware to be represented at the National Junior Miss Pageant;

NOW, THEREFORE;

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 \$1500 is hereby appropriated to the Delaware Junior Miss Pageant to provide funds to defray the reasonable and necessary expenses involved in sending Delaware's Junior Miss to the National Junior Miss Pageant.

Section 2. This Act shall be considered a supplementary appropriation and the monies hereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 3. If any of such funds so appropriated remain unexpended upon June 30, 1970, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved May 18, 1970.

CHAPTER 436

AN ACT TO AMEND § 612, TITLE 17, DELAWARE CODE, RELATING TO THE ISSUANCE OF TURNPIKE REVENUE BONDS.

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

Section 1. Amend § 612(a), Title 17, Delaware Code, by striking out the figures "5%" where they appear therein and inserting in lieu thereof the figures "8%".

Approved May 18, 1970.

CHAPTER 437

AN ACT TO AMEND TITLE 18, DELAWARE CODE, RELATING TO CREATION OF A DELAWARE INSURANCE GUARANTY ASSOCIATION.

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

Section 1. Title 18, Delaware Code, is amended by adding thereto a new chapter, Chapter 42, which shall read as follows:

**CHAPTER 42. DELAWARE INSURANCE
GUARANTY ASSOCIATION ACT****§ 4201. Title**

This Act shall be known and may be cited as the Delaware Insurance Guaranty Association Act.

§ 4202. Purpose

The purpose of this Act is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

§ 4203. Scope

This Act shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, and ocean marine insurance.

§ 4204. Construction

This Act shall be liberally construed to effect the purpose under § 4202 which shall constitute an aid and guide to interpretation.

§ 4205. Definitions

As used in this Act —

(1) "Association" means the Delaware Insurance Guaranty Association created under § 4206.

(2) "Commissioner" means the Commissioner of Insurance of this State.

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this Act applies issued by an insurer, if such insurer, becomes an insolvent insurer after the effective date of this Act and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this State. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(4) "Insolvent Insurer" means (a) an insurer authorized to transact insurance in this State either at the time the policy was issued or when the insured event occurred and (b) determined to be insolvent by a court of competent jurisdiction.

(5) "Member insurer" means any person who (a) writes any kind of insurance to which this Act applies under § 4203 including the exchange of reciprocal or inter-insurance contracts, and (b) is licensed to transact insurance in this State.

(6) "Net direct written premiums" means direct gross premiums written in this State on insurance policies to which this Act applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or re-insurers.

(7) "Person" means any individual, corporation, partnership, association or voluntary organization.

§ 4206. Creation of the Association

There is created a non-profit unincorporated legal entity to be known as the Delaware Insurance Guaranty Association. All

insurers defined as member insurers in § 4205 (5) shall be and remain members of the Association as a condition of their authority to transact insurance in this State. The Association shall perform its functions under a plan of operation established and approved under § 4209 and shall exercise its powers through a Board of Directors established under § 4207.

§ 4207. Board of Directors

(1) The Board of Directors of the Association shall consist of not less than five (5) nor more than nine (9) persons serving terms as established in the plan of operation. The members of the Board shall be selected by member insurers subject to the approval of the Commissioner. Vacancies of the Board shall be filled for the remaining period of the term in the same manner as initial appointments. If no members are selected within 60 days after the effective date of this Act, the Commissioner may appoint the initial members of the Board of Directors.

(2) In approving selections to the Board, the Commissioner shall consider among other things whether all member insurers are fairly represented.

(3) Members of the Board may be reimbursed from the assets of the Association for expenses incurred by them as members of the Board of Directors.

§ 4208. Powers and duties of the Association

(1) The Association shall:

(a) Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within 30 days after the determination of insolvency, or before the policy expiration date if less than 30 days after the determination, or before the insured replaces the policy or causes its cancellation, if he does so within 30 days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of \$100 and is less than \$300,000, except that the Association shall pay the full amount of any covered claim arising out of a workmen's compensation policy. In no event shall the Association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

(b) Be deemed the insurer to the extent of its obligation on

the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Assess insurers amounts necessary to pay the obligations of the Association under paragraph (a) subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, and the cost of examinations under § 4213 and other expenses authorized by this Act. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year bears to the net direct written premiums of all member insurers for the preceding calendar year. Each member insurer shall be notified of the assessment not later than 30 days before it is due. No member insurer may be assessed in any year an amount greater than 2% of that member insurer's net direct written premiums for the preceding calendar year. If the maximum assessment, together with the other assets of the Association, does not provide in any one year an amount sufficient to make all necessary payments, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The Association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer.

(d) Investigate claims brought against the Association and adjust, compromise, settle, and pay covered claims to the extent of the Association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested.

(e) Notify such persons as the Commissioner directs under §4210 (2) (a).

(f) Handle claims through its employees or through one or

more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the Commissioner, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the Association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the Association and shall pay the other expenses of the Association authorized by this Act.

(2) The Association may:

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the Association.

(b) Borrow funds necessary to effect the purposes of this Act in accord with the plan of operation.

(c) Sue or be sued.

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this Act.

(e) Perform such other acts as are necessary or proper to effectuate the purpose of this Act.

(f) Refund to the member insurers in proportion to the contribution of each member insurer to the Association that amount by which the assets of the Association exceed the liabilities, if, at the end of any calendar year, the Board of Directors finds that the assets of the Association exceed the liabilities of the Association as estimated by the Board of Directors for the coming year.

§ 4209. Plan of Operation

(1) (a) The Association shall submit to the Commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the Association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the Commissioner.

(b) If the Association fails to submit a suitable plan of operation within 90 days following the effective date of this Act or if at any time thereafter the Association fails to submit suit-

able amendments to the plan, the Commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this Act. Such rules shall continue in force until modified by the Commissioner or superceded by a plan submitted by the Association and approved by the Commissioner.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation shall:

(a) Establish the procedures whereby all the powers and duties of the Association under § 4208 will be performed.

(b) Establish procedures for handling assets of the Association.

(c) Establish the amount and method of reimbursing members of the Board of Directors under § 4207.

(d) Establish procedures by which claims may be filed with the Association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the Association or its agent and a list of such claims shall be periodically submitted to the Association or similar organization in another state by the receiver or liquidator.

(e) Establish regular places and times for meetings of the Board of Directors.

(f) Establish procedures for records to be kept of all financial transactions of the Association, its agents, and the Board of Directors.

(g) Provide that any member insurer aggrieved by any final action or decision of the Association may appeal to the commissioner within 30 days after the action or decision.

(h) Establish the procedures whereby selections for the Board of Directors will be submitted to the Commissioner.

(i) Contain additional provisions necessary or proper for the execution of the powers and duties of the Association.

(4) The plan of operation may provide that any or all

power and duties of the Association, except those under § 4208 (1) (c) and § 4208 (2) (b), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this Association, or its equivalent, in two or more states. Such a corporation, association or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the Association. A delegation under this subsection shall take effect only with the approval of both the Board of Directors and the Commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this Act.

§ 4210. Duties and powers of the Commissioner

(1) The Commissioner shall:

(a) Notify the Association of the existence of an insolvent insurer not later than 3 days after he receives notice of the determination of the insolvency.

(b) Upon request of the Board of Directors, provide the Association with a statement of the net direct written premiums of each member insurer.

(2) The Commissioner may:

(a) Require that the Association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this Act. Such notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

(b) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this State of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the Commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall not exceed 5% of the unpaid assessment per month, except that no fine shall be less than \$100 per month.

(c) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(3) Any final action or order of the Commissioner under this Act shall be subject to judicial review in a court of competent jurisdiction.

§ 4211. Effect of paid claims

(1) Any person recovering under this Act shall be deemed to have assigned his rights under the policy to the Association to the extent of his recovery from the Association. Every insured or claimant seeking the protection of this Act shall cooperate with the Association to the same extent as such person would have been required to cooperate with the insolvent insurer. The Association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the Association shall not operate to reduce the liability of insureds to the receiver, liquidator, or statutory successor for unpaid assessments.

(2) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the Association or a similar organization in another state. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this Act against the assets of the insolvent insurer. The expenses of the Association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses.

(3) The Association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the Association and estimates of anticipated claims on the Association which shall preserve the rights of the Association against the assets of the insolvent insurer.

§ 4212. Non-duplication of recovery

(1) Any person having a claim against an insurer under any provision in an insurance policy other than a policy of an insolvent insurer which is also a covered claim, shall be required

to exhaust first his right under such policy. Any amount payable on a covered claim under this Act shall be reduced by the amount of any recovery under such insurance policy.

(2) Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residents of the insured except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the location of the property, and if it is a workmen's compensation claim, he shall seek recovery first from the association of the residence of the claimant. Any recovery under this Act shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

§ 4213. Prevention of insolvencies

To aid in the detection and prevention of insurer insolvencies —

(1) It shall be the duty of the Board of Directors, upon majority vote, to notify the Commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.

(2) The Board of Directors may, upon majority vote, request that the Commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within 30 days of the receipt of such request, the Commissioner shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners' examination or may be conducted by such persons as the Commissioner designates. The cost of such examination shall be paid by the Association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the Board of Directors prior to its release to the public, but this shall not preclude the Commissioner from complying with subsection (3). The Commissioner shall notify the Board of Directors when the examination is completed. The request for an examination shall be kept on file by the Commissioner, but it shall not be open to public inspection prior to the release of the examination report to the public.

(3) It shall be the duty of the Commissioner to report to the Board of Directors when he has reasonable cause to believe that any member insurer examined or being examined at the request of the Board of Directors may be insolvent or in a financial condition hazardous to the policyholders or the public.

(4) The Board of Directors may, upon majority vote, make reports and recommendations to the Commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.

(5) The Board of Directors may, upon majority vote, make recommendations to the Commissioner for the detection and prevention of insurer insolvencies.

(6) The Board of Directors shall, at the conclusion of any insurer insolvency in which the Association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the Association and submit such report to the Commissioner.

§ 4214. Examination of the Association

The Association shall be subject to examination and regulation by the Commissioner. The Board of Directors shall submit, not later than March 30 of each year, a financial report for the preceding calendar year in a form approved by the Commissioner.

§ 4215. Tax exemption

The Association shall be exempt from payment of all fees and all taxes levied by this State or any of its subdivisions except taxes levied on real or personal property.

§ 4216. Recognition of assessments in rates

The rates and premiums charged for insurance policies to which this Act applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the Association by the member insurer less any amounts returned to the member insurer by the Association and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

§ 4217. Immunity

There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the Association or its agents or employees, the Board of Directors, or the Commissioner or his representatives for any action taken by them in the performance of their powers and duties under this Act.

§ 4218. Stay of proceedings; reopening of default judgments

All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this State shall be stayed for 60 days from the date the insolvency is determined to permit proper defense by the association of all pending causes of action as to any covered claims arising from a judgment under any decision, verdict or finding based on the default of the insolvent insurer or its failure to defend an insured, the Association either on its own behalf or on behalf of such insured may apply to have such judgment, order, decision, verdict or finding set aside by the same court or administrator that made such judgement, order, decision, verdict or finding and shall be permitted to defend against such claim on the merits.

Section 2. This Act shall be effective on July 1, 1970.

Approved May 20, 1970.

CHAPTER 438

AN ACT PROVIDING FOR THE FUNDING OF MONIES APPROPRIATED BY CHAPTER 414 OF VOLUME 56 OF THE LAWS OF DELAWARE AND SPECIFYING THE PURPOSES FOR WHICH SUCH MONEY MAY BE SPENT AND REAFFIRMING SAID APPROPRIATION.

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 funds appropriated to the State Board of Education by Chapter 414 of Volume 56 of the Laws of Delaware, are hereby directed to be allocated to the following school districts for school construction purposes in the following respective amounts:

| Name of District | Total Cost | State Share | Local Share |
|-------------------------|-------------------|--------------------|--------------------|
| (a) Caesar Rodney | \$111,000 | \$ 67,000 | \$ 44,000 |
| (b) Alfred I. duPont | 115,000 | 70,000 | 45,000 |
| (c) Capital | 128,000 | 77,000 | 51,000 |
| (d) Indian River | 12,000 | 7,000 | 5,000 |
| (e) Newark | 269,000 | 161,000 | 108,000 |
| TOTAL | \$635,000 | \$382,000 | \$253,000 |

An allocation of such funds in accordance with the above allocation is hereby ratified and confirmed.

Section 2. 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 3. The said sum of \$382,000 shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable. For purposes of identification, the bonds issued pursuant to this authorization Act may be known, styled

or referred to as "Capital Improvement Bonds of 1969". Any bonds issued pursuant to Chapter 414 of Volume 56 of the Laws of Delaware are hereby deemed to have been validly issued, and any budget appropriations made for the payment of interest of and principal on such bonds are hereby ratified and confirmed.

Section 4. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 5. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the issuance of any bonds for the proposed Chapter 414 of Volume 56 of the Laws of Delaware in this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 6. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs the costs of which are supplemented by the appropriation made by this Act and any funds borrowed pursuant to this Act and remaining unexpended because a project is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements. Any Federal funds re-

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

Section 7. None of the moneys appropriated by this Act shall be expended unless a contract for the expenditure of such moneys is entered into as required by the original Act allocating moneys to the particular school construction program for the payment of the cost of which the funds hereby appropriated are supplemental.

Section 8. No bonds or notes shall be issued or moneys borrowed on behalf of this State, pursuant to this Act, after June 30, 1976, except as provided in Chapter 75, Title 29, Delaware Code.

Approved May 20, 1970.

CHAPTER 439

AN ACT TO AMEND VOLUME 57, CHAPTER 299, 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 THE MONIES TO VARIOUS AGENCIES OF THE STATE."

WHEREAS, the 1970 capital projects schedule allocates Fifty Thousand Dollars (\$50,000) to the Delaware Technical and Community College, Southern Branch Campus, for the purpose of Laboratory remodeling; and

WHEREAS, priorities of institutions of higher learning change to meet the demands of the people whom it is supposed to serve;

NOW, THEREFORE,

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. Amend Chapter 299, Volume 57, Laws of Delaware, by adding thereto a new section to read as follows:

Section 21. The \$50,000 appropriated to the Delaware Technical and Community College, Southern Branch Campus, in the project schedule for Laboratory remodeling may be expended for Laboratory and/or Book Store renovation.

Approved May 20, 1970.

CHAPTER 440

AN ACT TO AMEND CHAPTER 75, TITLE 29, DELAWARE CODE, RELATING TO SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS.

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

Section 1. Subsection (h) of Section 7501, Chapter 75, Title 29, is hereby amended by striking the following words in the first sentence: "school district, a special school district, the City of Wilmington" and inserting in lieu thereof the following: "re-organized school district".

Section 2. Amend Section 7501, Chapter 75, Title 29, by striking subsection (i) in its entirety.

Section 3. Amend Chapter 75, Title 29, by striking Section 7516 in its entirety.

Section 4. Amend Chapter 75, Title 29, by striking the words "School Building Commission" as found in the body of Section 7509, Section 7510, Section 7518, Section 7519, Section 7520, Section 7521, Section 7522, Section 7523, and Section 7525, and inserting in lieu thereof the words "Board of Education".

Section 5. Amend Section 7517, Chapter 75, Title 29, by deleting from the title and the body of the section the words "school building commissions" and inserting in lieu thereof the words: "Board of Education".

Section 6. Amend Chapter 75, Title 29, by deleting from the title of Section 7519 and Section 7521 the words "School Building Commission", and inserting in lieu thereof the words "Board of Education".

Section 7. Amend Section 7522, Chapter 75, Title 29, by deleting the words "chairman or vice chairman" and inserting in lieu thereof the words "president or vice president" and by deleting the words "School Building Commission" and inserting in lieu thereof the words "Board of Education".

Section 8. Amend Section 7523, Chapter 75, Title 29, by deleting the words "chairman or vice chairman" and inserting in lieu thereof the words "president or vice president", and by deleting the words "School Building Commission" wherever they appear and inserting in lieu thereof "Board of Education".

Approved May 20, 1970.

CHAPTER 441

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 PERMIT THE ESTABLISHMENT OF A SERVICE CHARGE.

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 last sentence of the first paragraph of Section 32, Chapter 42, Volume 53, Laws of Delaware, as amended, is hereby further amended by striking out all of said last sentence and substituting in lieu thereof the following:

To make and establish rules and regulations, by ordinance or resolution, for the manufacture and sale of electric current, including the establishment of a service charge, in said City and within one-half mile of the Corporate limits thereof. To enact and adopt such other ordinances, rules, regulations and bylaws, not contrary to the Laws of this State or of the United States, as the City Council may deem necessary to carry into effect the powers and duties conferred and imposed by this Act or any other Law of this State, and such also as the City Council may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said City and its inhabitants.

Approved May 20, 1970.

CHAPTER 442

AN ACT TO AMEND CHAPTER 43, TITLE 10, DELAWARE CODE, RELATING TO PAYMENTS MADE AS AN ACCOMMODATION UPON A PERSONAL INJURY CLAIM AND ADMISSIBILITY THEREOF AS EVIDENCE.

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

Section 1. Chapter 43, Title 10, Delaware Code, is hereby amended by adding a new section 4318 to read as follows:

§ 4318. Admissibility of accommodation payments for personal injury

No advance payment or partial payment of damages made by any person or his insurer as an accommodation to an injured person or on his behalf to others or to the estate or dependents of a deceased person made under liability insurance as defined in 18 Delaware Code, Section 906 (a) (2) because of an injury or death claim or potential claim against any person or insured thereunder shall be construed as an admission of liability by the person claimed against, or of the insurer's recognition of such liability, with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any such payments shall, however, constitute a credit and be deductible from any final settlement made or judgment rendered with respect to such injured or deceased person which does not expressly take into account such advance payments. Any person, including any insurer, who makes such an advance or partial payment, shall at the time of the payment, notify the recipient thereof in writing of the statute of limitations applicable to such injury or death. Failure to provide such written notice shall operate to toll any applicable statute of limitations or time limitations from the time of such advance or partial payment until such written notice is actually given.

Approved May 20, 1970.

CHAPTER 443

AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF DELAWARE, ENTITLED, "AN ACT PROVIDING FOR A POLICE PENSION FUND: FOR MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON", BY ELIMINATING THE ELIGIBILITY REQUIREMENT THAT THE PERIOD OF SERVICE BE CONTINUOUS.

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 1 of Chapter 113, Volume 32, Laws of Delaware, as amended by Chapter 636, Volume 50, Laws of Delaware, is further amended by striking the word "continuous" as the same appears in line 4 and in line 11 of the first paragraph thereof.

Section 2. Section 1 of Chapter 113, Volume 32, Laws of Delaware, as amended by Chapter 636, Volume 50, Laws of Delaware, is further amended by inserting after the word "Plus" and before the word "two" as the same appear in line 17 of the first paragraph thereof the words, "if the service of such person is continuous".

Section 3. Section 4 of Chapter 113, Volume 32, Laws of Delaware, as amended by Chapter 89, Volume 35, Laws of Delaware, is further amended by striking the word "continuous" as the same appears in line 5 thereof.

Section 4. The provisions of Section 1 and Section 3 of this Act shall apply to and be for the benefit of any member of the Bureau of Police of the Department of Public Safety of the City of Wilmington who retires on or after July 1, 1970 or to his widow or sole dependent parent, as the case may be.

Section 5. This Act shall become effective on July 1, 1970.

Approved May 20, 1970.

CHAPTER 444

AN ACT TO AMEND CHAPTER 118, VOLUME 33. LAWS OF DELAWARE, ENTITLED, "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE CITY OF WILMINGTON", BY ELIMINATING THE ELIGIBILITY REQUIREMENT THAT THE PERIOD OF SERVICE BE CONTINUOUS.

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 1 of Chapter 118, Volume 33, Laws of Delaware, as amended by Chapter 328, Volume 49, Laws of Delaware, is further amended by striking the word "continuous" as the same appears in line 4 and line 11 of the first paragraph thereof.

Section 2. Section 1 of Chapter 118, Volume 33, Laws of Delaware, as amended by Chapter 328, Volume 49, Laws of Delaware, is further amended by inserting after the word "plus" and before the word "two" as the same appear in line 17 of the first paragraph thereof the words, "if the service of such person is continuous".

Section 3. Section 4 of Chapter 118, Volume 33, Laws of Delaware, as amended by Chapter 88, Volume 35, Laws of Delaware, is further amended by striking the word "continuous" as the same appears in line 5 thereof.

Section 4. The provisions of Section 1 and Section 3 of this Act shall apply to and be for the benefit of any member of the Bureau of Fire of the Department of Public Safety of the City of Wilmington who retires on or after July 1, 1970 or to his widow or sole dependent parent, as the case may be.

Section 5. This Act shall become effective on July 1, 1970.

Approved May 20, 1970.

CHAPTER 445

AN ACT RELATING TO UNIFORM ANATOMICAL GIFT ACT.

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

Section 1. Sections 1780 through 1788, Title 24, Delaware Code, are repealed in their entirety.

Section 2. Chapter 7, Title 24, Delaware Code, is amended by adding thereto a new "Subchapter VII" to read as follows:

SUBCHAPTER VII. UNIFORM ANATOMICAL GIFT ACT.**§ 1780. Definitions**

As used in this Subchapter —

(a) "Bank or storage facility" means a facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.

(b) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(c) "Donor" means an individual who makes a gift of all or part of his body.

(d) "Hospital" means a hospital licensed, accredited or approved under the laws of any state and includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(e) "Part" includes organs, tissues, eyes, bones, arteries, blood, other fluids and other portions of a human body, and "part" includes "parts".

(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

(h) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

§ 1781. Persons who may execute an anatomical gift

(a) Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purposes specified in Section 1782, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in Section 1782:

- (1) the spouse;
- (2) an adult son or daughter, 18 years of age or older;
- (3) either parent;
- (4) an adult brother or sister;
- (5) a guardian of the person of the decedent at the time of his death;
- (6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by this subsection (b) may make the gift after death or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by Section 1786 (e).

§ 1782. Persons who may become donees, and purposes for which anatomical gifts may be made

The following persons may become donees of gifts of bodies or parts thereof for the purposes stated :

(1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation ; or

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science or therapy ; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation ; or

(4) any specified individual for therapy or transplantation needed by him.

§ 1783. Manner of executing anatomical gifts

(a) A gift of all or part of the body under Section 1781 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under Section 1781 (a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of two witnesses who need not be in the presence of each other but who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and

place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding Section 1786 (b), the donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in Section 1781 (b) shall be made by a document signed by him, or made by his telegraphic, recorded, telephonic or other recorded message.

(f) A person who so directs the manner in which his body or any part of his body shall be disposed of shall receive no remuneration or other thing of value for such disposition.

§ 1784. Delivery of document of gift

If the gift is made by the donor to a specified donee, the will, card or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

§ 1785. Amendment or revocation of the gift

(a) If the will, card or other document or executed copy thereof has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) the execution and delivery to the donee of a signed statement; or

(2) an oral statement made in the presence of 2 persons and communicated to the donee; or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

§ 1786. Rights and duties at death

(a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin or other persons under obligation to dispose of the body. The heir of any donor, at the time the disposition of the body takes place, may submit a request in writing to the donee that the body be returned to the heir at such time as the donee either refuses the disposition of the entire body or the parts thereof or determines that he no longer has use of the remains.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, or under the anatomical gift laws of another state (or a foreign country) is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) Where no other provision for the same exist, a body, or the remains thereof, after it is no longer needed for the purpose indicated by the donor, may be buried at public expense, on

order of the Medical Council of Delaware, but in no case shall the expense of the burial exceed \$100.

(e) The provisions of this Act are subject to the laws of this State prescribing powers and duties with respect to autopsies.

§ 1787. Uniformity of interpretation

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

§ 1788. Short title

This Act may be cited as the Uniform Anatomical Gift Act.

§ 1789. Forms

The following forms may be used to accomplish the purposes of this Act:

**Anatomical Gift by Next of Kin
or Other Authorized Person**

I, hereby make this anatomical gift of or from the body of who died on at the in The marks in the appropriate squares and the words filled into the blanks below indicate my relationship to the deceased and my desires respecting the gift.

I am the surviving: spouse; adult son or daughter; parent; adult brother or sister; guardian; , authorized to dispose of the body:

I give the body of deceased; any needed organs or parts; the following organs or parts

To the following person (or institution) (insert the name of a physician, hospital, research or educational institution, storage bank or individual), for the following purposes: any purpose authorized by law; transplantation; therapy; research; medical education.

Dated City and State

.....
Signature of Survivor

.....
Address of Survivor

Anatomical Gift by a Living Donor

I am of sound mind and 18 years or more of age.

I hereby make this anatomical gift to take effect upon my death. The marks in the appropriate squares and words filled into the blanks below indicate my desires.

I give: my body; any needed organs or parts; the following organs or parts

To the following person (or institution: the physician in attendance at my death; the hospital in which I die; the following named physician, hospital, storage bank or other medical institution ; the following individual for treatment ; for the following purposes: any purpose authorized by law; transplantation; therapy; research; medical education.

Dated City and State

Signed by the Donor in the presence of the following who sign as witnesses.

.....
Signature of Donor

.....
Witness

.....
Address of Donor

.....
Witness

Approved May 20, 1970,

CHAPTER 446

AN ACT TO AMEND CHAPTER 9, TITLE 26, DELAWARE CODE, RELATING TO THE LAYING OF PIPES, CONDUITS OR WIRES BY ELECTRIC UTILITY CORPORATIONS.

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

Section 1. Sections 907 and 908, Title 26, Delaware Code, are hereby amended by striking out said sections and inserting in lieu thereof the following:

§ 907. Laying pipes, conduits or wires by electric utility corporations

Every corporation mentioned in Section 906 of this Title may lay pipes, conduits or wires beneath the public roads, highways, streets, avenues and alleys as it deems necessary. The pipes, conduits and wires shall be laid at least two (2) feet below the surface of the same and shall not in anywise unnecessarily obstruct or interfere with public travel, or damage public or private property. No public streets shall be opened for such purpose without the consent of the council of any city, or the town commissioners of any incorporated town, or other persons having control over the public roads, highways, streets, avenues and alleys. Such use of the public streets in any of the cities and towns of this State shall be subject to such regulations, taxation and restrictions as may be first imposed by the corporate authorities of such cities and towns.

Approved May 20, 1970.

CHAPTER 447

AN ACT TO AMEND TITLE 4, SECTION 512, DELAWARE CODE, RELATING TO THE PURCHASING, SALE AND DISPENSING OF ALCOHOLIC LIQUORS BY PROVIDING OR THE CONSUMPTION OF ALCOHOLIC LIQUORS ON THE PREMISES AT DINNER THEATERS.

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

Section 1. Title 4, Section 512, Delaware Code, is hereby amended by adding at the end thereof a new paragraph as follows:

Any person operating a dinner theater presenting public performances featuring live actors in dramatic or musical productions may apply for a license to keep and sell alcoholic liquor to patrons for consumption on the premises in conjunction with meals served at such performances, and for consumption on the premises during intermissions, subject to such rules and regulations as may be promulgated by the Delaware Alcoholic Beverage Control Commission, provided that the licensee serves meals to at least half the patrons at such performances

Approved May 20, 1970.

CHAPTER 448

AN ACT TO AMEND TITLE 4, DELAWARE CODE, SECTION 555 RELATING TO LICENSE FEES FOR THE SALE OF ALCOHOLIC LIQUORS.

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

Section 1. Title 4, Delaware Code, Section 555, is hereby amended by adding thereto a new subsection to be denoted and to read as follows:

(cc) For a license to sell alcoholic liquor in a dinner theatre the fee shall be \$225.

Approved May 20, 1970.

CHAPTER 449

AN ACT TO AMEND TITLE 9, CHAPTER 65, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF SANITARY AND WATER DISTRICTS AND QUALIFICATIONS FOR VOTERS.

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

Section 1. Section 6503, Title 9, Delaware Code, is amended by striking the word, "residents" and the word "residing" as the same appear in the first sentence thereof.

Section 2. Section 6506 (a), Title 9, Delaware Code, is amended by striking the words "residing within the boundaries" as the same appear in the first sentence thereof.

Section 3. Section 6506 (d), Title 9, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

(d) The election shall be managed and the votes canvassed as may be prescribed by the Levy Court. All persons who are "voters" as defined in section 6519 of this Title shall be eligible to vote in the election.

Section 4. Chapter 65, Title 9, Delaware Code, is amended by adding thereto a new section 6519, to read as follows:

§ 6519. Definitions; voters

(a) Notwithstanding any other provisions of Title 9, Delaware Code, for the purposes of this Chapter the terms "voter", "voters", "legal voters", and "elector" shall be deemed to include all the following persons:

(i) persons whose principal place of abode has been within the proposed sanitary and water district for at least six (6) months immediately preceding the date of the election or the date of the petition, whichever is applicable;

(ii) persons who own real estate in the proposed sanitary and water district on the date of the election or the date of the

petition, whichever is applicable, regardless of where they reside, unless such real estate is subject to a lease described in subparagraph (iv) of this section;

(iii) corporations which own real estate in the proposed sanitary and water district on the date of the election or the date of the petition, whichever is applicable, unless such real estate is subject to a lease described in subparagraph (iv) of this section;

(iv) each leaseholder holding land under a valid lease in which the original term is specified not less than ten (10) years and whose lease is recorded in the office of 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 \$1,000 on the date of the election or the date of the petition, whichever is applicable, but in no case shall there be more than one vote per lease.

(b) No person or corporation shall be entitled to more than one (1) vote in any election.

(c) Jointly or severally owned real estate shall be entitled to only one (1) vote.

(d) The President or Vice President of a corporation shall exercise the vote on behalf of the corporation, provided that such President or Vice President exhibits a notarized resolution of the corporation authorizing him to cast such vote.

Approved May 20, 1970.

CHAPTER 450

AN ACT TO AMEND TITLE 7, SECTIONS 106 AND 2943 DELAWARE CODE, RELATING TO THE POWER OF THE CHIEF GAME AND FISH WARDEN AND STATE FOREST OFFICER TO ARREST FOR LITTERING.

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

Section 1. Amend Title 7, § 106, Delaware Code, by adding a new sentence at the end of subsection (d) to read as follows :

The wardens shall also have the power to make arrests of persons violating Title 17, Section 518, of the Delaware Code in their presence or view or otherwise upon the issuance of an arrest warrant based on a showing of probable cause that the individual named in the warrant committed the said violation.

Section 2. Amend Title 7, § 2943, Delaware Code, by adding a new sentence at the end of §2943 to read as follows :

A State Forest Officer shall also have the power to make arrests of persons violating Title 17, Section 518, of the Delaware Code in his presence or view or otherwise upon the issuance of an arrest warrant based on a showing of probable cause that the individual named in the warrant committed the said violation.

Approved May 20, 1970.

CHAPTER 451

AN ACT TO AMEND SECTION 4302, CHAPTER 43, TITLE 30, DELAWARE CODE, RELATING TO USE TAX ON LEASES OF TANGIBLE PERSONAL PROPERTY TO PROPERTY TO PROVIDE FOR THE EXEMPTION OF CERTAIN PROPERTY.

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

Section 1. Section 4302, Chapter 43, Title 30, Delaware Code, is amended by adding after the word "furnishings" as the same appears in line 4 of said section the following words:

hospital equipment and any and all medical and remedial equipment, aids and devices leased by or to elderly, ill, injured or handicapped persons for their own use.

Approved May 20, 1970.

CHAPTER 452

AN ACT TO AMEND TITLE 10, DELAWARE CODE, SECTION 8903, AND TITLE 9, SECTION 8429, RELATING TO CERTAIN EXPENSES CONNECTED WITH THE ADMINISTRATION OF JUSTICE BY PROVIDING FOR THE TRANSFER OF RESPONSIBILITIES TO THE STATE FROM THE SEVERAL COUNTIES FOR THE PAYMENT OF THESE EXPENSES.

WHEREAS, the 125th General Assembly at its first session did enact into law House Bill No. 420, as amended, (57 Laws of Delaware, Chapter 228), effective July 9, 1969, thereby intending to transfer to the State from the several counties responsibility for payment of certain expenses relating to the administration of justice and making supplemental appropriation therefor, but did not transfer all such expenses to the State; and by said legislation did also intend to transfer receipts of certain related fees from the several counties to the State, but did not transfer all such receipts to the State;

NOW, THEREFORE,

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

Section 1. Subsection (b) of Section 8903, Title 10, Delaware Code, relating to the payment of witness fees, is hereby amended by striking therefrom the words, "Receiver of Taxes and County Treasurer" and substituting in lieu thereof the words, "State Treasurer".

Section 2. Section 8903, Title 10, Delaware Code, is further amended by adding a new subsection (c) thereto to read as follows:

(c) The Prothonotary shall pay to the State Treasurer all fees of witnesses collected under this Section as costs to reimburse the State Treasurer for such fees as have been paid in advance to such witnesses by the State Treasurer after the effective date of this Act.

Section 3. Section 8429, Title 9, Delaware Code, relating to the payment of witness and juror fees, is hereby amended by striking therefrom the words, "Receiver of Taxes and County Treasurer or Director of Finance" and substituting in lieu thereof the words, "State Treasurer".

Section 4. This Act shall become effective July 1, 1970.

Approved May 20, 1970.

CHAPTER 453

AN ACT TO AMEND TITLE 4, DELAWARE CODE, AUTHORIZING THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO IMPOSE FINES AGAINST LICENSEES FOUND GUILTY OF A VIOLATION OF THE RULES OF THE COMMISSION OR OF THE DELAWARE LIQUOR CONTROL ACT.

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

Section 1. Title 4, Delaware Code, is hereby amended by adding thereto a new Section 913 to read as follows:

§ 913. Authority to impose fines

Whenever the Commission has found a licensee to be guilty of a violation of the Rules of the Commission or the provisions of the Delaware Liquor Act, in addition to the power and authority granted to the Commission by this Title, the Commission shall have the power and authority to impose a fine on the licensee and to require that licensee to pay a fine with regard to such violation. Prior to the imposition of any fine, the Commission may cause such investigation to be made as it deems desirable and the fine shall only be imposed and required to be paid if the Commission is satisfied (a) that the public welfare and morals would not be impaired by the imposition of the fine and that the payment of the sum of money will achieve the desired disciplinary purposes; (b) that the books and records of the licensee are kept in such a manner that the average monthly gross sales of alcoholic beverages can be determined with reasonable accuracy therefrom. Any fine imposed by the Commission pursuant to this section shall not exceed ten percent of the estimated average gross monthly sales of alcoholic liquor for the operations of the licensee within the 12 months immediately preceding the date of the finding of guilt. The Commission shall not impose a fine on a licensee for a violation of the rules of the Commission or the provisions of the Delaware Liquor Control Act where the license of such licensee has been suspended or revoked by the Commission for such violation.

Section 2. Title 4, Delaware Code, is hereby amended by adding thereto a new Section 914 to read as follows:

§ 914. Effective date of the authority to fine

Nothing in this Act shall be construed to affect any revocation, cancellation, or suspension of a license concluded or in effect prior to the effective date of this Act, arising under the statutes of this State or rules of the Commission in effect immediately prior to the effective date of this Act, but all cases pending before the Commission or the Courts of Delaware at the time of the enactment of this Act shall be remanded to the Commission for consideration under the provisions of this Act.

Approved May 22, 1970.

CHAPTER 454

AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE PROCUREMENT OF MATERIEL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES.

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

Section 1. Section 6904 (a), Title 29, Delaware Code, is amended by inserting the words "except where hereinafter provided" immediately after the word "purchased" as it appears therein.

Section 2. Paragraph (1), Section 6904 (a), Title 29, Delaware Code, is amended by striking the figure "1,000" and inserting in lieu thereof the figure "2,000".

Section 3. Section 6904 (b), Title 29, Delaware Code, is amended by striking said subsection in its entirety, and inserting in lieu thereof the following:

(b) If the probable cost of the materiel is estimated to exceed \$2,000 but not more than \$5,000 the purchase may be made in the open market; provided, however, that the agency shall solicit written competitive quotations from five sources or all available sources, whichever is the lesser, the quotations shall be opened publicly at the time and place stated in the solicitation, and the award shall be made pursuant to the provisions of section 6908 of this title.

(c) If the probable cost of the work is estimated to exceed \$2,000 but not more than \$10,000, the services may be obtained in the open market; provided, however, that the agency shall solicit written competitive quotations from five sources or all available sources, whichever is the lesser, the quotations shall be opened publicly at the time and place stated in the solicitation, and the award shall be made pursuant to provisions of section 6908 of this title.

Section 4. Section 6904 (c), Title 29, Delaware Code, is

amended by striking said subsection and inserting in lieu thereof the following:

(d) If the probable cost of the materiel is estimated to exceed \$5,000, the purchase shall be made only after public advertising and the receipt of sealed bids as provided for in this chapter.

(e) If the probable cost of the work is estimated to exceed \$10,000, the contract shall be made only after public advertising and the receipt of sealed bids as provided for in this chapter.

Section 5. Section 6904 (d), Title 29, Delaware Code, is redesignated as Section 6904 (f), and amended to read as follows:

(f) Any person, who, with intent to avoid compliance with this section, wilfully fragmentizes or subdivides any contract for the purchase of materiel or work, the probable cost of which will require the receipt of competitive quotations or bids under subsections (b), (c), (d), or (e) of this section, into 2 or more contracts for the purchase of the same materiel or work shall be guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$5,000 for each offense.

Section 6. Section 6905 (b), Title 29, Delaware Code, is hereby redesignated as Section 6905 (c).

Section 7. Section 6907 (a), Title 29, Delaware Code, is amended by striking the word "All" as it appears therein, and inserting in lieu thereof the words "If the probable cost of any public works contract is estimated to exceed \$10,000, all".

Section 8. Section 6907 (b), Title 29, Delaware Code, is redesignated as Section 6907 (c), and a new Section 6907 (b) is inserted in lieu thereof to read as follows:

(b) For the purchase of materiel, in accordance with the provisions of Section 6904 (d) and for work to be contracted for in accordance with the provisions of section 6904 (c) the agency, or a representative delegated by the agency in accordance with regulations prescribed by the agency may, at their discretion, require that bids be accompanied by a deposit of either a good and

sufficient bond to the State of Delaware for the benefit of the agency involved, with corporate surety authorized to do business in this State, the form of the bond and the surety to be approved by the agency, or a certified check of the bidder drawn upon some responsible banking institution to the order of the agency, for a sum equal to at least 10% of the bid. The bid bond need not be for a specific sum but may be stated to be for a sum equal to 10% of the bid to which it relates and not to exceed a certain stated sum, if said sum is equal to at least 10% of the bid.

Section 9. Section 6905 (a), Title 29, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof the following:

(a) When an agency proposes to purchase any materiel and the probable cost of such purchase exceeds \$5,000, the agency shall prepare a suitable description of such materiel and shall prescribe such other terms and conditions as it deems necessary. The description or specifications shall not use a brand or trade name except as an indication of the type or quality of materiel and in all such cases shall contain the words "or equal".

(b) When an agency proposes to contract for any work to be done and the probable cost of such contract exceeds \$10,000, the agency shall prepare suitable plans and specifications for such work, and shall prescribe such other terms and conditions as it deems necessary. The description or specifications shall not use a brand or trade name except as an indication of the type or quality of materiel and in all such cases shall contain the words "or equal".

Section 10. Section 6908, Title 29, Delaware Code, is amended to read as follows:

§ 6908. Opening of bids; award of contracts; right to reject bids

The bids shall be publicly opened at the time and place specified and the contract shall be awarded within thirty (30) days thereafter by the agency or a representative delegated by the agency, in accordance with regulations prescribed by the agency, to the lowest responsible vendor unless in the opinion of the agency or its delegated representative, the interest of the State shall be better served by the awarding of the contract to some

other vendor, which may then be done, provided the agency shall set down in its minutes the reason or reasons for granting the contract to the person other than the lowest responsible vendor, and clearly describing how the interest of the State shall be better served by awarding the contract to other than the lowest vendor. If two or more responsible vendors shall bid an equal amount, and such amount shall be the lowest bid, the agency or its delegated representative may award the contract to any one of them. The agency or its delegated representative may reject all bids.

Section 11. Section 6909 (a), Title 29, Delaware Code, is amended by striking the "." at the end thereof, and inserting in lieu thereof the following language:

"provided, however, that for materiel purchased in accordance with Section 6904 (b), and for work contracted for in accordance with Section 6904 (c) the agency, or a representative delegated by the agency, in accordance with regulations prescribed by the agency, may waive the requirement for the execution of a formal contract."

Section 12. Section 6909 (b), Title 29, Delaware Code, is amended by striking the words "bond within 20 days" as they appear therein, and by inserting in lieu thereof the words "bond where such contract and bond are required within 20 days".

Section 13. Section 6910 (a), Title 29, Delaware Code, is amended by striking the words "formal contract" as they appear therein, and inserting in lieu thereof the words "formal contract where required by Section 6909 (a)".

Section 14. Section 6904 (a), Title 29, Delaware Code, is amended by inserting the words "except as hereinafter provided" immediately after the word "nature" as it appears in said subsection.

Section 15. Section 6907 (a), Title 29, Delaware Code, is amended by striking the words "with a warrant of attorney to confess judgment thereon attached thereto," as they appear in said subsection.

Section 16. Section 6910 (c), Title 29, Delaware Code, is amended by striking the first sentence of said subsection in its entirety.

Section 17. Section 6913, Title 29, Delaware Code, is amended by striking the word "advertising" as it appears in the first sentence of said section, and by striking the word "advertised" as it appears in the third sentence of said section.

Approved May 22, 1970.

CHAPTER 455

**AN ACT TO AMEND SUBCHAPTER II, SECTION 522 (c),
TITLE 28, DELAWARE CODE, RELATING TO LICENSES
TO CONDUCT HARNESS RACING MEETS.**

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

Section 1. Amend Subchapter II, Section 522, Title 28, Delaware Code, by striking the words "one hundred forty (140)" in the first sentence in subsection (c) thereof and inserting in lieu thereof the words "two hundred (200)".

Approved May 22, 1970.

CHAPTER 456

AN ACT TO AMEND SUBCHAPTER III, CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO TOLL EVASION ON THE DELAWARE TURNPIKE; PENALTY; RIGHT OF APPEAL; JURISDICTION OF JUSTICE OF THE PEACE.

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. Amend Subchapter III, Chapter 41, Title 21, Delaware Code, by adding thereto a new section to read as follows:

§ 4127. Unlawful evasion of Delaware Turnpike tolls; penalty; appeal; jurisdiction

(1) No vehicle shall be permitted to make use of any part of the Delaware Turnpike except upon payment of such tolls as may from time to time be prescribed by the State Highway Department of the State of Delaware.

(2) It is hereby declared to be unlawful for any person to refuse to pay, or to evade, or to attempt to evade the payment of such toll. Any such violation regarding the payment of tolls shall be punishable by fine not less than \$10 nor more than \$25, or imprisonment of not more than five days or both.

(3) Any person convicted under the provisions of this law shall have the right of an appeal as prescribed in 21 Delaware Code, Section 708, (Appeal from Motor Vehicle Violations).

(4) In the event of an arrest for the violation of this section, the person arrested shall be taken before a Justice of the Peace whose regular office is nearest to the place where such person was arrested. The person so arrested shall have the privilege of electing to have his case tried and determined in the Court of Common Pleas as provided in 11 Delaware Code, Section 5901.

(5) Any peace officer may stop and arrest with or without a warrant, any person abroad who he has reasonable ground to suspect is committing, has committed or is attempting to commit a violation of this section.

Approved May 22, 1970.

CHAPTER 457

**AN ACT TO AMEND TITLE 7, SECTION 701, DELAWARE
CODE RELATING TO GAME ANIMALS.**

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

Section 1. Amend Title 7, Delaware Code, by striking Section 701 and inserting in lieu thereof a new Section 701 to read as follows:

§ 701. Game animals

The following shall be considered game animals: mink, raccoon, opossum, gray squirrel, otter, muskrat, red fox, hare, rabbit, frog, deer, and beaver; provided, however, that the Bryant fox-squirrel, otherwise known as the "sciurus niger branti" shall be protected wildlife.

Approved May 25, 1970.

CHAPTER 458

AN ACT RELATING TO STREET AND HIGHWAY LIGHTING IN KENT COUNTY.

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

Section 1. Title 9, Delaware Code, is hereby amended by adding thereto a new Chapter, Chapter 51, to read as follows:

CHAPTER 51. STREET AND HIGHWAY LIGHTING**§ 5101. Lighting streets and highways in unincorporated communities and villages; petition**

Upon the petition of a majority of the property owners of any unincorporated community or village in Kent County, filed on or before the first Tuesday in any month in any year, the Levy Court of the County may enter into a contract with any electric, gas or other lighting companies to light and illuminate the streets or highways running through, bounding and within the community or village, with electric light, gas light, or other illuminant. The petition of the property owners shall set forth the boundary lines of the community to be lighted. Street lights shall be of such candle power, electric or its equivalent in other illuminating mediums, as shall be determined by the Levy Court. The Levy Court may enter into contracts for additional lights or may change the location of any lights theretofore located and may levy and collect additional tax for the payment of the same.

§ 5102. Levy and collection of light tax

(a) The Levy Court, for the purposes of carrying out any contract entered into pursuant to Section 5101 of this Title, shall levy for the installation and maintenance of such lights in any such community with respect to which such a contract has been entered into, an annual tax based upon the full annual cost of street and highway illumination upon all property within the boundary lines of the community or village as set forth in the petition provided for by Section 5101 of this title, based upon the assessment for county purposes. No such taxes shall be levied against farm land.

(b) Such taxes shall be collected by the same collector, at the same time and in the same manner as other county taxes.

§ 5103. Light tax; administration of fund; surplus

The Receiver of Taxes of Kent County shall receive all light taxes collected, shall keep them in a separate account, and shall pay them out only upon orders signed by the President of the Levy Court and approved by the Comptroller of the County. They shall receive no additional compensation for the performance of any duty required of them or any of them under this Section. If, after payment of all contracts entered into pursuant to this Chapter, there remains a surplus in the light account, the surplus shall be applied to reduce the light tax rate for the succeeding taxable year.

§ 5104. Removal of lights

Lights installed under the provisions of Section 5101 of this Title shall be removed by the Levy Court or at its direction only upon receipt of a petition signed by a majority of the property owners within the bounds of any lighted community or village requesting such removal.

Approved May 25, 1970.

CHAPTER 459

AN ACT TO AMEND CHAPTER 1, TITLE 10, DELAWARE CODE, REGARDING CONSEQUENCES OF FAILURE TO APPEAL FROM INTERLOCUTORY ORDERS.

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

Section 1. Chapter 1, Title 10, Delaware Code, is hereby amended by deleting Section 144 thereof and substituting the following:

§ 144. Failure to appeal from interlocutory order; consideration on final appeal

A failure to appeal from an interlocutory order, judgment or decree of the Court of Chancery, Superior Court, or Orphans' Court shall not bar a party from making any objection to such interlocutory order, Judgment or decree on appeal from the final order, judgment or decree.

Approved May 25, 1970.

CHAPTER 460
AN ACT TO AMEND CHAPTER 1, TITLE 10, DELAWARE
CODE, PROVIDING FOR TIME FOR APPEALS TO SU-
PREME COURT FROM INTERLOCUTORY ORDERS.

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

Section 1. Chapter 1, Title 10, Delaware Code, is hereby
amended by deleting § 143 thereof and substituting the following:

§ 143. Time for appeal from interlocutory order or decree

No appeal from an interlocutory order, judgment or decree
shall be received in the Supreme Court, unless such appeal is filed
in the Supreme Court within 30 days after such order, judgment
or decree is entered.

Approved May 25, 1970.

CHAPTER 461

AN ACT TO AMEND CHAPTER 1, TITLE 10, DELAWARE CODE, PROVIDING FOR ADDITIONAL TIME FOR CROSS-APPEALS IN CIVIL ACTIONS.

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

Section 1. Chapter 1, Title 10, Delaware Code, is hereby amended by the addition of a new Section 149 to read as follows:

§ 149. Time for cross-appeal in civil actions

In any civil action where a timely notice of appeal to the Supreme Court is filed by a party, any other party may file a notice of appeal within 15 days of the date on which the first notice of appeal was filed, or within the time otherwise prescribed by this title, whichever expires last.

Approved May 25, 1970.

CHAPTER 462

AN ACT TO AMEND TITLE 11, DELAWARE CODE, CHAPTER 3, SECTION 461 RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS BY PROVIDING FOR THE AUTOMATIC RENEWAL OF LICENSES FOR THE PERIOD OF ONE YEAR UPON CERTAIN CONDITIONS.

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

Section 1. Amend Title 11, Delaware Code, Chapter 3, Section 461, by adding a new sentence at the end of subsection (e) thereof to read as follows:

On or before the date of expiration of such license, the licensee, without further application, may renew the same for the further period of one year upon payment to the Prothonotary of the license tax and fee, and upon filing with said Prothonotary an affidavit setting forth that the carrying of a concealed deadly weapon by the licensee is necessary for the protection of himself or his property, or both, and that he possesses all the requirements for the issuance of a license, and may make like renewal each and every year thereafter; provided, however, that the Superior Court upon good cause presented to it may inquire into the renewal request and deny the same for good cause shown.

Approved May 25, 1970.

CHAPTER 463

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE EDUCATIONAL CONTINGENCY FUND TO
MEET DEFICIENCIES IN REGULAR APPROPRIA-
TIONS FOR MANDATED EDUCATION PROGRAMS.**

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

Section 1. The sum of \$637,000 is hereby appropriated to the Educational Contingency Fund to provide for deficiencies in regular appropriations for Substitute Teachers, Homebound Teachers and Transportation.

Section 2. The funds appropriated shall be used only for the purposes specified and any funds hereby appropriated that remain unexpended on June 30, 1970 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 26, 1970.

CHAPTER 464

AN ACT TO AMEND CHAPTER 7, TITLE 13, DELAWARE CODE, RELATING TO CONSENT OF A MINOR TO DONATE BLOOD VOLUNTARILY WITHOUT THE NECESSITY OF OBTAINING PARENTAL PERMISSION OR AUTHORIZATION.

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

Section 1. Chapter 7, Title 13, Delaware Code, is hereby amended by adding thereto the following new Section 710:

§ 710. Consent of a minor to donate blood voluntarily without the necessity of obtaining parental permission or authorization

(a) Anything otherwise provided in the law to the contrary notwithstanding, any person of the age of eighteen years or over shall be eligible to donate blood in any voluntary and non-compensatory blood program without the necessity of obtaining parental permission of authorization.

(b) Such consent so given by a minor as described above shall, notwithstanding his or her minority, be valid and legally effective for all purposes and shall be binding upon such minor, his or her parents, legal guardians, spouse, heirs, executors and administrators as effectively as if such minor were twenty-one years of age or over at the time of giving such consent. A minor giving such consent shall be deemed to have the same legal capacity to act and the same legal obligations with regard to giving such consent as if such minor were twenty-one years of age or over. Consent so given shall not be subject to later disaffirmance by reason of such minority; and the consent of no other person or Court shall be necessary for performance of the lawful procedures required to be performed in order to receive such donation.

(c) Such consent so given by a minor as described above, shall be interpreted as a contract permitting penetration of tissue which is necessary to accomplish such donation.

Approved May 28, 1970.

CHAPTER 465

AN ACT TO AMEND CHAPTER 3, TITLE 9, DELAWARE CODE, RELATING TO MOBILE HOMES.

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

Section 1. Chapter 3, Title 9, Delaware Code, is amended by adding thereto a new section to read as follows:

§ 353. Use of mobile homes on farms

Every owner of a farm of fifty (50) acres or more shall be permitted to have up to two (2) mobile homes located on said farm which shall be used and inhabited by any person or persons so permitted by the owner.

Nothing in this section shall be used or so intended to circumvent the zoning requirements of the several counties of the State.

Approved May 28, 1970.

CHAPTER 466

AN ACT TO AMEND CHAPTER 9, TITLE 28, AND CHAPTER 23, TITLE 30, DELAWARE CODE, BY PROVIDING FOR THE ISSUANCE OF PERMITS, LICENSE AND LICENSE TAXES FOR OUTDOOR MUSICAL FESTIVALS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Chapter 9, Title 28, Delaware Code, is amended by adding thereto the following new sections:

SUBCHAPTER II. OUTDOOR MUSICAL FESTIVALS

As used in this subchapter —

§ 925. Definitions

“Outdoor musical festival” means any group or groups of persons participating in musical entertainment in open spaces and not in a permanent structure.

“Promoter” means the organizer, operator, producer, or the person or persons, or corporation staging the outdoor musical festival; and the owner, tenant, and lessee of the land upon which the outdoor musical festival is performed.

“Spectator” means a gathering of 1,000 or more persons who pay a consideration for the purpose of viewing and/or hearing the outdoor musical festival.

§ 926. Permits for outdoor musical festival

(a) No promoter shall hold or conduct any outdoor musical festival where spectators will be present without first obtaining permits from the State Board of Health, or its successor, and the Superintendent of the State Police.

(b) The State Board of Health shall not issue a permit until the following provisions are met:

(1) The promoters post cash bond in the amount of \$50,000, and

(2) The promoters establish adequate sanitation and health facilities that are in accordance with the rules and regulations governing outdoor musical festivals adopted by the said State Board of Health.

(c) The Superintendent of the State Police shall not issue a permit until the promotor furnishes evidence that he has provided: (1) adequate security for the safety of the spectators and their property, and (2) adequate arrangements for the orderly flow of traffic to, at, and from the outdoor musical festival.

(d) The said State Board of Health shall retain the bond required in subsection (b) above for a period of thirty (30) days after the outdoor musical festival has terminated. In the event the promoters fail to remove all trash, debris, or residue and repair any damage to personal property, real property, crops or livestock belonging to another person created or caused by the outdoor musical festival or the spectators, within seventy-two (72) hours after said termination, then in that event, said State Board of Health may use as much of said bond money as is needed to remove said trash, debris or residue and repair said damage to personal property, real property, crops or livestock. Any moneys unexpended from said bond shall be returned by said State Board of Health to the promotor thirty (30) days after termination of the outdoor musical festival.

§ 927. License

No promotor shall obtain a license pursuant to § 2301, Title 30, Delaware Code, until he has first obtained the permits required by §926 of this Title.

§ 928. Violations and penalties

(a) Any persons or corporation who organizes, operates, produces, stages or permits an outdoor musical festival to be organized, operated, produced or staged on land in which he or it owns or leases without having first obtained the required permits and license shall be guilty of a felony and be fined not less than \$3,000 nor more than \$5,000 and may be imprisoned not more than six (6) months.

(b) Jurisdiction over this offense shall be in the Superior Court.

Section 2. Amend Section 2301 (a), Title 30, Delaware Code, by adding thereto the following:

Outdoor musical festival, promoter \$500.

“Outdoor musical festival promoter” includes every person engaged in the business of organizing, operating, producing or staging musical entertainment in open spaces and not in a permanent structure for a gathering of 1,000 or more persons who pay a consideration or admission charge to view and/or hear such musical entertainment.

Approved May 28, 1970.

CHAPTER 467

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE "FREEDOMS FOUNDATION AT VALLEY
FORGE" FOR A MEMORIAL ACRE AT VALLEY FORGE.**

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 \$10,000 is appropriated to the "Freedom's Foundation at Valley Forge", Valley Forge, Pennsylvania to provide for a memorial acre and obelisk to honor residents of Delaware who have won the Congressional Medal of Honor and to provide for the permanent care and maintenance of said acre and obelisk.

Section 2. This Act shall be considered a supplementary appropriation and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any such funds remaining unexpended, except for those funds necessary to provide for permanent care and maintenance, as of June 30, 1971, shall revert to the General Fund of the State Treasury.

Approved May 28, 1970.

CHAPTER 468

AN ACT RELATING TO THE JURISDICTION OF THE SUPERIOR COURT AND THE COURT OF COMMON PLEAS IN KENT AND SUSSEX COUNTIES.

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

Section 1. Sections 2701 (c) and (h), Title 11, Delaware Code, are amended by striking the words "and exclusive" as they appear therein, and by striking the last sentence of said subsections (c) and (h).

Approved May 28, 1970.

CHAPTER 469

AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, PERTAINING TO THE MANUFACTURE, CULTIVATION, AND GROWTH OF NARCOTIC DRUGS AND DANGEROUS DRUGS AND PRESCRIBING PENALTIES FOR VIOLATIONS; LESSER INCLUDED OFFENSES.

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

Section 1. Chapter 47, Title 16, Delaware Code, is amended by adding thereto a new Section 4722A, to read as follows:

§ 4722A. Unlawful manufacture, production, cultivation or growth of dangerous drugs; penalty

Whoever knowingly and unlawfully manufactures, compounds, mixes, grows or by any other process produces or prepares a dangerous drug without complying with the licensing provisions of Section 4702 of this Chapter, is guilty of a misdemeanor and shall be fined not more than \$3,000 and imprisoned not more than five (5) years.

Section 2. Chapter 47, Title 16, Delaware Code, is amended by adding thereto a new Section 4723A, to read as follows:

§ 4723A. Unlawful manufacture, production, cultivation or growth of narcotic drugs; penalty

Whoever knowingly and unlawfully manufactures, compounds, mixes, cultivates, grows or by any other process produces or prepares a narcotic drug or mixture of dangerous drug and narcotic drug without complying with the licensing provisions of Section 4702 of this Chapter, is guilty of a felony and shall be fined not more than \$5,000 and imprisoned not more than ten (10) years.

Section 3. Section 4728, Chapter 47, Title 16, Delaware Code, is amended by adding thereto the following new subsections:

(f) The lesser included offense under Section 4723A are Section 4723, Section 4722A, and Section 4722.

(g) The lesser included offense under Section 4722A is Section 4722.

Approved May 28, 1970.

CHAPTER 470

AN ACT TO AMEND TITLE 28, SECTION 365 AND SECTION 366 (a), DELAWARE CODE, RELATING TO HORSE RACING.

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

Section 1. Title 28, Section 365, Delaware Code, is hereby amended by striking all of said section and inserting in lieu thereof the following:

§ 365. Tax on pari-mutuel and totalizator pools

Every person engaged in the business of conducting a racing meet under this chapter shall pay as a tax to this State a percentage 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, plus one-half of the odd cents of all redistributions to be made on pari-mutuel or totalizator pool contributions exceeding the sum equal to the lowest multiple of 10, such odd cents to be calculated upon the basis of each dollar wagered. The percentage of such pari-mutuel and totalizator pools to be paid as a part of such tax shall be 5 per cent for racing meets conducted during the year 1970 and 4½ per cent for racing meets conducted in any subsequent year. 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 the payment to be correct, it shall forthwith transmit the check to the State Treasurer.

Section 2. Title 28, Section 366, Delaware Code, is amended by striking all of subsection (a) thereof and inserting in lieu thereof the following:

(a) The Commission shall authorize as commissions on pari-mutuel and totalizator pools to the licensee operating a racing meet, a percentage of the total contributions to all pari-mutuel and totalizator pools conducted or made at the racing meet, and at every race or meeting, plus one-half of the odd cents of all re-

distributions to be made on all pari-mutuel and totalizator 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. The percentage of such pari-mutuel and totalizator pools which shall be authorized as commissions shall be 10 per cent for racing meets conducted during the year 1970 and 10½ per cent for racing meets in any subsequent year.

Approved May 28, 1970.

CHAPTER 471

AN ACT TO AMEND CHAPTER 19 OF TITLE 10, DELAWARE CODE, RELATING TO JUDICIAL RECORDS AND INDICES IN SUSSEX COUNTY.

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

Section 1. Title 10, Delaware Code, is amended by adding a new subchapter to that Title to read as follows:

SUBCHAPTER VII. JUDICIAL RECORDS AND INDICES; SUSSEX COUNTY**§ 1980. Revision of indices of court records**

Whenever the index of indices of any record of the Superior Court in and for Sussex County, or of any record of the office of the Register of Wills of such County, or of any record of the office of the Recorder of such County, or of any record of the Court of Chancery in and for such County, or of any record of the Orphans' Court in and for such County, needs renewing, revising, altering or recopying, or any of such records not being sufficiently indexed are in need of a new or better system of ascertaining its contents, or needs renewing for purposes of preservation; the Superior Court in and for such County may order that a renewed, revised, altered, recopied or sufficient index or indices be made for any of the records of the Superior Court, Register of Wills or Recorder; the Court of Chancery in and for such County may order that a renewed, revised, altered, recopied or sufficient index or indices be made for any of the records of the Court of Chancery; and the Orphans' Court in and for such County may order a renewed, revised, altered, recopied or sufficient index or indices be made for any of the records of the Orphans' Court.

§ 1981. Omission of satisfied liens from new indices

Whenever a new index or indices are made under this subchapter for the records of judgments, mechanics' liens, foreign or domestic attachments, mortgages or recognizances, the new index or indices shall omit all such as have been fully and legally satis-

fied. No other change shall be made in the manner or system of keeping any index except by order of the Court so doing.

§ 1982. Appointment of Commissioners; preparation and examination of new indices

Whenever an order is made under this subchapter for the alteration, revision or making of any index or indices, a Judge of the Superior Court and the Court of Chancery of such County shall appoint two commissioners who shall make or cause to be made the index or indices of such records, pursuant to the provisions of this subchapter. The Commissioners may procure all books necessary for such purpose, the cost of which shall be paid by the Levy Court. The Commissioners shall examine such index or indices so made and shall certify the same to be true and correct. After such certification, the index or indices shall become and be the index or indices of Sussex County in lieu of those theretofore in use.

§ 1983. Compensation of Commissioners

After the Commissioners appointed under Section 1982 of this title have certified the indices, the Levy Court of Sussex County shall pay to the Commissioners a just and reasonable compensation for their services, to be fixed by the Levy Court upon the application of such Commissioners. With each application there shall be presented to the Levy Court a sworn itemized account of the time spent, expenses incurred and disbursements made, if any, by the Commissioners in and about the preparation or examination of the records or indices so made or examined by them.

Approved May 28, 1970.

CHAPTER 472

**AN ACT TO AMEND SECTION 1701, CHAPTER 17, TITLE 7,
DELAWARE CODE, RELATING TO DOG LICENSES, BY
EXEMPTING OWNERS OF SEEING-EYE DOGS AND
DOGS WHICH PREVIOUSLY SERVED IN THE ARMED
FORCES FROM PAYMENT OF THE LICENSE TAX.**

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

Section 1. Title 7, Chapter 17, Section 1701, Delaware Code, is hereby amended by adding a new paragraph to read as follows:

(h) The license tax required by subsection (a) hereof shall not be required to be paid when the dog is one which qualifies as a seeing-eye dog or as a dog which has previously served in a branch of the United States Armed Forces. The commission shall issue a metal license tag in accordance with subsection (b) to such persons without the necessity of the payment of the tax as specified in subsection (a).

Approved May 31, 1970.

CHAPTER 473

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

WHEREAS, the Office of the Secretary of State had a maintenance agreement concerning one of its machines with the Addressograph Multigraph Corporation for the period June 6, 1968 to June 5, 1969; and

WHEREAS, pursuant to the agreement a bill in the amount of \$529.32 was incurred; and

WHEREAS, a check was issued in the amount of \$75.48 covering the period of June 6, 1968 to June 30, 1968; and

WHEREAS, the remaining portion for the fiscal year of July 1, 1968 to June 30, 1969 was left unpaid; and

WHEREAS, the remaining portion in the amount of \$453.84 is still unpaid;

NOW, THEREFORE,

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

Section 1. There is hereby appropriated to the Secretary of State for the fiscal year ending June 30, 1970, the sum of \$453.84 for the purpose of paying an outstanding bill due Addressograph Multigraph Corporation.

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 1, 1970.

CHAPTER 474

**AN ACT TO AMEND TITLE 24, SECTION 314, DELAWARE
CODE, RELATING TO FEES PAYABLE TO THE BOARD
OF EXAMINERS AND REGISTRATION OF ARCHI-
TECTS.**

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

Section 1. Amend Title 24, Section 314, Delaware Code, by striking the figure "\$10" as it appears in subsection (a) (4) therein, and inserting in lieu thereof the figure "\$20".

Approved June 1, 1970.

CHAPTER 475

AN ACT TO AMEND CHAPTER 44, TITLE 9, DELAWARE CODE, RELATING TO BUILDING PERMITS IN KENT COUNTY BY PROVIDING FOR THE EXEMPTION OF PROPERTIES WITHIN INCORPORATED CITIES AND TOWNS FROM THE PROVISIONS REQUIRING BUILDING PERMITS FOR NEW CONSTRUCTION AS ISSUED BY THE LEVY COURT.

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

Section 1. Chapter 44, Title 9, Delaware Code, is hereby amended by adding at the end thereof a new section as follows:

§ 4413. Exceptions

Other than § 4403 of this chapter, the provisions of this chapter shall not apply to structures and properties located within any incorporated city or town in Kent County which has adopted and enforces a building code and building permit procedures.

Approved June 1, 1970.

CHAPTER 476

**AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE
CAPITAL SCHOOL DISTRICT TO TRANSFER CERTAIN
FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT
TO ITS CONSTRUCTION FUND 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 Education of the Capital School District is authorized to transfer the sum of \$46,800 from its local debt service account to its construction fund account. The sum transferred is to be used for completion of school construction.

Approved June 1, 1970.

CHAPTER 477

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF JUSTICE.**

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

Section 1. The sum of \$7,500 is appropriated to the Department of Justice for the fiscal year ending June 30, 1970, for the purpose of paying West Publishing Company the balance of their contract for printing the Delaware Code Supplements.

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, 1970.

Approved June 1, 1970.

CHAPTER 478

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE STATE DEPARTMENT OF JUSTICE FOR THE
PREPARATION OF REPLACEMENT VOLUME FOR
VOLUME 13 OF THE DELAWARE CODE.**

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

Section 1. The sum of \$2000 is appropriated to the State Department of Justice for the fiscal year ending June 30, 1970, for additional sums needed for the printing of a replacement volume for Volume 13 of the Delaware 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.

Section 3. Any money appropriated herein and unexpended shall not revert to the General Fund of the State of Delaware until June 30, 1970.

Approved June 1, 1970.

CHAPTER 479

AN ACT TO AMEND TITLE 10, SECTION 345, DELAWARE CODE, RELATING TO INVESTMENT OF MONIES HELD UNDER COURT ORDER AND TO PAYMENT OF THE INCOME THEREFROM TO THE STATE.

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

Section 1. § 345, Title 10, Delaware Code, is hereby amended by adding at the end thereof a new paragraph as follows:

A judge of the Court of Chancery may by general or special rule or order direct that any or all monies deposited with the Court of Chancery in connection with any action in such Court (a) be deposited in one or more interest-bearing accounts or deposits in any bank or savings institution upon such terms as shall be determined by the Court; or (b) be invested in securities of the United States of America of such duration that such money may be available when reasonably required. Any monies so deposited may be deposited or invested with similar monies from other actions, provided that records are maintained by said Court to identify the origin of all such monies so received and deposited or invested.

All income and interest earned on all such deposits and investments are declared to be public monies and shall from time to time on order of a judge of such Court be paid in equal shares to the State Treasurer and to Government of the County in which such funds are deposited with the Court or Register.

The Register in Chancery in the County in which such funds are deposited or invested shall be responsible for the deposit or investment thereof as provided herein, provided that he shall not be liable for any loss of deposit or investment not caused by his own negligence or misconduct.

Nothing contained herein shall prevent the Court from ordering that monies deposited in connection with any action be segregated or maintained in a special account or deposit if, in the judgment of the Court, that should be done.

Approved June 1, 1970.

CHAPTER 480

**AN ACT TO AMEND SECTION 1703 AND 1706, TITLE 14,
DELAWARE CODE, RELATING TO UNITS OF PUPILS.**

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

Section 1. Section 1703, Title 14, Delaware Code, is hereby amended by adding at the end thereof the following paragraph:

Pupils who are enrolled in a summer vocational or occupational education program which has been approved annually by the State Board of Education, and which is conducted by any public school district beyond and in addition to the school year as defined in Section 1023, Title 14, Delaware Code, may be counted in a unit of pupils, grades seven to twelve, inclusive at the rate of 450 pupil periods per week or major fraction thereof after the first full unit. A pupil period shall be defined as one pupil enrolled in an occupational-vocational class for a minimum of forty-five (45) minutes. Teachers for the number of units so authorized shall be entitled to payment at the rate of number of days employed multiplied by $1/185$ of their entitlement for a full school year. Any occupational-vocational teacher in a vocational-technical school district may be employed an additional fifteen (15) days for participation in program development as approved by the State Board of Education and paid at the rate of $1/185$ of his annual salary. Teachers employed in summer vocational-occupational programs or in program development as indicated in this paragraph shall not be employed in excess of $2/10$ the number of days authorized for the regular school year in any fiscal year.

Section 2. The effective date of this Act for vocational-technical school districts shall be July 1, 1970, and for all other school districts July 1, 1971.

Approved June 1, 1970.

CHAPTER 481

AN ACT TO AMEND TITLE 19, SECTION 517, DELAWARE CODE, RELATING TO THE SELLING OF NEWSPAPERS AND OTHER ARTICLES BY MINORS.

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

Section 1. Amend Title 19, Section 517, Delaware Code, by striking subsection (a) in its entirety and striking the words "engage in any of the trades or occupations mentioned in subsection (a) of this section" as they appear in subsection (b) and inserting in lieu thereof the following words:

"deliver, sell, expose, or offer for sale any newspapers, magazines, periodicals or any other articles or merchandise of any description".

Section 2. Amend Title 19, Section 517, Delaware Code, by redesignating subsection (b) as subsection (a) and subsection (c) as subsection (b).

Approved June 1, 1970.

CHAPTER 482

AN ACT TO AMEND CHAPTER 65, TITLE 29, DELAWARE CODE, RELATING TO FISCAL REGULATIONS FOR STATE AGENCIES BY CHANGING CERTAIN OF THE SIGNATURE REQUIREMENTS ON ORDERS AND APPROVALS OF BILLS.

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

Section 1. Section 6512 (a), Title 29, Delaware Code, is hereby amended by striking subsection (1) therein and by inserting in lieu thereof a new subsection (1) to read as follows:

“(1) in the case of an agency which is headed by a single official or employee, by that official or employee, or by two other responsible employees designated for this purpose by the head official or employee and approved by the Budget Director, or”.

Section 2. Section 6515 (b), Title 29, Delaware Code, is hereby amended by striking subsection (1) therein and by inserting in lieu thereof a new subsection (1) to read as follows:

“(1) in the case of an agency which is headed by a single official or employee, by that official or employee, or by another responsible employee designated for this purpose by the head official or employee and approved by the Budget Director, or”.

Section 3. Chapter 65, Title 29, Delaware Code, is hereby amended by adding a new section at the end thereof to read as follows:

§ 6530. Temporary provisions for newly consolidated agencies

In the event two or more agencies are consolidated into a single agency headed by a single official, such official may designate responsible employees in each of the component parts (formerly agencies) of the new agency to sign such documents as are elsewhere required by this chapter to be signed by such single official. This is a temporary authorization which shall expire for each newly consolidated agency six months after the date the first such single official assumes his duties in the newly consolidated agency.

Approved June 1, 1970.

CHAPTER 483

AN ACT TO AMEND TITLE 10, DELAWARE CODE, BY PROVIDING NEW FEES OF THE PROTHONOTARY FOR THE SERVICES SPECIFIED IN CRIMINAL PROCEEDINGS.

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

Section 1. Chapter 87, Title 10, Delaware Code, is amended by striking Section 8706 in its entirety and inserting in lieu thereof a new Section 8706 to read as follows:

§ 8706. Prothonotary; criminal proceedings

The fees of the Prothonotary for the services specified, shall be as listed below:

NEW CASES

| | |
|---|---------|
| Transfer from Court of Common Pleas | \$15.00 |
| Appeals from Court of Common Pleas | 5.00 |
| Indictment by true bill w/o previous commitment | 5.00 |
| New Information from Attorney General's Office | 15.00 |
| Appeals from Family Court | 15.00 |
| Transfer from Family Court | 15.00 |
| Appeals from inferior courts | 15.00 |
| Commitments from inferior courts | 15.00 |

DOCKET ENTRIES

| | |
|--|---------|
| Entering each pleading filed | \$ 2.00 |
| Entering each arraignment, sentencing and call of trial calendar | 2.00 |
| Docketing commitment | 2.00 |
| Capias | 2.00 |
| Withdrawal of Capias | 2.00 |
| Return of Capias | 2.00 |
| Entering a submission and judgment thereon (in which case the item last stated shall not be charged) | 2.00 |
| Entering attachment | 2.00 |
| Entering Rule 9 Summons | 2.00 |
| Entering Release from Custody | 2.00 |

Chapter 483

1307

Entering Bail Bond 2.00

COURT PROCEEDINGS

Trial by Jury \$25.00

Trial by Court 5.00

Sentencing 5.00

Argument 5.00

Return of Capias Hearing 5.00

Hearing on Return of Rule 9 Summons or Warrant 5.00

Appeal to Supreme Court 25.00

Re-Sentencing after appeal 5.00

GENERAL

Photostatic Copies - (Maximum cost per single sheet) ... \$.75

Issuing Exemplification of judgment of death 2.00

Certified copy of docket entries:

 1st page 2.00

 Each additional page 1.00

Approved June 1, 1970.

CHAPTER 484

AN ACT TO AMEND CHAPTER 19 OF TITLE 17, DELAWARE CODE, TO PERMIT ADDITIONAL RELOCATION EXPENSES TO BE PAID BY THE STATE HIGHWAY DEPARTMENT TO PROPERTY OWNERS ACQUIRING NEW OR REPLACEMENT PROPERTY.

WHEREAS, the Federal Aid Highway Act of 1968 establishes a new program of highway relocation assistance; and

WHEREAS, the declared purpose of this program is to insure that a few individuals do not suffer disproportionate injuries as a result of a displacement caused by a highway program; and

WHEREAS, the General Assembly further finds that it is in the public interest to provide dislocated property owners certain costs and expenses not presently provided for under the provisions of Chapter 19 of Title 17 of the Delaware Code.

NOW, THEREFORE,

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

Section 1. Chapter 19 of Title 17 of the Delaware Code, is hereby amended by adding thereto:

§ 1913. Additional homeowner relocation assistance

In addition to the payments provided for in Sections 1903 and 1905 of this Chapter, any owner of real property acquired for a highway project which is improved by a single-, two- or three-family dwelling, actually owned and occupied by the owner for not less than one year prior to the institution of negotiations for the acquisition of such property and who, within a period of one year following the transfer of such dwelling to the Department, purchases a replacement dwelling, which replacement dwelling qualifies as being decent, safe and sanitary in accordance with the standards established by the Department, shall be entitled to receive as additional relocation assistance; provided,

however, that the payment as set forth in Section 1903 has been used as a partial down payment on such replacement, both of the following:

1. An amount not to exceed the sum of Five Hundred Dollars (\$500.00) to compensate the owner for the settlement costs actually incurred in the purchase of a replacement dwelling.

Settlement costs shall include only the costs of title examination, title insurance, recording fees, transfer tax, credit report, photographs, survey and mortgage placement fee; but, such settlement costs shall exclude any escrow deposits or prorations.

2. An interest subsidy to compensate such owner for any increased rate of interest which such owner is required to pay for financing such replacement dwelling.

This interest subsidy shall be computed and allowed only

(a) If there was an existing mortgage against the dwelling transferred to the Department and such mortgage was a valid lien on said premises for at least one year prior to the institution of negotiations for the acquisition of such property.

(b) If the mortgage for the replacement dwelling bears a higher rate of interest than the interest rate on the mortgage of the transferred dwelling; but, in no event shall such interest on the replacement dwelling be greater than the maximum interest allowable under the provisions of 6 Del. C.

§ 2301.

The value of the interest subsidy shall be the difference in the interest rate existing on the balance of any mortgage on a transferred dwelling and the interest rate on the mortgage of the replacement dwelling for the remainder of the term of any such mortgage on such transferred dwelling reduced to discounted present value.

The discount rate as above provided shall be the maximum rate of interest permitted to be paid on saving deposits by any mutual savings bank within the State of Delaware pursuant to the rules and regulations of the Federal Deposit Insurance Corporation.

Approved June 3, 1970.

CHAPTER 485

AN ACT TO AMEND TITLE 7, CHAPTER 17, DELAWARE CODE, RELATING TO IMPOUNDING AND DISPOSITION OF DOGS RUNNING AT LARGE.

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

Section 1. Amend Title 7, Section 1710, Delaware Code, by adding a new sentence at the end to read as follows:

Any impounded dog shall not be disposed of without five (5) days written notification to the owner of said dog if ownership can be determined, unless disposal is recommended by a doctor of veterinary medicine.

Approved June 3, 1970.

CHAPTER 486

AN ACT TO PERMIT NEW CASTLE-GUNNING BEDFORD SCHOOL BOARD OF EDUCATION TO TRANSFER CERTAIN FUNDS FROM ITS CURRENT EXPENSE 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 branch thereof concurring therein):

Section 1. The board of Education of the New Castle-Gunning Bedford School District is authorized to transfer the sum of \$222,000 from the accumulated balance in the local current expense account to the local school construction account. The sum transferred is to be used to provide the increased local share of funds authorized by House Bill No. 528 as amended and passed by the second session of the 125th General Assembly and known, styled, or referred to as "Capital Improvement Bonds of 1970".

Section 2. Of the \$222,000 local funds under Section 1, there shall be designated \$111,000 for the William Penn High School addition, CN 1969-9-A, and \$111,000 for the 15-room kindergarten project, CN 1970-23-k.

Section 3. Any sums hereby authorized to be transferred from the local current expense account which are unencumbered or unexpended after one year from the date of occupancy of the projects identified in Section 2 hereof shall revert to the local current expense account of the New Castle-Gunning Bedford School District.

Approved June 3, 1970.

CHAPTER 487

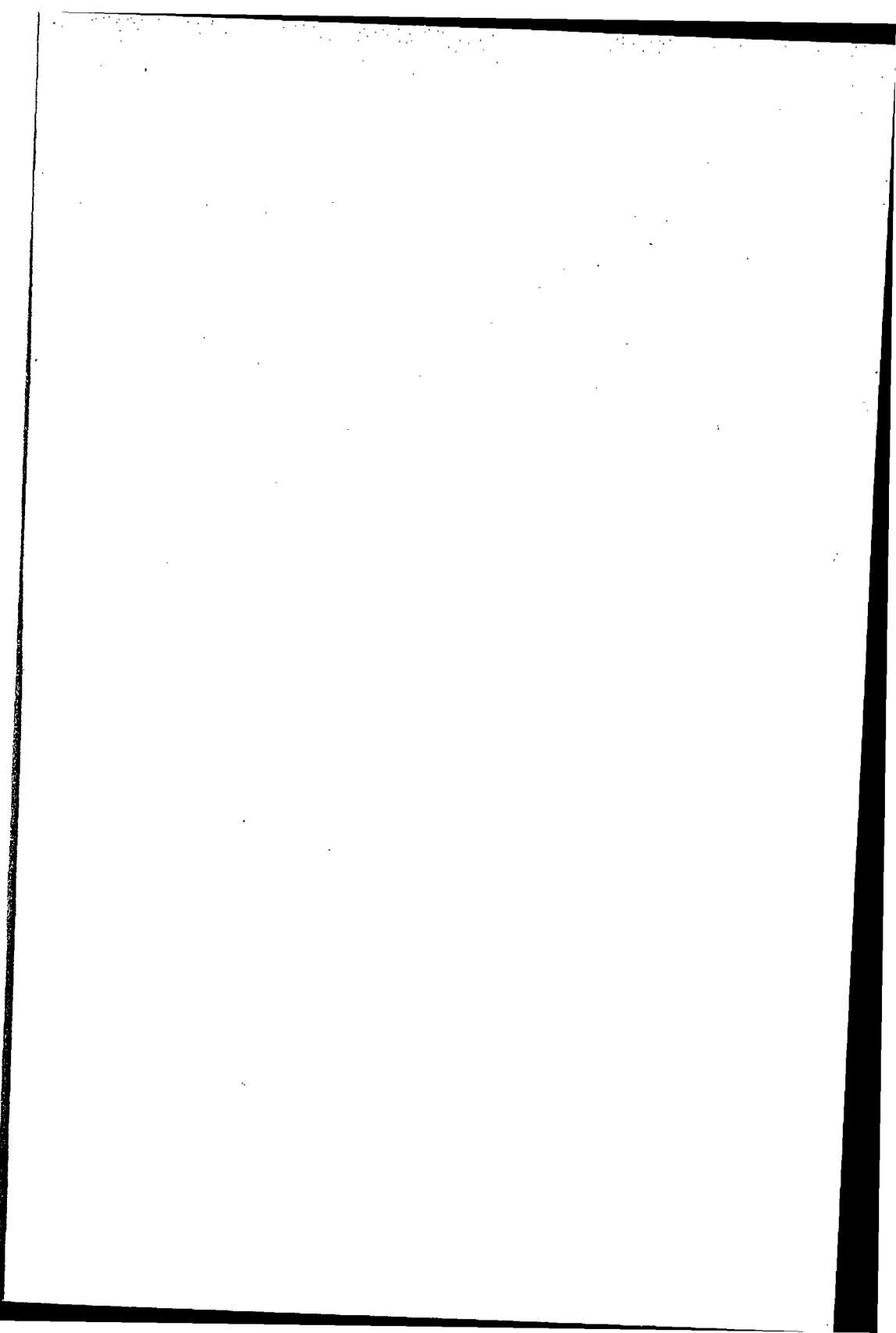
AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO PROCURE A NEW SEAL, TO BE USED AS THE GREAT SEAL OF THE STATE OF DELAWARE, AND FOR OTHER PURPOSES.

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

Section 1. That the Secretary of State be, and he is hereby authorized to procure a new seal and press, to be used as the Great Seal of the State of Delaware, which said seal shall not exceed three inches in diameter, and shall be emblazoned as follows: Party per fess, or and argent, the first charged with a garb (wheat sheaf) in bend dexter; and an ear of maize (Indian corn) in bend sinister, both proper; the second charged with an ox stantant, ruminating, proper; fess, wavy azure-supporters on the dexter, a husbandman with a hilling hoe, on the sinister, a rifleman armed and accoutred, at ease. Crest, on a wreath azure and argent, a ship under full sail, proper; with the words "Great Seal of the State of Delaware", and also, the words "liberty and Independence" engraved thereon.

Section 2. That when the said seal and press shall be so procured as aforesaid, the Secretary of State shall break and destroy, or cause to be broken and destroyed, the Seal now used as the Great Seal of the State of Delaware, and shall keep and use the new seal, by him procured as aforesaid, for all purposes for which the Great Seal of the State is now used.

Approved June 3, 1970.



**END
OF
VOLUME**