

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

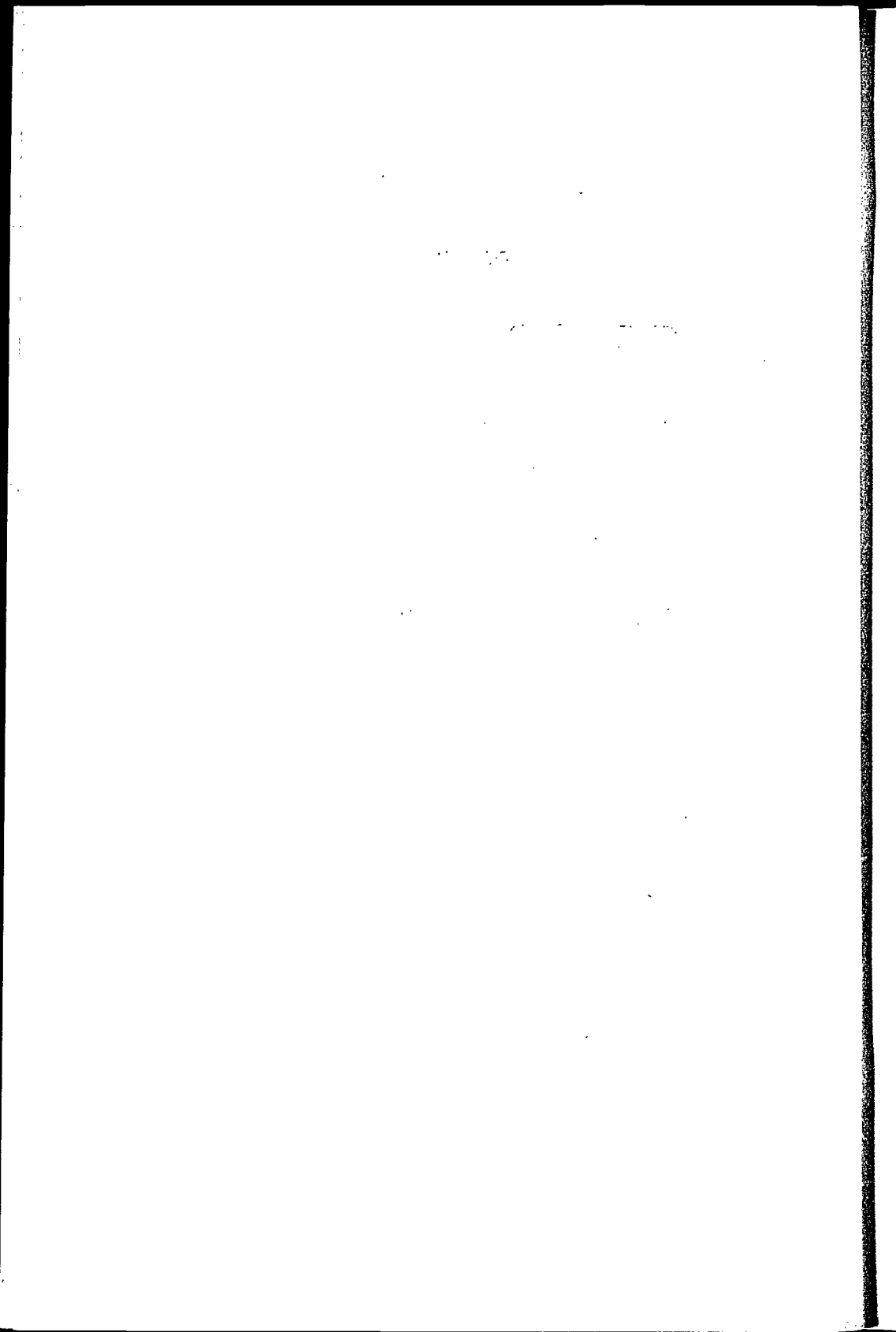
SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 13, A. D.
1970

PART II

VOLUME LVII

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CHAPTER 488

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY ADDING A NEW CHAPTER 22 THERETO TO CREATE A GOVERNOR-ELECT TRANSITIONAL FUND AND TO PROVIDE FOR THE USE THEREOF, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. Title 29, Delaware Code, is amended by adding a new Chapter 22 thereto to read as follows:

CHAPTER 22. GOVERNOR-ELECT TRANSITIONAL FUND

§ 2201. Establishment of Governor-elect Transitional Fund.

There is hereby established in the General Fund a fund to be known and designated as the "Governor-elect Transitional Fund." All monies in the Governor-elect Transitional Fund are perpetually appropriated and dedicated for the purposes set forth in this Chapter.

§ 2202. Certification of election of Governor

As soon as possible after every general election at which a governor has been elected, the Commissioner of Elections shall certify to the Budget Director and the State Auditor the fact and results of such election.

§ 2203. Facilities to be furnished to Governor-elect

The Budget Director, in cooperation with the Governor, shall, upon request of the Governor-elect, furnish the following services and facilities to the Governor-elect from moneys set aside in the Governor-elect transitional fund:

- (1) Suitable office space, furniture, fixtures and equipment;
- (2) Payment of salaries and expenses of staff personnel designated by the Governor-elect;
- (3) Payment of travel expenses for the Governor-elect and his staff personnel;

(4) Payment of incidental office expenses, including postage communications and supplies.

§ 2204. Time during which available to Governor-elect

The moneys authorized for use of the Governor-elect as herein provided shall be available from the date of certification as provided in § 2202 until the Governor-elect officially assumes the office of Governor.

§ 2205. When fund not to be used

In the case where the Governor-elect is the incumbent Governor, there shall be no expenditures of funds for the provision of facilities to such incumbent pursuant to this Chapter.

Section 2. The sum of \$15,000 shall be paid by the State Treasurer out of the General Fund and out of funds not otherwise appropriated in any year in which the provisions of this Act are operative. These funds shall be considered as an automatic appropriation.

Approved June 3, 1970.

CHAPTER 489

AN ACT TO AMEND TITLE 16, DELAWARE CODE, SECTION 3137 RELATING TO FEES CHARGED BY THE BOARD OF HEALTH AND THE DIVISION OF PHYSICAL HEALTH OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

Section 1. Title 16, Delaware Code, Section 3137, is amended by striking the figure "\$1" as it appears in subsection (a) (1) thereof and inserting in lieu thereof the figure "\$2.50".

Section 2. Title 16, Delaware Code, Section 3137, is amended by striking subpart (2) of subsection (a) thereof and renumbering subparts (3) and (4) as (2) and (3).

Section 3. Title 16, Delaware Code, Section 3137, is amended by striking the figure "\$2" as it appears in subsection (a) (2) thereof, and inserting in lieu thereof the figures "\$2.50".

Section 4. Title 16, Delaware Code, Section 3137, is amended by striking the figure "\$2.50" as it appears in subsection (a) (3) thereof, and inserting in lieu thereof the figure "\$3.50".

Section 5. Title 16, Delaware Code, Section 3137, is amended by striking subsection (d) thereof in its entirety.

Approved June 3, 1970.

CHAPTER 490

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO "EDUCATION", BY PROVIDING ENCOURAGEMENT FOR VOCATIONAL YOUTH ORGANIZATIONS.

WHEREAS, vocational youth organizations have been recognized by national, State, and local educational agencies as being an integral part of the total occupational-vocational program; and

WHEREAS, vocational youth organizations afford the members the opportunity to be recognized in their communities for social and vocational competencies developed by participation in these constructive organizations; and

WHEREAS, vocational youth organizations help develop self-confidence and a spirit of honorable competition with local, State and National colleagues; and

WHEREAS, vocational youth organizations provide an outlet for the development of leadership qualities in Delaware youth; and

WHEREAS, the increased number of Delaware youth being served has proportionately increased the cost of operating these organizations and has made it necessary to curtail leadership development and has prohibited their expanded membership participation due to limited economic resources, it is now imperative that financial assistance be obtained to support leadership development activities in these organizations; and

WHEREAS, the existing vocational youth organizations have provided an outstanding record of positive, peaceful performance,

NOW, THEREFORE,

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

Section 1. Title 14, Delaware Code, is hereby amended by adding a new Chapter thereto to read as follows:

CHAPTER 32. VOCATIONAL YOUTH ORGANIZATIONS

§ 3201. Purpose

It is the intent and purpose of the General Assembly of the State of Delaware, through this Act, to encourage the youth of Delaware to pursue vocational and occupational education when such pursuit is deemed in the best interest of the student and of the State of Delaware.

§ 3202. Administration

This Chapter shall be administered by the State Board of Education, hereinafter referred to as the "Board".

§ 3203. Vocational Youth Organization Fund

The General Assembly shall each year in the Budget Act appropriate a sum to be known as the "Vocational Youth Organization Fund" for the purpose of carrying out the provisions of this Act.

§ 3204. Grants

The Board is hereby authorized to award grants from the Vocational Youth Organization Fund to such vocational organizations which are an integral part of the instructional program in the following, but not limited to, occupational-vocational areas, such as: Agriculture, Business and Office Occupations, Distributive Education, Home Economics, and Trade and Industrial Education.

Section 2. There is hereby appropriated to the State Board of Education the sum of Five Thousand Dollars (\$5,000) for the purpose contained in this Act.

Section 3. This Act is a supplementary appropriation act and the fund hereby appropriated shall be paid out of the General Fund of the State. Any monies appropriated by this Act and unexpended by June 30, 1971, shall revert to the General Fund.

Section 4. This Act shall become effective July 1, 1970.

Approved June 3, 1970.

CHAPTER 491

AN ACT TO AMEND TITLE 31, DELAWARE CODE, SECTION 503 RELATING TO AID TO FAMILIES WITH DEPENDENT CHILDREN.

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

Section 1. Title 31, Delaware Code, Section 503 (d), is amended by striking the words "in the same home or" as they appear in the third paragraph thereof.

Section 2. Title 31, Delaware Code, Section 503 (d), is amended by striking the words "in the same home or" as they appear in the first sentence of the last paragraph thereof.

Approved June 3, 1970.

CHAPTER 492

AN ACT TO AMEND SUBCHAPTER V, CHAPTER 17, TITLE 24, DELAWARE CODE, PROVIDING FOR IMMUNITY OF MEMBERS OF MEDICAL COUNCIL OF DELAWARE, THE BOARD OF MEDICAL EXAMINERS OF DELAWARE, THE COUNTY MEDICAL CENSOR COMMITTEES, THE STATE OSTEOPATHIC CENSOR COMMITTEE, AND PHYSICIANS WHO ARE MEMBERS OF HOSPITAL COMMITTEES WHOSE FUNCTION IS THE REVIEW OF MEDICAL RECORDS AND OF PHYSICIANS' WORK WITH A VIEW TO QUALIFY OF CARE AND UTILIZATION OF HOSPITAL FACILITIES FROM SUIT OR LIABILITY FOR ACTION TAKEN AS MEMBERS OF SUCH ORGANZATIONS AND COMMITTEES.

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

Section 1. Subchapter V, Chapter 17, Title 24, Delaware Code, is hereby amended by adding a new Section "1768" to read as follows:

§ 1768. Immunity of members of Medical Council of Delaware, the Board of Medical Examiners of Delaware, members of the County Medical Censor Committees, the State Osteopathic Censor Committee, and physicians who are members of hospital committees whose function is the review of medical records and of physicians' work with a view to quality of care and utilization of hospital facilities

The members of the Medical Council of Delaware, the Board of Medical Examiners of Delaware, the members of the County Medical Censor Committees, the State Osteopathic Censor Committee, and physicians who are members of hospital committees whose function is the review of medical records and of physicians' work with a view to quality of care and utilization of hospital facilities shall severally not be subject to, and shall be immune from, claim, suit, liability, damages or any other recourse, civil or criminal, arising from any act or processing, decision or determination undertaken, performed or reached in good faith

and without malice by any such member or members acting individually or jointly in carrying out the responsibilities and authority, duties, powers and privileges of the offices conferred by law upon them under the provisions of Chapter 17 (excluding only Subchapter VI) of this title, or any other provisions of the Delaware law, or duly adopted rules and regulations of the aforementioned committees and hospitals, good faith being presumed until proved otherwise, with malice required to be shown by a complainant.

Approved June 3, 1970.

CHAPTER 493

AN ACT TO AMEND TITLE 11, CHAPTER 83, DELAWARE CODE, TO AUTHORIZE THE SUPERINTENDENT OF THE STATE POLICE TO ADMINISTER A CRIME REDUCTION FUND.

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

Section 1. Title 11, Chapter 83, Delaware Code, is amended by adding thereto a new section to be designated as Section 8308 to read as follows:

§ 8308. Crime Reduction Fund

(a) The Superintendent of the State Police is authorized to administer a fund to be known as the "Crime Reduction Fund".

(b) Expenses for the administration of this fund shall be paid by the State Treasurer out of funds of the General Fund not otherwise appropriated not to exceed Ten Thousand Dollars (\$10,000) in any fiscal year.

Approved June 3, 1970.

CHAPTER 494

AN ACT TO AMEND SECTION 309 AND SECTION 304 (2), TITLE 4, DELAWARE CODE, RELATING TO SCOPE OF REGULATIONS MADE BY THE DELAWARE LIQUOR COMMISSION; AMENDMENT OF THE DELAWARE LIQUOR COMMISSION REGULATIONS BY THE GENERAL ASSEMBLY; AND MORE PARTICULARLY IMPOSING RESTRICTIONS UPON THE DELAWARE LIQUOR COMMISSION AS TO REGULATION OF POOL TABLES, PINBALL MACHINES, AND SHUFFLEBOARDS IN BUSINESS PLACES SELLING ALCOHOLIC LIQUORS.

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

Section 1. Section 309, Title 4, Delaware Code, is amended by striking the second paragraph of said section in its entirety, and inserting in lieu thereof, the following paragraph:

Any regulation made by the Commission and approved and published as provided by this chapter may be repealed or amended either by another regulation of the Commission, approved and published as so provided, or by an Act of the General Assembly of the State of Delaware.

Section 2. Section 304, (2), Title 4, Delaware Code, is amended by inserting the following sentence at the end of said subparagraph (2):

However, such rules and regulations as established by the Commissioner shall not control or regulate any recreational equipment located on the business premises of any business selling alcoholic beverages, which said recreational equipment shall include, but not be limited to, pool tables, pinball machines, and shuffleboards.

Approved June 3, 1970.

CHAPTER 495

AN ACT TO AMEND SECTION 2710, TITLE 21, DELAWARE CODE, RELATING TO THE APPLICATION BY A MINOR FOR A DRIVER'S LICENSE AND TO AMEND SECTION 6105, TITLE 21, DELAWARE CODE, RELATING TO THE LIABILITY OF PARENT, GUARDIAN OR EMPLOYER FOR THE NEGLIGENCE OF A MINOR.

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

Section 1. Amend § 2710, Title 21, Delaware Code, by striking the paragraph numbered (1) and (2) of said sections in their entireties and inserting in lieu thereof the following:

(1) Father and mother of the minor if both parents are living together within this State, and the minor resides with both parents.

(2) Father of the minor, if the father is living within this State, and the minor resides with the father only; or Mother of the minor, if the father is not living within this State, and the mother is living within this State, and the minor resides with the mother.

Section 2. Amend Section 2710, Title 21, Delaware Code, by adding the following paragraph at the end of said section:

The Department shall not require as a prerequisite to the issuance of a license to a minor under this section, that such father, mother, guardian or employer be present at the time such application is made by such minor or sign such application at the offices of the Motor Vehicle Department. The signing of said application and acknowledgment thereof by said father, mother, guardian or employer before a Notary Public or other person authorized to administer oaths shall be deemed sufficient to satisfy the requirements of this section.

Section 3. Amend § 6105, Title 21, Delaware Code, by striking subsection (a) thereof and inserting in lieu thereof the following:

(a) Any negligence of a minor, under the age of 18 years licensed upon application signed as provided in Section 2710 of this title, when driving any motor vehicle upon a highway, shall be imputed to the person or persons who have signed the application of such minor for the license. Such person or persons shall be jointly and severally liable with such minor, for any damages caused by such negligence.

Approved June 3, 1970.

CHAPTER 496

AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO COMMODITY TAXES BY ADDING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 52, RELATING TO A FUEL PURCHASE LAW UPON CERTAIN MOTOR CARRIERS, PROVIDING FOR THE COLLECTION AND ADMINISTRATION THEREOF, ESTABLISHING PENALTIES, AND MAKING AN APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT.

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

Section 1. Title 30, Delaware Code, is amended by adding thereto a new Chapter designated as Chapter 52 to read as follows:

CHAPTER 52. MOTOR CARRIERS FUEL PURCHASE LAW

§ 5201. Short Title

This Act shall be known and may be cited as the "Motor Carriers Fuel Purchase Law".

§ 5202. Definitions

As used in this Act —

(a) "Motor Fuel" means (1) any liquid or gaseous substance commonly or commercially known or sold as gasoline regardless of its classification or use; (2) any liquid or gaseous substance used, offered for sale or sold for use, either alone or when mixed, blended, or compounded, for the purpose of generating power for the propulsion of motor vehicles upon the public highways; and shall include:

(i) all grades of motor gasoline, natural gasoline, marine gasoline, aviation gasoline, motor fuel blending naphthas, motor grade benzol and motor grade toluol; and

(ii) any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in

internal combustion engines, which when subjected to distillation in accordance with latest revised standard method of test for distillation of gasoline, naphtha kerosene, and similar petroleum products (American Society for testing materials Method D-86) shows not less than 10 per centum distilled (recovered) below 347 degrees Fahrenheit and not less than 95 per centum distilled (recovered) below 464 degrees Fahrenheit; and

(iii) all combustible gases which exist in a gaseous state at 60 degrees Fahrenheit and at 14.7 pounds per square inch absolute pressure, industrial naphthas and solvents, aromatic distillates, diesel fuel, additives, and all other products not included within the foregoing provisions of this subsection.

(b) "Motor Carrier" means every person who operates or causes to be operated any motor vehicle on any highway in this State.

(c) "Motor Vehicle" means a passenger vehicle that has seats for more than nine passengers in addition to the driver, or any road tractor, or any truck tractor, or any truck having more than two axles and which is propelled by motor fuel.

(d) "Operations" means operations of all such motor vehicles whether loaded or empty, whether for compensation or not for compensation and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

(e) "Highway" means the Delaware Turnpike and every way or place, of whatever nature, open to the use of the public as a matter of right, for the purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other public institutions.

(f) "Controller" means the Controller of the State Highway Department of the State of Delaware.

§ 5203. Rate of Tax

Every motor carrier shall pay a road tax equivalent to the the rate per gallon of the Delaware liquid fuels tax which is currently in effect, calculated on the amount of motor fuel used in its operations on highways within this State.

§ 5204. Credit for motor fuel tax payment

(a) Every motor carrier subject to the tax hereby imposed, shall be entitled to a credit on such tax equivalent to the rate per gallon of the Delaware Tax which is currently in effect, on all gasoline or other motor fuel purchased by such carrier within this State for use in its operation either within or without this State and upon which gasoline or other motor fuel the tax imposed by the laws of this State has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Controller, shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, such excess shall, upon application and under regulations of the Controller, be allowed as a credit on the tax for which such carrier would be otherwise liable for any of the six succeeding quarters; or upon application with the Controller within one year from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Controller, and supported by such evidence as may be satisfactory to the Controller, such excess shall be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax herein provided, on the use or consumption in said state of gasoline or other motor fuel purchased in Delaware, to the extent of such payment to said other state, but in no case to exceed the rate per gallon of the Delaware fuel tax which is currently in effect.

(b) The Controller shall not allow such refund except after an audit by the Controller of the applicant's records and the Controller shall audit the records of an applicant at least once a year. If the Controller shall refuse to allow a refund in the amount claimed by the applicant, the applicant may request a formal hearing on the application for a refund. Such hearing shall be held by the Controller after written notice to the applicant of not less than ten days. Whenever any refund is ordered it shall be paid out of the General Fund. So much of the moneys received as payment of the tax, interest and penalties under this Act, as shall be necessary for the payment of the refunds provided for in this Act, is hereby appropriated for payment of such refunds.

No tax, interest, penalty, or fee received or derived from any other tax imposed by the laws of this State shall be used to pay any refund or credit due and payable under the provisions of this Act.

§ 5205. Tax due date

The tax hereby imposed shall be paid by each motor carrier quarterly to the Controller on or before the last day of April, July, October and January of each year and calculated upon the amount of motor fuel used in its operations on highways within this State by each such carrier during the quarter ending with the last day of the preceding month.

§ 5206. Tax revenue to General Fund

All taxes, fees, penalties and interest paid under the provisions of this Act, shall be credited to and are hereby appropriated to the General Fund of the State of Delaware.

§ 5207. Calculation of amount of fuel used in State

The amount of gasoline or other motor fuel used in the operation of any motor carrier on highways within this State, shall be such proportion of the total amount of such gasoline or other motor fuel used in its entire operations within and without this State, as the total number of miles traveled on highways within this State bears to the total number of miles traveled within and without this State.

§ 5208. Report requirements

Every motor carrier subject to the tax imposed by this Act, shall on or before the last day of April, July, October and January of every year make to the Controller such reports of its operations during the quarter ending the last day of the preceding month as the Controller may require and such other reports from time to time as the Controller may deem necessary. The Controller by regulation may exempt from the quarterly reporting requirements of this section those motor carriers operating solely within the State of Delaware, and require in such instance an annual affidavit, if in his discretion the enforcement of this Act would not be adversely affected by such a regulation. The Con-

troller is further authorized by regulation to exempt from the quarterly reporting requirements of this section, and require in such instances an annual affidavit of motor carriers licensed in this State who perform substantially all of their travel in this State provided the Controller is assured that a sufficient amount of fuel is purchased in this State which is commensurate with the motor carrier's operations on highways within this State.

§ 5209. Average consumption

In the absence of adequate records or other evidence satisfactory to the Controller, showing the number of miles operated by a motor carrier's motor vehicles per gallon of motor fuel, any such motor vehicle shall be deemed to have consumed one gallon of motor fuel for each five miles operated.

§ 5210. Records

Every motor carrier shall keep such records, in such form as the Controller reasonably may prescribe, as will enable the carrier to report and enable the Controller to determine the total number of over-the-road miles traveled by its entire fleet of motor vehicles, the total number of over-the-road miles traveled in Delaware by said entire fleet, the total number of gallons of motor fuel used by said entire fleet and the total number of gallons of motor fuel purchased in Delaware for said entire fleet. As used in this section and in § 5207, "entire fleet" and "entire operations" shall mean those motor vehicles which use the highways of Delaware at any time during the period covered by the quarterly report and the operations of such vehicles respectively. All such records shall be safely preserved for a period of three years in such manner as to insure their security and availability for inspection by the Controller or any authorized employee engaged in the administration of this Act. Upon application in writing, stating the reasons therefor, the Controller may, in his discretion, consent to the destruction of any such records at any time within said period if such records pertain to a period which has been audited by the Controller.

§ 5211. Vehicle marker; fee

(a) The Controller shall provide an identification marker and registration card to every motor vehicle operated within the State of Delaware by the motor carrier. The identification mark-

er must be affixed to the vehicle in an easily visible position and the registration card carried in the cab of the vehicle. The identification marker and registration card shall remain the property of the State of Delaware and may be recalled for any violation of the provisions of this Act, or of the regulations promulgated thereunder. The Controller shall provide by regulation for the registration of every such vehicle, for a fee of one dollar (\$1.00) each. Registration cards and identification markers shall be issued on a twelve month basis effective April 1 of each year and shall be valid through the next succeeding March 31, except that any such registration cards and identification markers issued prior to April 15, 1970, shall be valid through March 31, 1971. The enforcement of this subsection shall not become effective until April 15 of each year providing the motor carrier has the previous year's identification card in the cab of his vehicles before entry into the State of Delaware. It shall be illegal to operate or to cause to be operated in this State any motor vehicle defined in § 5202 hereinabove, unless the vehicle bears the identification marker required by this section; provided, however, the Controller by regulation may exempt from the requirement for displaying the said identification marker such vehicles as urban and public transit vehicles or others if in his discretion they are clearly identifiable and the effective enforcement of this Act will not suffer thereby. In addition and for a period not exceeding twenty-five days as to any one motor carrier the Controller by letter or telegram may authorize the operation of a vehicle or vehicles without the identification marker required when the enforcement of this section for that period would cause undue delay and hardship in the operation of the said vehicle or vehicles. The fee for this authorization shall be five dollars (\$5.00) for each motor vehicle and conditions for the issuance of such authorization shall be set for by regulations promulgated by the Controller.

(b) Any motor carrier, the motor vehicles of which make entries into this State totaling not more than four during a calendar year may apply to the Controller for a flat fee permit, which application shall be accompanied by a fee of five dollars (\$5.00). Such permit shall be subject to such regulations as may be promulgated by the Controller, and shall be deemed to relieve the motor carrier of the marker, registration, report, record and tax payment requirements of this Act, for the calendar year specified in such permit.

§ 5212. Imposition of tax

The taxes imposed on motor carriers by this Act, are in addition to any taxes of whatever character imposed on such carriers by any other provision of law.

§ 5213. Enforcement

The Delaware State Police is hereby authorized and directed to assist in the enforcement of the provisions of this subtitle.

§ 5214. Filing of bond; refund provisions

The Director may require a motor carrier to provide a surety company bond, which at no time shall exceed the amount of ten thousand dollars (\$10,000.00) payable to the State of Delaware, and conditioned that the carrier will pay all taxes due and to become due under this Act from the date of the bond to the date when either the carrier or the bonding company notifies the Controller that the bond has been cancelled. The surety shall be a corporation authorized to write surety bonds in Delaware. So long as the bond remains in force the Controller may order refunds to the motor carrier in the amounts appearing to be due on applications duly filed by the motor carrier under § 5204, without first auditing the records of the carrier including the penalties and interest provided in § 5218, even though the assessment is made after cancellation of the bond, but only for taxes due and payable while the bond was in force and penalties and interest on said taxes.

§ 5215. False statements; penalties

Any person who wilfully and knowingly makes, publishes, delivers or utters a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain, or to assist any other person to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or undergo imprisonment for a term not exceeding one year, or both.

§ 5216. Departure or removal of property from State or discontinuing business; arbitrary assessment

If the Controller ascertains that a person designs quickly to depart from this State, or to remove therefrom his property, or any property used by him in operations subject to this Act, or to discontinue business, or to do any other act tending to prejudice or render wholly or partially ineffectual proceedings to assess or collect such tax, whereby it becomes important that such proceedings be brought without delay, the Controller may immediately make an arbitrary assessment of the amount of tax due, whether or not any report is then due by law, and may proceed under such arbitrary assessment to collect the tax, or compel security for the same, and thereafter shall cause notice of such finding to be given to such motor carrier, together with a demand for an immediate report and immediate payment of such tax.

§ 5217. Failure to report or pay tax; penalty; interest

When any motor carrier fails to file a report within the time prescribed by this Act for the filing thereof, he shall pay as a penalty for each day thereafter, Saturdays, Sundays, and other legal holidays excluded, until the report is filed, the sum of five dollars (\$5.00). In addition to the penalty herein imposed, any unpaid tax shall bear interest at the rate of one per cent per month or fraction thereof until the same is paid. The penalties and interest charges herein imposed shall be paid to the Controller in addition to the tax due. The Controller, if satisfied that the failure to file the report or pay the tax was excusable, may remit or waive the payment of the whole or part of any penalty and such portion of the interest charge as is in excess of six per cent per annum.

§ 5218. Time for payment of taxes, penalties and interest; additional penalty

All taxes, penalties and interest assessed pursuant to the provisions of this Act, unless earlier payment is provided in this Act, shall be paid within fifteen days after notice and demand shall have been mailed to the carrier by the Controller. If such taxes, penalties and interest so assessed pursuant to §5216, 5217 and 5218 shall not be paid within the said fifteen days, there

shall be added to the amount of assessment, in addition to interest as already provided and any other penalties provided by law, a sum equivalent to five per cent of the tax.

§ 5219. Manner of payment and recovery of penalties and interest; debt of motor carrier; lien; preference

(a) All penalties and interest when imposed under this Act, shall be payable to and recoverable by the Controller in the same manner as if they were part of the tax imposed.

(b) The taxes, fees, interest and penalties imposed under this Act, from the time the same shall be due, shall be a debt of a motor carrier who does not maintain premises for the transaction of business within Delaware, recoverable in the Superior Court of the State of Delaware in an action in the name of the State. Such debt, whether used upon or not, shall be a lien on all the property of the debtor except as against an innocent purchaser for value without notice thereof, and shall have priority both in lien and distribution of the assets of the motor carrier, whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment or order obtained hereunder shall be paid to the Controller. The service of all papers in the action shall be upon the Controller of the State, with a copy mailed, by certified mail, to the last known address of the defendant.

(c) Any tax determined to be due from any person who maintains premises for the conduct of business in Delaware and remaining unpaid after demand for the same, and all penalties and interest thereon, shall be a lien in favor of the State upon the property, both real and personal, of such person but only after said lien has been entered and docketed of record by the Prothonotary of the county where such property is situated. The Controller may at any time transmit to the Prothonotaries of the respective counties certified copies of all liens for such taxes, penalties and interest, and it shall be the duty of each Prothonotary receiving the lien to enter and docket the same of record in his office, which lien shall be indexed as judgments are now indexed. A writ of execution may directly issue upon such lien, without the issuance and prosecution to judgment of a writ of scire facias: Provided, that no less than ten days before issuance of any execution on the lien, notice of the filing and the effect of

the lien shall be sent by registered mail to the taxpayer at his last known post office address. No Prothonotary shall require as a condition precedent to the entry of such liens, the payment of any costs incident thereto.

(d) The lien imposed hereunder, shall have priority from the date of its recording as aforesaid, and shall be fully paid and satisfied out of the proceeds of any judicial sale of property subject thereto, before any other obligation, judgment, claim, lien or estate to which said property may subsequently become subject, except costs of the sale and of the writ upon which the sale was made, and real estate taxes and municipal claims against such property, but shall be subordinate to mortgages and other liens existing and duly recorded or entered of record prior to the recording of the tax lien. In the case of a judicial sale of property subject to a lien imposed hereunder upon a lien or claim over which the lien imposed hereunder has priority, as aforesaid, such sale shall discharge the lien imposed hereunder to the extent only that the proceeds are applied to its payment, and such lien shall continue in full force and effect as to the balance remaining unpaid.

(e) The lien imposed hereunder shall continue for five years from the date of its entry of record, and may be renewed and continued in the manner now or hereafter provided for the renewal of judgments.

§ 5220. Failure to pay tax; determination; redetermination; review

(a) If any person shall fail to pay any tax imposed by this Act for which he is liable, the Controller is hereby authorized and empowered to make a determination of additional tax and interest due by such person based upon any information within its possession or that shall come into its possession. All of such determinations shall be made so that notice thereof shall reach the parties against whom made within three years after the due date of the tax.

(b) Promptly after the date of such determination, the Controller shall send, by certified mail, a copy thereof to the person against whom it was made. Within ninety days after the date upon which the copy of any such determination was mailed, such

person may file with the Controller a petition for redetermination of such taxes. Every petition for redetermination shall state specifically the reasons which the petitioner believes entitles him to such redetermination, and it shall be supported by affirmation that it is not made for the purpose of delay and that the facts set forth therein are true. It shall be the duty of the Controller within six months after the date of any determination to dispose of any petition for redetermination. Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the Controller.

(c) Any person shall have the right to review by the Controller and appeal to the Superior Court of the State of Delaware.

§ 5221. Penalties

Any person wilfully violating the provisions of this Act, not covered by any other penalty provision contained in this Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or undergo imprisonment for a term not exceeding one year, or both. If the person convicted is a corporation, any imprisonment imposed shall be served by the responsible corporate officer.

§ 5222. Availability of records of other agencies

The records of any other State agency, board or commission to the extent that the same may be pertinent to the administration and enforcement of this Act, and the determination of liability thereunder, shall be available to the Controller.

§ 5223. Regulations; promulgation by Controller

The Director shall, from time to time, promulgate such regulations as may be necessary for the effective enforcement of this Act.

§ 5224. Exempt vehicles; carriers

Nothing in this Act shall apply to any vehicle operated by or on behalf of any department, board, bureau or commission of this State, or any political subdivision thereof, or any quasi-

governmental authority of which this State is a participating member, or any agency of the Federal government or the District of Columbia, or of any state or any political subdivision thereof which grants similar exemption to publicly owned vehicles registered in this State. Nor shall the provisions of this Act apply to any school bus operated by, for, or on behalf of this State, any political subdivision thereof, or any private or privately operated school.

§ 5225. Exemption; reciprocal agreements

The Provisions of this Act shall not apply to motor vehicles bearing the registration plates of any other state which does not impose a tax, license or fee upon motor vehicles bearing valid registration plates of this State. The Controller is authorized to make reciprocal agreements with the proper officials of any other state imposing any such tax, license or fee, providing for the reduction or relief from the tax imposed by this Act, upon motor vehicles bearing valid registration plates of such other state, in exchange for the reduction or relief from the tax, license or fee imposed by such other state upon motor vehicles bearing valid registration plates of this State.

Nothing in this section (5225) shall be construed to exempt any vehicle having more than two axles and which is propelled by motor fuel and operated or intended to be operated upon the highways of the State of Delaware from section 5211 as this section pertains to a vehicle marker and fee.

Section 2. The provisions of this Act shall not apply to any motor carrier owning or operating not more than one motor vehicle for its own use and not for hire.

Section 3. This Act shall take effect July 1, 1970.

Approved June 3, 1970.

CHAPTER 497

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT FOR AD-
MINISTRATION OF THE MOTOR CARRIER FUEL PUR-
CHASE LAW.**

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

Section 1. The sum of \$28,918 is appropriated to the State Highway Department for use in the administration of the Motor Carrier Fuel Purchase Law, to be expended as follows:

Salary of the Administrator	\$11,520	
Salary of one auditor	7,740	
Salary of one clerk stenographer	4,308	
	<hr/>	
Total Salaries	\$23,568	\$23,568
Travel	\$ 2,000	
Supplies	4,750	
Contractual services	3,000	
	<hr/>	
Total	\$ 9,750	9,750
Initial cost of one motor vehicle	\$ 2,000	
Furniture	600	
Office machines	1,000	
Office supplies	1,000	
	<hr/>	
Total	\$ 4,600	4,600
	TOTAL--	\$37,918
Less salary of present Director		9,000
		<hr/>
	GRAND TOTAL--	\$28,918

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 June 3, 1970.

CHAPTER 498

AN ACT TO AMEND TITLE 25, CHAPTER 27, DELAWARE CODE, RELATING TO MECHANICS' LIENS AGAINST AN OWNER WHO PAYS THE CONTRACTOR FOR ALTERATIONS OR REPAIRS.

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

Section 1. Amend Title 25, Chapter 27, Delaware Code, by adding a new section 2707 to read as follows:

§ 2707. Payment of contractor by owner of land for alterations or repairs to said owner's residence as a defense

No lien shall be obtained under the provisions of this chapter upon the land and/or structure of any owner which is used solely as a residence of said owner, when the owner has made full payment to the contractor, in good faith, with whom he contracted for the alteration or repair thereof; provided, however, that if the said owner has not made full payment, in good faith, to such contractor, the lien may be obtained in accordance with the provisions of this chapter, but it shall be a lien only to the extent of the balance of the payment due such contractor, which balance shall be payable prorata among the claimants who perfect liens. Payments made to the contractor by the owner after service of process as provided in Section 2715 of this chapter shall not be deemed to be "in good faith".

Approved June 3, 1970.

CHAPTER 499

AN ACT TO AMEND TITLE 6, DELAWARE CODE, RELATING TO DAMAGES AWARDED TO VICTIMS OF DECEPTIVE TRADE PRACTICES.

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

Section 1. § 2533 (c), Title 6, Delaware Code, is amended by adding thereto a new sentence to read as follows:

If damages are awarded to the aggrieved party under the common law or other statutes of this State, such damages awarded shall be treble the amount of the actual damages proved.

Approved June 3, 1970.

CHAPTER 500

AN ACT TO AMEND CHAPTER 87, TITLE 3, DELAWARE CODE, RELATING TO MEAT AND POULTRY PRODUCTS INSPECTION.

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

Section 1. Chapter 87, Title 3, Delaware Code, is repealed and a new Chapter 87, Title 3, Delaware Code, is substituted therefor as follows:

CHAPTER 87**MEAT AND POULTRY PRODUCTS INSPECTION****§ 8701. Short title**

This Chapter may be cited as the "Meat and Poultry Products Inspection Act".

§ 8702. Enforcing Agency

This Chapter shall be administered by the State Department of Agriculture herein-after referred to as the "Department".

§ 8703. Definitions of words and terms

When used in this Chapter:

(a) The term "Secretary" means the Secretary of Agriculture or his delegate.

(b) The term "person" includes any individual, partnership, corporation, association, or other business unit, and any officer, agent or employee thereof.

(c) The term "broker" means any person engaged in the business of buying or selling livestock products or poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(d) The term "renderer" means any person engaged in the business of rendering livestock or poultry carcasses, or parts or products of such carcasses, except rendering conducted under inspection or exemption under this Chapter.

(e) The term "animal food manufacturer" means any person engaged in the business of preparing animal (including poultry) food derived wholly or in part from livestock or poultry carcasses or parts or products of such carcasses.

(f) The term "intrastate commerce" means commerce within this State.

(g) The term "livestock" means any cattle, sheep, swine, goats, horses, mules or other equines, whether live or dead.

(h) The term "livestock product" means any carcass, part thereof, meat, or meat food product of any livestock.

(i) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Secretary under such conditions as he may prescribe to assure that the meat or other portions of such carcass contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(j) The term "poultry" means any domesticated bird, whether live or dead.

(k) The term "poultry product" means any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such

conditions as he may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

(1) The term "capable of use as human food" shall apply to any livestock or poultry carcass, or part or product of any such carcass, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

(m) The term "prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

(n) The term "adulterated" shall apply to any livestock product or poultry product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (a) If it bears or contains (by reason of administration of any substance to the livestock or poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(b) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug, and Cosmetic Act;

(c) if it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act;

(d) if it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, that an article which is not

otherwise deemed adulterated under clause (b), (c), or (d) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

(3) if it consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is, in whole or in part, the product of an animal (including poultry) which has died otherwise than by slaughter;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(9) if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(o) The term "misbranded" shall apply to any livestock product or poultry product under one or more of the following circumstances:

(1) if its labeling is false or misleading in any particular;

(2) if it is offered for sale under the name of another food;

(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) if its container is so made, formed, or filled as to be misleading;

(5) unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count; *provided*, That under this subparagraph (5), exemptions as to livestock products not in containers may be established by regulations prescribed by the Secretary and provided, further, that under clause (b) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages may be established for livestock products or poultry products by regulations prescribed by the Secretary;

(6) if any word, statement, or other information required by or under authority of this Chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if it purports to be or is represented as a food for which a definition and standard of identity of composition has been prescribed by the regulations of the Secretary under Section 8706 of this Chapter unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under Section 8706 of this Chapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

(10) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary after consultation with the Secretary of Agriculture of the United States, determines to be, and by regulations prescribes as, necessary in order fully to inform purchases as to its value for such uses;

(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

(12) if it fails to bear, directly thereon and on its containers, as the Secretary may by regulations prescribe, the official inspection legend and established number of the establishment where the product was prepared and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(p) The term "label" includes display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article.

(q) The term "labeling" includes all labels and other written printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(r) The term "container" or "package" includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

(s) The term "shipping container" include any container used or intended for use in packaging the product packed in an immediate container.

(t) The term "immediate container" includes any consumer package; or any other container in which livestock products or poultry products, not consumer package, are packed.

(u) The term "Federal Meat Inspection Act" means the Act so entitled approved March 4, 1907 (34 stat. 1960), as amended by the Wholesome Meat Act (81 Stat. 584); the term "Federal Poultry Products Inspection Act" means the Act so entitled approved August 28, 1957 (71 Stat. 441), as amended by the Wholesome Poultry Products Act (82 Stat. 791); and the term "Federal Acts" mean these two Federal laws.

(v) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(w) The term "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(x) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or livestock or poultry under this Chapter.

(y) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this Chapter.

(z) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Chapter.

(aa) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

(bb) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of livestock or poultry or the preparation of livestock products or poultry products is maintained under the authority of this Chapter.

(cc) The term "inspector" means an employee or official of the Department authorized by the Secretary or any employee or official of the government of any county or other governmental subdivision of this State, authorized by the Secretary to perform any inspection functions under this Chapter under an agreement between the Secretary and such governmental subdivision.

(dd) The term "reinspection" includes inspection of the preparation of livestock products and poultry products, as well as re-examination of articles previously inspected.

§ 8704. Purpose

It is the objective of this Chapter to provide for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act with respect to operations and transactions in interstate commerce; and the Secretary is directed to administer this Chapter so as to accomplish this purpose. The Department is designated as the appropriate State agency to cooperate with the Secretary of Agriculture of the United States in administration of this Chapter.

§ 8705. Powers of Secretary

In order to accomplish the objective stated in Section 8704, the Secretary shall:

(a) by regulations require ante mortem and post mortem inspections quarantine, segregation and reinspection with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this State, except those exempted by him under Section 8706 (m) of this Chapter, at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in intrastate commerce;

(b) by regulations require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Delaware Inspected and Passed" if the products are found upon inspection to be not adulterated and as "Delaware Inspected and Condemned" if they are found upon inspection to be adulterated, and the destruction for food purposes of all such condemned products under the supervision of an inspector;

(c) prohibit the entry into official establishments of livestock products and poultry products not prepared under Federal inspection or inspection pursuant to this Chapter and further limit the entry of such articles and other materials into such establishments under such conditions as he deems necessary to effectuate the purposes of this Chapter;

(d) by regulations require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, as he may require, all information required under Section 8703 (o) of this Chapter, and require approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of this Chapter;

(e) investigate the sanitary conditions of each establishment within Section 8705 (a) of this Chapter and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat;

(f) prescribe relating to sanitation for all establishments required to have inspection under Section 8705 (a) ;

(g) by regulations require that the following classes of persons shall keep such records and for such periods as are specified in the regulations to fully and correctly disclose all transactions involved in their business, and afford to the Secretary and his representatives (including representatives of other governmental agencies designated by him) access to such places of business, and opportunity, at all reasonable times, to examine the facilities, inventory and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor; any persons that engage in or for intra-

state commerce (1) in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling (as brokers, wholesalers or otherwise), transporting, or storing any livestock products or poultry products for human or animal food; or (2) in business as renderers or in the business of buying, selling or transporting any dead, dying disabled or diseased livestock or poultry or parts of the carcasses of any such animals (including poultry) that died otherwise than by slaughter.

§ 8706. Additional powers of Secretary

In order to accomplish the objective stated in Section 8704 the Secretary may;

(a) remove inspectors from any establishment that fails to destroy condemned products as required under Section 8705 (b) of this Chapter;

(b) refuse to provide inspection service under this Chapter with respect to any establishment for causes specified in Section 401 of the Federal Meat Inspection Act or Section 18 of the Federal Poultry Products Inspection Act;

(c) order labeling and containers to be withheld from use if he determines that the labeling is false or misleading or the containers are of a misleading size or form;

(d) by regulations, prescribe the sizes and style of type to be used for labeling information required under this Chapter, and definitions and standards of identity or composition or standards of fill of container, consistent with Federal standards, when he deems such action appropriate for the protection of the public and after consultation with the Secretary of Agriculture of the United State;

(e) by regulations prescribe conditions of storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for intrastate commerce to assure that such articles will not be adulterated or misbranded when delivered to the consumer;

(f) require that equines be slaughtered and prepared in establishments separate from establishments where other livestock are slaughtered or their products are prepared ;

(g) by regulations require that every person engaged in business in or for intrastate commerce as a broker, renderer, animal food manufacturer, or wholesaler or public warehouseman of livestock products or poultry products, or engaged in the business of buying, selling or transporting in intrastate commerce, any dead, dying, disabled or diseased livestock or poultry or parts of the carcasses of any such animals (including poultry) that died otherwise than by slaughter shall register with the Secretary his name and the address of each place of business at which and all trade names under which he conducts such business ;

(h) adopt by reference or otherwise such provisions of the rules and regulations under the Federal acts (with such changes therein as he deems appropriate to make them applicable to operations and transactions subject to this Chapter) which shall have the same force and effect as if promulgated under this Chapter, and promulgate such other rules and regulations as he deems necessary for the efficient execution of the provisions of this Chapter, including rules of practice providing opportunity for hearing in connection with issuance of orders under Section 8705 (e) or Section 8706 (a), (b), or (c) of this Chapter and prescribing procedure for proceedings in such cases ; *Provided*, That this shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection, under Section 8705 (e) or Section 8706 (a) or (c) pending issuance of a final order in any such proceeding ;

(i) appoint and prescribe the duties of such inspectors and other personnel as he deems necessary for the efficient execution of the provisions of this Chapter ;

(j) Cooperate with the Secretary of Agriculture of the United States in administration of this Chapter to effectuate the purposes stated in Section 8704 of this Chapter ;

(k) recommend to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the Federal Acts, such officials or employees of the Department as the Secretary shall designate ;

(l) serve as the representative of the Governor for consultation with said Secretary under paragraph (c) of Section 301 of the Federal Meat Inspection Act and paragraph (c) of Section 5 of the Federal Poultry Products Inspection Act unless the Governor selects another representative;

(m) exempt the operations of any person from inspection or other requirements of this Chapter if and to the extent such operations would be exempt from the corresponding requirements under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act if they were conducted in or for interstate commerce or if the State were designated under the Federal Acts as one in which the Federal requirements apply to intrastate commerce.

(n) the Secretary may exempt the following types of operations from inspection; (1) Slaughtering and preparation by any person of livestock and poultry of his own raising exclusively for use by him and members of his household, and his non-paying guests and employees, and (2) any other operations which the Secretary may determine would best be exempted to further the purposes of this Chapter, to the extent such exemptions conform to the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and the regulations thereunder.

§ 8707. Prohibited acts

(a) No person shall, with respect to any livestock or poultry or any livestock products or poultry products:

(1) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for intrastate commerce, except in compliance with the requirements of this Chapter;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any such articles which (A) are capable of use as human food, and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or any articles required to be inspected under this Chapter unless they have been so inspected and passed; or

(3) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

(b) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary except as may be authorized by such regulations.

(c) No person shall violate any provision of the regulations or orders of the Secretary under Section 8705 or Section 8706 of this Chapter.

§ 8708. Additional prohibited acts

(a) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

(b) No person shall:

(1) forge any official device, mark, or certificate;

(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal (including poultry), or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

(6) knowingly represent that any article has been inspected and passed, or exempted, under this Chapter when, in fact, it has respectively, not been so inspected and passed, or exempted.

§ 8709. Offenses

(a) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Secretary to show the kinds of animals from which they were derived.

(b) No person shall buy, sell, transport, or offer for sale or transportation, or received for transportation, in intrastate commerce, any livestock products or poultry products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

(c) No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled, or diseased livestock or poultry or the products of any such animals that died otherwise than by slaughter, unless such transaction or transportation, is made in accordance with such regulations as the Secretary may prescribe to assure that such animals, or the unwholesome parts of products thereof, will be prevented from being used for human food purposes.

§ 8710. Offenses; penalties

(a) Any person that shall give, pay, or offer, directly or indirectly, to any officer or employee of this State authorized to perform any of the duties prescribed by this Chapter or by the regulations of the Secretary, any money or other thing of value,

with intent to influence said officer or employee in the discharge of any such duty, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any officer or employee of this State authorized to perform any of the duties prescribed by this Chapter who shall accept any money, gift, or other thing of value from any person, given with intent to influence his official action, or who shall receive or accept from any person engaged in intrastate commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than \$1,000 nor more than \$10,000 and by imprisonment not less than one year nor more than three years.

(b) Any person that forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Chapter shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

§ 8711. Inspection; exception

Inspection shall not be provided under this Chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food.

§ 8712. Inspection and seal

(a) No inspection of products placed in any container at any official establishment shall be deemed to be complete until the products are sealed or enclosed therein under the supervision of an inspector.

(b) For purposes of any inspection of products required by this Chapter, inspectors authorized by the Secretary shall have

access at all times, by day or night, to every part of every establishment required to have inspection under this Chapter, whether the establishment is operated or not.

§ 8713. Detention of certain goods, products or animals

Whenever any livestock product or poultry product or any product exempted from the definition of a livestock product and from the definition of a poultry product, or any dead, dying, disabled, or diseased livestock or poultry, is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, or is otherwise subject to the Intrastate Commerce Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Chapter or of the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act or the Federal Food, Drug and Cosmetic Act, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under Section 8714 of this Chapter or notification of any Federal authorities having jurisdiction over such article or animal, and shall not be moved by any person from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Secretary that the article or animal is eligible to retain such marks.

§ 8714. Forfeiture of certain goods, products or animals

(a) Any livestock product or poultry product or any dead, dying, disabled, or diseased livestock or poultry that is being transported in intrastate commerce or is otherwise subject to the Chapter, or is held for sale in this State after such transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Chapter, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Chapter shall be liable to be proceeded against and seized and forfeited at any time, as provided herein.

(b) Any property subject to forfeiture under this Chapter may be seized by the Department upon process issued by the Superior Court except that seizure without such process may be made when —

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the State in an injunction or forfeiture proceeding under this Chapter;

(3) The Department has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or,

(4) The Department has probable cause to believe that the property has been used or intended to be used in violation of this Chapter. In the event of seizure pursuant to paragraphs (3) and (4) of this subsection, proceedings under subsection (d) of this section shall be instituted promptly.

(c) Property taken or detained under this section shall not be replevable, but shall be deemed to be in the custody of the Department subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under the provisions of this Chapter, the Department may:

(1) Place the property under seal;

(2) Remove the property to a place designated by it; or,

(3) Take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(d) Whenever property is forfeited under this Chapter, the Department may —

(1) Retain the property for official use;

(2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, provided that the proceeds be disposed of for payment of all proper expenses of the proceedings for forfeiture and sale including ex-

penses of seizure, maintenance of custody, advertising and court costs. Any remaining proceeds shall be deposited in the General Fund.

(3) Take custody of the property and remove it for disposition in accordance with law; or

(e) The article or animal shall not be sold contrary to the provisions of this Chapter, or the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, or the Federal Food, Drug and Cosmetic Act: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Chapter, or the laws of the United States, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of forfeiture is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal.

(f) The provision of this section shall in no way derogate from authority for condemnation, forfeiture, or seizure conferred by other provisions of this Chapter, or other laws.

§ 8715. Appeal and jurisdiction

(a) Any order issued under Section 8705 (e) or Section 8706 (a), (b), or (c) of this Chapter shall be final unless appealed to the Superior Court within 15 days after service. Review of any such order and the determinations upon which it is based shall be upon the record in the administrative proceeding in which the order was issued.

(b) The Superior Court is vested with jurisdiction specifically to enforce the provisions of the Chapter, and shall have jurisdiction in all other kinds of cases arising under this Chapter (except as otherwise provided in this section).

(c) The Court of Chancery shall have jurisdiction to prevent and restrain violations of this Chapter.

(d) All proceedings for the enforcement, or to restrain violations, of this Chapter shall be by and in the name of this State. Subpoenas for witnesses who are required to attend a court in any county may run into any other county in such proceeding.

§ 8716. Penalties generally

(a) Any person that violates any provisions of this Chapter for which no other criminal penalty is provided by this Chapter shall, upon conviction, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in Section 8703 (n) (8) of this Chapter) such person shall be subject to imprisonment for not more than three years or a fine of not more than \$10,000, or both.

(b) Nothing in this Chapter shall be construed as requiring the Secretary to report for prosecution or for the institution of forfeiture or injunction proceedings, minor violations of this Chapter whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

§ 8717. Powers of Secretary; investigation; record keeping

(a) The Secretary shall also have power:

(1) To gather and compile information concerning and, to investigate from time to time the organization, business, conduct, practices, and management of any person engaged in intrastate commerce, and the relation thereof to other persons;

(2) To require, by general or special orders, persons engaged in intrastate commerce, or any class of them, or any of them, to file with the Secretary in such form as the Secretary may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Secretary such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, of the person filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Secretary may prescribe, and shall be filed with

the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted in any case by the Secretary.

(b) (1) For the purpose of this Chapter the Secretary shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation. The Secretary may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(2) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to the subpoena the Secretary may invoke the aid of any court designated in Section 8715 of this Chapter in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(3) Any of the courts designated in Section 8715 of this Chapter within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Secretary or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(4) Upon the application of the Attorney General of this State at the request of the Secretary, the Superior Court shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Chapter or any order of the Secretary made in pursuance thereof.

(5) The Secretary may order testimony to be taken by deposition in any proceeding or investigation pending under this Chapter at any stake of such proceeding or investigation. Such depositions may be taken before any person designated by the Secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the

deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Secretary as hereinbefore provided.

(6) Witnesses summoned before the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(7) No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Secretary or in obedience to the subpoena of the Secretary whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Chapter or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no individual shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying or contempt after having received immunity from prosecution.

(c) (1) Any person that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Secretary shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(2) Any person that shall willfully make or cause to be made, any false entry or statement of fact in any report required to be made under this Chapter, or that shall willfully make, or cause to be made, any false entry in any account, record, or mem-

orandum kept by any person subject to this Chapter or that shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any person subject to this Chapter or that shall willfully refuse to submit to the Secretary or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this Chapter in his possession or within his control, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction, to a fine of not less than \$1,000 nor more than \$5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

(3) If any person required by this Chapter to file any annual or special report shall fail so to do within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to this State the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the General Fund of this State, and shall be recoverable in a civil suit in the name of the State brought in the county where the person has his or its principal office or in any county in which he or it shall do business. It shall be the duty of the various Deputys Attorney General, under the direction of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of this State.

(4) Any officer or employee of this State who shall make public any information obtained by the Secretary, without his authority, unless directed by a court, or use any such information to his own advantage, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment, not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

(5) Superior Court shall have jurisdiction over the offenses in this section.

§ 8718. The requirements of this Chapter shall apply to persons, establishments, animals, and articles regulated under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act only to the extent provided for in said Federal Acts

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Section 3. Any proceeding, arrest, litigation or other action undertaken prior to the effective date of this Act shall continue in full force and effect pursuant to the prior law until consummated or completed.

Section 4. This Act shall become effective upon the signature of the Governor.

Approved June 3, 1970.

CHAPTER 501

AN ACT TO AMEND TITLE 31, DELAWARE CODE, CHAPTER 3, RELATING TO CHILD WELFARE BY PROVIDING FOR A NEW SUBCHAPTER CONCERNING THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

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

Section 1. Amend Title 31, Delaware Code, Chapter 3, by providing for a new subchapter to be designated as Subchapter VI and to read as follows:

**SUBCHAPTER VI. INTERSTATE COMPACT
ON THE PLACEMENT OF CHILDREN****§ 381. Interstate Compact on the Placement of Children; enactment**

The Interstate Compact on the Placement of Children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. DEFINITIONS

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. CONDITIONS FOR PLACEMENT

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care

or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

- (1) The name, date and place of birth of the child;
- (2) The identity and address or addresses of the parents or legal guardian;
- (3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child;
- (4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. PENALTY FOR ILLEGAL PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the sus-

pension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V. RETENTION OF JURISDICTION

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches maturity, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to

be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. COMPACT ADMINISTRATOR

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. LIMITATIONS

This compact shall not apply to:

- (a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

- (b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX. ENACTMENT AND WITHDRAWAL

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has

been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any 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 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 party thereto, 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.

§ 382. Financial responsibility; default in compact

Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of Title 31, Chapter 3, also may be invoked.

§ 383. Notices; Department of Health and Social Services

The "appropriate public authorities" as used in Article III of the Interstate Compact on the Placement of Children shall, with reference to this state, mean the Department of Health and Social Services and said Department shall receive and act with reference to notices required by said Article III.

§ 384. "Appropriate Authority"; Department of Health and Social Services

As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the phrase "appropriate

authority in the receiving state" with reference to this state shall mean the Department of Health and Social Services.

§ 385. Financial commitment; approval

The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this State or subdivision or agency thereof shall not be binding unless it has the approval in writing of the State Budget Director in the case of the State and of the chief local fiscal officer in the case of a subdivision of the State.

§ 386. Other related statutes; provisions met if performed as contemplated by compact

Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under Section 307 of this Title shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this State or a subdivision thereof as contemplated by paragraph (b) of Article V of the Interstate Compact on the Placement of Children.

§ 387. Out of State placement restrictions; not applicable if made pursuant to compact

The provisions of Section 307 of this Title shall not apply to placements made pursuant to the Interstate Compact on the Placement of Children.

§ 388. Jurisdiction of court; placement pursuant to compact

Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

§ 389. Governor; appointment of officer to coordinate activities of compact

As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the Governor. The Governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.

Section 2. The provisions of this Act shall become effective upon the signature of the Governor.

Approved June 3, 1970.

CHAPTER 502

AN ACT TO AMEND TITLE 19, DELAWARE CODE, CHAPTER 5, SUBCHAPTER IV, RELATING TO EMPLOYMENT CERTIFICATES AND WAGES FOR CHILDREN.

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

Section 1. Title 19, Delaware Code, Chapter 9, Subchapter IV, is amended by striking Section 544 and inserting in lieu thereof a new section to read as follows:

§ 544. Persons authorized to issue employment certificate

Employment certificates shall be issued by the Superintendent of a public middle school, junior high school or senior high school throughout the State or by some other person designated by him in writing who is a public school employee who is retained by the public school on a 12-month or complete calendar year basis. The superintendent shall notify the Director of the Division of Industrial Relations of any deficiency or change thereof.

If any Superintendent fails to designate some person to issue employment certificates, the Director of the Division of Industrial Relations shall designate some person to so act, but any designation may be revoked by the Director at any time at his pleasure.

The Division of Industrial Relations will keep on file a listing of all persons who are duly qualified to issue certificates in the various school districts of the State.

Section 2. Title 19, Delaware Code, Section 545, is amended by striking the present section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 545. Registrars for issuance of a general employment certificate

(a) The issuing officers throughout the school system shall not issue such certificate until the child, for whom it is requested, has personally appeared and been examined by them and have

received, examined, approved and filed, together with the duplicate of the certificate, the following papers duly executed:

(1) A statement signed by the prospective employer or by someone authorized on his behalf, stating that the employer expects to give the child present employment and setting forth the character of the employment.

(2) A school record, if the child is not a student of the school where the issuing is to take place, filled out and signed by the principal or chief executive officer of the school, public or non-public, where the child last attended, which shall be furnished in behalf of any child who may be entitled thereto, certifying what course of study the child has completed.

(b) Evidence showing that the child is 14 years of age or upwards, which shall consist of one of the following proofs of age, shall be required in the order herein designated:

(1) A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births;

(2) A baptismal certificate or transcript of the record of baptism duly certified, showing the date of birth of such child;

(3) A passport showing the age of such child as an immigrant;

(4) Other documentary evidence of age such as school record, Delaware motor vehicle operator's license, etc., (other than the affidavit of parent, guardian, legal custodian or next friend) or transcript thereof, duly certified, which shall appear to the satisfaction of the issuing officer to be good and sufficient proof of age.

(5) In case such proofs of age shall be unobtainable and only in such cases, the issuing officer may accept, in lieu thereof, a signed statement of the physician, designated by the Department of Labor, stating that, after examination, it is the opinion of such physician that such child has attained the age required by law for the occupation in which the child expects to engage, and such statement shall be accompanied by an affidavit, signed by the parent, guardian, legal custodian, or next friend, certifying the name, date, and place of birth of such child and that the

parent, guardian, legal custodian or next friend, signing such statement, is unable to produce any of the proofs of age specified in the preceding sub-division of this section.

§ 549. TO BE REPEALED

Section 3. Title 19, Delaware Code, Section 549, is amended by repealing said section in its entirety.

Approved June 3, 1970.

CHAPTER 503

AN ACT TO AMEND CHAPTER 31, TITLE 3, DELAWARE CODE, RELATING TO MILK, CREAM AND OTHER MILK PRODUCTS.

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

Section 1. Amend Title 3, Delaware Code, Section 3115, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 3115. Frequency of testing, holding, testing and reporting; retesting provisions

Any person or milk plant or agent thereof in the State or out of the State engaged in the business of buying milk on the basis of percentage of butterfat contained therein shall make a test at least once every sixteen days. The milk purchased from each milk producer shall be represented by a composite sample taken from the entire delivery of each of the several lots purchased from the milk producer and shall cover a period of not more than 16 days. A composite sample shall contain a preservative and it shall contain aliquot parts from each lot of milk collected. The preservative must be capable of keeping the composite sample in suitable condition for testing for a period of at least 30 days. Each composite sample shall be held in an air tight bottle, such bottle shall be labeled with the name or number of the milk producer.

After the composite samples have been tested, their residues shall be held intact and in a suitable condition for retesting for a period of 15 days.

All milk producers shall be notified within 5 days after the close of the period giving such producer the results of the butterfat test on the composite sample. If the producer desires a retest, such request shall be made directly to the milk plant or through the fieldman within 24 hours after the receipt of the butterfat test. Such retest shall be made immediately and reported to the producer.

The State Board of Agriculture may at any time require out of state milk plants to deliver one or all composite samples to the State Board of Agriculture laboratories for retesting purposes. An alternative would be for the out of state milk plant to grant the State Board of Agriculture or its agents permission to enter their plants for the purpose of taking samples for rechecking purposes. If the composite sample should in some manner be destroyed during the period and it becomes necessary to use fresh samples as the basis of settlement at least three fresh samples shall be taken from three separate deliveries of milk.

Reports of all butterfat tests shall be made to the State Board of Agriculture at the close of each testing period. If butterfat tests vary more than 0.20 percent from one testing period to the next testing period, a retest shall be made and reported.

Approved June 3, 1970.

CHAPTER 504

AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES.

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

INCORPORATION

Section 1. The inhabitants of the Town of Henlopen Acres, in Sussex County, are hereby constituted a municipal corporation and body politic by and under the name of "Mayor and Commissioners of Henlopen Acres", hereafter referred to as Corporation or Town, with power to govern themselves by such ordinances, rules, resolutions and regulations for municipal purposes as they, through their duly elected officers and agents, may deem proper, not in conflict with the provisions of this Charter of government, nor with the Constitution and Laws of the State of Delaware, or of the United States.

TERRITORY AND LIMITS

Section 2. The present territorial limits of the Town of Henlopen Acres are hereby established and declared to be as follows:

ALL those three certain adjoining pieces or parcels of land and premises situate, lying, and being in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, north of the Town of Rehoboth and east of the United States Inland Waterway known as the "Lewes and Rehoboth Canal", bounded on the north by lands of Daniel G. Anderson; on the northwest and west by lands of said United States Inland Waterway; and on the south and southeast, in part by the north boundary line of the Town of Rehoboth, in part by the north line of Henlopen Avenue, and in part by certain State lands; and on the east and northeast by the mean high-water line of the Atlantic Ocean, be the contents of said parcels of land whatsoever they may, and being all the same lands described in and conveyed as Parcels Number 1, Number 2, and Number 3, by that certain deed of Wilbur S. Corkran and Louise C. Corkran, his wife, unto Henlopen Acres, Inc. (a

Corporation of the State of Delaware), bearing date the 14th day of July, 1930, and of record in the office of the Recorder of Deeds of the State of Delaware, in and for Sussex County, at Georgetown, Delaware, in Deed Record D.H.X., Vol. 280, Page 220; and also being the same lands and premises delineated as Parcels Number 1, Number 2, and Number 3, on "Plat of Lands in Lewes and Rehoboth Hundred, Sussex County, Delaware, Conveyed by Wilbur S. Corkran and Louise C. Corkran, his wife, to Henlopen Acres, Inc.", which plat is now of record in the Office of the Recorder of Deeds, in and for Sussex County aforesaid, in Deed Record D.H.X., Vol. 280, Page 598.

STRUCTURE OF THE GOVERNMENT

Section 3. The government of the Town and the exercise of all power conferred by this Charter, except as otherwise provided herein, shall be vested in the Commissioners of Henlopen Acres. The Commissioners of Henlopen Acres shall consist of seven (7) members, to be chosen as hereinafter provided. One of said Commissioners shall have the title of Mayor of the Town of Henlopen Acres, with duties hereinafter to be prescribed, and who shall also be President of the Commissioners of Henlopen Acres. Until such time as the first regular election of Commissioners can be held, J. Edward Murphy is hereby appointed to serve as the Mayor and Sandford B. Leach, Kilburn LeCompte, Norman E. Smith, Mathew J. McDemmott, Frances W. Plowman, John L. Bradley, John W. Watson and John Beck are appointed to serve as the original Commissioners of the Town of Henlopen Acres.

GENERAL POWERS

Section 4. (a) The inhabitants of the Town of Henlopen Acres within the limits and boundaries referred to in Section 2 of the Act, or within the limits and boundaries hereafter established shall be and they are hereby created a body politic and corporate in law and equity by the corporate name of "The Town of Henlopen Acres," hereinafter called the Town and under the name shall have perpetual succession, may have and use a corporate seal which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or

by condemnatic real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, any may sell, lease, hold, manage and control such property as its interest may require and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purposes of this Act, subject, however, to other sections of this Act.

As hereinafter provided in this Charter relative to power to issue bonds, the Town shall have all other powers and functions requisite to or appropriate for the Government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort and well being of its population, and the protection and preservation of property, public and private; and all actions, suits or proceedings shall be brought in the name of "The Town of Henlopen Acres."

(b) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof it is intended that the Town of Henlopen Acres 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 of Henlopen Acres whether expressed or implied, shall be exercised as prescribed by this Charter or; if not prescribed herein, by ordinance or resolution of the Commissioners.

QUALIFICATIONS OF MAYOR AND COMMISSIONERS

Section 5. The qualifications for Mayor and Commissioner shall be as follows:

(a) Each of the seven (7) Commissioners of Henlopen Acres, at the time of the approval of their qualifications by the Town Commissioners, as hereafter provided or at the time of their appointment, as the case may be, and throughout his or her term of office, shall have attained the age of twenty-one (21) years of age.

(b) Each shall be a non-delinquent taxable of the Town, as to all property taxes levied or assessments made by the Town.

(c) Each shall be a freeholder of the Town of Henlopen Acres. The Commissioner with the title of Mayor of the Town of Henlopen Acres shall be a bona fide resident of the Town. If any one of the Commissioners, shall, during his term of office, cease to be a free-holder of the Town, he shall *ipso facto* vacate his office. If the Commissioner with the title of Mayor of the Town of Henlopen Acres shall cease during his term of office to be a bona fide resident of the Town of Henlopen Acres, 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 of 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.

(d) Only freeholders as defined by paragraph (c) of Section 5 and the spouses of such freeholders shall have the right to vote.

ELECTION IN GENERAL

Section 6. The present Commissioners and other officers appointed to serve shall continue to serve as the Commissioners of Henlopen Acres and officers of the Town from and after the passage hereof until their successors are duly elected or appointed at the annual election held on the last Saturday in August. In the first annual election, to be held on the last Saturday in August, 1970, four (4) Commissioners will be elected for terms of two years each and three (3) will be elected for terms of one year each. Thereafter, four (4) Commissioners will be elected in even numbered years and three (3) in odd numbered years.

ELECTIVE OFFICES

Section 7. (a) The six (6) offices of Commissioner of Henlopen Acres and the office of Commissioner of Henlopen Acres with the title of Mayor of the Town of Henlopen Acres, with duties hereinafter to be prescribed shall be elective. All other offices shall be appointive and the person or persons filling such appointive offices shall be appointed by the Commissioners of Henlopen Acres.

(b) In the case of a vacancy created in any office of Commissioner of Henlopen Acres or in the office of Commissioner of Henlopen Acres having the title of Mayor of the Town of Henlopen Acres, either by death, resignation, loss of residence or freeholdership, in the Town of Henlopen Acres, or other disqualifying event, or otherwise, the Commissioners of Henlopen Acres shall fill such vacancy for the residue of the whole term.

(c) Aside from loss of residence or freeholdership, as in these instances specified in Section 5 of this Charter, if any elective officer be found guilty of any felony, he shall forthwith be disqualified to act as such officer and he shall, *ipso facto*, vacate his elective office; which office shall be filled by the Commissioners of Henlopen Acres as in the case of other vacancies.

ORGANIZATION MEETING

Section 8. (a) An organization meeting of the Commissioners of Henlopen Acres shall be held within one day following the annual election. At the organization meeting the Commissioners elected shall elect one of the Commissioners as the presiding officer of the Commissioners of Henlopen Acres for the term of one year. If the Commissioners are unable to elect 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".

(b) The Commissioners of Henlopen Acres, at the first regular meeting following the annual election, shall meet for the purpose of organization at the usual place for holding meetings of the Commissioners of Henlopen Acres. The newly elected Commissioners shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity, which oath or affirmation shall be taken before a Notary Public, a Justice of the Peace or by a holding-over member of the Commissioners. The Commissioners shall likewise select a Secretary from their own number to serve until the first regular meeting after the next succeeding election. They may also choose an Assistant Secretary to serve as aforesaid, and such other officers and employees as may be determined to be necessary.

(c) The Commissioners shall by ordinance fix the amount of any salaries or compensation of the employees, officers and

agents of the Town, and the time and manner of his or her, or their payment; Provided, that the salary or compensation of any such employee, officer or agent shall not be increased, during the term of said office should said appointment thereto be for a designated term. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation, in and form, in addition to the salary or compensation fixed by the Commissioners.

(d) The Commissioners shall cause to be kept a full and complete record of all officers appointed, and employees and agents hired by the Town, containing the names of such officers, employees and agents, the dates of their employment, any salary or compensation to be by them received and the date of the termination of their services. In the event that they shall hold their office for an indefinite term, the record shall so state.

METHOD OF FILING FOR OFFICE OF TOWN COMMISSIONER

Section 9. The candidates for Town Commissioner shall file their notice of intention to seek office in the following manner:

(a) No person shall be voted upon as a candidate for the office of Commissioner unless at least thirty (30) days before the date set for the election of said officers he shall have filed with the Town Clerk or Mayor of the Commissioners of Henlopen Acres a letter or other certificate setting forth that he will be a candidate for a certain designated office. The Commissioners of Henlopen Acres shall not permit the name of any such candidate to be filed except such candidate as shall meet the requirements of Section 5 of this Charter.

MANNER OF HOLDING ELECTIONS

Section 10. (a) Annual municipal elections shall be held on the last Saturday in the month of August, from 9 o'clock A.M. to 12 o'clock noon at such place or places as shall be determined by the Commissioners, due notices of which shall be given by posting notices thereof in two (2) conspicuous places within the corporate limits of the Town of Henlopen Acres not less than fifteen (15) days before the day of such annual election. Provided, however, that in the event that there is no contest for

any of the several offices up for election in any year, the polls shall not remain open after 10 o'clock A.M., prevailing time.

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

(c) Every election shall be held under the supervision of an Election Board. The Election Board shall consist of one (1) Inspector of the Election and two (2) Judges of the Election. The Judges and Inspector constituting the Election Board shall be qualified voters of the Town and shall be appointed for that purpose by the Town Commissioners at least fifteen (15) days before such election. If, at the opening of the polls, there shall not be present the three (3) members of the Election Board, or any one of them, then in such case the persons qualified to vote at such election and then present at the opening of the polls shall, by *viva voce*, select a qualified voter or voters to so act as a member or members of the Election Board. Members of the Election Board shall be Judges of the Election and shall decide upon the legality of the votes offered. The Election Board shall keep a true and accurate list of all voters voting. The Election Board shall have the power to subpoena persons, and officers of the Town, and books, records and papers relative to the determination of the validity of any vote or votes offered.

(d) Upon the close of the election, the votes shall be read and counted publicly and the persons having the highest number of votes shall be declared, by the Election Board, to be duly elected, and such persons shall continue in office during the terms

for which they were chosen, or until their successors are duly elected or appointed and qualified.

(e) In the event of a tie vote for any office, the Election Board shall determine the tie by lot.

(f) All ballots cast and all records of the election kept by the Election Board shall be preserved in the custody of the Election Board for the period of ten days, save and excepting those ballots offered by persons who shall not have satisfied a majority of the Election Board that he or she or they possessed the qualifications of a Town elector as prescribed by this Charter.

(g) The Election Board shall enter in a book, to be provided for that purpose, a minute of the election, containing the names of the persons chosen. They shall subscribe the same and shall give to the persons elected certificates of their election. The book, containing such matters, shall be preserved by the Town Commissioners and shall be evidence in any Court of Law and Equity.

REGULAR AND SPECIAL MEETING

Section 11. (a) The Town Commissioners of Henlopen Acres shall hold at least one meeting in the first month of each quarter of the year. Special meetings shall be called by the Secretary upon the written request of the Mayor of the Town of Henlopen Acres or upon the written request of any three members of the Town Commissioners, stating the day, hour and place of the special meeting request, and the subject or subjects proposed to be considered.

(b) The Town Commissioners of Henlopen Acres shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at such special meeting, called as aforesaid, as the Town Commissioners have at regular monthly meetings.

(c) All meetings shall be held in some place in the Town of Henlopen Acres and shall be open at all times to the lawful voters of the Town excepting during such time or times as the Town Commissioners shall deem it advisable to discuss any matter in executive session; provided, however, that no vote or ballot shall be taken by the Town Commissioners of Henlopen Acres upon any question or matter coming before it except in open,

public session and any vote or ballot taken by the Town Commissioners upon any matter or subject while in executive session shall be absolutely null and void.

QUORUM

Section 12. A majority of the members elected to the Town Commissioners of Henlopen Acres shall constitute a quorum.

RULES OF PROCEDURE AND MINUTES OF THE TOWN COMMISSIONERS

Section 13. 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.

DUTIES AND POWERS OF THE MAYOR

Section 14. (a) The Mayor of the Town of Henlopen Acres shall be sworn or affirmed to perform the duties of his office with fidelity.

(b) He shall be the chief executive of the Town. It shall be his duty 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 this 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 be a member, ex-officio, of all committees. 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.

(c) As a Commissioner of Henlopen Acres and as Mayor of the Town of Henlopen Acres, he shall have the same right as other commissioners to vote on all matters and may at any time appoint another Commissioner to preside if he desired to make a motion, move the adoption of a resolution, second either, or debate any question from the floor and may thereafter immediately resume his duties as presiding officer.

(d) Upon the expiration of this term of office or upon resignation or removal from office, he shall forthwith turn over all records, books, papers, documents and other things belonging to or appertaining to his office of Mayor of the Town of Henlopen Acres. He shall also pay over to the Treasurer all monies in his hands belonging to the Town.

TOWN CLERK

Section 15. (a) The Commissioners of Henlopen Acres shall appoint a Town Clerk.

(b) Upon the appointment of a Town Clerk the duties shall be prescribed by the Commissioners.

(c) The Town Clerk shall not be a member of the Town Commissioners. He shall give corporate bond to the corporation in an amount fixed by it conditioned for the faithful performance of his duties, the payment to the Town of all money coming into his hands as Town Clerk from whatever source derived, and in the event of death, resignation or removal from office, the delivery to his successor of all papers, books, records and other property of the Town in his hands or under his control.

(d) He shall receive as compensation for his services an annual salary to be fixed, from time to time, by resolution of Commissioners payable in twelve installments.

(e) He shall attend all meetings of the Commissioners and keep proper and adequate minutes of its acts and proceedings 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; and he shall be in attendance at his office on such days and between such hours as may be directed by ordinance or resolution of the Commissioners.

(f) He shall keep a record of all officers, agents and employees of the Town, when elected or appointed, the terms of office or employment, if a term be fixed, and the salary or compensation thereof.

(g) He shall keep the assessment books and tax records of the Town with the names of the taxpayers arranged alphabetically showing the tax, a short description and assessed value, as determined by the Commissioners, of each parcel of real estate and a short description of each item of personal property assessed, if any. He shall also keep and maintain proper books and records showing the names of persons charged with utility rentals or service charges and detailed account thereof.

(h) He shall collect all taxes, license fees, utility rentals assessments and all other money due to be paid to the Town under the provisions of this Charter, or as prescribed by ordinance or resolution of the Commission; and he shall keep separate, full and accurate accounts of all money received and due to be paid to the Town.

(i) He shall keep full and accurate accounts of all money paid out for or on account of the various departments and agencies of the Town together with proper vouchers.

THE TREASURER

Section 16. (a) A Treasurer of the Town of Henlopen Acres shall be appointed by the Town Commissioners of Henlopen Acres at their annual meeting hereinbefore provided. He shall hold his office for the term of one year from the date of his appointment at such annual meeting or if he be appointed to fulfill an unexpired term, his appointment shall expire one year from the date of the annual meeting immediately preceding his appointment.

(b) The Treasurer of the Town of Henlopen Acres shall be a freeholder of Lewes and Rehoboth Hundred. The Treasurer of

the Town of Henlopen Acres shall be either a person resident in said town or a corporation doing business in Lewes and Rehoboth Hundred.

(c) The compensation, if any, to be received by the Treasurer of Henlopen Acres shall be fixed by the Town Commissioners of Henlopen Acres.

(d) The Treasurer shall file with the Town Commissioners of Henlopen Acres, a Bond with corporate surety, approved by the Commissioners in the sum of not less than \$25,000 to be paid for by the Town Commission. The Bond shall be conditioned upon the faithful performance of his duties of his office and the restoration to the Commissioners of Henlopen Acres in the case of his death, resignation or removal from office of all books, papers, vouchers, and other property of whatever kind in his possession belonging to the Town of Henlopen Acres.

(e) The Treasurer shall be the custodian of all the funds of the Town. He shall deposit them in banking institutions prescribed by the Town Commissioners.

(f) The Treasurer shall promptly deposit in such bank or trust company doing business in Lewes and Rehoboth Hundred as may be designated as depository by ordinance or resolution of Commissioners all money received by him, and, as directed by ordinance or resolution keep and maintain separate accounts of moneys received from taxes, water rentals, sewer service charges, or otherwise.

(g) At a regular monthly meeting of the Commissioners he shall be prepared to render to the Commissioners a true and detailed account of all money collected or received by him in the performance of his duties, and of all moneys disbursed for and on account of the Town and its agencies and departments; and all books, records and documents showing the receipt and disbursement of money shall be open to inspection by the Mayor and any member of the Commission at any time.

(h) At least thirty (30) days prior to the municipal election he shall prepare and post in his office a list of all taxables who are then in arrears in the payment of taxes.

(i) He shall perform such other duties as may be provided by this Charter, or as prescribed by ordinance or resolution of the Commissioners.

(j) The Treasurer shall pay out no money except upon check or warrant countersigned by the Mayor of the Town of Henlopen Acres and authorized by the Commissioners of Henlopen Acres.

(k) He shall keep a true, and accurate and detailed account of all monies received and of all monies paid out by him. He shall preserve all vouchers for monies paid out by him and his books and accounts shall, at all times, be open to inspection by the Commissioners. He shall make such reports and at such times as the Commissioners shall direct.

(1) He shall prepare, in conjunction with the Secretary and the Town Clerk, an annual report of the financial condition of the Town.

AUDITORS

Section 17. (a) Three Auditors of Accounts who shall be freeholders of the Town shall be appointed by the Commissioners at each annual meeting hereinbefore provided to serve for the term of one year or until their successors shall have been duly appointed and qualified.

(b) It shall be their duty to audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of monies to the Town. They shall audit the books of the Mayor of the Town of Henlopen Acres, and the records of all fines, penalties and costs imposed or collected by him pursuant to any judgment, order, or decree made. The auditors on or before the 15th day of August, annually, next following their appointment, shall make and deliver a detailed report of every and all accounts, records, and books by them examined and audited, which report under their hands and seals shall be printed in a newspaper which has general circulation in the Town in the issue immediately succeeding their annual report. The Auditors, in the performance of their duties, shall have access to all records and accounts of the offices of the Town Commissioners and they are authorized and empowered to employ such clerks and account-

ants as in their judgment may be necessary in the proper performance of their duties at such compensation as may be determined by the Commissioners.

TOWN SOLICITOR

Section 18. The Commissioners may select and appoint a Town Solicitor for an indefinite term who shall be removable at the pleasure of the Commissioners of Henlopen Acres either with or without due cause stated. The Town 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 Commissioners and other offices of the Town and to perform other legal services as may be required of him by the Commissioners.

POLICE FORCE

Section 19. (a) The Town Commissioners may, in their discretion, make rules and regulations as may be necessary for the organization, government and control of a Police Force. They shall preserve peace and order, and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State of Delaware. They shall have such other duties as the Town Commission shall from time to time prescribe. The Police Force shall be subject to the direction of the Town Clerk acting in behalf of the Town Commissioners.

(b) The Town Commissioners may, if it is deemed necessary, make rules and regulations for the organization of a Beach Patrol. The Beach Patrol would, if so organized, enforce regulatory measures ordained by the Commissioners in respect to the cleanliness, uses and enjoyment of the Town Beach front; and, would perform such other duties as the Commissioners may prescribe. In the performance of their duties, they would be vested with all the powers and authorities of a member of the Town Police Force.

BOARD OF ASSESSMENT

Section 20. (a) A Board of Assessment may be appointed by the Commissioners of Henlopen Acres for an indefinite term. The Board of Assessment shall consist of two members all of

whom shall be over the age of twenty-one (21) years, bona fide residents of the Town of Henlopen Acres and freeholders of the Town.

(b) They shall be sworn or affirmed by the Mayor of the Town of Henlopen Acres, or by a Justice of the Peace of the State of Delaware, to perform their duties with fidelity and without favor. It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation situated within the Town and to perform such other duties in reference thereto as shall be prescribed, from time to time, by the Town Commission of Henlopen Acres.

(c) The compensation, if any, to be by them received for the performance of their duties and the hiring of any necessary employees to assist them in the performance of their duties shall be fixed by and subject to the approval of the Town Commission of Henlopen Acres.

ASSESSMENT OF TAXES

Section 21. (a) The Commissioners or the Board of Assessment, if appointed, shall, prior to the second day in January, make a just, true and impartial annual valuation or assessment of all real estate and of all improvements having a valuation of at least One Thousand Dollars (\$1,000.00) located on land which has been leased under a valid lease and which lease has been recorded in the office of the Recorder of Deeds, in and for Sussex County, located within the Town of Henlopen Acres. In making such assessment, the rules and exemptions now applicable by law to the making of the County Assessment of persons and properties shall be applicable insofar as consistent with the provisions of this Charter. All real estate and all improvements located on land under a valid lease, as aforesaid, shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. All improvements located on land under a valid lease, as aforesaid, shall be assessed to the leaseholder. If the owner or owners of real estate cannot be found or ascertained, it may be assessed to "Owner Unknown". A mistake in the name of the owner or owners, or a wrong name, or an assessment to "Owner Unknown" shall not affect the validity of the assessment of any municipal

tax or assessment based thereon; provided the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds of Sussex County at Georgetown, Delaware.

(b) The Commissioners or the Board of Assessment after making such annual assessment, shall, on the second day in January, aforesaid, deliver to the Town Clerk of Henlopen Acres a list containing the names of all persons assessed and the amount of the assessment against each. They shall also deliver at such time as many copies of said list as the Commissioners shall direct.

(c) 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, and the per-capita assessment shall appear in separate column or spaces. In making its assessment the Commissioners or the Board shall make its valuation accordingly.

(d) The real property of the several members of the Board of Assessment, if appointed, shall be assessed by the Commissioners of Henlopen Acres. If there shall be an appeal from any assessment or tax, the decision of the Town Commissioners, sitting as a Court of Appeals, shall be final and conclusive and the said Commissioners shall revise and complete said assessment or tax at this sitting. No Commissioners shall sit upon his own appeal but the same shall be heard and determined by the other Commissioners.

(e) All the members of the Board of Assessment, if one shall be appointed, shall be present on a day fixed for hearing appeals from assessments or taxes and shall furnish to the Town Commissioners such information and answer such questions as the Commissioners may require in respect to any assessment from which an appeal has been taken. The Commissioners shall have authority to enforce their attendance by appropriate process.

LEVY OF ANNUAL TAXES

Section 22. (a) At the regular meeting in January, after having revised and completed the assessment, the Town Commission shall determine, to their best judgment and knowledge, the total amount necessary to be raised by the Town to meet all fixed

and anticipated expenses and obligations of the Town including reasonable and appropriate reserves, for the then current fiscal years as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.

(b) They shall then proceed to determine, in their sole discretion, from which sources of the authorized revenues of the Town 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.

(c) They shall then proceed to determine, assess, fix and/or levy:

1. The rate of tax on real estate per one hundred dollars (\$100.00) of assessed value; and/or

2. The rate of tax on improvements on owned real estate per one hundred dollars (\$100.00) of assessed value; and the value located on land under a lease, which said lease has been recorded in the Office of the Recorder of Deeds in and for Sussex County; and/or

3. The amount of personal or per capita tax upon each qualified voter; and/or

4. The rate or rates to be charged for furnishing services of a public nature; and/or

5. 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.

(d) Immediately after the first regular meeting in January of each and every year, the Town Commissioners 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 mentioned above. This list shall be known as the Annual Tax List of the Town of Henlopen Acres. In addition to the information contained in the assessment list, it shall likewise contain information as to the rate of tax upon real estate per \$100 of assessed value thereof.

(e) The Commissioners shall cause to be delivered to the Town Clerk a duplicate of said annual tax list, and the Town Clerk shall immediately proceed to collect the same as herein-after provided.

(f) 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 Town of Henlopen Acres under existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in the Town of Henlopen Acres created hereby.

COLLECTION OF ANNUAL TAXES

Section 23. (a) The Town Clerk, as soon as the Commissioners 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 Commissioners of Henlopen Acres in such annual tax list, shall be and constitute a lien upon all the real estate of the taxable, against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed, at any time after such taxes shall have been levied and imposed, that is situated in the Town of Henlopen Acres. 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.

(c) All taxes, when and as collected by the Town Clerk shall be paid to the Treasurer of Henlopen Acres, and all taxes shall be due and payable at and from the time of the delivery of the tax list to the Town Clerk.

(d) On all taxes paid after the first day of March next succeeding the delivery of the annual duplicate tax list to the Town Clerk, there shall be added an amount equal to one (1%) 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.

(e) If the Town Clerk shall be unable, within one year of the date of the delivery of the duplicate annual tax list to him, to collect the tax of any taxable, he is authorized and empowered, to collect such tax from such taxable by any of the processes of law.

REMEDIES, POWERS AND METHODS FOR THE COLLECTION OF TAXES, ASSESSMENTS AND OTHER CHARGES DUE THE TOWN

Section 24. (a) A remedy by distress as now prescribed by law is hereby preserved to the Town Clerk for the collection of any taxes, assessments, license fees, warrants or other charges for which he may be responsible.

(b) At any time after the delivery of the duplicate annual tax list or warrant or any other list of charges due the Town of Henlopen Acres, the Town Clerk may in the name of the Commissioners of Henlopen Acres institute suit 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, or other charge, in an 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.

TOWN BUDGET

Section 25. (a) The fiscal year for the Town of Henlopen Acres shall be the calendar year.

(b) Annually each year and not later than the last week in December, the Town Clerk and the Treasurer shall prepare a rough draft of a Town Budget. From this rough draft the Town

Commissioners of Henlopen Acres shall, not later than January 10th of each year, prepare the Town Budget, containing the financial plan for conducting the affairs of the Town 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 Town 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 Town, together with a schedule of maturities of bond issues.

4. An itemized statement of all other estimated expense to be incurred in the affairs of the Town.

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 Town from any source or sources whatsoever.

(d) The Town Commissioners shall, so far as possible, adhere to the Budget so adopted in the making of appropriations.

ENUMERATION OF POWERS

Section 26. (a) Not by way of limitation upon the power vested in the Town Commissioners to exercise all powers delegated by this Charter to the municipal corporation of the Town Commissioners of Henlopen Acres except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town Commissioners are vested by this Charter with the following powers, which may be exercised by said Commissioners in the interest of good government and the safety, health, and welfare of the Town, its inhabitants and affairs, that is to say.

1. To provide for and preserve the health, peace, safety, cleanliness, ornament and good order of the Town.

2. To prohibit, or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games.

3. 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, water-course, park, lake, strand, crosswalk, wharf, dock, sewer, drain, aqueduct or pipe line, or portion thereof, or any new or present sidewalk, curb or gutter, or portion thereof, in the Town, 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, land, alley, roadway or other highway within the Town.

4. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.

5. To provide an ample supply of pure water for the Town 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 wilful or negligent injury or damage to or interference with the water system or equipment of the Town; to furnish, or refuse to furnish, water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute same to users within or without the Town with the same full powers as though

such water has been initially reduced to usefulness by the municipal corporation itself. For all purposes of this Charter, the word "user" when referring to the users of either the public water system or the public sewer system shall be deemed to mean either the owner to whom the real estate is assessed or a leaseholder who holds land under a valid lease and whose lease is of record in the Office of the Recorder of Deeds, in and for Sussex County, and who has erected upon the leasehold an improvement having an assessed valuation of at least one Thousand Dollars (\$1,000.00).

6. 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 Town; 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 wilful or negligent injury or damage to, or interference with the said system, plant or facilities; to furnish or refuse to furnish, sewer disposal service from the Town system to places and properties outside the Town limits; in the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefore of the municipal corporation itself.

7. 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 Town or contiguous thereto, to the end that the same may be preserved, property protected and the general public might enjoy the use thereof.

8. 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 Town and to authorize or prohibit the removal or destruction of said trees.

9. To direct the digging down, draining, filling up, cleaning, cutting, or fencing of lots, tracts, pieces or parcels of ground in

the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

10. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.

11. For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a code for the same and provide for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the Town and make particular provisions for particular zones or districts with regard to building or building materials; and, generally to exercise all the powers and authorizes vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 179, Revised Code of Delaware, 1935, and all amendments thereto.

12. To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping offices of the Town.

13. To regulate or prevent the use of guns, airguns, 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.

14. To establish fire limits and do all things necessary for the prevention or 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 Town.

15. To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due the Town and to sell the same.

16. 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 within the Town.

17. 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.

18. To provide for the collection of and disbursement of all monies to which the Town may become entitled by law, including licenses and fines, where no provision for the collection and disbursement thereof is otherwise provided in the Charter.

19. To borrow money in the name of the Town 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 Town or such other security or securities as the Town Commissioners 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 Town shall be exempt from all State, County or municipal taxes; provided, that in no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the aggregate fifteen per centum (15%) of the assessed value of all real estate in the Town subject to assessment for the purpose of levying the annual tax hereinbefore mentioned.

20. To acquire, and/or to vacate the use of, lands, tenements, personalty, property, easements, rights of way, or any interest in property, either within or without the limits of the Town, 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.

21. To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any

fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.

22. To inquire into and investigate the conduct of any officer, office, agent, or employee of the Town 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.

23. To make, adopt and establish all such ordinances, regulations, rules and by-laws, not contrary to the laws of this State and the United States, as the Commissioners may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property and of the public health and welfare of the Town and its inhabitants; provided, that any ordinance relating to the public health of the Town 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 Town.

COLLECTION OF CHARGES DUE THE TOWN

Section 27. (a) In the collection of water rentals, license fees, tapping fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the Town and authorized to be levied and charged against the owner or owners of property within the Town, the collection thereof shall be under the supervision of the Town Clerk. It shall be the duty of the Town Clerk to collect all such rentals, bills, fees, and charges. He shall, in conjunction with the police force keep the Commissioners advised as to any and all failures or neglects to pay the same.

(b) In respect to the amount of any such water rentals, license fees, tapping fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the Town and authorized to be levied and charged against the owner or owners of property within the Town, and which owner or owners of property within the Town shall have failed or ne-

glected to pay the same within the time prescribed by the provisions of this Charter, or a duly adopted Ordinance of said Town and should the required procedure, if any there be, have been compiled with as regards the imposition thereof against such owner or owners, the Town Commissioners shall issue a warrant to the Town Clerk directing him to collect the same against the person or persons, firm or firms, corporation or corporations from which it shall be due, together with interest from the due date and other charges attendant thereto. Thereafter, from the date of the issuance of any such warrant or warrants, the amount or amounts therein provided shall be and constitute liens upon the respective property or properties of such owner or owners upon which or for which any such rentals, bills, fees or other charges shall have been made and such liens shall, for a period of two years from the date of such warrant or warrants, have priority over any liens, incumbrances or conveyances except tax liens, general or special sewer assessment liens and prior liens of a like nature.

(c) Nothing contained in this Section shall be construed as a limitation upon the Commissioners of Henlopen Acres to establish and fix fines, or other penalty, in a proper case, for neglects or failures nor shall any fines imposed by a judicial officer with reference to any such neglects so enrolled or failures be construed as being within the provisions hereof.

REMOVAL OF OBSTRUCTIONS, NUISANCES, AND UNSANITARY CONDITIONS

Section 28. (a) In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, and unsanitary conditions, as those terms may be defined by the Commissioners, if the Commissioners either upon their own inspection or upon information obtained from the Town Clerk or Police Force, shall deem that such obstruction, nuisances, or unsanitary condition ought to be removed or abated as the case may be, the Commissioners shall enact an ordinance or adopt a resolution, or both, to that effect and thereupon shall direct the Town Clerk to forward, to the person or persons continuing or causing such obstruction, nuisances, or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, by the mails of the United States, in a sealed wrapper addressed to

his or their last and best known postoffice address, a notice to remove or abate the same as soon as may be possible. If such person or persons refuse or neglect, for the space of five (5) days after such notice is mailed, to remove or abate the same, the Commissioners may have a warrant issued in the name of the Commissioners of Henlopen Acres. The warrant shall command him forthwith to remove or abate such obstruction, nuisance, or unsanitary condition. The Town Clerk shall forthwith proceed to remove or abate the same and, to that end, he shall have full power and authority to enter into and upon any lands and premises in the Town. He shall likewise have the authority to take with him such assistants, implements, vehicles or other things as may be necessary and proper to do and perform all matters and things in connection with the removal or abatement of such obstruction, nuisance, or unsanitary condition.

(b) At the regular monthly meeting of the Town Commissioners next succeeding the delivery of the warrant to him, the Town Clerk shall make a return to the Commissioners of his proceedings upon the warrant and shall specify the costs and expenses of all necessary work, labor, and proceedings incurred by him in the abatement or the removal of the same.

(c) At such meeting, the Commissioners shall determine, from the return of the Town Clerk, the costs and expenses of all necessary work, labor, and proceedings in reference to the abatement or removal of such obstruction, nuisance, or unsanitary condition. The Commissioners shall issue or have issued a warrant, containing an itemized account of that information, together with the name and last and best known address of the person from whom the Commissioners shall determine the amount to be due and shall deliver such warrant to the Town Clerk. The warrant shall command him forthwith to collect the amount stated to be due thereon from the person or persons designated therein. The Town Clerk shall forward to such person or persons, in a sealed wrapper, a true and correct copy of the warrant by depositing the same in the United States mails and addressed to such person's or persons' last and best known post office address. If such person or persons shall refuse or neglect to pay the same to the Town Clerk for the use of the Town within thirty (30) days from the date of the mailing of such true and exact copy of the warrant, the Town Clerk shall then be authorized and required to collect the same in any of the manners hereinbefore provided.

JETTIES, BULKHEADS, EMBANKMENTS AND BOARDWALKS

Section 29. The Commissioners of Henlopen Acres shall have the power and authority to locate, lay-out, construct, widen, extend, improve, repair, vacate or abandon jetties, bulkheads, embankments, boardwalks and piers for the preservation of any beach or strand within the limits of the Town to the ends that the same may be preserved and property may be protected. In the locating, laying-out, constructing, widening, extending, improving, repairing, vacating or abandoning of any such jetties, bulkheads, embankments, boardwalks and piers, the Commissioners shall have full power and authority to use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors, and others as the Commissioners shall deem expedient and advisable. For the purpose of this Section the Commissioners shall have full power and authority to expend such part or parts of the money of the Town, in the general fund of the Town which is not otherwise appropriated.

WATER SYSTEM

Section 30. (a) The Commissioners of Henlopen Acres shall have full power and authority to provide an ample supply of pure water for the Town and the inhabitants thereof. To this end, it shall have full power and authority to purchase, acquire by grant or gift, lease, erect, construct, maintain, operate, extend, enlarge, re-new, replace and control wells, reservoirs, pumping machines and stations, tanks, standpipes, water mains, fire hydrants and all other instruments for the collection, storage, purification, conveyance and distribution of water, over, on, under or through the lands controlled by the Town Council or belonging to private individual or individuals.

(b) The Commissioners shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town; the amounts to be paid by the users thereof; the means or methods whereby the same shall be collected; the fixing of fines, or penalties, or both, for any wilful or negligent injury or damage to or interference with the water system or equipment of the Town.

(c) The Town Commissioners shall have the power to make contracts for the purchase of water with any responsible person, firm or corporation and to distribute the same to users within or without the said Town with the same full powers as if such water had been initially reduced to usefulness by the Town itself.

DRAINAGE

Section 31. The Commissioners of Henlopen Acres shall have the full jurisdiction and control, within the limits of the Town, of the drainage of all water thereof, together with the rights to alter and change the course and direction of any of the natural water courses, runs and rivulets within the limits of the Town and may pass ordinances for the opening of gutters, surface water and underground drains and sewers within the limits of the Town. The Commissioners of Henlopen Acres shall also have full power to regulate, maintain, clean and keep the natural water courses, runs and rivulets within the Town limits open and clean and unobstructed.

BORROWING MONEY AND ISSUANCE OF BONDS

Section 32. (a) Subject to approval by the referendum of a majority of the voters of Henlopen Acres, the Commissioners may borrow money not to exceed a total of \$100,000 and are hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the Town of Henlopen Acres, or such other security or securities as the Commissioners shall elect, for the payment of the principal thereof and the interest due thereon. The Commissioners may borrow money with the approval of a majority vote of the Commissioners, in an amount not to exceed an outstanding total of five thousand dollars (\$5,000.00).

(b) All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the Commissioners of Henlopen Acres in pursuance hereof shall be exempt from all State, County or municipal taxes.

(c) This power or authority to borrow money may be exercised by the Commissioners of Henlopen Acres to provide funds for, or to provide for the payment of, any of the following projects or purposes:

1. Refunding any or all outstanding bonds or other indebtedness of the Town at the maturity thereof or in accordance with any callable feature or provision contained therein;

2. Meeting or defraying current annual operating expenses of the Town in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees, or other charges due the Town and available, when paid, for meeting or defraying current annual operating expenses of the Town;

3. Erecting, extending, enlarging, maintaining, and repairing any plant, building, machinery, or equipment for the supplying or disposal of water, sewerage or drainage waters, or any of them, and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefor;

4. Constructing, paving, laying-out, widening, extending, repairing and maintaining streets, lanes, alleys, and ways and the paving, constructing, laying-out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing of any lands, easements or rights-of-way which may be required therefor;

5. Constructing, laying-out, widening, extending, repairing and maintaining boardwalks, piers, jetties, bulkheads, sidewalks, cross-walks, or embankments, or any of them, and the condemning or purchasing of any lands, easements or rights-of-way which may be required therefor;

6. Defraying the cost to the Town of any other municipal improvement provided for or authorized or implied by the provisions of this Charter.

(d) In those cases where the power or authority hereby vested in the Commissioners of Henlopen Acres is sought to be exercised for the purpose of refunding any or all outstanding bonds or other indebtedness of the Town at a rate of interest equal to or less than the indebtedness thereby sought to be refunded and in all instances provided for in sub-paragraph 2 above, it shall not be necessary for the Commissioners of Henlopen Acres to call a special election of the taxables of the Town to secure their approval of such borrowing.

(e) In all other instances the power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any other purpose or purposes above specified shall be only exercised in the following manner.

(f) The Commissioners shall adopt a resolution proposing unto the electors of the Town that money be borrowed by the Town for any of the above named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

1. The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

2. The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

3. The manner in which it is proposed to be secured;

4. The manner in which it is proposed that it shall be paid, or funded, or both;

5. A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

6. A statement of the time and place for a public hearing upon the resolution, where the Commissioners of Henlopen Acres shall vote upon the final authorization for the loan.

(g) It shall then be the duty of the Commissioners to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper having general circulation in the Town of Henlopen Acres at least one week before the time fixed for said hearing and by posting copies thereof in two (2) conspicuous public places throughout the said Town at least one week before the time fixed for said hearing.

(h) At the time and place specified in the notice, the Commissioners shall sit in public session. At this public session, or an adjourned session thereof, the Commissioners shall vote upon a resolution to give its final authorization for the loan. In order for

this Resolution to be effective to authorize the loan, it must be passed by the affirmative vote of two-thirds (2/3rds) of the elected members of the Town Commission. A copy of the Resolution shall be entered in the Minutes of the next meeting of the Commissioners and another copy shall be filed with the papers of the Commissioners of Henlopen Acres.

(i) The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the Town Commissioners of Henlopen Acres. The bond or bonds or certificate or certificates of indebtedness shall be offered for sale to the best and most responsible bidder, therefore after advertisement in a newspaper having general circulation in the Town and otherwise if the Commissioners shall deem it necessary for at least fifteen (15) days before offering the same for sale; provided, that money may be borrowed to meet current operating expenses as hereinbefore provided by sub-section 2 of the third paragraph hereof, at public or private sale, without first advertising the offer of any such bonds or certificates of indebtedness for sale.

(j) All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be advertised and sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the Commissioners of Henlopen Acres may deem most advisable.

(k) The Commission shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may hereafter become due thereupon and, in a proper case, it shall also provide a sinking fund therefor.

(l) Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the Town of Henlopen Acres shall be deemed to be

pledged for the due payment of any such bond or bonds or certificates or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefor.

(m) In no event shall the indebtedness of the Town of Henlopen Acres, for any and all purposes, at any one time exceed, in the aggregate, fifteen (15) per centum of the assessed value of all real property situated within the confines of the Town limits and subject to assessment for the purpose of levying the annual tax hereinbefore provided.

(n) In the event any public property, or estate of the Town of Henlopen Acres and/or the Commissioners of Henlopen Acres shall be destroyed or damaged to any extent whatever by fire, wind, flood, or other catastrophe or calamity arising from forces outside the human control, the Commissioners of Henlopen Acres shall be, and they are hereby, authorized to obtain a loan or loans to raise such funds as may be necessary to repair and/or replace any and all such public property or estate so destroyed or damaged. A public hearing shall be held and a resolution passes by two-thirds (2/3rds) of the elected members of the Town Commission before the Commissioners may proceed to obtain the funds by loan or loans.

EXEMPTION OF PROPERTY FROM TAXATION

Section 13. The Commissioners of Henlopen Acres shall, within its sound discretion, have the authority, by ordinance, or by resolution, to exempt, relieve, release, and exempt any person, firm, association or corporation from the payment of any or all taxes, assessments, license fees, or other charges due the Town for a period which shall be set by the vote of two-thirds (2/3rds) of the Town Commissioners.

CONTRACTS

Section 34. (a) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be awarded to the bidder submitting the lowest and best bid; 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 Town Commissioners will not permit the delay incident to advertising;
7. The materials to be purchased are to be used to complete a project under the supervision of the Town Clerk;
8. The purchase or contract is for property or services for which the Commissioners determine the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open competition;
9. A public emergency as determined by the Commissioners exists.

LIMITATION OF ACTIONS

Section 35. No action, suit or proceeding shall be brought or maintained against the Town of Henlopen Acres for damages, either compensatory or punitive, on account of any physical injury or injuries, death or injury to property by reason of the negligence of the Town Commissioners of Henlopen Acres 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 days from the happening of such injury or the suffering of such damage, shall notify the Commissioners of Henlopen Acres in writing of the time, place, cause, character and extent of the injuries sustained so enrolled or damages suffered. Any suit brought against the Commissioners of Henlopen Acres shall be against them only in their capacity as representatives of the Town Government and not as individuals.

COMPENDIUM

Section 36. It shall be the duty of the Commissioners, at reasonable times, or time, to compile the ordinances, codes, orders, and rules of the Commissioners of Henlopen Acres. They shall have a reasonable number of copies printed for the use of the officials of the Town and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments to the same, the Commissioners shall enroll the same in the minutes of the Town Commissioners and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined. They shall furnish to the Mayor of the Town of Henlopen Acres copies thereof as they are enacted; and therefrom may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

INVESTIGATIONS

Section 37. The Commissioners of Henlopen Acres shall have the power to inquire into and investigate the conduct of any office, officer or employee of the Town and to make investigations of all municipal affairs, and, for any such purpose or purposes, shall have the power to subpoena witnesses, administer oaths and compel the production of books, papers or other evidence.

SURVIVAL OF POWERS AND VALIDATING SECTION

Section 38. (a) All powers conferred upon or vested in the Town of Henlopen Acres or the Commissioners of Henlopen Acres by any Act or Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the Town of Henlopen Acres and/or the Commissioners of Henlopen Acres precisely as if each of said powers was expressly repeated in this Charter.

(b) Excepting as may be herein provided expressly to the contrary, every and all Sections or parts of Sections of this Act shall become effective immediately upon its approval.

(c) The authority vested in the Commissioners of Henlopen Acres and the taxables of the Town of Henlopen Acres by Section

1 of this Act shall apply with equal force and effect to all loans which may be required to raise funds necessary to replace and/or repair all such public property or estate as might have been so destroyed or damaged at a time or times preceding the enactment and approval of this Act as well as at a time or times after the date of the enactment and approval hereof.

(d) All acts or parts of acts inconsistent with or in conflict with the provisions of this Act are hereby repealed to the extent of such inconsistency only.

(e) If any part of this Act shall be held invalid or unconstitutional, such holding shall not be deemed to invalidate the remaining provisions hereof.

(f) This Act shall be taken as and deemed to be a public act of the State of Delaware.

EFFECTIVE DATE OF ACT

Section 39. This Act shall become effective on being signed into law by the Governor of the State of Delaware and acceptance of same by referendum of a majority of the qualified voters of Henlopen Acres to be held within sixty (60) days after the Act is signed by the Governor. For purposes of the referendum referred to within this section, qualified voters shall be as defined in paragraph (d) of Section 5 of this Act.

Approved June 4, 1970.

CHAPTER 505

AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT PROVIDING FOR A FIREMAN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON" TO PROVIDE FOR AN INCREASE IN PENSION BENEFITS.

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 118, Volume 33, Laws of Delaware, as amended, is further amended by adding thereto a new Section 10 to read as follows:

Section 10. Notwithstanding any other provisions of this Act to the contrary, each member of the Bureau of Fire of the Department of Public Safety of the City of Wilmington who is or shall be retired as of June 30, 1970 shall be entitled to receive a monthly pension equal to one-half of the monthly salary received as of June 30, 1970 by a fireman on active duty of equivalent rank as that held by such member at the time of his retirement, plus if the service of such member is continuous two percent (2%) of such monthly salary multiplied by the number of years of service in excess of 20 years.

Section 2. Chapter 118, Volume 33, Laws of Delaware, as amended, is further amended by adding thereto a new Section 11 to read as follows:

Section 11. Notwithstanding any other provisions of this Act to the contrary, any widow of a member who is or shall be entitled to receive a pension under Section 1 of this Act as of June 30, 1970 shall be entitled to receive a monthly pension equal to one-half of the monthly salary received as of June 30, 1970 by a fireman on active duty of equivalent rank as that held by such member at the time of his death.

Section 3. Chapter 118, Volume 33, Laws of Delaware, as amended, is further amended by adding thereto a new Section 12 to read as follows:

Section 12. Notwithstanding any other provisions of this Act to the contrary, any widow or sole dependent parent of a member, as the case may be, who is or shall be entitled to receive a pension under Section 4 of this Act as of June 30, 1970 shall be entitled to receive a monthly pension equal to one-fourth of the monthly salary received as of June 30, 1970 by a fireman on active duty of equivalent rank as that held by such member at the time of his retirement or death as the case may be, plus if the service of such member is continuous two percent (2%) of such monthly salary multiplied by the number of years of service of such member in excess of 20 years.

Section 4. Any adjustment by virtue of the provisions of this Act increasing the pension payment applicable to and for the benefit of any member of the Bureau of Fire of the Department of Public Safety of the City of Wilmington retired as of June 30, 1970 or to his widow or sole dependent parent, shall be payable as follows:

(a) The first twenty-five percent (25%) of any adjustment increasing the pension payments shall be paid during the fiscal year commencing July 1, 1970.

(b) In addition to the first twenty-five percent (25%) of any adjustments increasing the pension payments paid in accordance with subparagraph (a) hereof, there shall be paid during the fiscal year commencing July 1, 1971 thirty-three and one-third percent (33 1/3%) of any remaining part of the adjustment increasing the pension payments.

(c) In addition to any amounts paid in accordance with subparagraphs (a) and (b) hereof on any adjustment increasing the amount of the pension payments, there shall be paid during the fiscal year commencing July 1, 1972 fifty percent (50%) of any remaining part of the adjustment increasing the pension payments.

(d) In addition to any amounts paid in accordance with subparagraph (a), (b) and (c) hereof on any adjustment in-

creasing the amount of the pension payments, there shall be paid during the fiscal year commencing July 1, 1973 the remaining part of the adjustment increasing the pension payments.

Section 5. After July 1, 1974 any pension benefits over and above such as are payable pursuant to this Act shall be provided for by duly adopted ordinance of the Council of the City of Wilmington.

Section 6. This Act shall be effective on July 1, 1970.

Approved June 4, 1970.

CHAPTER 506

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" TO PROVIDE FOR AN INCREASE IN PENSION BENEFITS.

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 113, Volume 32, Laws of Delaware, as amended, is further amended by adding thereto a new Section 11 to read as follows:

Section 11. Notwithstanding any other provisions of this Act to the contrary, each member of the Bureau of Police of the Department of Public Safety of the City of Wilmington who is or shall be retired as of June 30, 1970 shall be entitled to receive a monthly pension equal to one-half of the monthly salary received as of June 30, 1970 by a police officer on active duty of equivalent rank as that held by such member at the time of his retirement, plus if the service of such member is continuous two percent (2%) of such monthly salary multiplied by the number of years of service in excess of 20 years.

Section 2. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding thereto a new Section 12 to read as follows:

Section 12. Notwithstanding any other provisions of this Act to the contrary, any widow of a member who is or shall be entitled to receive a pension under Section 1 of this Act as of June 30, 1970 shall be entitled to receive a monthly pension equal to one-half of the monthly salary received as of June 30, 1970 by a police officer on active duty of equivalent rank as that held by such member at the time of his death.

Section 3. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding thereto a new Section 13 to read as follows:

Section 13. Notwithstanding any other provisions of this Act to the contrary, any widow or sole dependent parent of a member, as the case may be, who is or shall be entitled to receive a pension under Section 4 of this Act as of June 30, 1970 shall be entitled to receive a monthly pension equal to one-fourth of the monthly salary received as of June 30, 1970 by a police officer on active duty of equivalent rank as that held by such member at the time of his retirement or death as the case may be, plus if the service of such member is continuous two percent (2%) of such monthly salary multiplied by the number of years of service of such member in excess of 20 years.

Section 4. Any adjustment by virtue of the provisions of this Act increasing the pension payment applicable to and for the benefit of any member of the Bureau of Police of the Department of Public Safety of the City of Wilmington retired as of June 30, 1970 or to his widow or sole dependent parent, shall be payable as follows:

(a) The first twenty-five percent (25%) of any adjustment increasing the pension payments shall be paid during the fiscal year commencing July 1, 1970.

(b) In addition to the first twenty-five percent (25%) of any adjustment increasing the pension payments paid in accordance with subparagraph (a) hereof, there shall be paid during the fiscal year commencing July 1, 1971 thirty-three and one-third percent (33 1/3%) of any remaining part of the adjustment increasing the pension payments.

(c) In addition to any amounts paid in accordance with subparagraph (a) and (b) hereof on any adjustment increasing the amount of the pension payments, there shall be paid during the fiscal year commencing July 1, 1972 fifty percent (50%) of any remaining part of the adjustment increasing the pension payments.

(d) In addition to any amounts paid in accordance with subparagraph (a), (b) and (c) hereof on any adjustment increasing the amount of the pension payments, there shall be paid during the fiscal year commencing July 1, 1973 the remaining part of the adjustment increasing the pension payments.

Section 5. After July 1, 1974 any pension benefits over and above such as are payable pursuant to this Act shall be provided for by duly adopted ordinance of the Council of the City of Wilmington.

Section 6. This Act shall be effective on July 1, 1970.

Approved June 4, 1970.

CHAPTER 507

AN ACT TO AMEND TITLE 16, DELAWARE CODE, BY PROVIDING FOR A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 12 AND RELATING TO SANATORIA, REST HOMES, NURSING HOMES, BOARDING HOMES AND RELATED INSTITUTIONS BY PROVIDING FOR A STATE BOARD OF EXAMINERS, IMPOSING POWERS AND DUTIES, LICENSES AND FEES, PENALTIES AND PROVIDING AN APPROPRIATION TO IMPLEMENT THE PROVISION OF THIS ACT.

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. Title 16, Delaware Code, is hereby amended by adding thereto a new Chapter to be designated as Chapter 12 and to read as follows:

CHAPTER 12. SANATORIA, REST HOMES, NURSING HOMES, BOARDING HOMES AND RELATED INSTITUTIONS.

§ 1201. Definitions

A. As used in this act, unless otherwise stated, the following terms shall have the respective meanings hereinafter set forth or indicated:

B. The term "board" means the Delaware State Board of Examiners for Nursing Home Administrators hereinafter created.

C. The term "nursing home administrator" means the individual responsible for planning, organizing, directing and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one or more other persons.

D. The term "nursing home" means any institution, building or agency in which accommodation is maintained, furnished, or offered for any fee, gift, compensation, or reward for the care of more than four aged, infirm, chronically ill, or convalescent persons.

§ 1202. Board of Examiners for Nursing Home Administrators

A. There is hereby created the State Board of Examiners of Nursing Home Administrators which shall consist of the following members: Two members shall be nursing home administrators duly licensed and registered under this Act, one member actively engaged in the management, operation, or ownership of a proprietary nursing home and one member actively engaged in the management or operation of a non-profit nursing home caring for chronically ill or infirm aged patients, except that such members of the initial board shall be required only to possess the qualifications and be eligible for licensure as required under this Act. One member shall be a physician licensed to practice in this State; one member shall be selected from any profession concerned with the care of chronically ill and infirm aged patients; and one member actively engaged in the management, operation or ownership of a nursing home in which accommodation is maintained or furnished for the care of not more than fifty (50) aged, infirm, chronically ill or convalescent persons, two members representative of the public at large; provided, however, that no more than two of the members of the board shall be officials or full-time employees of State or local governments; and provided further, that less than a majority of the board shall be representative of a single profession or institutional category. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States, and shall be residents of this State.

B. One member of the initial board shall be appointed for a one year term of office; three members of the initial board shall be appointed for a two year term of office; and three members of the initial board shall be appointed for a three year term of office. Thereafter, the term of office for each member of the board shall be three years. No member shall serve more than two consecutive full terms.

C. Appointments to the board shall be made by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the vacancies to be filled. The Governor may remove any examiner for misconduct, incapacity, incompetence, or neglect of duty after the examiner so charged has been served with a written statement of charges and has been given an opportunity to be heard.

§ 1203. Organization of Board

The board shall elect from its membership a chairman, vice-chairman and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. All members shall serve without compensation except that they shall be reimbursed for reasonable and necessary expenses incident to their duties as members of the board. The administrative, ministerial, fiscal, clerical, and inspection functions shall be performed by the Division of Physical Health of the Department of Health and Social Services.

§ 1204. Duties of the Board

A. Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators shall be individuals who are of good character and are otherwise suitable, and, who, by training or experience are qualified to serve as nursing home administrators.

B. Develop and apply appropriate techniques, including examination and investigations, for determining whether individuals meet such standards.

C. Issue licenses to individuals, after application of such techniques, determined to meet such standards, and for cause, to revoke or suspend licenses previously issued by the board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards.

D. Establish and implement procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

E. Receive, investigate, and take appropriate action with respect to, and including the revocation of a license, if necessary, for cause, on any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.

F. Conduct a continuing study and investigation of nursing homes, and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes.

G. Recognize, or cause to be conducted, one or more courses of instruction and training sufficient to meet the requirements for licensure and make provisions for the conduct of such courses and their accessibility to residents of this state. The board may approve courses conducted within and without this state as sufficient to meet the education and training requirements hereof. For purposes of this subdivision, the board shall have the authority to receive through the single agency for Title XIX and disburse Federal funds received pursuant to Section 1908 (e) (1) of the Social Security Act.

§ 1205. Qualifications for Licensure

A. The board shall have exclusive authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators. No license shall be issue to a person as a nursing home administrator unless:

(1) he is at least 21 years of age, of good moral character and otherwise suitable and unless he is of sound physical and mental health;

(2) he has satisfactorily met standards set by the board, which standards shall be designed to insure that nursing home administrators will be individuals who, by training or experience are qualified to serve as nursing home administrators.

(3) he has passed an examination approved by the board and designed to test for competence in the subject matters referred to in clause (2) hereof or unless he has been approved by the board through the development and application of other appropriate techniques.

Provided, however, nothing in this act or the rules and regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator or for a provisional

license, who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

B. Notwithstanding anything in subdivision A above to the contrary, persons meeting the standards of good moral character, suitability, age, education, and citizenship, and who have served as a nursing home administrator during all of the calendar year immediately preceding the calendar year in which the requirements prescribed by the applicable provisions of Title XIX of the Social Security Act are first met by the State and who have been certified, upon the filing of an application, by the State Board of Health shall be granted a temporary license as "nursing home administrator" for a period which ends after being in effect for two years or until June 30, 1972, or until the individual meets the qualifications of a fully licensed nursing home administrator, whichever is earlier. All persons applying for a license after the effective date hereof must meet the conditions and requirements as may be prescribed by such board.

§ 1206. License fees

A. Each person licensed as a nursing home administrator shall be required to pay initial and renewal license fees in the amount of \$75.00. An initial license shall expire on June 30 of the year following its issuance, and shall be renewable pursuant to standards adopted by the board.

B. All fees collected under the provisions of this act shall be paid to the State Treasurer, who shall keep the same in the general revenue fund of the State Treasury.

§ 1207. Reciprocity with other states

The board may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction, provided that the board finds that the standards for licensure in such

other jurisdiction are at least the substantial equivalent of those prevailing in this state; and that the applicant is otherwise qualified.

§ 1208. Emergency performance

In the event that a licensed nursing home administrator is removed from his position by death or other unexpected cause, the owner, governing body or other appropriate authority of the nursing home suffering such removal may designate an acting nursing home administrator who may serve subject to such regulations set forth and approved by the board.

§ 1209. Penalties

A. It shall be a misdemeanor for any person to:

(1) On and after July 1, 1970, act or serve in the capacity of a nursing home administrator unless he is the holder of a license as a nursing home administrator, issued in accordance with this act.

(2) Sell or fraudulently obtain or furnish any license or aid or abet therein.

(3) Practice as a nursing home administrator, under cover of any license or registration illegally or fraudulently obtained or unlawfully issued.

(4) Practice as a nursing home administrator, or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator unless duly licensed and registered to so practice under the provisions of this Act.

(5) Practice as a nursing home administrator during the time his or her license or registration issued under the provisions of this Act, shall be suspended or revoked.

(6) Otherwise violate any of the provisions of this Act.

B. Such misdemeanor shall be punishable by a fine of not more than 500 dollars or by imprisonment for not more than six months or by both such fine and imprisonment.

§ 1210. Disciplinary proceedings

A. The license of any person practicing or offering to practice nursing home administration or the license of a provisional nursing home administrator may be revoked or suspended, or such licensee may be reprimanded, censured or otherwise disciplined in accordance with the provisions of this act upon decision and after due hearing in any of the following cases:

(1) Upon proof that such licensee is unfit or incompetent by reason of negligence, habits or other causes;

(2) Upon proof that such licensee has willfully or repeatedly violated any of the provisions of this Act or the rules enacted in accordance therewith; or wilfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is the administrator;

(3) Upon proof that such licensee is guilty of fraud or deceit in the practice of nursing home administration or in his or her admission to such practice;

(4) Upon proof that such licensee has been convicted in a court of competent jurisdiction, either within or without this State, of a felony.

B. The members of the board shall have jurisdiction to hear all charges brought under the provisions of this act against persons licensed as nursing home administrators or licensed as provisional nursing home administrators and upon such hearings shall determine such charges upon their merits. If the board determines that such person is guilty of the charges, the board may revoke his license, suspend him from practice, or reprimand, censure or otherwise discipline such licensee.

C. Proceedings under this section shall be begun by filing with the board charges in writing and under oath. Such charges may be preferred by any person, corporation, association or by the board. Thereupon the chairman of the board shall designate three or more members thereof as a hearing committee, or other qualified person, as a hearing officer to hear the charges and to report to the board thereon.

D. At such hearing the licensee shall have the right to appear either personally or by counsel or both, to produce witnesses

and evidence on his own behalf, to cross-examine witnesses and to have subpoenas issued in his behalf by the hearing committee or the hearing officer. The hearing committee or the hearing officer shall make a written report to the board of the findings and recommendations which shall be considered by the board in arriving at its determination.

E. Members of the hearing committee or the hearing officer shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning all matters within the jurisdiction of the board. Such board shall not be bound by the strict rules of evidence in the conduct of its proceedings but any determinations made shall be founded upon sufficient legal evidence to sustain them.

§ 1211. Judicial review

Any applicant or licensee who is dissatisfied with the decision of the board as a result of the hearing provided in section 1210 may, within thirty (30) days after the mailing or service of the notice of decision as provided in said section, file a Notice of Appeal to the Superior Court of the County in which the nursing home is located, and serve a copy of said Notice of Appeal upon the board. The board shall promptly certify and file with the Court a copy of record and decision, including the transcript of the hearings on which the decision is based. Proceedings thereafter shall be governed by the rules of the Superior Court of the State of Delaware.

§ 1212. Restoration of licenses

A. The board may, in its discretion, reissue a license to any person whose license has been revoked.

B. Application for the reissuance of a license shall not be made prior to one year after revocation and shall be made in such manner as the board may direct.

C. If a person convicted of a felony or crime deemed to be a felony is subsequently pardoned by the Governor of the State where such conviction was had or by the President of the United States, or shall receive a certificate of good conduct granted by the board of parole, the board may, in its discretion, on appli-

cation of such person and on the submission of evidence satisfactory to the board, restore to such person the nursing home administrator's license.

§ 1213. Operation of Nursing Home; licensed supervisor

No nursing home within this State shall operate except under the supervision of an administrator licensed in the manner provided in this Chapter.

Section 2. Severability

If any section or provision of this Act shall be declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality and validity of the remainder of the Act and applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of this Act are declared to be severable.

Section 3. Appropriation

The sum of \$1,000.00, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury in the general fund to the credit of the State Purposes Fund, not otherwise appropriated, to defray the expenses of the Board including personal services, its operation and maintenance in carrying out the provisions of this Act for the fiscal year ending June 30, 1971. Such money shall be payable from the State Treasury on the audit and warrant of the comptroller on vouchers certified or approved in the manner prescribed by law.

Section 4. This Act shall take effect on July 1, 1970.

Section 5. This Act does not affect penalties that were incurred, and proceedings that were begun before its effective date.

Approved June 4, 1970.

CHAPTER 508

AN ACT TO AMEND CHAPTER 41, TITLE 11, DELAWARE CODE; CHAPTER 49, TITLE 10, DELAWARE CODE, RELATING TO FINES AND COSTS BECOMING JUDGMENTS AGAINST THE CONVICTED PERSON AND PROVIDING ATTACHMENT OF WAGES THEREFOR.

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

Section 1. Title 11, Delaware Code, Chapter 41, Section 4101, is amended by striking subsections (b) and (c) and inserting in lieu thereof the following new subsection:

(b) Immediately upon imposition by a Court or Justice of the Peace of any sentence to pay a fine and/or costs, the same shall be and become a judgment against the convicted person for the full amount of the fine and/or costs assessed by the sentence. If not paid promptly upon its imposition or in accordance with the terms of the order of the Court, the Clerk or Prothonotary shall cause the said judgment to be entered upon the civil judgment docket of the Court whence it may be executed and enforced or transferred in the same manner as other judgments of the Court; provided, however, that where a stay of execution is otherwise permitted by law such a stay shall not be granted as a matter of right but only within the discretion of the Court or Justice of the Peace.

Section 2. Title 11, Delaware Code, Chapter 41, Section 4101, is amended by changing the designation of the present subsection (d) to subsection (c).

Section 3. Title 10, Delaware Code, Chapter 49, Section 4913, is amended by changing the period at the end of subsection (a) thereof to a comma and adding thereafter the words "and except where the execution process is for a fine and/or costs due and owing to the State of Delaware.

Approved June 5, 1970.

CHAPTER 509

AN ACT TO AMEND TITLE 11, DELAWARE CODE, CHAPTER 41, SECTION 4106, RELATING TO PERSONS WHO ARE SENTENCED TO IMPRISONMENT AND FINE AND PERSONS WHO HAVE DEFAULTED ON PAYMENTS OF FINE.

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

Section 1. Title 11, Delaware Code, Chapter 41, Section 4106, is amended by adding new subsections (d) and (e) thereto to read as follows:

(d) Notwithstanding the provisions of subsection (a) of this section, where a defendant sentenced to be imprisoned is ordered to pay a fine and/or costs as well, the court may order an additional sentence of imprisonment in lieu of requiring the payment of the said fine and/or costs; provided, however, that such additional sentence of imprisonment may not exceed thirty (30) days and may be ordered to be served concurrently or consecutively with the sentence originally imposed.

(e) A court having probationary powers may, in its discretion, treat any failure to comply with a court order in respect to fines and/or costs either as a civil contempt or as if the defendant had been placed on probation and the probation violated; provided, however, that any sentence for violation of probation may not exceed thirty (30) days.

Approved June 5, 1970.

CHAPTER 510

AN ACT TO AMEND TITLE 11, DELAWARE CODE, SUB-CHAPTER XV, BY GIVING JUSTICES OF THE PEACE POWER TO PUNISH FOR CONTEMPT.

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. Title 11, Delaware Code, Chapter 3, is amended by striking Section 451 and Section 452 in its entirety and inserting in lieu thereof a new Section 451 to read as follows:

§ 451. Power of Justice of the Peace to Punish

A justice of the peace shall have the power to punish by fine not exceeding \$100, or by imprisonment not to exceed one month, such contempt of his authority as —

(1) Misbehavior of any person in the presence of his court or so near thereto as to obstruct the administration of justice;

(2) Obstruction by any person of any officer while executing any of the justice's lawful writs or warrants;

(3) Willful refusal to pay a fine and/or costs by one who has apparent means to do so.

Approved June 5, 1970.

CHAPTER 511

AN ACT TO AMEND TITLE 10, DELAWARE CODE, CHAPTER 95, BY GIVING JUSTICES OF THE PEACE POWER TO PUNISH FOR CIVIL CONTEMPT.

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. Title 10, Delaware Code, Chapter 95, is amended by adding the following new § 9506 thereto to read as follows:

§ 9506. Power of Justice of the Peace to Punish for Civil Contempt

A Justice of the Peace shall have the power to punish by fine not exceeding \$100, or by imprisonment not to exceed 170 days, any disobedience or resistance to his lawful writ, process, order or rule.

Any disobedience or resistance to the lawful writ, process, order or rule of a Justice of the Peace shall be punished as a civil contempt only, and any person imprisoned for such disobedience or resistance shall be discharged from such imprisonment upon his satisfying the Justice that he has obeyed the said writ, process, order or rule, or that he is prepared to do so.

Approved June 5, 1970.

CHAPTER 512

AN ACT TO AMEND TITLE 21, DELAWARE CODE, CHAPTER 27, RELATING TO THE SUSPENSION OF THE DRIVERS LICENSE OF PERSONS WHO HAVE NOT PAID FINES.

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

Section 1. Title 21, Delaware Code, Chapter 27, Section 2731, is amended by designating the present paragraph of the said section as subsection (a), and by adding thereafter the following additional subsection:

(b) The Clerk or Prothonotary of every Court shall forward to the Department or its successor, a record of the name and address of each convicted person who shall have been sentenced to pay a fine and/or costs and who has failed to pay the said fine and/or costs at the time sentence was imposed or in accordance with an order of the Court. Whenever a convicted person who has not paid a fine and/or costs at the time sentence was imposed shall pay the fine and/or costs, the Clerk or Prothonotary shall provide the said convicted person with a receipt confirming that the fine and/or costs have been paid such that the said receipt may be presented to the Department, or its successor, as notice that the fine and/or costs have been paid.

Section 2. Title 21, Delaware Code, Chapter 27, Section 2732, is amended by designating the present paragraph of the said section as subsection (a), and by adding thereafter the following additional subsection.

(b) Upon receiving a record of the failure of a convicted person to pay a fine and/or costs as described in §2731 (b) of this title, the Department, or its successor, shall (1) if the convicted person is a resident of the State of Delaware, forthwith suspend his license until the said fine and/or costs have been paid, and (2) if the said convicted person is a non-resident of the State of Delaware, forthwith suspend his driving privileges in the State of Delaware and immediately advise the Motor Vehicle Administrator of the State wherein the said convicted person

is a resident that the said convicted person has failed to pay fine and/or costs due and owing to the State of Delaware and requesting that the convicted person's license to drive be suspended until the said fine and/or costs have been paid.

Approved June 5, 1970.

CHAPTER 513

AN ACT TO AMEND TITLE 11, DELAWARE CODE, CHAPTER 41, MAKING CERTAIN AMENDMENTS TO VOLUME 57, DELAWARE LAWS, CHAPTER 198, KNOWN AS HOUSE BILL 400 OF THE 125TH GENERAL ASSEMBLY, RELATING TO THE PAYMENT OF FINES.

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

Section 1. Title 11, Delaware Code, Chapter 41, is amended by deleting Section 4103 in its entirety.

Section 2. Title 11, Delaware Code, Chapter 41, Section 4105, is amended by striking subsection (b) thereof in its entirety and inserting in lieu thereof the following:

(b) Any court or Justice of the Peace may in its discretion permit any person sentenced to pay a fine upon conviction of crime, 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 list on the reverse thereof all motor vehicles and real property owned by him or in which he has any title or interest with a description and the location thereof.

Section 3. Title 11, Delaware Code, Chapter 41, Section 4105 (c) is amended by striking the word "permit" and inserting in lieu thereof the word "direct", and by striking the words "to elect" which appear therein.

Section 4. Title 11, Delaware Code, Chapter 41, Section 4106, is amended by striking subsection (b) and inserting in lieu thereof the following:

(b) Where a person sentenced to pay 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 Director of Division of Corrections of the Department of Health & Social Services, or a person designated by him, for work for a number and schedule of days necessary to discharge the fine imposed. The Division may approve public work projects for assignment of convicted persons in accordance with subsection (c) of this section, whereupon the Director of the Division, or a person designated by him, may assign the said convicted person to work under the supervision of any State, county, or municipal agency on any project or assignment specifically certified for that purpose. The Director of the Division, or a person designated by him, may also assign a convicted person to a private employer provided the private employer shall compensate the convicted person at a rate of pay no less than that normally paid to employees performing the same or similar services for such an employer. The Division of Corrections shall compensate any convicted person assigned to work under the supervision of any State, county, or municipal agencies 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. The Division shall withhold from or require payment from the periodic earnings of the said convicted person all amounts not deemed by the Division 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 Division 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.

Approved June 5, 1970.

CHAPTER 514

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 84 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF HIGHWAYS AND TRANSPORTATION, 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 84 to read as follows:

**CHAPTER 84. DEPARTMENT OF HIGHWAYS
AND TRANSPORTATION**

§ 8401. Establishment of Department of Highways and Transportation

A department of Highways and Transportation is hereby established.

§ 8402. Definitions

As used in this Chapter, "corridor route" means any existing or proposed road in an urban or rural area which is classified as part of the "principal arterial highway system" as defined in the National Highway Functional Classification Studies on record with the Department, and which serves traffic corridor movements of substantial statewide or interstate travel, and as to which the concept of service to abutting land is subordinate to the provisions of travel service to major traffic movements.

§ 8403. Secretary; Division Directors; Acting Secretary; Appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Highways and Transportation, 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 \$34,000.00.

(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.

§ 8404. 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 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 Highways, who shall be known as the Director of Highways, and who shall be qualified by training and experience to perform the duties of his office. The

Director of Highways shall be, at the time of his appointment, a registered Professional Engineer in the State of Delaware or qualified for such registration.

(2) A Director of the Division of Transportation, who shall be known as the Director of Transportation, and who shall be qualified by training and experience to perform the duties of his office.

(3) 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 qualified by training and experience to perform the duties of his office. The Chief of Planning, Research and Evaluation shall be qualified by training and experience in highway planning, public transportation planning or related areas, and in the administration thereof.

(4) An administrator and head of the Office of Administration, who shall be known as the Chief of Administration, 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 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.

(e) 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.

(f) 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 tech-

nical 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.

(g) 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.

(h) 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.

(i) To maintain such facilities throughout the State as may be required for the effective and efficient operation of the Department.

(j) To adopt an official seal or seals for the Department.

(k) In addition to his other powers, duties and functions, the Secretary shall serve as an ex-officio, non-voting member of the Public Service Commission.

§ 8405. Office of Administration

(a) The Office of Administration is hereby established having powers, duties and functions as follows:

(1) The Office of Administration shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Controller of the State Highway Department, as set forth in Title 17, Delaware Code, Chapter 1;

(2) In addition to the foregoing, the Office of Administration shall 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 shall coordinate

such general services and business administration with other departments, agencies and offices of the Government of this State.

§ 8406. Division of Highways

(a) The Division of Highways is hereby established having powers, duties and functions as follows:

(1) The Division of Highways 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 pursuant to the provisions of Title 17, Delaware Code, Chapters 1, 3, 4, 5, 6, 7, 9, 11, 12, 13, and 15, and Title 21, Delaware Code, Chapter 5; provided however, that the powers, duties and functions of the Controller of the State Highway Department, as prescribed in Title 17, Delaware Code, Chapter 1, shall be performed by the Office of Administration as set forth in §8405 above;

(ii) The State Highway Department pursuant to the provisions of Title 21, Delaware Code, §§4504 and 4505.

(2) The powers, duties, and functions assigned to and exercised by the State Highway Department in relation to the public lands of this State, as set forth in Chapter 45, Title 7, Delaware Code, are hereby removed and such powers, duties and functions are transferred to and shall be exercised by the Department of Natural Resources Environmental Control.

§ 8407. Council on Highways

(a) There is hereby established a Council on Highways.

(b) The Council on Highways shall serve in an advisory capacity, except as otherwise provided, to the Director of Highways, the Secretary of the Department and the Governor, and shall perform the following functions:

(1) Consider matters relating to highways and highway construction in the State and such other matters as may be referred to it by the Director of Highways, the Secretary of the Department or the Governor.

(2) Study, research, plan and advise on matters it deems appropriate to enable the Division to function in the best possible manner.

(3) Have final approval of and to adopt the six-year highway improvement program, which shall be submitted annually to the Council by the Department.

(4) Have final approval of and to adopt all corridor route projects in connection with new road alignments, which projects shall be submitted to the Council by the Department.

(c) If the Council, for any reason, shall fail to approve and to adopt in writing within a reasonable period of time after receipt of the programs or projects referred to in §8407 (b) (3) and (4), above, the Secretary of the Department may, with the approval of the Governor, upon 40 days prior written notice to the Chairman of the Council, give final approval to said programs or projects notwithstanding the absence of the Council's written comments.

(d) The Council on Highways, upon the effective date of the Chapter, shall be composed of the members of the State Highway Department whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Highways for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. The Chairman of the State Highway Department shall serve on the Council for a term of three (3) years commencing upon the effective date of this Chapter. 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, who shall be confirmed by a majority of the members elected to the Senate. The terms of the new members shall be staggered, and one of the members shall be a resident of Sussex County, one of the members shall be a resident of Kent County, one of the members shall be a resident of Rural New Castle County, one of the members shall be a resident of the City of Wilmington, and three of the members shall serve at large. 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

§ 8408. Books; records; access; annual report

(a) The Council on Highways shall have access to all books, records, reports, and other documents relating to the Division of Highways unless otherwise prohibited by law.

(b) The Chairman of the Council on Highways shall make an annual report of the activities of said Council 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.

§ 8409. Division of Transportation

(a) The Division of Transportation is hereby established having powers, duties and functions as follows:

(1) The Division of Transportation 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 Transportation and the Secretary of Transportation pursuant to the provisions of Title 2, Delaware Code, Chapters 1, 7, 9, 15 and 16.

§ 8410. 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 Highways and Transportation
- (2) Director of Highways
- (3) Director of Transportation
- (4) Chief of Planning, Research and Evaluation
- (5) Chief of Administration

§ 8411. Functions prior to effective date of the 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 Highway Department and the Department of Transportation 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.

§ 8412. 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 divisions 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.

§ 8413. 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 Highways and Transportation 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 De-

partment, be construed as referring or relating to such person or persons and their powers, duties and functions as established and created herein.

§ 8414. 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.

§ 8415. 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.

§ 8416. 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 be used in accordance with approved programs, grants and appropriations.

§ 8417. Severability

If any provision of Section 1 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 which the Governor designates in 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 purpose 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, 1971, 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 Highways and Transportation.

Approved June 5, 1970.

CHAPTER 515

**AN ACT ESTABLISHING A GOVERNOR'S ACTION FORCE
ON SCHOOL CONSTRUCTION COSTS AND PRESCRIB-
ING CERTAIN POWERS AND RESPONSIBILITIES FOR
SUCH ACTION FORCE AND MAKING A SUPPLEMENT-
ARY APPROPRIATION TO THE GOVERNOR'S OFFICE
TO CARRY OUT THE PURPOSES OF THIS ACT.**

WHEREAS, the capital funds for construction of the public schools in one of the largest items of capital expense in the State budget; and

WHEREAS, construction costs nationally are escalating at the rate of 1-1.5% per month; and

WHEREAS, the sequential procedures for planning and approval of school construction is cumbersome and forces a long time lag between an estimate for bond funding and final bidding on construction; and

WHEREAS, the Governor, General Assembly, the State Board of Education and the citizens of Delaware are concerned over the rapid increase in the cost of school construction and are determined that prompt action be initiated to effect changes that will provide significant savings while continuing to meet the needs of Delaware children with quality education;

NOW, THEREFORE,

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

Section 1. An Action Force for School Construction (hereinafter known as the "Action Force") shall be organized, consisting of representatives from a broad cross section of those groups interested in and concerned with school construction.

Section 2. The Action Force shall study appropriate methods for improving the planning process for school construction and methods of reducing the cost of school construction as detailed in, but not limited to:

(a) "The Proposed State Board of Education Program — School Construction Cost Inflation", (2/8/70, revised 3/8/70).

(b) Report of the Governor's Economy Committee.

(c) Recommendations of the special report by Senator Hale (3/8/70), entitled, "A Study of State Aid for School Construction in Delaware".

Section 3. The Action Force shall have such duties and responsibilities as follows:

(a) The Action Force shall keep records of its proceedings and make the same available at all times to the Governor and his staff.

(b) The Action Force shall make reports and recommendations, including drafts of required legislation on the implementation of the purposes of this Act at such times and in such form as the Governor may request; provided, however, that in any event, the chairman of the Action Force shall submit to the Governor the following progress reports in such form as the chairman shall determine on or before the following dates:

(1) Preliminary report, no later than November 15, 1970.

(2) Completed recommendation, including draft legislation no later than February 1, 1971.

(c) The Action Force shall work with the appropriate committee of the General Assembly once its recommendations are in final form and approved by the Governor. This shall include especially any committee or joint committee that may be established by the General Assembly to deal with this specific subject.

(d) The chairman of the Action Force, with the concurrence of the committee, is hereby authorized to employ such personnel, staff and consultants, upon such terms and conditions, with the appropriations authorized by law, as he shall determine in his discretion.

(e) All State agencies, boards, commissions, and departments shall make available to any member of the Action Force or any other person duly authorized by the chairman of the Action Force, all records, books, accounts, documents or any other information thereof, except to the extent that disclosure of any such in-

formation shall be otherwise prohibited by law and the personnel of all such agencies, boards, commissions, and departments are directed to cooperate with the members of the Action Force and its authorized personnel in providing the Action Force with the information which I shall require.

Section 4. It is hereby appropriated to the Office of the Governor the sum of \$35,000 to carry out the purposes of this Act. 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, 1971.

Approved June 5, 1970.

CHAPTER 516

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DEPART-
MENT FOR RESURFACING, PATCHING AND REPAIR-
ING ONE RUNWAY AT THE SUSSEX COUNTY AIR-
PORT.**

Be it enacted by the General Assembly of the State of Delaware (three-fourth of all the members elected to each house concurring therein):

Section 1. The sum of \$65,000 is hereby appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1970, for the purpose of resurfacing, patching and repairing one runway at the Sussex County Airport.

Section 2. This Act is a supplementary appropriation and the funds hereby 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 purpose specified and must be matched by a similar amount from the Sussex County Levy Court. The funds specified here are also contingent upon receipt of Federal Funds from the Federal Aviation Administration in an amount equal to the combined total of State and County funds.

Section 4. Any funds remaining unexpended as of June 30, 1971, shall revert to the General Fund.

Approved June 5, 1970.

CHAPTER 517

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE STATE DEVELOPMENT DEPARTMENT FOR INITIATING PROGRAM ACTIVITIES FOR THE 1970 SUMMER YOUTH EMPLOYMENT PROGRAM — YOUTH OPPORTUNITIES UNLIMITED.

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

Section 1. The sum of \$175,000 is hereby appropriated to the Delaware State Development Department for the purpose of initiating program activities for the 1970 Summer Youth Employment Program — Youth Opportunities Unlimited.

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.

Section 4. Any funds remaining unexpended as of June 30, 1971, shall revert to the General Fund.

Approved June 5, 1970.

CHAPTER 518

AN ACT TO AMEND TITLE 11, DELAWARE CODE PROVIDING FOR REGULATION OF THE DISTRIBUTION OF OBSCENE MATTER TO MINORS.

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

Section 1. Title 11, Section 435, Delaware Code, is repealed.

Section 2. A new Title 11, Section 435, is enacted to read as follows:

§ 435. Obscene literature harmful to minors

(a) Definitions as used in this section:

(1) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse which predominately appeals to the prurient, shameful, or morbid interest of minors and is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and is substantially without redeeming social value for minors.

(2) "Knows" means (i) knowledge that the character and content of any material described in Section 435 (i) (1) is harmful to minors; or (ii) knowledge of facts that would lead a reasonable man to inquire whether the character and content of any material described in Section 435 (i) (1) is harmful to minors, or (iii) knowledge or information that the material described herein has been adjudged to be harmful to minors in a proceeding instituted pursuant to Section 435 (b) or (i) or is the subject of a pending proceeding instituted pursuant to Section 435 (b) or (i).

(3) "Minor" means any person under the age of seventeen years.

(4) "Known minor" is any person known, in fact, to be under the age of seventeen years, or any person, in fact, under

the age of seventeen years unless a reasonable, bona fide attempt has been made to ascertain the age of that minor.

(5) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(6) "Sado-masochistic abuse" means flagellation or torture practiced by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(7) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals or public area or a female person's breast.

(8) "Sexual excitement" means the condition of human male or female genitals in a state of sexual stimulation or arousal.

(b) Whenever the Attorney General of this State has reasonable cause to believe that any person is or may become engaged in any of the acts described in Section 435 (i) (1), (2) or (4), the Attorney General shall institute an action in the Court of Chancery for the county where such act is or will be performed for adjudication of the question of whether such material is harmful to minors.

(c) The action authorized by Section 435 (b) shall be commenced by the filing of a complaint to which shall be attached as an exhibit a true copy of the allegedly harmful material. The complaint shall: (i) be directed against such material by name or description; (ii) allege that such material is harmful to minors; (iii) designate as respondents and list the names and addresses, if known, of any person in this State engaged or about to be engaged in any of the acts described in Section 435 (i) (1), (2) or (4) with respect to such material; (iv) seek an adjudication that such material is harmful to minors; and (v) seek a permanent injunction against any respondent prohibiting him from performing any of the acts described in Section 435 (i) (1), (2) or (4).

(d) Upon the filing of the complaint described in Section 435 (c), the Attorney General shall present the same, together with the material attached thereto, as soon as practicable to the court for its examination and reading. If after such examination and reading the court finds no probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the complaint and shall thereupon dismiss the action. If after such examination and reading the court finds probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the complaint whereupon it shall be the responsibility of the Attorney General promptly to request the Register in Chancery to issue summons and to furnish to the Register in Chancery such number of copies of such complaint and endorsement as are needed for the service of summons. Service of such summons and endorsed complaint shall be made upon the respondents thereto in any manner provided by law.

(e) The author, publisher or any person interested in sending or causing to be sent, bringing or causing to be brought, into this State for sale or commercial distribution, or any person in this State preparing, selling, exhibiting or commercially distributing, or possessing with intent to sell or commercially distribute or exhibit, the material exhibited to the endorsed complaint, may appear and may intervene in accordance with the Rules of the Court of Chancery. If no person appears and files an answer, or moves to intervene within the time set by the Rule or by an Order of the Court of Chancery, the Court may forthwith adjudge whether the material so exhibited to the endorsed complaint is harmful to minors and enter an appropriate final judgment.

(f) The public policy of this State requires that all proceedings prescribed in this Section, other than criminal actions under Section 435 (i), be heard and disposed of with the maximum promptness and dispatch commensurate with constitutional requirements, including due process, freedom of the press and freedom of speech. The Rules of the Court of Chancery shall be applicable, except as they may be modified by this Section. Any party or intervenor shall be entitled, upon request, to a trial of any issue with an advisory jury and the court, with the consent

of all parties, may order a trial of any issue with a jury whose verdict shall have the same effect as in cases of law. In any action in which an injunction is sought under this Section, any respondent or intervenor shall be entitled to a trial of the issues within one day, exclusive of Saturday, Sunday and Holidays, after joinder of issue, and a decision shall be rendered by the court or jury, as the case may be, within two days, exclusive of Saturday, Sunday and Holidays, of the conclusion of the trial. If the issues are being tried before a jury and the jury shall not be able to render a decision within two days of the conclusion of the trial, then notwithstanding any other provision of this Section, the jury shall be dismissed and a decision shall be rendered by the court within two days of the conclusion of the trial. In the event that the court or jury, as the case may be, finds the material exhibited to the complaint not to be harmful to minors, the court shall enter judgment accordingly and shall dismiss the complaint. In the event that the court or jury, as the case may be, finds the material exhibited to the complaint to be harmful to minors, the court shall enter judgment to such effect and may, in such judgment or in subsequent orders of enforcement thereof, enter a permanent injunction against any respondent prohibiting him engaging in any of the acts described in Section 435 (i) (1), (2) or (4).

(g) If the court, pursuant to Section 435 (d), finds probable cause to believe the exhibited material to be harmful to minors, and so endorses the complaint, the court may, upon the motion of the Attorney General and in accordance with the Chancery Court rules issue a temporary restraining order against any respondent prohibiting him from selling, commercially distributing or giving away such material to minors or from permitting minors to inspect such material. No temporary restraining order shall be granted without notice to the respondents unless it clearly appears from specific facts shown by affidavit or by the verified complaint that one or more of the respondents are engaged in the sale of material harmful to minors and that immediate and irreparable injury to the morals and general welfare of minors in this State will result before notice can be served and a hearing had thereon. All proceedings for temporary restraining order and preliminary injunction shall be governed by the Rules of the Court of Chancery.

(h) Any respondent, or any officer, agent, servant, employee or attorney of such respondent, or any person in active concert or participation by contract or arrangement with such respondent, who receives actual notice, by personal service or otherwise, of any injunction or restraining order entered pursuant to Section 435 (f) or (g), and who shall disobey any of the provisions thereof, shall be guilty of contempt of court and upon conviction shall be punished by a fine of not more than \$2500, or be imprisoned for not more than three years, or both.

(i) Any person is guilty of a misdemeanor who :

(1) Exhibits for sale, sells, displays, transfers, gives gratis, loans, rents, or advertises to a known minor any book, pamphlet, magazine or printed matter, however reproduced, or sound recording, or picture, photograph drawing, sculpture, motion picture film, or similar visual representation that such person knows to be in whole or in part harmful to minors.

(2) Sells, gives gratis, or transfers an admission ticket or pass to a known minor or admits a known minor to a premise whereon there is exhibited a motion picture, show, or other presentation which, in whole or in part, such person knows to be harmful to minors.

(3) Misrepresents his age as seventeen years or older for the purpose of evading the restrictions of Section 435.

(4) Exhibits for sale, sells, displays, gives gratis, transfers, loans, or rents any matter enumerated in Section 435 (i) (1) that such person knows to be harmful to minors which does not prominently display the words "unlawful to persons under seventeen years of age" or who advertises any matter enumerated in Section 435 (i) (1) that such person knows to be harmful to minors which does not prominently include in such advertisement the word "unlawful to persons under seventeen years of age".

(j) No criminal proceeding shall be commenced against any person pursuant to the provisions of Section 435 (i) (1), (2) or (4) unless, prior to the act which is the subject of such proceeding, such person (i) had written notice from the Attorney General that the material which is the subject of such proceeding has been adjudged harmful to minors pursuant to the provisions of this Section 435 (b) or (i), or (ii) has been subject to an order

entered pursuant to Section 435 (b) relating to the material which is the subject of such criminal proceeding, or any other material harmful to minors.

(k) No person shall be subject to prosecution pursuant to the provisions of Section 435 (i), (i) for any sale to a minor where such person had reasonable cause to believe that the minor involved was seventeen years old or more, and such minor exhibited to such person a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was seventeen years old or more, or (ii) for any sale where a minor is accompanied by a parent or guardian, or accompanied by an adult and such person has no reason to suspect that the adult accompanying the minor is not the minor's parent or guardian; or (iii) where such person is a bona fide school, museum or public library or is acting in his capacity as an employee of such organization or as a retail outlet affiliated with and serving the educational purposes of such organization.

(1) Penalty. Violation of Section 435 (i) is punishable upon conviction by a fine of not less than \$250 nor more than \$2500, or imprisonment for not less than 30 days nor more than 3 years, or both.

(m) In order to provide for the uniform application of this Act to all minors within this State, it is intended that the sole and only regulation of the matters herein discussed shall be under this Act and no municipality county or other governmental unit within this State shall make any law, ordinance or regulation relating to the subject matter hereof as to minors. All such laws, ordinances and regulations, as they affect minors, whether enacted before or after this Act shall become void, unenforceable and of no effect upon the effective date of this Act; provided, however, that such prior laws, ordinances and regulations shall govern litigations commenced prior to the effective date of this Act and shall continue in effect solely for that purpose.

(n) This section may be known and cited as Delaware Law on the Protection of Minors from Harmful Materials, and may be referred to by that designation.

Section 3. This Act shall become effective 30 days after approval by the Governor.

Section 4. Severability. If any part or section of this Act shall be held to be unconstitutional by any court of this State or of the United States, the remainder of the Act shall continue to be effective and its validity shall not be impaired.

Approved June 5, 1970.

CHAPTER 519

AN ACT TO AMEND TITLE 9, DELAWARE CODE ENTITLED COUNTIES TO PERMIT ELECTED OFFICEHOLDERS TO EMPLOY AND SET THE SALARY OF A CHIEF DEPUTY IN THE SEVERAL COUNTY OFFICES IN NEW CASTLE COUNTY.

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

Section 1. Section 1521, Subsection (a), Chapter 15, Title 9, Delaware Code, is amended by inserting after the words "New Castle County" appearing in line 15 of said subsection (a) the following words:

"and the chief deputy appointed by certain of said elected officeholders".

Section 2. Chapter 91, Title 9, Delaware Code, is amended by adding a new section thereto as follows:

§ 9125. Chief Deputies

(a) The Clerk of the Peace, Sheriff, Prothonotary, Recorder of Deeds, Register of Wills, Register in Chancery and Clerk of the Orphans' Court in New Castle County each may select and employ one chief deputy who shall serve at the pleasure of the appointing officeholder. The provisions of this section shall not authorize any elected officeholder to increase the number of employees in any of the several county offices.

(b) The compensation to be paid said chief deputy shall be set by the appointing officeholder. However, said compensation shall not exceed the salary set by statute for the appointing officeholder, except that the salary for the Sheriff's chief deputy shall not exceed \$9,000.

(c) This section shall apply only to the aforesaid officeholders elected at an election held subsequent to the effective date of this section, except that any present officeholder may select and employ a chief deputy in accordance with the provisions of

this section if a vacancy exists or occurs in said position at or subsequent to the effective date of this section and may increase the salary of the chief deputy presently employed in the office of said officeholder in accordance with the provisions of this section pertaining to the salary of the chief deputy.

Approved June 5, 1970.

CHAPTER 520

AN ACT TO AMEND SECTIONS 2324, 2325, 2326 (h), TITLE 19, DELAWARE CODE, RELATING TO BENEFITS RECEIVED IN COMPENSATION FOR INJURIES.

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

Section 1. Section 2324, Title 19, Delaware Code, is amended by striking the figure \$50 and substituting in lieu thereof the figure \$75.

Section 2. Section 2325, Title 19, Delaware Code, is amended by striking the figure \$50 and substituting in lieu thereof the figure \$75.

Section 3. Section 2326 (h), Title 19, Delaware Code, is amended by striking the figure \$50 and substituting in lieu thereof the figure \$75.

Section 4. This Act shall become effective on September 1, 1970.

Approved June 8, 1970.

CHAPTER 521

AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, ENTITLED "UNEMPLOYMENT COMPENSATION", BY CHANGING CERTAIN OF THE BENEFIT PROVISIONS THEREOF.

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

Section 1. Section 3302 (15), Chapter 33, Title 19, Delaware Code, is amended to read :

(15) "Unemployment" exists and an individual is "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount plus whichever is the greater of Ten (\$10.00) Dollars or thirty (30%) per cent of his weekly benefit amount. The Commission shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the Commission deems necessary.

Section 2. Section 3313 (b), Chapter 33, Title 19, Delaware Code, is amended to read :

(b) An individual's "weekly benefit amount" means an amount equal to one-twenty-fifth ($1/25$) of his total wages for employment by employers paid during that quarter of his base period in which such total wages were highest, except that if such amount is more than sixty-Five (\$65.00) Dollars, the weekly benefit amount shall be Sixty-Five (\$65.00) Dollars, or if less than Ten (\$10.00) Dollars, it shall be Ten (\$10.00) Dollars. If the weekly benefit amount is not an even dollar amount, it shall be raised to the next whole dollar.

Section 3. Section 3313 (c), Chapter 33, Title 19, Delaware Code, is amended to read :

(c) Each eligible individual who is unemployed in any week shall be paid with respect to such week a sum equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which exceed whichever is the greater of Ten (\$10.00) Dollars or thirty (30%) per cent of his weekly benefit amount. Such sum, if not an even dollar, shall be raised to the next whole dollar.

Section 4. Section 3313 (d), Chapter 33, Title 19, Delaware Code, is amended to read:

(d) Any eligible individual shall be entitled, during any benefit year, to a total amount of benefits equal to whichever is the less of: (1) 26 times his weekly benefit amount, or (2) 47% of his wages for employment by employers paid during his base period. If such amount is not an even dollar, it shall be raised to the next whole dollar. In no event shall the maximum total amount of benefits be less than eleven (11) times the weekly benefit amount.

Section 5. The provisions of this Act shall become effective July 1, 1970.

Approved June 8, 1970.

CHAPTER 522

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
IN THE AMOUNT OF \$2,464.50 TO THE STATE BOARD
OF EDUCATION FOR CERTAIN IMPROVEMENTS AND
REPAIRS TO SCHOOL BUILDINGS IN APPOQUINI-
MINK SCHOOL DISTRICT.**

WHEREAS, Senate Bill No. 87 which appears in Chapter 57, Volume 56, Laws of Delaware, approved by the Governor on July 5, 1967, provided an amount of \$42,282 to the State Board of Education for certain improvements and repair to school buildings in the Middletown School District #60; and

WHEREAS, authorized improvements and repairs were made by the Middletown School District #60; and

WHEREAS, on April 29, 1968 Purchase Order #624202 and on May 16, 1968 Purchase Order #630030 encumbered funds in the amount of \$2,464.50 as authorized by Senate Bill No. 87 hereinbefore referred to; and

WHEREAS, a May 6, 1968 directive from the Budget Director to financial officers did notify all State agencies that all purchase orders against fiscal 1968 General Fund appropriations shall be liquidated by September 30, 1968 unless specific approval to the contrary is secured from the Budget Director; and

WHEREAS, responsible agencies failed to secure specific approval from the Budget Director and therefore the encumbrances in the amount of \$2,464.50 were therefore liquidated; and

WHEREAS, the agency erred in securing prompt submission of the voucher or bill in the amount of \$2,464.50; and

WHEREAS, the vendor did complete satisfactorily the work for which he contracted; and

WHEREAS, the Appoquinimink School District wishes to pay its obligations of the Purchase Orders hereinbefore mentioned;

NOW, THEREFORE,

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

Section 1. The sum of \$2,464.50 is hereby appropriated to the State Board of Education to be used for the purpose of paying Purchase Order #624202 and Purchase Order #630030, which said purchase orders are for making certain improvements and repairs to school buildings in Appoquinimink School District.

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 June 8, 1970.

CHAPTER 523

AN ACT TO AMEND SECTION 4301, CHAPTER 43, TITLE 30, DELAWARE CODE RELATING TO USE TAX ON LEASES OF TANGIBLE PERSONAL PROPERTY TO INCLUDE A DEFINITION OF "PLACE OF BUSINESS".

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

Section 1. Section 4301, Title 30, Delaware Code, is amended by adding a paragraph to read as follows:

"Place of Business"—for purposes of this Chapter each person leasing tangible personal property in this State shall be considered to have at least one "Place of Business" in this State.

Approved June 8, 1970.

CHAPTER 524

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DE-
PARTMENT FOR PROGRAM DEVELOPMENT FOR THE
STATE OF DELAWARE'S PARTICIPATION IN THE BI-
CENTENNIAL CELEBRATIONS ATTENDANT TO THE
INDEPENDENCE OF THE UNITED STATES AS PRO-
POSED FOR THE PHILADELPHIA REGION IN 1976.**

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

Section 1. The sum of \$4,000 is hereby appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1970, for the program development for the State of Delaware's participation in the bicentennial celebrations attendant to the Independence of the United States as proposed for the Philadelphia region in 1976.

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 not revert to the General Fund of the State of Delaware on June 30, 1970, but shall revert to the General Fund on June 30, 1971.

Approved June 8, 1970.

CHAPTER 525

AN ACT TO AMEND TITLE 11, DELAWARE CODE BY ALLOWING THE USE OF PRIOR STATEMENTS AS AFFIRMATIVE EVIDENCE IN CRIMINAL PROSECUTIONS.

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

Section 1. Amend Title 11, Delaware Code, by adding a new Section 3509 to read as follows:

§ 3509. Use of prior statements as affirmative evidence

(a) In a criminal prosecution, the voluntary out-of-court prior statement of a witness who is present and subject to cross-examination may be used as affirmative evidence with substantive independent testimonial value.

(b) The rule in subsection (a) shall apply regardless of whether the witness' in-court testimony is consistent with the prior statement or not. The rule shall likewise apply with or without a showing of surprise by the introducing party.

(c) This section shall not be construed to affect the rules concerning the admission of statements of defendants or of those who are co-defendants in the same trial. This section shall also not apply to the statements of those whom to cross examine would be to subject to possible self-incrimination.

(d) This section shall apply to all trials of criminal defendants which begin on or after the date after its enactment.

Approved June 8, 1970.

CHAPTER 526

AN ACT TO AMEND TITLE 21, DELAWARE CODE, SECTION 4176, RELATING TO DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR DRUG.

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

Section 1. Title 21, Delaware Code, Section 4176 (a), is amended by inserting a ",", after the word "drives" and inserting after said ",", the word "operates".

Section 2. Title 21, Delaware Code, Section 4176, is amended by striking the word "narcotics" as it appears in the catchline thereof and inserting in lieu thereof the word "drug".

Section 3. Any action, case, prosecution, trial or any other legal proceeding in progress under or pursuant to the previous wording of the section amended by this Act, no matter what the stage of the proceeding, shall be preserved and shall not become illegal or terminated upon the effective date of this Act. For purposes of such proceedings in progress the prior law shall remain in full force and effect.

Approved June 8, 1970.

CHAPTER 527

AN ACT DECLARING A MORATORIUM ON CERTAIN ACTIVITIES ALONG THE DELAWARE RIVER AND BAY, DECLARING ACTIVITIES IN VIOLATION OF THE MORATORIUM TO BE PUBLIC NUISANCES AND PROVIDING CRIMINAL PENALTIES FOR VIOLATIONS OF THE MORATORIUM.

WHEREAS, the People of the State of Delaware have a paramount interest in the conservation, utilization, development, management and control of the lands bordering on the Delaware shore of the Delaware River and Bay; and

WHEREAS, a comprehensive multi-purpose plan for the protection of such interest in the River and Bay area is under study, and legislation concerning the utilization, development, management and control of the lands bordering the River and Bay is planned for presentation in the near future; and

WHEREAS, it has come to the attention of the Members of the General Assembly that certain diking, filling, bulkheading, dumping, creating of piers and other such activities are planned or are underway which should be reviewed in accordance with the contemplated plan and impending legislation to ascertain whether such activities are in the best interest of the State; and

WHEREAS, the General Assembly is concerned with such activities and at the same time wishes to preserve the basic property rights inherent in land owners along the River and Bay; and

WHEREAS, such activities may involve an immediate threat of loss of access by fishermen, boaters and others to the Delaware River and Bay;

NOW, THEREFORE,

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

Section 1. Fifteen days after the Governor signs this Act a moratorium is declared on all diking, bulkheading, filling, dumping, creation of piers or other such activity on lands bordering the Delaware River and Bay which is taking place or is planned for the area between the high and low water marks along the Delaware River and Bay within the State of Delaware. All such activities which are in progress as of the aforementioned date shall cease immediately and shall not be resumed unless and until done in conformity with the procedure set forth herein. This moratorium shall remain in effect until June 30, 1971, unless repealed sooner by an Act of the General Assembly.

Section 2. The moratorium declared in Section 1 hereof shall not apply to any repair to or maintenance of any piers or bulkheads which were constructed prior to the effective date of said moratorium. This exemption shall apply as long as no extensions or additions are made to previously constructed piers or bulkheads. Any extension or addition if constructed shall be made only in conformity with the procedures set forth herein.

Section 3. The Secretary of the Department of Natural Resources and Environmental Control shall be empowered to determine when and if there is a pressing and urgent need sufficient to allow diking, bulkheading, filling, dumping, creation of piers or other such activity. After such determination, the Secretary may, with the written approval of the Governor, grant a permit with whatever restriction the Secretary deems necessary.

Section 4. Any person, individual, association, company, partnership or corporation which conducts any diking, bulkheading, filling, dumping, creation of piers or other such activities after the moratorium declared herein becomes effective without first obtaining a permit as prescribed in Section 3 hereof shall be guilty of a misdemeanor, and shall be fined for each day of such offense a fine not to exceed One Thousand Dollars (\$1,000).

Section 5. Any diking, bulkheading, filling, dumping, creation of piers or other such activity conducted after the effective date of the moratorium declared herein for which a permit has not been obtained, as prescribed in Section 3 hereof, is hereby declared to be a public nuisance. The Attorney General is em-

powered, authorized and directed to bring suit to enjoin such public nuisance in the Court of Chancery.

Section 6. If any section, subsection, phrase, sentence, word, or words herein shall be declared unconstitutional or any section as it applies to any factual circumstances is declared to be unconstitutional any other sections, subsections, phrases, sentences, word or words shall remain in full force and effect and for the purposes of any further factual circumstances this law shall remain in full force and effect.

Approved June 9, 1970.

CHAPTER 528

AN ACT TO AMEND TITLE 30, SECTION 1185, DELAWARE CODE, RELATING TO DISCLOSURE OF RETURNS BY OFFICIALS.

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

Section 1. Title 30, Section 1185, Delaware Code, is hereby amended by striking the “,” after the words “and employees of the Tax Department” and substituting in lieu thereof the following:

“and the State Computer Center,”.

Approved June 9, 1970.

CHAPTER 529

AN ACT TO AMEND CHAPTER 14, TITLE 14, DELAWARE CODE, RELATING TO PROCEDURES FOR THE TERMINATION OF SERVICE OF PROFESSIONAL EMPLOYEES.

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

Section 1. Amend subsection (a), Section 1403, Chapter 14, Title 14, Delaware Code, by striking the "." at the end of the subsection and by adding the following:

"and further providing that time spent in military service shall not be counted as years of service for purposes of this Chapter."

Approved June 9, 1970.

CHAPTER 530

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR BOAT RENTAL.

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 of Shell Fisheries for rental due on the boat leased from the United States Navy for use in water pollution studies and fish conservation under terms of contract number NObs 4934 entered into with the State of Delaware and covering the period April 1967 to, and including, June 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 June 9, 1970.

CHAPTER 531

**AN ACT TO AMEND TITLE 9, SECTION 8312 (b), RELATING
TO APPEALS AND CORRECTIONS UPON COMPLE-
TION OF ANNUAL ASSESSMENT.**

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

Section 1. Amend Title 9, Section 8312 (b) by striking the sub-section (b) in its entirety and inserting in lieu thereof the following:

(b) Appeals to the Board of Assessment for Kent County may be made at the offices of the Board during each secular day from April 1 of each year, and the Board subsequently make adjustments to each appealed assessment.

Approved June 9, 1970.

CHAPTER 532

AN ACT TO AMEND TITLE 9, SECTION 8311 (a) (2), RELATING TO PUBLIC INSPECTION OF COMPLETED ASSESSMENTS.

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

Section 1. Amend Title 9, Section 8311 (a) (2) by striking paragraph (2) and inserting in lieu thereof the following:

(2) Kent County by April first; assessment for each Hundred to remain open thereafter for inspection at the Office of Board of Assessments."

Approved June 9, 1970.

CHAPTER 533

**AN ACT TO AMEND TITLE 30, CHAPTER 19, DELAWARE
CODE, RELATING TO DEDUCTIONS ON CORPORATE
INCOME.**

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

Section 1. Section 1903(a), Chapter 19, Title 30, Delaware Code, is amended by striking the words "or foreign" and inserting in lieu thereof the words "of foreign" as they appear in subpart "2" of said subsection.

Approved June 9, 1970.

CHAPTER 534

AN ACT TO AMEND TITLE 7, DELAWARE CODE, CHAPTER 65, RELATING TO THE INTEREST RATE ON BONDS ISSUED BY THE DELAWARE RIVER BASIN COMMISSION.

WHEREAS, economic and financial conditions throughout the country have resulted in a substantial increase in interest rates over the past several years; and

WHEREAS, Section 12.9 of the Delaware River Basin Compact provides that Commission bonds shall bear an interest rate not to exceed 6 percent per annum, and this requirement may restrict the Commission's ability to finance approved projects; and

WHEREAS, the Delaware River Basin Commission has passed a resolution recommending an amendment to the Compact to change the interest rate allowable from 6 to 8 percent per annum;

NOW, THEREFORE,

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

Section 1. Title 7, Delaware Code, Chapter 65, Article 12, Section 12.9, is amended by deleting the word "six" as it appears therein and substituting in lieu thereof the word "eight".

Section 2. This Act shall take effect upon the enactment of concurring legislation by the Congress of the United States, the States of Delaware, New Jersey, and New York, and the Commonwealth of Pennsylvania.

Approved June 9, 1970,

CHAPTER 535

AN ACT AUTHORIZING AND MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE PERSONNEL COMMISSION TO PAY CERTAIN OBLIGATIONS INCURRED IN A PRIOR FISCAL YEAR AND WAIVING THE STATE BIDDING CODE AND CERTAIN OTHER FINANCIAL REQUIREMENTS.

WHEREAS, the State Personnel Commission did enter into a valid contractual agreement with The Jacobs Company, Inc., on April 28, 1967, to perform a personnel study; and

WHEREAS, funds were properly encumbered in May, 1967, to provide payment for said contractual services; and

WHEREAS, sufficient monies remained encumbered through Fiscal Year 1968 to provide for the final payment on said contract; and

WHEREAS, payment on the final invoice was withheld by the State Personnel Commission which inadvertently allowed the encumbered funds to revert to the General Fund on July 1, 1968; and

WHEREAS, The Jacobs Company, Inc., does, in fact, still have a valid claim of \$3,339.99 against the State of Delaware, under the terms of the Original contract;

NOW, THEREFORE,

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

Section 1. The State Personnel Commission is hereby authorized and directed to pay the sum of \$3,339.99 from funds herein appropriated, to The Jacobs Company, Inc., for work performed for said agency during the fiscal year beginning July 1, 1967.

Section 2. For the purpose of making this payment the provisions of Chapter 69, Title 29, Delaware Code (Bidding

laws), and Chapter 65, Title 29, Delaware Code, are hereby waived to the extent necessary to carry out the purpose of this Act.

Section 3. 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 9, 1970.

CHAPTER 536

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, 1970, 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
Total	\$150,000

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1970, 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
Five Points Fire Co., Richardson Park	1,250
Frankford Volunteer Fire Co., Frankford	1,250
Goodwill Fire Co., New Castle	1,250
Gumboro Volunteer 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, 1970, 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
Cheswold Vol. Fire Co., Cheswold	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 Vol. Fire Co., Harrington	1,250
Hartly Vol. Fire Co., Hartly	1,250
Holloway Terrace Fire Co., Holloway Terrace	1,250
Laurel Fire Dept., Inc., Laurel	1,250
Leipsic Volunteer Fire Co., Leipsic	1,250
Lewes Fire Dept., 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 Vol. Fire Co., Millville	1,250
Milton Vol. Fire Dept., Milton	1,250
Minquadale Fire Co., Minquadale	1,250

Minquas Fire Co., Newport	1,250
Port Penn Vol. Fire Co., Port Penn	1,250
Rehoboth Vol. Fire Co., Rehoboth Beach	1,250
Roxanna Vol. Fire Co., Roxanna	1,250
Seaford Volunteer Fire Dept., Seaford	1,250
Selbyville Vol. Fire Co., Selbyville	1,250
Slaughter Beach Memorial Volunteer Fire Co., Slaughter Beach	1,250
Talleyville Fire Co., Talleyville	1,250
Volunteer Hose Co., Middletown	1,250
Wilmington Manor Fire Co., Wilmington Manor ...	1,250
Total	\$50,000

Section 4. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year beginning July 1, 1970, 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	\$273,750

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 monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 9, 1970.

CHAPTER 537

AN ACT AUTHORIZING THE INCUMBENT STATE TREASURER TO TRANSFER CERTAIN BALANCES IN ACCOUNTS OF THE STATE OF DELAWARE TO THE CREDIT OF THE GENERAL FUND OF THE STATE OF DELAWARE.

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

Section 1. The incumbent State Treasurer is authorized to transfer to the credit of the general fund of the State of Delaware the amount of \$11,127.07 made up of certain balances for which the date for honoring any check or orders drawn thereupon has expired by statute, such amount being the total of balances on deposit to the credit of the State of Delaware in the Farmers Bank of the State of Delaware, Dover, Delaware, in the name and in the accounts as follows:

Treasurer of the State of Delaware

<i>Name of Account</i>	<i>Number of Account</i>	<i>Amount</i>
General Checking	2217-110-9	\$6,531.53
Welfare	2217-114-2	96.00
Motor Vehicle License & Fee Refund	2217-014-1	3.00
Payroll	2217-113-1	4,496.54

Approved June 9, 1970.

CHAPTER 538

AN ACT TO AMEND TITLE 30, DELAWARE CODE, CHAPTER 11, RELATING TO INCOME TAX.

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

Section 1. Title 30, Section 1170, Delaware Code, is hereby amended by changing the catchline thereof to read as follows:

§ 1170. Supplemental returns; amended returns

Section 2. Title 30, Section 1170, Delaware Code, is hereby further amended by adding the letter "(a)" before the word "If" as the same appears in line 1 of said Section.

Section 3. Title 30, Section 1170, Delaware Code, is hereby further amended by adding thereto a new subsection, to be designated as "(b)" and to read as follows:

(b) Any adjustments made by a taxable by virtue of amending a federal return or by virtue of a change in either the federal tax or the federal taxable income must be reported by the taxable to the Tax Department by filing an amended Delaware tax return or by filing with the Tax Department the Internal Revenue Service Agent's reports or copies, or both, within 90 days after a final determination of such adjustments.

Section 4. Title 30, Section 1181, Delaware Code, is amended by adding thereto a new subsection to be designated as "(c)" and to read as follows:

(c) Whenever a final determination is made pursuant to Section 1170 (b), which shall be deemed to include any agreement made by a taxable with the Internal Revenue Service for extending the period for assessing deficiencies or making refunds, or if, for any reason whatsoever, the limitations period for federal tax purposes is extended, then the period for which an assessment can be made under this title shall be extended for a period of one year from the date of the federal tax extension.

Section 5. Title 30, Section 1181, is further amended by adding thereto a new subsection to be designated as "(d)" and to read as follows:

(d) In the event a taxable fails to file an amended return with the Tax Department within 90 days of the final determination as provided for in Section 1170 (b), the limitation of one year as provided for in subsection (c) shall not commence until the final determination is filed with the Tax Department.

Section 6. The provisions of this Act shall be effective for income tax returns filed after December 31, 1968.

Approved June 9, 1970.

CHAPTER 539

AN ACT TO AMEND TITLE 16, CHAPTER 47, 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 4730, Title 16, Delaware Code, is hereby amended by amending the catch line to read as follows:

§ 4730. Additional minimum and reduced penalties; conditional discharge

Section 2. Section 4730, Title 16, Delaware Code, is hereby further amended by adding thereto a new subsection to be designated as subsection (c) and to read as follows:

(c) Conditional discharge for possession as first offense

Whenever any person who has not previously been convicted of any offense under the laws of this State, the District of Columbia or any other state in the United States relating to narcotic drugs or dangerous drugs as the same are defined in Section 4701 hereof, pleads guilty or is found guilty of possession of a dangerous drug or narcotic drug in accordance with Sections 4722 and 4723, respectively, hereof, the court may, without entering a judgment of guilt and with the consent of such person, defer further proceedings and place him on probation upon such reasonable terms and conditions as it may require. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against him and shall simultaneously with said discharge and dismissal submit to the Attorney General of the State of Delaware a written report specifying the name of the person and the nature of the proceedings against him, which report shall be retained by the Attorney General for further proceedings, if required. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be

deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the additional penalties imposed for second or subsequent convictions under Sections 4730 (a) of this Act). Discharge and dismissal under this section may occur only once with respect to any person. The provisions hereof shall be applicable to violations of Sections 4722 and 4723 only and only as the same are related to possession.

Approved June 9, 1970.

CHAPTER 540

AN ACT TO AMEND TITLE 13, DELAWARE CODE, RELATING TO ALLOWANCE OR DIVISION OF PROPERTY UPON DIVORCE, PROVIDING FOR SUPPORT AND EXPENSE MONEY ON DECREE OF DIVORCE ON GROUNDS OF INCOMPATIBILITY AND ENFORCEMENT OF ORDERS THEREFOR BY FAMILY COURT.

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. Chapter 15, Title 13, Delaware Code, is hereby amended by striking therefrom present Section 1531 and substituting in lieu thereof a new Section 1531 reading as follows:

§ 1531. Allowance or division of property upon divorce

(a) When a divorce shall be decreed in this State —

(1) At the suit of the husband or the wife, whatever the grounds, the wife shall be restored to all her real estate;

(2) At the suit of the wife on grounds other than non-age, voluntary separation or incompatibility, the wife shall be allowed out of her husband's real estate, personal estate, or both, such share as the court deems reasonable;

(3) At the suit of the husband or the wife except as hereinbefore provided, whatever the grounds, the wife may be allowed out of her husband's real estate, personal estate, or both, such share as the court deems reasonable.

(b) Any allowance or division of the property under subsection (a) of this section may be by a gross sum, annual allowance, or by an assignment by metes and bounds. The court may appoint commissioners to execute any order in the premises, and may issue writs of possession, as in the case of lands sold on execution process.

Section 2. Chapter 15, Title 13, Delaware Code, is hereby amended by adding a new Section 1537 thereto reading as follows:

§ 1537. Support and expense money on decree for incompatibility; enforcement in Family Court

(a) Where plaintiff shall seek a divorce on grounds of incompatibility and defendant shall aver in an affidavit served on plaintiff in accordance with the rules of court and filed in the action, and shall prove by a preponderance of the evidence offered at the trial or at such other time as the court may fix, defendant's dependency upon plaintiff for support and the lack of an agreement obligating plaintiff to support defendant after the entry of a final divorce decree, the court may, in its final decree of divorce, order plaintiff to make periodic support payments to defendant in such sum as seems reasonable under the circumstances of the parties, to continue while defendant remains alive and unmarried or for such shorter period as the order of the court may fix.

(b) Where dependency shall be put in issue, the court may allow defendant alimony and expense money as provided in section 1530 of this title.

(c) Any order entered pursuant to section 1537 of this title shall be enforced in this State exclusively by the Family Court in the county wherein the respondent resides or is found, or in the county where petitioner resides if respondent does not reside and cannot be found in this State, regardless of whether such petitioner was the plaintiff or the defendant in the divorce action, and such Family Court, on proper showing of either such plaintiff or such defendant or on its own motion, may modify or terminate the support obligation decreed by the Superior Court; but if it shall be made to appear to the Superior Court that entered such order that no Family Court of any county in this State shall have jurisdiction to entertain proceedings with respect to an order entered under this section, for whatever the reason, then the Superior Court that originally entered such order shall enforce the same, and such Superior Court, on a proper showing by either such plaintiff or such defendant or on its own motion, may modify or terminate the support obligation decreed thereby.

Section 3. Chapter 5, Title 13, Delaware Code, is hereby amended by adding a new Section 512 thereto reading as follows:

§ 512. Enforcement in Family Court of Superior Court support orders entered pursuant to Section 1537, Title 13

The Family Court of any county of this State shall have the power to enforce any support order entered by the Superior Court pursuant to section 1537 of title 13, and to modify or terminate the support obligation decreed by any such order within the following limitations:

(1) Where a divorce decree has been entered by the Superior Court on grounds of incompatibility and, under the terms of such decree, the plaintiff therein has been ordered to make periodic support payments to the defendant therein, a proceeding may be brought in the Family Court under this section for the enforcement of any such order, and for the modification or termination of the support obligation decreed thereby.

(2) Proceedings shall be brought in the county wherein respondent resides or is found, or in the county wherein petitioner resides if respondent does not reside and cannot be found in this State.

(3) Proceedings shall be instituted by petition. The petition shall be verified and shall state the name, and so far as is known to the petitioner, the address and circumstances of the respondent, shall identify the divorce decree, shall include as an exhibit thereto a certified copy of such decree, and shall state any other pertinent information and the relief prayed for. A minor shall be represented by a guardian ad litem.

(4) The Family Court, after a hearing, may enter one or more of the following orders appropriate under the actual circumstances:

(i) An order requiring respondent to comply with the support obligation specified in the Superior Court decree;

(ii) An order requiring respondent to comply with the support order set forth in the Superior Court decree as modified by the Family Court;

(iii) An order terminating the support obligation set forth in the Superior Court decree;

(iv) An order dismissing the petition;

- (v) An order cancelling or reducing support arrearages;
- (vi) An order taxing the costs and reasonable attorneys' fees incurred in these proceedings against respondent or petitioner;
- (vii) An order requiring respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the Family Court may deem proper to assure payment of any amount required to be paid by respondent;
- (viii) An order requiring respondent to make payments at specified intervals to the Family Court and to report personally to the Family Court at such times as may be deemed necessary; and
- (ix) An order punishing respondent who shall violate any order of the Family Court to the same extent as is provided for by law for contempt of the court in any other suit or proceeding cognizable by the court.

(5) Participation in any proceedings under this section shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

Section 4. If any 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.

Section 5. This Act shall become effective upon its approval by the Governor and shall be inapplicable to any action for divorce filed with the Court prior to that time.

Approved June 9, 1970.

CHAPTER 541

**AN ACT TO AMEND TITLE 21, CHAPTER 41, SECTION 4178,
DELAWARE CODE, RELATING TO STOPPING, STAND-
ING AND PARKING.**

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

Section 1. Title 21, Chapter 41, Section 4178, Delaware Code, is amended by adding a new Subsection (15) to read as follows:

(15) At any place where such parking standing or stopping obstructs the free passage of other traffic.

Approved June 9, 1970.

CHAPTER 542

AN ACT TO AMEND TITLE 21, CHAPTER 45, DELAWARE CODE, BY ENACTING A NEW SECTION 4508, RELATING TO LAW ENFORCEMENT WEIGHING EQUIPMENT, WEIGHING PROCEDURES.

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

Section 1. Title 21, Chapter 45, is amended by adding a new Section 4508 thereto as follows:

§ 4508. Law enforcement weighing equipment; weighing procedures

(a) Equipment used for law enforcement weighing may include the following:

1. "Vehicle scales" meaning a scale adapted to weighing highway vehicles and possessing a platform on which all wheels of a vehicle may rest simultaneously.

2. "Axle load scale" meaning a scale permanently installed in a fixed location, having a platform adapted to determining the combined weight of all wheels on a single axle or of all wheels on a tandem axle of a highway vehicle.

3. "Wheel load weigher" meaning a compact, self-contained, portable scale specially adapted to determining the weight of any single or set of wheels on a highway vehicle.

(b) The tolerances or permissible error from true value for weighing devices utilized for law enforcement purposes shall be those which have been adopted by the Weights and Measures Division of the State Board of Agriculture.

(c) Vehicle weights may be determined by either of the methods defined as follows:

1. "Single draft" weighing as construed to mean weighing of the entire vehicle at one time by use of vehicle scales, axle load weighers, wheel load weighers or any combination of these weighing devices.

2. "Multiple draft" weighing as construed to mean weighing separately each end or individual element of a vehicle or vehicle combination and adding together the results obtained.

Approved June 9, 1970.

CHAPTER 543

AN ACT TO AMEND TITLE 21, CHAPTER 45, SECTION 4506, DELAWARE CODE, RELATING TO POLICE OFFICERS AUTHORITY TO WEIGH VEHICLES AND REQUIRE REMOVAL OF EXCESS LOADS.

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

Section 1. Title 21, Chapter 45, is amended by repealing the present Section 4506 and adding a new Section 4506 to read as follows:

§ 4506. Police authority to weigh vehicles and require removal of excess loads

Any police officer having reason to believe that the weight of a vehicle and load is unlawful, may weigh the same either by means of portable or stationary scales, and may require that such vehicle be driven to a designated scale location and be weighed if such scales are within a distance of 5 miles. The officer may then require the driver to unload immediately such portion of the load as is necessary to decrease the gross weight of such vehicle to the maximum therefor specified in this chapter or for which it is registered. All such materials shall be unloaded and cared for by the owner or operators of the truck at the risk of such owner or operator. It shall be unlawful for an owner or operator to fail to remove from the deposit area by a time specified by the officer any such partial load that has been unloaded.

Approved June 9, 1970.

CHAPTER 544

AN ACT TO AMEND TITLE 21, SECTION 6705, DELAWARE CODE, RELATING TO ALTERATIONS OF ENGINE OR SERIAL NUMBER OR SALE OF VEHICLE WITH ALTERED NUMBERS.

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

Section 1. Title 21, Chapter 67, Section 6705(a), Delaware Code, is amended by adding the words "or vehicle" after the words "motor vehicle" and "motor vehicles" where they appear therein.

Approved June 9, 1970.

CHAPTER 545

AN ACT TO AMEND TITLE 21, CHAPTER 45, DELAWARE CODE, BY ADDING A NEW SECTION 4358 RELATING TO CARRYING OF FLARES OR OTHER EMERGENCY LIGHTS IN CERTAIN VEHICLES: USE THEREOF IN EVENT VEHICLE BECOMES DISABLED.

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

Section 1. Title 21, Chapter 41, Section 4188, Delaware Code, is repealed.

Section 2. Title 21, Chapter 45, Delaware Code, is amended by adding a new Section 4358 to read as follows:

§ 4358. Carrying of flares in certain vehicles; use upon becoming disabled

(a) No person shall operate any vehicle having a width in any part in excess of 80 inches, or a gross weight of vehicle and load of 8000 pounds or more, upon the highways of this state outside of a business or residential district during the period when lighted lamps must be displayed on vehicles, unless there shall be carried in such vehicle at least 3 flares, or 3 red electric lanterns, or 3 portable red emergency reflectors capable of being distinguished at a distance of not less than 600 feet under normal atmospheric conditions at night.

(b) Whenever any vehicle described in subsection (a), or its lighting equipment is disabled during the period when lighted lamps must be displayed and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residential district, the driver or other person in charge of such vehicle shall cause flares, lanterns, or reflectors to be lighted and placed upon the highway, one at a distance of approximately 100 feet in advance of such vehicle, one at a distance of approximately 100 feet to the rear of the vehicle and the third upon the roadway along side of the vehicle. If the vehicle is transporting flammables, three red reflectors shall be so placed so as to afford a warning of the presence of the vehicle on the highway in lieu of such other signals and no open burning flare shall be placed adjacent to any such vehicle.

Approved June 9, 1970.

CHAPTER 546

**AN ACT TO AMEND TITLE 21, CHAPTER 67, SECTION 6706,
DELAWARE CODE, RELATING TO SEIZURE OF VE-
HICLE WHERE NUMBER IS ALTERED OR REMOVED.**

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

Section 1. Title 21, Chapter 67, Section 6706 (a), Delaware Code, is amended by adding the words "or other vehicle" after the words "motor vehicle" where they appear therein.

Section 2. Title 21, Chapter 67, Section 6706 (b), Delaware Code, is amended by adding the words "or other vehicle" after the words "motor vehicle" where they appear therein.

Section 3. Title 21, Chapter 67, Section 6706 (a), Delaware Code, is amended by deleting the period on line 7 of said subsection (a) and add the following language: "or wherever there is reasonable grounds to believe such serial number, trade number, or other distinguishing number or identification mark has been removed and effaced, changed, covered or destroyed."

Approved June 9, 1970.

CHAPTER 547

**AN ACT TO AMEND TITLE 21, CHAPTER 67, SECTION 6704,
DELAWARE CODE, RELATING TO RECEIVING OR
TRANSFERRING STOLEN VEHICLE.**

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

Section 1. Title 21, Chapter 67, Section 6704, Delaware Code, is amended by adding the words "or vehicle" after the words "motor vehicle" where they appear therein.

Approved June 9, 1970.

CHAPTER 548

AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 41, BY ADDING A NEW SECTION RELATING TO PRIVILEGED COMMUNICATIONS AND CONFIDENTIAL RECORDS.

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

Section 1. Amend Delaware Code, Title 14, Chapter 41, by adding to that Chapter a new Section 4114 as follows:

§ 4114. Disclosure of Pupils' School Records

(1) All personnel records of pupils in all public schools in Delaware and in all private schools in Delaware, including but not limited to, test scores, marks given according to a school grading system, psychological or medical reports, reports related to discipline, personal and anecdotal reports, reports by guidance counselors, are deemed to be confidential and not to be disclosed or the contents thereof released to non-school personnel except in the following circumstances:

(a) Any or all such personnel records shall be furnished upon request to any duly authorized agency of the Federal Government, the State of Delaware, or any County or Municipal government within Delaware which by law or Court order is entitled thereto, in the interest of the public health, safety, law enforcement or national security;

(b) Copies of such personnel records shall be furnished upon the signed request of the pupil involved, provided he or she shall have then reached the age of fourteen, to any other school, college, university or institution to which the pupil involved may apply or be transferred or to any employer or prospective employer which the pupil shall designate or to any licensed physician which the pupil shall designate. Such signed request shall be made on a standard form to be prescribed in accordance with such rules and regulations as may be promulgated by the State Department of Public Instruction in compliance herewith, such pupils' signature shall be appropriately witnessed by an adult, and such executed form shall constitute a release and indemnification in compliance with §4114(2). Such standard form shall

be designed to permit a pupil to authorize in advance the release of such personnel records to any and all recipients hereinabove described without naming them, when and if the pupil desires to expedite the transmittal of such information as requested.

(c) Nothing in this section shall preclude the disclosure by authorized school personnel of the content of all or only a part of such personnel records at appropriate intervals to a parent or legal guardian of a pupil for the purpose of keeping the pupil's parent or legal guardian informed as to the pupil's academic progress, personal health or behavior, to the extent deemed to be appropriate within the sole and absolute discretion of the school's chief administrative officer.

(2) A minor having reached the age of fourteen shall be considered as an adult for the purposes prescribed by this section and his or her witnessed signature on requests prescribed in (1) (b) hereinabove shall be considered valid and binding in law.

(3) No cause of action or claim for relief, civil or criminal, shall lie or damages be recoverable against any school officer or employee, by reason of his or her participation in the formulation of such personnel records or any statements made or of judgments expressed therein concerning a pupil's academic performance, personal conduct, health, habits, school-related activities, or potential; nor by reason of the disclosure of such records in accordance with (1) (a), (b) or (c) hereinabove prescribed, before or after the effective date of this Act, unless malice shall be conclusively proven.

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.

Section 3. All laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Act shall become effective upon signature by the Governor.

Approved June 10, 1970.

CHAPTER 549

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 83 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF FINANCE, 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 83 to read as follows:

CHAPTER 83. DEPARTMENT OF FINANCE

§ 8301. Establishment of Department of Finance

A Department of Finance is hereby established.

§ 8302. Secretary; Division Directors; Acting Secretary; Appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Finance, 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 \$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.

§ 8303. 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 Accounting, who shall be known as the Director of Accounting, and who shall be qualified by training and experience to perform the duties of his office.

(2) A Director of the Division of Revenue, who shall be known as the Director of Revenue, and who is generally known to possess knowledge of the subject of taxation and has recognized ability and wide experience in administrative positions, and has had the right to vote for a member of the General Assembly of this State at the last general election preceding his appointment.

(3) A Director of the Division of the Treasury, who shall be known as the Director of the Treasury, 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 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 stipulations, and to retain, employ and contract for the services of private and public consultants, research and 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.

§ 8304. Division of Accounting

(a) The Division of Accounting is hereby established having powers, duties and functions as follows:

The Division of Accounting shall:

(1) Audit, inspect and examine the accounts, affairs and records of any agency of this State at such times as it deems expedient for the supervision of fiscal affairs;

(2) Reject all bills, statements, accounts, and demands against the State which do not conform with such controls as are adopted by the Budget Director;

(3) Prepare the form to be used in making out accounts or statements of indebtedness and supply the several departments and agencies with a sufficient number of blank forms for use as accounts or statements of indebtedness for the year. Such forms shall contain a notice that no account or statement of indebtedness thereon shall be valid unless accompanied by the order or requisition authorizing such account or statement of indebtedness;

(4) Report to the General Assembly, the Attorney General and the Budget Director in writing any irregular, illegal or improper financial administration or transaction;

(5) In addition to the foregoing, the Division of Accounting shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Budget Director pursuant to Title 29, Delaware Code, § 6511, § 6512 (b) (c) and (e), § 6515, § 6516, § 6518, § 6520 (b) and (c), § 6521, § 6522, § 6523, § 6524, § 6525, § 6526 and § 6527.

§ 8305. Division of Revenue

The Division of Revenue is hereby established having powers, duties and functions as follows:

(a) The Division of Revenue shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in:

(1) The State Tax Department and the State Tax Commissioner pursuant to Title 30, Delaware Code, Chapters 1, 3, 11, 13, 15, 17, 19, 20, 21, 23, 25, 27, 29, 31, 53 and 54;

(2) The Collector of State Revenue, the State Tax Department and the State Tax Commissioner pursuant to the provisions of Title 30, Delaware Code, Chapter 5;

(b) In addition to the foregoing, the Division of Revenue shall have the power to perform and shall be responsible for the performance of the following powers:

(1) To issue licenses, permits or other documents; to require the payment of fees, taxes or other assessments, and the filing of affidavits or other documents relating thereto; and to enforce the payment and collection of the same heretofore vested in:

(i) The State Treasurer pursuant to the provisions of Title 30, Delaware Code, Chapters 33, 35, 37, 39 and 41;

(ii) The State Highway Department pursuant to the provisions of Title 30, Delaware Code, Chapter 51;

(iii) The Employment Security Commission pursuant to the provisions of Title 19, Delaware Code, § 3155.

(2) To require the payment of fees, taxes and other assessments, and the filing of affidavits or other documents relating thereto; and to enforce the payment and collection of the same heretofore vested in:

(i) The Superintendent of the Delaware State Police pursuant to the provisions of Title 24, Delaware Code, § 1304;

(ii) The Delaware Alcoholic Beverage Control Commission pursuant to the provisions of Title 4, Delaware Code, §§ 551, 564, 572 and 581;

(iii) The Delaware Real Estate Commission pursuant to the provisions of Title 24, Delaware Code, §§ 2908, 2911, 2918, and 2920;

(iv) The Industrial Accident Board, the State Treasurer and the Insurance Commissioner of the State of Delaware pursuant to the provisions of Title 19, Delaware Code, §§ 2391 and 2392;

(v) The Delaware Harness Racing Commission pursuant to the provisions of Title 28, Delaware Code, §§ 523, 530, 555 and 558;

(vi) The Delaware Racing Commission pursuant to the provisions of Title 28, Delaware Code, §§ 323, 330, 365, 368, 404, 411, 445, and 448.

(c) The Division of Revenue shall have the power to establish and promulgate such rules and regulations to implement its powers set forth in § 8305 (b), above, as it deems necessary and which are not inconsistent with the laws of this State.

(d) The executive, administrative, ministerial, fiscal and clerical functions of the State Tax Board set forth in Title 30, Delaware Code, Chapter 3, Subchapter II, shall be performed by the Division of Revenue.

§ 8306. Tax Appeal Board

(a) The State Tax Board, created by the provisions of Title 30, Delaware Code, Chapter 3, Subchapter II, hereby renamed the Tax Appeal Board, is continued.

(b) Except as otherwise provided in § 8305 (d), above, the Tax Appeal Board is vested with the membership, remuneration, organization, meetings, powers, duties and functions heretofore vested in the State Tax Board by law, including the power to hear complaints and appeals from the decisions or rulings of the Director of Revenue as the same heretofore existed in respect to decisions or rulings of the State Tax Commissioner pursuant to the provisions of Title 30, Delaware Code, Chapter 3, Subchapter II. The right of appeal from determinations of the State Tax Board heretofore existing pursuant to the provisions of Title 30, Delaware Code, Chapter 3, Subchapter II, is hereby continued respecting appeals from determinations of the Tax Appeal Board.

§ 8307. Division of the Treasury

(a) The Division of the Treasury is hereby established having powers, duties and functions as follows:

(1) The Division of the Treasury 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 Treasurer and the Trustee of the School Fund pursuant to the provisions of Title 29, Delaware Code, Chapter 27;

(ii) The State Treasurer pursuant to the provisions of Title 14, Delaware Code, § 106; Title 19, Delaware Code, Chapter 31; Title 30, Delaware Code, Chapters 51 and 54;

(iii) The State Tax Department pursuant to the provisions of Title 29, Delaware Code, Chapter 57.

(2) The Division of the Treasury shall be responsible for the clerical administration of all State pension funds, the determination of eligibility for non-disability retirement pension benefits as provided for in Title 29, Delaware Code, Chapters 55 and 56; Title 14, Delaware Code, Chapter 39; and Title 11, Delaware Code, Chapter 83, Subchapter II, the determination of eligibility for paraplegic veterans' benefits as provided for in Title 20, Delaware Code, § 1001, and 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 Treasurer pursuant to the provisions of Title 29, Delaware Code, Chapter 55; Title 20, Delaware Code, § 1001; Title 11, Delaware Code, Chapter 83, Subchapter II;

(ii) The State Treasurer and the Secretary of the State Board of Education pursuant to the provisions of Title 14, Delaware Code, Chapter 39;

(iii) The State Treasurer and the Board of State Judiciary Pension Trustees pursuant to the provisions of Title 29, Delaware Code, Chapter 56, except as set forth in § 8308 (b) (4) (iii) below;

§ 8308. Board of Pension Trustees

(a) There is hereby established a Board of Pension Trustees.

(b) The Board shall have:

(1) Control and management of the State pension funds provided for in this subsection (b) ;

(2) The power and duty to determine eligibility for disability pension benefits;

(3) The power and duty to hear appeals from the decision or action of the Division of the Treasury regarding eligibility for non-disability pension benefits provided for in Title 29, Delaware Code, Chapters 55 and 56; Title 14, Delaware Code, Chapter 39; Title 11, Delaware Code, Chapter 83, Subchapter II; and

(4) Except for said administrative functions to be performed by the Division of the Treasury in § 8307 (a) (2) and (3)

above, the Board 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 Arbitration Committee and the Disability Commission pursuant to the provisions of Title 29, Delaware Code, Chapter 55;

(ii) The State Board of Education and the Superintendent of the Delaware State Hospital pursuant to the provisions of Title 14, Delaware Code, Chapter 39;

(iii) The Board of State Judiciary Pension Trustees pursuant to the provisions of Title 29, Delaware Code, Chapter 56;

(iv) The State Police Pension Board pursuant to the provisions of Title 11, Delaware Code, Chapter 83, Subchapter II;

(c) In addition to the foregoing, the Board shall have the following powers, duties and functions;

(1) To adopt rules and regulations for the general administration of the State pension plans and benefits set forth in § 8308 (b) above;

(2) To appoint an actuary to perform the actuarial services necessary to effectuate the purposes of this section;

(3) To prepare and publish an annual report to the Governor and General Assembly on its activities including administration expenses;

(4) To maintain and invest the pension funds under its control and management;

(5) To make and enter into any and all contracts with any agency of the State, or any outside agency, for the purpose of assisting in the general administration of this section and the investing or advising as to the investment of the pension funds under its control and management;

(6) To determine the interest rate to be credited to employee contributions and the rate to be charged on repayment of contributions previously withdrawn.

(d) The Board of Pension Trustees, upon the effective date of this chapter, shall be composed of seven members as follows:

(1) The Budget Director and the Director of the State Personnel Commission shall serve ex-officio as voting members; and

(2) Five other members who shall be appointed by the Governor with the consent of a majority of the members elected to the Senate.

(e) The terms of the appointed members shall be staggered. The first appointee shall serve for a term of one (1) year; the second appointee shall serve for a term of two (2) years; the third appointee shall serve for a term of three (3) years; and the fourth appointee shall serve for a term of four (4) years. Thereafter, appointed members shall serve for a term of four (4) years. The seventh member shall serve at the pleasure of the Governor and shall be Chairman of the Board.

(f) Each appointed member of the board shall be paid \$25 for each day devoted to Board business, but not more than \$600 in any one fiscal year. Members shall be entitled to reimbursement for travel and other expenditures made necessary by their official duties.

(g) Any appointment, by the Governor by and with the consent of a majority of the members elected to the Senate, 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.

§ 8309. 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 Finance
- (2) Director of Accounting
- (3) Director of Revenue
- (4) Director of the Treasury

§ 8310. 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 Budget Director, State Tax Department, State Tax Board, Collector of State Revenue, State Treasurer, Arbitration Committee, Disability Commission, Board of State Employees' Pension Trustees, Board of State Judiciary Pension Trustees, and State Police Pension Board 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; excepting only those powers, duties and functions hereinabove expressly vested in or retained by any such person, department, board, commission or agency.

§ 8311. 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.

§ 8312. 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 Finance 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 functions as established and created herein.

§ 8313. 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.

§ 8314. 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.

§ 8315. 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.

§ 8316. 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 Section 1 of this Act shall become effective on the date which the Governor designates in 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 purpose 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, 1971, 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 Finance.

Approved June 11, 1970.

H.B. # 312

CHAPTER 550

AN ACT TO AMEND CHAPTER 51, TITLE 25, DELAWARE CODE, RELATING TO THE TERMS AND CONDITIONS OF LEASES.

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

Section 1. Chapter 51, Title 25, Delaware Code, is amended by adding thereto a new section, Section 5111, to read as follows:

§ 5111. Invalidity of certain dwelling unit lease terms and conditions

No lessor of a unit or units of any building having more than one unit leased for use as a dwelling place shall include in the lease of said unit or units any of the following terms or conditions, or their equivalent, nor shall any of the following terms or conditions be enforceable against the lessee:

1. A waiver of any cause of action against, or idemnification from the lessor by lessee for any injury or harm caused to the lessee, his family, his guests or his property, or the property of his family or his guests, resulting from any negligence of the lessor, his agents or assigns, in the construction of the leased dwelling unit, or in the construction or maintenance of the common areas which the lessee is entitled to use under the lease;

2. Any covenant which does not state with reasonable specificity the conduct by lessee which would result in its breach; except that covenants referring to "illegal" conduct, or conduct "likely to confer substantial risk of physical harm" to other tenants or occupants of the premises shall not be prohibited under this paragraph;

3. Any provision which denies to the lessee the right to treat a continuing violation substantial in nature by lessor of any covenant or duty protecting the health, welfare or safety of the tenants or occupants, which is set forth in the lease, or which otherwise binds the lessor as a matter of law, as a constructive or actual eviction, which would otherwise permit lessee to terminate the lease, and to immediately cease payments thereunder, pro-

vided that the lessor fails to correct the condition giving rise to the violation or fails to cease the violation within a reasonable time after written notice is given by lessee by registered mail;

4. Any provision which in any way revokes or otherwise alters the processes of distraint and ejectment as are now or hereafter shall be set forth in this Title, or which revokes or otherwise alters any defenses to, appeals from, or counterclaims arising from, said actions which lessee would otherwise have as a matter of law;

5. (a) Any provision which absolves the lessor from the duty to provide the lessee with heat, electricity and hot water. The cost of use of these services shall be borne by the lessor or lessee as the lease shall provide;

(b) Any provision which absolves the lessor from the duty to provide the lessee with leased premises maintained by the lessor in a state of good repair, and common and access areas maintained by the lessor in a state of good repair and free from rodents, vermin, insects and similar health hazards;

6. Any provision which prohibits the lessee from terminating the lease upon 30 days' notice, whenever a change in the location of the lessee's employment requires a change in the location of his residence. The burden of proof that the location of his employment has changed shall be on the lessee. The 30 day period shall begin on the first day of the month following the date notice is actually given;

7. Any provision which limits in any way the right of the lessee to take legal action of any kind against the lessor.

Section 2. Chapter 51, Title 25, Delaware Code, is amended by adding thereto a new section, Section 5112, to read as follows:

§ 5112. Residential lease tenant deposits

(a) If a residential lease in any building having more than one unit leased for use as a dwelling place shall require the lessee to provide any deposit to the lessor, to be held for the term of the lease or any part thereof, said deposit shall be considered a security deposit.

(b) Security deposits shall be placed in a separate escrow bank account by the lessor and shall not be used in the operation of any business by the lessor. Such deposits shall earn interest during the term of the lease at the same rate as paid by the bank on similar accounts. The interest so earned shall be paid to the lessee upon termination of the lease, provided that the lessee has paid all rent due in full for the term of the lease.

Failure of the lessee to pay all rent due, or premature termination of the lease on the part of the lessee, shall entitle the lessor to apply the security deposit, and interest accrued thereupon, to the amount of the unpaid rent due under the lease. Any portion of the deposit or interest remaining shall be returned to the lessee.

(c) The purpose of the security deposit shall be to reimburse the lessor for actual damages caused to the leased premises by the lessee.

(d) Within fifteen days of the termination or expiration of any lease the lessor shall provide the lessee with an itemized list of damages to the premises and the estimated cost of repair of each. With the list the lessor shall tender payment for the difference between the security deposit plus accrued interest, and the cost of repair of damages to the premises. Acceptance of this tender by the lessee shall constitute agreement on the damages as specified by the lessor.

(e) Failure by the lessor to provide a list of damages and tender the remainder of the lessee's deposit within fifteen days shall constitute agreement by the lessor that no damages are due and he shall immediately remit to the lessee the full amount of the security deposit plus accrued interest. Failure to do so within 30 days from the expiration or termination of the lease shall entitle the lessee to double the amount of the security deposit plus accrued interest.

(f) All communications required in this section shall be directed to the lessor at the address specified in the lease and to the lessee at an address provided in writing by the lessee at or prior to the termination of the lease. Failure to provide such

address shall relieve the lessor of his responsibilities under this section.

(g) Any provision in any lease attempting to waive or nullify the effect of this section shall be void and unenforceable.

Section 3. The provisions of this Act shall apply only to those leases signed after the effective date hereof.

Approved June 12, 1970.

CHAPTER 551

AN ACT TO AMEND TITLE 29, CHAPTER 79, DELAWARE CODE, RELATING TO DRUG CONTROL AND MAKING SUPPLEMENTARY APPROPRIATIONS THEREFOR.

WHEREAS, the Governor of the State of Delaware has appointed a Drug Control Committee for the purpose of considering various aspects of the problem of drug abuse throughout this State; and

WHEREAS, this Committee has made certain recommendations to the Governor including recommendations which require the appropriation of monies by the General Assembly; and

WHEREAS, the Committee has suggested to the Governor that certain of its recommended programs requiring such appropriations receive funding at this session of the General Assembly in order to meet urgent Statewide needs in the fields of education and information, treatment and enforcement, related to the drug abuse problem;

NOW, THEREFORE,

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

Section 1. Title 29, Delaware Code, is hereby amended by redesignating Sections 7921 through 7929 inclusive thereof as Sections 7923 through 7931 inclusive.

Section 2. Chapter 79, Title 29, Delaware Code, is further amended by adding thereto a new Section, designated as Section 7921, to read as follows:

§ 7921. Purpose; Drug Control Coordinator; duties; powers

(a) The purpose of this Section and of Section 7922 is (1) to develop programs for the prevention and control of drug abuse and for the treatment and rehabilitation of drug abusers; and (2) to coordinate programs, both public and private, to deal with the drug abuse problem.

(b) The Secretary of Health and Social Services shall appoint, with the written approval of the Governor, a Drug Control Coordinator who shall serve at the pleasure of the Governor. The Drug Control Coordinator shall have administrative experience and experience in the field of drug abuse, and at least a Masters Degree or equivalent experience. The Secretary shall establish the salary of the Coordinator, which shall not be less than \$16,000 per year, but not more than \$22,000.

(c) The Drug Control Coordinator shall:

- (1) coordinate all drug control efforts of State agencies;
- (2) coordinate the State's efforts with those of local and municipal governments within the State and with those of other states and the Federal government;
- (3) assist private agencies and community organizations by providing needed coordination and information;
- (4) plan and supervise public informational programs and assist with drug control programs in the public schools;
- (5) assist with the formulation and coordination of programs relating to the early diagnosis treatment and rehabilitation of drug abusers;
- (6) assist with the coordination of enforcement efforts by State, County and local enforcement officers;
- (7) assist with the formulation and coordination of training and informational programs for State employees and others;
- (8) report on his activities on a regular basis to the Secretary of Health and Social Services;
- (9) coordinate the State's efforts to obtain Federal funds available for drug control problems;
- (10) coordinate the overall State efforts with respect to the treatment, prevention and control of the use of dangerous drugs and narcotics.

(d) The Drug Control Coordinator may:

- (1) employ personnel and purchase equipment and supplies as shall be necessary to carry out the purpose of this Section;

(2) require the cooperation of all other agencies in the Executive Branch of the State Government concerned with drug control problems.

Section 3. Chapter 79, Title 29, Delaware Code, is further amended by adding thereto a new Section, designated as Section 7922, to read as follows:

§7922. Council on Drug Control; duties; compensation

(a) A Council on Drug Control is created to consist of five residents of the State appointed by the Governor and serving at his pleasure. The members shall elect a Chairman and a Secretary.

(b) The Council on Drug Control shall serve in an advisory capacity to the Secretary of Health and Social Services and the Drug Control Coordinator and shall consider matters relating to the creation of programs for the prevention and control of drug abuse and for the treatment and rehabilitation of drug abusers.

(c) Each member of the Council shall serve without compensation, except that he may be reimbursed for his reasonable and necessary expenses incident to his duties.

Section 4. The sum of \$190,000 is hereby appropriated to the Department of Health and Social Services for the fiscal year ending June 30, 1971, for the following uses and purposes and allocated as follows:

(1) Salaries for the Drug Control Coordinator and Staff and operating Expenses — \$40,000;

(2) Establishment of a telephone answering service staffed principally by trained volunteers, to answer non-technical questions relating to drugs and to provide referral service—\$15,000;

(3) Establishment of a Drug Counselors Unit to provide technical information and support on all aspects of the drug control problem — \$48,000;

(4) Establishment of Drug Information Centers throughout the State and to provide literature, films and other material relating to drug abuse and to acquire or develop program materials for communication through mass media — \$20,000;

(5) Establishment of Drug Abuse Treatment Centers and continuation of existing clinics — \$51,000;

(6) Salaries for personnel for Laboratory of Office of Medical Examiner — \$16,000.

One appropriation hereunder shall be considered 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, 1971, shall revert to the General Fund.

Section 5. The sum of \$35,000 is hereby appropriated to the State Highway Department or its successor for the fiscal year ending June 30, 1971, for the purchase of special equipment necessary to investigate drug violations and police training. This appropriation shall be considered 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, 1971, shall revert to the General Fund.

Section 6. The sum of \$40,000 is hereby appropriated to the State Board of Education or its successor for the fiscal year ending June 30, 1971, for the purpose of developing a drug abuse prevention program within the public school system of the State of Delaware. This appropriation shall be considered 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, 1971, shall revert to the General Fund.

Approved June 12, 1970.

CHAPTER 552

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BUDGET COMMISSION TO PROVIDE
FUNDS FOR PAYMENTS DUE UNDER VOLUME 57,
LAWS OF DELAWARE, CHAPTER 228.**

WHEREAS, Volume 57, Laws of Delaware, Chapter 228, by its provisions, requires that the State Treasurer shall pay rent to each County for the operation of the Court of Chancery, Superior Court, Family Court of New Castle County, Juvenile Court of Kent and Sussex Counties, and the Courts of Common Pleas of New Castle, Kent and Sussex Counties; and

WHEREAS, the amount of rental is \$336,282 for the period of July 1, 1969 to June 30, 1970; and

WHEREAS, the necessary funds to cover payment of the rent was not included in Volume 57, Laws of Delaware, Chapter 228, because at the time of enactment the amount of the liability was unknown; and

WHEREAS, the State Budget Commission is in charge of the control of this expenditure;

NOW, THEREFORE,

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

Section 1. There is hereby appropriated to the State Budget Commission the sum of \$336,282 to be expended for the purpose of paying rent to each County for the operation of the Court of Chancery, Superior Court, Family Court of New Castle County, Juvenile Court of Kent and Sussex Counties and the Courts of Common Pleas for New Castle, Kent and Sussex Counties for the period of July 1, 1969 to June 30, 1970, to be paid as follows:

Kent County	\$46,596
Sussex County	\$103,836
New Castle County	\$185,850

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 12, 1970.

CHAPTER 553

AN ACT TO AMEND TITLE 3, DELAWARE CODE, BY ADDING A NEW CHAPTER 72 RELATING TO THE POSSESSION OF FOREIGN ANIMALS OR REPTILES.

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. Amend Title 3, Delaware Code, by adding a new Chapter 72 to read as follows:

**CHAPTER 72. POSSESSION OF ANIMALS OR REPTILES
FOREIGN TO THE UNITED STATES****§ 7201. Possession; permit required**

No person shall bring into this State, possess, sell or exhibit any foreign live animal or live reptile not native to or generally found in the United States without a permit as hereinafter provided.

§ 7202. Permit, rules and regulations; State Board of Agriculture; exemptions

The State Board of Agriculture is charged with the enforcement of the preceding section and may issue a permit where it believes that the possession or exhibition of a foreign live animal or live reptile will be in the public interest and may promulgate such rules and regulations as are necessary for the proper enforcement of this chapter. The Board shall receive a fee of two (\$2.00) dollars for each and every permit issued. Nothing in this chapter shall be deemed to prevent the use of such live animals or live reptiles for use in medical or psychological research or for their display in any municipal zoological park or traveling circuses after the issuance of the necessary permits.

§ 7203. Penalties

Whoever violates the provisions of this Act shall for each offense be fined not more than \$500 or imprisoned not more than 30 days, or both. Jurisdiction over this offense shall be in the Justice of the Peace Courts of the State of Delaware.

Approved June 12, 1970.

CHAPTER 554

AN ACT TO AMEND CHAPTER 135, VOLUME 57, LAWS OF DELAWARE, ALSO KNOWN AS HOUSE BILL 187 OF THE 125TH GENERAL ASSEMBLY ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1970", AS AMENDED, BY MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TAX DEPARTMENT IN THE AMOUNT OF \$27,000.00.

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

Section 1. The sum of \$27,000 is appropriated to the State Tax Department to be expended as follows:

Overtime	\$ 2,500
Personal Services	1,000
Supplies and Materials	23,500
	<hr/>
TOTAL	\$27,000

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, 1970.

Approved June 12, 1970.

CHAPTER 555

AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO THE GENERAL ASSEMBLY BY MAKING CERTAIN TECHNICAL CORRECTIONS IN THE BOUNDARIES OF THE 8TH AND 9TH SENATORIAL DISTRICTS AND THE 14TH AND 23RD REPRESENTATIVE DISTRICTS.

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

Section 1. Section 632 (e), Title 29, Delaware Code, is amended by striking therefrom the words:

“thence northwesterly along the center line of the White Clay Creek to its intersection with the center line of Red Clay Creek; thence northerly along the center line of Red Clay Creek to its intersection with the center line of Hershey Run”

and inserting in lieu thereof the words:

“thence westerly and northeasterly along the center line of the White Clay Creek to its intersection with a stream connecting the White Clay Creek with the Red Clay Creek; thence easterly along the center line of the stream connecting the White Clay Creek with the Red Clay Creek to its intersection with the center line of the Red Clay Creek; thence northerly and easterly along the center line of the Red Clay Creek to its intersection with the center line of Hershey Run;”.

Section 2. Section 632 (f), Title 29, Delaware Code, is amended by striking therefrom the words:

“thence southerly along the center line of Calf Run to its intersection with the western boundary of Christiana Hundred; thence southerly along the western boundary of Christiana Hundred to its intersection with the center line of White Clay Creek; thence southeasterly along the center line of White Clay Creek to its intersection with the center line of the Christiana River;”

and inserting in lieu thereof the words:

"thence southerly along the center line of Calf Run to its intersection with the center line of the Red Clay Creek, thence generally southerly along the center line of the Red Clay Creek to its intersection with a stream connecting the Red Clay Creek with the White Clay Creek; thence westerly along the center line of the stream connecting the Red Clay Creek with the White Clay Creek to its intersection with the White Clay Creek; thence southwesterly and easterly along the center line of the White Clay Creek to its intersection with the center line of the Christiana River;"

Section 3. Section 631 (h), Title 29, Delaware Code, is amended by striking therefrom the words:

"All that portion of Mill Creek Hundred bounded by a line beginning at the intersection of the center line of Kirkwood Highway and the center line of Ball Run; thence northeasterly along the center line of Ball Run to its intersection at the center line of Milltown Road;"

and inserting in lieu thereof the words:

"All that portion of Mill Creek Hundred bounded by a line beginning at the intersection of the center line of Kirkwood Highway and the center line of Milltown Road;"

Section 4. Section 631 (h), Title 29, Delaware Code, is amended by striking therefrom the words:

"thence northeasterly along the center line of the Kirkwood Highway to its intersection with the center line of Ball Run."

and inserting in lieu thereof the words:

"thence northeasterly along the center line of Kirkwood Highway to its intersection with the center line of Milltown Road."

Section 5. Section 631 (q), Title 29, Delaware Code, is amended by striking therefrom the words:

"thence northeasterly along the center line of Kirkwood Highway to its intersection with the center line of Ball Run; thence northerly along the center line of Ball Run to its intersection with the center line of Milltown Road;"

and inserting in lieu thereof the words :

"thence northeasterly along the center line of Kirkwood Highway to its intersection with the center line of Milltown Road;"

Approved June 12, 1970.

CHAPTER 556

AN ACT AUTHORIZING THE STATE TREASURER TO TRANSFER THE BALANCES IN CERTAIN INACTIVE ACCOUNTS OF THE STATE BOARD OF EDUCATION TO THE GENERAL FUND OF THE STATE OF DELAWARE.

WHEREAS, the State Board of Education has balances in certain inactive accounts in the amount of \$415,783.37; and

WHEREAS, the State Board of Education has requested that the balances in said inactive accounts be transferred to the General Fund of the State of Delaware;

NOW, THEREFORE,

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

Section 1. The State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware the sum of \$415,783.37 representing the total balances in the following inactive accounts of the State Board of Education:

Fire Loss	\$ 6,818.01
Vocational School — Milford	799.00
1960 New Castle County — Orthopedic Construction	54.77
Supervision and Auditing — 1960 Construction Program	229,214.74
Supervision and Auditing — 1961 Construction Program	42,669.43
Fire Loss — Mt. Pleasant	1,423.17
Building Sales	18,517.75
School Sites	101,286.50
Architects' Fees	15,000.00
TOTAL	\$415,783.37

Approved June 12, 1970.

CHAPTER 557

**AN ACT TO AMEND TITLE 9, SECTION 9307, DELAWARE
CODE, RELATING TO DEPUTY COMPTROLLERS BY
PROVIDING FOR A DEPUTY COMPTROLLER FOR
KENT COUNTY.**

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

Section 1. Title 9, Section 9307, Delaware Code, is hereby
amended by adding a new paragraph to read as follows:

(b) The Comptroller of Kent County may select and employ
one deputy.

Approved June 12, 1970.

CHAPTER 558

AN ACT TO AMEND SECTION 2721, TITLE 21, DELAWARE CODE, RELATING TO THE MEDICAL ADVISORY BOARD FOR THE MOTOR VEHICLE DEPARTMENT.

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

Section 1. Section 2721, Title 21, Delaware Code, is amended by striking the last sentence of subsection (a) thereof and inserting in lieu thereof the following sentences:

The Board shall consult an ophthalmologist and an optometrist in all cases where a vision problem exists. The ophthalmological consultant shall be nominated by the President of the Medical Council of Delaware and the optometric consultant shall be nominated by the President of the Delaware Optometric Association. Both vision consultants shall be appointed by the Commissioner.

Section 2. Subsection (e), Section 2721, Title 21, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) The Executive Secretary shall review the report to determine if the case warrants evaluation by the Board. If the report gives no medical or optometric 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 or optometric report warrants review by the Board a copy of the report shall be forwarded to each member of the Board for evaluation. In case of a vision problem the report shall also be forwarded to the optometric and ophthalmological consultants.

Section 3. Subsection (f), Section 2721, Title 21, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) After review, each member of the Board and the vision consultants shall report their recommendations to the Commissioner. The members of the Board and the vision consultants

shall not meet as a group, unless such a meeting is called by the Chairman, but rather each member and consultant 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 or optometric evaluation.
3. Specific license restrictions.
4. Further medical or optometric evaluation.
5. Driver improvement activity, including retesting.
6. License suspension.

Section 4. Subsection (i), Section 2721, Title 21, Delaware Code, is amended by adding the words "and vision consultants" after the word "Board" and before the word "and" as the same appear in the first line of said subsection.

Section 5. Subsection (j), Section 2721, Title 21, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (j) to read as follows:

(j) Members of the Board and consultants serve without pay. Their identities shall be kept confidential.

Section 6. Subsection (k), Section 2721, Title 21, Delaware Code, is amended by adding the words "or its vision consultants" after the word "members" and before the word "for" as the same appears in the second line of said subsection.

Section 7. Subsection (1), Section 2721, Title 21, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (1) to read as follows:

(1) To maintain confidential the identities of the members of the Board and its vision consultants they shall not be required to appear in court. If the qualifications of the members or consultants to make recommendations are challenged in court the Commissioner shall give the court brief professional biographies outlining the training experience of each member and of each vision consultant.

Section 8. Subsection (a), Section 2721, Title 21, Delaware Code, is amended by striking the word "Society" where it appears therein and inserting in lieu thereof the word "Council".

Approved June 12, 1970.

CHAPTER 559

**AN ACT RELATING TO TAXPAYER IDENTIFICATION
NUMBERS.**

*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, known as Section 308, to read as follows:

§ 308. Taxpayer identification number

The State Tax Department may require taxpayers to use and to furnish tax identifications numbers. In the case of individuals this shall be the Federal Social Security Number and in the case of businesses this shall be the Federal Employer Identification Number.

Approved June 12, 1970.

CHAPTER 560

AN ACT TO AMEND TITLES 9 AND 29, DELAWARE CODE, RELATING TO THE OFFICE OF THE SECRETARY OF STATE BY PROVIDING THAT CERTAIN DUTIES, PAPERS, DOCUMENTS AND SUPPLIES REQUIRED TO BE PERFORMED OR FILED WITH THE SECRETARY OF STATE SHALL BE PERFORMED OR FILED WITH VARIOUS APPLICABLE AGENCIES AND DEPARTMENTS.

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

Section 1. Title 29, Delaware Code, Section 2311, is hereby amended by striking therefrom the words "Secretary of State" and inserting in lieu thereof the words "Department of Health and Social Services pursuant to the provisions of Title 13, Section 113".

Section 2. Title 9, Delaware Code, Section 9413, is hereby amended by striking therefrom the words "Secretary of State" and inserting in lieu thereof the words "Department of Health and Social Services pursuant to the provisions of Title 13, Section 113".

Section 3. Title 29, Delaware Code, Section 6903, is hereby amended by striking Section 6903 in its entirety.

Section 4. Title 29, Delaware Code, Section 2309, is hereby amended by striking Section 2309 in its entirety.

Approved June 12, 1970.

CHAPTER 561

AN ACT TO AMEND TITLE 21, SECTION 4502, DELAWARE CODE, RELATING TO THE SIZE AND LOADS OF MOTOR VEHICLES.

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

Section 1. Amend Title 21, Delaware Code, by adding to §4502 a new subsection to be designated as subsection (h) to read as follows:

(h) The limitations as to length of load stated in this section shall not apply in the case of a vehicle or combination of vehicles transporting boats commonly known as crew or rowing shells for use in interscholastic or intercollegiate rowing contests provided that such boats shall not exceed seventy (70) feet in length.

Approved June 12, 1970.

CHAPTER 562

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE VIOLA-CANTERBURY-FELTON RURITAN CLUB 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 Viola-Canterbury-Felton Ruritan Club.

Approved June 12, 1970.

CHAPTER 563

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF LEWES SENIOR CITIZENS CENTER, INCORPORATED 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 Lewes Senior Citizens Center, Incorporated.

Approved June 12, 1970.

CHAPTER 564

AN ACT TO AMEND SECTION 4527 (b), CHAPTER 45, TITLE 31, DELAWARE CODE RELATING TO DISPOSAL OF PROPERTY IN REDEVELOPMENT PROJECT TO PUBLIC, QUASI-PUBLIC, CHARITABLE AND RELIGIOUS CORPORATIONS.

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

Section 1. That Section 4527 (b), Title 31, Delaware Code, is amended by adding to the aforementioned Section the following:

Further the authority may, in its discretion, dispose of real property in a redevelopment project area to public, quasi-public, charitable and religious corporations by negotiation without resorting the provisions of this Section 4527 (b).

Section 2. The provisions of this Act shall be effective only to the City of Wilmington.

Approved June 12, 1970.

CHAPTER 565

AN ACT TO AMEND SECTION 4526, CHAPTER 45, TITLE 31, DELAWARE CODE, RELATING TO CONSENT IN CONNECTION WITH MODIFICATION OF URBAN RENEWAL PLANS.

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

Section 1. Section 4526, Title 31, Delaware Code, is repealed and a new Section 4526 is inserted in lieu thereof to read as follows:

An urban renewal plan which has not been approved by the governing body when recommended by the Authority may again be recommended to it with any modifications deemed advisable. A redevelopment plan may be modified at any time by the Authority provided that if modified after the lease or sale of real property in the urban renewal project area, the modification must be consented to by the redeveloper or redevelopers, or his successor or their successors who acquired seventy-five per cent of land in the project area, and whose interest may be affected by the proposed modification.

The notice of the proposed modification shall be sent by certified mail to the last known address of the redeveloper or redevelopers of the real property or his successor or successors, who shall have thirty days from the date of the notice to state his or its objections to the modification. These objections will be submitted to the governing body at the time of the hearing. If no objections are made within the thirty days from the date of the notice, then the Authority may recommend the plan and state to the governing body that there were no objections.

Section 2. The provisions of this Act shall be effective only to the City of Wilmington.

Approved June 12, 1970.

CHAPTER 566

AN ACT TO AMEND CHAPTER 19, TITLE 17, DELAWARE CODE, RELATING TO HIGHWAY RELOCATION ASSISTANCE.

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

Section 1. Section 1902, Chapter 19, Title 17, Delaware Code, is amended by adding thereto a new subsection, (f), to read as follows:

(f) In addition to all other payments received pursuant to this section, a person displaced by any highway project may receive reimbursement in accordance with the provisions of Section 1908, of this Chapter for miscellaneous expenses, other than settlement costs, incurred within thirty (30) days of relocation, which are directly attributable to the relocation, which have in fact been paid, and for which a proper receipt can be shown, but in no case shall the payments authorized by this subsection exceed one per centum (1%) of the appraised fair market value, as determined by the State Highway Department, of the residence acquired.

Section 2. Section 1903, Chapter 19, Title 17, Delaware Code, is amended by adding thereto a new subsection (c), to read as follows:

(c) In no case shall the total payments authorized by this section exceed current limits provided by federal statute or twenty-five per centum (25%) of the appraised fair market value, as determined by the State Highway Department, of the property acquired, whichever is greater.

Approved June 14, 1970.

CHAPTER 567

AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO A PORTION OF THE ELECTION LAWS OF THE STATE OF DELAWARE BY AMENDING CHAPTERS 1, 3, 11, 13, 15, 17, 31, 33, 45, 49, 50, 55, AND 57 AND MAKING CERTAIN CHANGES IN THE PROVISIONS PERTAINING TO THE DEPARTMENTS OF ELECTION, STATE ELECTION COMMISSIONER, REGISTRATION OF VOTERS, REGISTRATION OFFICERS, REGISTRATION PROCEDURES, PRIMARY ELECTIONS AND NOMINATION OF CANDIDATES, BALLOTS, ELECTION SUPPLIES, THE CONDUCT OF ELECTIONS, VOTING MACHINES, ABSENTEE VOTING AND CANVASS OF THE VOTE AND PROCLAMATION OF RESULTS OF ELECTIONS.

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

Section 1. Section 101, Title 15, Delaware Code, is hereby amended by deleting the definition of "Board of Elections" appearing therein and inserting in lieu thereof the following definition:

"Board of Elections" or "Board" in each of the three counties of this State, means that body of individuals, including the State Election Commissioner as to each county, appointed by the Governor and confirmed by the Senate, to serve as the Board of Elections for their respective counties, (and as is such vested with the power and responsibility of administering and seeing to the administration of the Election Laws of this State in their respective counties as more particularly defined in this Title.")

Section 1A. Section 101, Title 15, Delaware Code, is hereby amended by deleting the definition of "Ballot" appearing therein and inserting in lieu thereof the following definition:

"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 names of the candidates, and the respective offices they seek, and the designation of the party by which

they were nominated, and the statement of any question submitted. (In the case of absentee votes, as provided for in Chapter 55 of this Title, Ballot means that form of paper ballot more particularly defined in Chapter 45 of this Title.)"

Section 2. Section 101, Title 15, Delaware Code, is hereby amended by deleting the definition of "Department" as it appears therein and inserting in lieu thereof the following definition:

"Department" means the Department of Elections in each county of this State consisting of the Board of Elections and such staff as the Board shall be empowered to appoint and shall have appointed under the provisions of this Title, which Department, under the direction of the Board of Elections, shall administer the Election Laws of this State in the respective county of each such Department as more particularly defined in this Title.

Section 3. Section 115 (B), Title 15, Delaware Code, is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

"In New Castle County, upon the request of the Department of Elections for New Castle County, the Department of Public Works of the City of Wilmington shall furnish to the Department of Elections a map or maps of the several Registration Districts of the City, or of any and all portions thereof; and the Planning Department for New Castle County shall furnish a map or maps of the several Representative Districts of New Castle County or of any or all portions thereof."

Section 4. Section 303, Title 15, Delaware Code, is hereby amended by deleting subsection (3) thereof in its entirety.

Section 5. Section 305 (a), Title 15, Delaware Code, is hereby amended by deleting the words "July 1" as same appear in the first sentence thereof, and inserting in lieu thereof the following words:

"21 days prior to the third Tuesday in June".

Section 6. Section 305 (b), Title 15, Delaware Code, is hereby amended by deleting same in its entirety and inserting in lieu thereof the following subsection:

(b) The Commissioner shall also cause to be prepared for each Election District in the State a supplemental list of all voters who register, transfer their registration, or make changes in their names, addresses, or party designations between September 1 and the last general registration day of the year of any General Election, inconclusive. Such separate supplemental lists, in alphabetical order, shall be prepared for each Election District in the State, and each such list shall contain the full names, address and political party designation of those voters who are newly registered, who have changed their names or who have changed their party designation, together with information showing the election district to which and from which such voters have transferred their registration, where applicable.

Section 7. Section 307, Title 15, Delaware Code, is hereby amended by deleting the words "First day of December" as same appear in the first sentence thereof, and inserting in lieu thereof the words "fifteenth day of June"; and said section is further amended by deleting "and § 1712" as same appears in the last sentence thereof.

Section 8. Section 1105 (a), Title 15, Delaware Code, is hereby amended by deleting same in its entirety and inserting in lieu thereof the following subsection:

"(a) Registration officers for each respective election district shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector in such respective election district and who apply in person for registration, and whose names do not already appear as qualified voters on the registration records for such election district, (at the place or places that have been selected and designated for) the purpose of registration for such election district from ten o'clock A.M. until seven o'clock P.M. on the fourth Saturday in July and on the third Saturday in October during a general election year."

Section 9. Section 1302 (a) (9), Title 15, Delaware Code, is hereby amended by deleting same in its entirety and inserting in lieu thereof the following:

"(9) Identification of the applicant, including birth date, social security number, sex, height, color of hair, and color of eyes;"

Section 10. Section 1306(b), Title 15, Delaware Code, is hereby amended by deleting same in its entirety and inserting in lieu thereof the following subsection:

"(b) The Departments of Elections shall designate only conveniently located and readily accessible registration places for each election district. Such registration places, whenever possible, shall be located in public buildings which shall include suitable government buildings, schools, fire houses, community buildings, churches, financial institutions, lobbies or other gathering places at least three hundred fifty (350) square feet in size or apartment buildings or complexes consisting of fifty (50) or more units, or other such similar structures; however, in the event that no such public building is available in a conveniently located and readily accessible place, then and in that event, the Board of Elections, by unanimous consent, may with the concurrence of the Election Commissioner, designate a suitable, conveniently located and readily accessible private business establishment or Union Hall, but in no event shall the Department of Elections designate a private residence as a registration place. The Department shall hire the designated registration places and cause them to be equipped, heated, lighted and cleaned."

Section 11. Section 1307(b), Title 15, Delaware Code, is hereby amended by deleting the following parenthetical clause as same appears therein: "(except registration records)".

Section 12. Section 1511 (a), Title 15, Delaware Code, is hereby amended by deleting same in its entirety and inserting in lieu thereof the following:

"(a) Each Registrar shall receive \$25 per day for each day of actual service, either when sitting for the purpose of registration or in attendance upon the hearing of appeals, and \$5 for delivering the registration records after each registration day to the Department having custody of the registration records of his county."

Section 13. Sections 1511 (b) and (c), Title 15, Delaware Code, are hereby amended by deleting the figure "\$17.50" where same appear in the first line of each such subsection and inserting in lieu thereof the figure "\$25".

Section 14. Section 1513, Title 15, Delaware Code, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

§ 1513. Quorum; majority action; equal representation

At every sitting of registration officers, two, one from each of the two principal political parties, shall constitute a quorum; and the acts concurred in by any two officers shall be as valid as the acts of all of them.

Section 15. Section 1704, Title 15, Delaware Code, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

§ 1704. Procedures for: (1) determining validity of registration of voters not voting in last general election; (2) removal of names of persons disqualified to vote; (3) cancellation of registration; and (4) provision for re-registration

Upon receiving the list specified in Section 307 of this Title, and during the period of ten (10) months following each general election, the Department shall send a notice, by regular mail (nothing in this Title to the contrary notwithstanding), to each person appearing on the Election District Record who did not vote at the last preceding general election. Such written notice shall advise the voter of the state of the record and the fact that he is liable to have his name removed from the registration records if he does not advise the Department, within sixty (60) days of said notice being mailed, that he is still eligible to be registered as a voter at the address appearing on the Election District Record and to which said notice was mailed. Such replies by the voter shall be sent to the Department on a postage pre-paid form card prepared by the Department and sent to the voter with such notice. If, however, no such reply, signed by the voter, is received by the Department, within sixty (60) days after such notice is mailed by the Department, then the Department shall proceed to determine the eligibility of such voter to re-

main registered, as hereinafter provided, and, in the absence of proof of such eligibility, shall remove the name of such voter from the Election District Record.

In proceeding to determine the eligibility of such voter to remain registered, the Department shall give notice of its intention to remove the name of such voter from the Election District Record, and its reason therefor, and the date, time and place the Board will meet to hear and act upon such matter, which notice shall be given by registered or certified mail, directed to the voter concerned at his post office address as same appears in the Election District Record. The said notice shall be postmarked not later than five (5) days next preceding the date when the Board is scheduled to meet to hear and act upon such questions. If at such meeting of the Board it shall be established to the satisfaction of the Board that the person in question is a duly qualified voter in the election district, then his name shall not be removed from the Election District Record; but if it shall not be so established, then the Department shall remove the thereby disqualified voter's original permanent registration record from the Election District Record and place it in a special file or binder to be known as "List of Disqualified Voters", and in addition thereto the Department shall make an appropriate entry to indicate the voter's disqualification upon his original and duplicate permanent registration records. The Department shall also notify the Commissioner who in turn shall remove from his files the tabulating punch card for the voter concerned.

A determination of disqualification to vote under this section shall not preclude the person in question from re-registering at a later date if he is otherwise qualified.

Section 15 A. Section 1713, Title 15, Delaware Code, is hereby repealed.

Section 16. Section 1751, Title 15, Delaware Code, is hereby amended by deleting same 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 or by telephone to the Department for the County in

which he resides, at any time except during the period from March 1 until the third Tuesday in June of an election year, or to the registration officers in his election district (when said officers are sitting for the purpose of registration) for application to change his party designation upon his registration record. The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and returned by mail or delivered to the office of the Department. An appropriately addressed envelope shall be supplied by the Department for return of the executed application. Upon receipt of the executed application, the Department shall cause the signature to be compared with the original registration record of such applicant, and if such signature appears to be the same, such change of affiliation shall be made on the original and duplicate records and the applicant shall be immediately notified by mail of the change so made. If the Department is not satisfied as to the signature on the application, the applicant shall be notified by mail to appear at the office of the Department to answer under oath such questions as may be deemed necessary. If the applicant fails to appear as notified, no such change of affiliation shall be made. If the application is made to the registration officers, they shall forward the completed application to the Department at the same time as they forward other registration records at the close of registration, and the Department shall cause appropriate notations thereof to be made upon the applicant's original and duplicate permanent registration records and shall notify the Commissioner who shall make appropriate changes in his records.

Section 17. Section 3109, Title 15, Delaware Code, is hereby amended by deleting the third paragraph thereof and inserting in lieu thereof the following paragraph:

The primary election officers and clerks shall be chosen by the Department from among the election officers and clerks selected for the general election for the election district or districts contained in the primary election district, and for each such primary election district the election officers and clerks shall be divided as equally as possible between the two principal parties.

Section 18. Section 3122, Title 15, Delaware Code, is hereby amended by deleting the words "The Department of Registration

for New Castle County" as same appears in the first line thereof, and inserting in lieu thereof the words "The Department of Elections for New Castle County".

Section 18 A. Section 1741 (a) (1), Title 15, Delaware Code, is amended by adding the words "or by telephone" after the words "or in person" where they appear therein .

Section 18 B. Section 3104, Title 15, Delaware Code, is amended to read as follows:

§ 3104. Filing fees

(a) Filing fees for Primary Election for candidates for any office of any political party shall be set in the following manner:

(1) Candidates for statewide office shall be set by the State Executive Committee of the respective political party.

(2) Candidates for county or countywide office and members of the General Assembly shall be set by the County Executive Committee of the respective political party of the county in which the contest is to be held.

(3) Candidates for municipal office for any municipality which holds its election at the time of the general election shall be set by the City Executive Committee of the respective political party of the city in which the contest is to be held.

(4) Candidates for delegate or alternate to any state political party convention shall not be assessed a filing fee.

(b) The filing fees shall not be greater than three per centum (3%) of the total salary for the entire term of office for which the candidate is filing.

(c) The State Chairman, County Chairman and City Chairman of each political party shall notify the State Election Commissioner and the respective Departments of Elections of the amount of the filing fee set pursuant to this section. Said notification shall be prior to the dates set for candidates to file for nomination pursuant to § 3107 of this Title.

Section 18 C. Section 3107, Title 15, Delaware Code, is amended to read as follows:

§ 3107. Filing of candidacy for nomination at a primary election; withdrawal

(a) Any person desiring to be a candidate or to be voted for in a primary Election as a candidate for nomination shall give notice in the following manner:

(1) Candidates for statewide office

Any statewide candidate who is certified pursuant to § 3116 of this Title and wishes to call for a Primary Election shall notify the State Election Commissioner on forms to be provided by said Commissioner. Such notification shall be on or before twelve o'clock noon on the fifth (5th) day following the final convention vote cast for the respective office sought by said candidate. In the event the fifth (5th) day is a Saturday, Sunday or legal holiday, then the last day to give such notification shall be the next day which is neither a Saturday, Sunday nor a legal holiday.

(2) Candidates for all other offices

(i) All candidates for county or countywide office, member of the General Assembly and/or municipal office for any municipality which holds its election at the time of the general election shall notify the County Chairman, or his designee in writing, or the City Chairman or his designee in writing, whichever is applicable, of his respective political party of the county in which said candidate resides. Such notification shall be on forms provided by the State Election Commissioner and shall be on or before twelve o'clock noon on the third (3rd) Tuesday in May, in the year such primary is to be held. In the event the third (3rd) Tuesday in May is a legal holiday, then the last day such notification shall be filed is the next day which is not a legal holiday.

(ii) All candidates for the position of delegate or alternate to any state political party convention shall notify the County Chairman, or his designee in writing, of his respective political party of the county in which said candidate resides. Such notification shall be on forms provided by the State Election Commissioner and shall be on or before twelve O'clock noon on the second (2nd) Friday in March in the year such primary is to be held. In the event the second (2nd) Friday in March is a legal holiday, then the last day such notification shall be filed is the next day which is neither a Saturday, Sunday nor a legal holiday.

(b) All candidates at the time of giving notice as required in subsection (a) (1) above, shall tender the required filing fee, by giving a check to the Commissioner, payable to the State Committee of the candidate's political party. The Commissioner shall on the same day send said check where applicable and a copy of the notice of filing to the State Chairman of the respective political party. The Commissioner shall also send a copy of the notice of filing to each Department of Elections.

(c) All candidates for county or countywide office, for member of the General Assembly or for delegate or alternate to any state political convention at the time of giving notice as required in subsection (a) (2) above, shall tender the required filing fee, if applicable, by giving a check to the Department of Elections of the county in which said candidate resides, payable to County Committee of the candidates political party. The Department shall on the same day send said check, where applicable, and a copy of the notice of filing to the County Chairman of the respective political party. The Department of Elections shall also send a copy of the notice of filing to the Commissioner.

(d) All candidates for municipal offices for any municipality which holds its election at the time of the general election shall at the time of giving notice as required in subsection (a) (2) (i) above, tender the required filing fee by giving a check to the Department of Elections of the county in which said candidate resides, payable to the City Committee of the candidates political party. The Department shall on the same day send said check and a copy of the notice of filing to the City Chairman of the respective political party. The Department shall also send a copy of the notice of filing to the Commissioner.

(e) Any candidate who has filed for nomination as required above, may withdraw said filing by notifying the respective state agency with whom the original notice was filed on forms to be provided by the Commissioner. The notice of withdrawal shall be filed not later than twelve O'clock noon on the twelfth (12th) day prior to the date set for such primary. The state agency with whom such notice of withdraw is filed, shall notify the same persons, committee or Department that received notice of the original filing. The filing fee of the candidate so withdrawing shall be returned to him by the political party. In the event that a candidate withdraws after said dead-

line, he shall forfeit his filing fee to the political party. In the case where no such filing fee is required for a candidate for election or for a candidate for the position of delegate or alternate to any state political party convention, any such candidate who withdraws after said deadline shall pay to the Treasurer of the State of Delaware a fee of Fifty Dollars (\$50).

Section 18 D. Section 3108 (a), Title 15, Delaware Code, is amended to read as follows:

(a) On or before twelve o'clock noon on the Monday following the third (3rd) Saturday in March in the year in which such primary election is held for the election of delegates and/or alternates to a state party convention.

Section 18 E. Section 3108 (b), Title 15, Delaware Code, is amended to read as follows:

“(b) On or before twelve o'clock noon on the Monday following the third (3rd) Saturday in May in the year in which such primary election is held for candidates for State or local offices.”

Section 18 F. Section 3116, Title 15, Delaware Code, is amended to read as follows:

“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 centum of the eligible 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. Said final polled vote shall be when one of the nominees for each of the above offices shall have received a vote greater than fifty per centum (50%) of the total number of eligible delegate votes at such convention. Such certification shall be made within five (5) days of such final vote. When the names of two (2) such persons are so certified with respect to any office, a primary election shall be held on the third (3rd) 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 re-

ceiving the lesser number of votes cast at the convention with respect to any office, shall, within five (5) days of such final vote give notice pursuant to §§ 3107 (a) (1) and (b).

Section 19. Section 3124, Title 15, Delaware Code, is hereby amended by deleting same in its entirety and inserting in lieu thereof the following:

§ 3124. Ballots for voting machines and sample ballots; printing and distribution of same

(a) The Department of Elections in any county where a primary election is to be held shall cause to be printed the ballots to be used at such election and shall cause the same to be placed in voting machines for the proper district prior to the delivery of the voting machines.

(b) The names of all candidates for nomination for the same office shall be placed under the title of such office, the surname of candidates to be placed in alphabetical order, and shall not be separated one from another by any other matter.

(c) The Department of Elections shall issue sample ballots for elections under this chapter in accordance with the provisions of § 5011 of this Title; but with the special provision that under subsection (b) thereof, the individual candidates to be voted for at such primary elections, as well as the County Chairman of each political party having such a primary election, shall be entitled to the same number of ballots as subsection (b) of said section provides shall be issued to the said County Chairmen of each political party; and such individual candidates, like the said chairmen, shall be entitled to order extra ballots as provided for by subsection (c) of said section, but with the further proviso that such orders, by either such chairmen or individual candidates shall be made in writing at least ten (10) days prior to the holding of each primary election.

Section 20. Section 3125, Title 15, Delaware Code, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

§ 3125. Departments of Election to furnish voting machines, flags, supplies and instructions for polling places

For each polling place in their respective counties where primary elections are to be held, the respective Departments shall furnish the following:

(a) a white muslin flag, preferable staffed, of suitable size for the lettering thereon in four-inch letters including the following words:

Registration and Polling Place

(b) a flag of the United States of America, preferably staffed, no smaller in size than the polling place flag above described;

(c) blank tally sheets, blank certificates, blank poll books and stationary and other such supplies customary and necessary for the use of the officers conducting such primary election;

(d) printed instructions and excerpts from those parts of this Title as the Department shall deem necessary and appropriate to assist the election officers in the proper performance of their duties;

(e) a proper number of voting machines of the type used in General Elections, which machines shall be duly inspected, prepared and certified in the same manner as provided for under Chapter 50 of this Title for General Elections.

Section 21. Section 3126, Title 15, Delaware Code, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

§ 3126. Voting to be by voting machines

In every primary election district in which a primary election is to be held under this Chapter, voting machines of the type used in General Elections, as provided for in Chapter 50 of this Title, shall be used to record the votes, and the manner of voting shall be the same as that set forth in Chapter 50.

Section 22. Section 3127, Title 15, Delaware Code, is hereby repealed in its entirety.

Section 23. Section 3161, Title 15, Delaware Code, is hereby amended by deleting the last sentence thereof which reads:

The Department shall notify the Commissioner of the names of the persons who voted in the primary election, and the Commissioner shall cause the punch-cards of such persons to be punched to indicate that fact.

Section 24. Section 3162, Title 15, Delaware Code, is hereby repealed in its entirety.

Section 25. Section 3167 (d), Title 15, Delaware Code, is hereby amended by deleting therefrom the following:

the ballot of such voter shall be received and deposited in the ballot box

and substituting therefore the following:

such voter shall be allowed to cast his vote.

Section 26. Section 3172, Title 15, Delaware Code, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

§ 3172. Tabulation of vote and proclamation of result

As soon as the polls are closed at a primary election, the presiding officer shall publicly proclaim in a clear and distinct voice the number of votes that have been cast at such primary election as shown by the poll books kept by the clerks; the votes shall be immediately tabulated and the result proclaimed in accordance with the procedure set out at Section 5023 of this Title.

Section 27. Section 3173, Title 15, Delaware Code, is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

§ 3173. Certification of results

In primary election districts where voting machines are used, the total vote cast for each candidate, as recorded on the voting machine, shall be entered by the judges holding such primary election for such primary district on the certificates furnished for such purpose. Each certificate shall be signed by the

Inspector, Judges and Poll Clerks. One of said certificates together with one poll list upon completion of the tally shall be delivered by the Inspector to the Chairman of the regularly organized County or City Committee, as the case may be, of a political party holding such primary election at the Department of Elections. The other certificate and all keys to the voting machines, and one poll list shall be delivered to the Department of Elections by the Inspector upon completion of the tally in an envelope furnished for that purpose. The said envelope shall be sealed and each officer shall sign his name across the seal of said envelope.

Section 28. Section 3301 (c), Title 15, Delaware Code, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

“(c) No candidate for the office of Elector of President and Vice President, United States Senator, Representative in Congress, Governor or other State Officer to be voted for on a statewide basis, shall be deemed nominated and no certificate of nomination for such candidate shall be made or filed, nor shall the name of any such candidate be placed on the ballot in any General Election in this State, unless said candidate:

(i) shall have been so nominated by receiving more than fifty per centum (50%) of the eligible delegate vote on the final polled vote of a State nominating convention of the political party advancing his candidacy, at a convention held not later than the second Saturday in May in the year of such General Election and who was not required to run in a primary election; or

(ii) shall have received a majority of the votes cast by registered voters of the political party advancing his candidacy at a statewide primary election held pursuant to the provisions of Chapter 31 of this Title.

No such state nominating convention shall have completed its business relative to such nominations until such time as one nominee for each of the aforesaid offices shall have received a vote greater than fifty per centum (50%) of the total number of eligible delegate votes at such convention, which polled vote shall be considered final.

Section 29. Section 3301, Title 15, Delaware Code, is further amended by adding a new subsection (d) to read as follows:

(d) The clerks of the Peace and the Secretary of State shall forthwith upon their receipt send to the Commissioner of Elections copies of each certificate of nomination received by them pursuant to this section.

Section 30. Section 4502 (c), Title 15, Delaware Code, is amended by striking the second sentence thereof and inserting in lieu thereof the following:

Each ballot shall have the Representative District number printed on the margin at the top.

Section 30 A. Section 4502 (c), Title 15, Delaware Code, is amended by deleting all portions of the diagrammatic view of the ballot design appearing above the words "Official Ballot".

Section 31. Section 4502, Title 15, Delaware Code, is hereby further amended by adding a new subsection (d) to read as follows:

(d) Absentee ballots shall be prepared in accordance with the provisions of this section.

Section 32. Section 4503, Title 15, Delaware Code, is amended by repealing subsection (a) thereof in its entirety and by substituting in lieu thereof the following:

(a) The Department of Elections in each county shall print and distribute the ballots to be used in the voting machines in accordance with Sections 4502, 5008 and 5009 of Title 15.

Section 33. Section 4503, Title 15, Delaware Code, is further amended by repealing subsection (c) in its entirety.

Section 34. Section 4504 (a), Title 15, Delaware Code, is amended by deleting the word "ballot" as it appears after the word "the" and before the word "to" on line 2 thereof and by inserting in lieu thereof the words "absentee ballots".

Section 35. Section 4504(b), Title 15, Delaware Code, is amended by deleting same in its entirety and by substituting in lieu thereof the following:

(b) The number of envelopes to be provided and printed by the Department of Elections shall be equal to the number of official absentee ballots printed.

Section 36. Section 4504(c), Title 15, Delaware Code, is amended by repealing same in its entirety.

Section 37. Section 4505, Title 15, Delaware Code, is repealed in its entirety.

Section 38. Section 4508, Title 15, Delaware Code, is repealed in its entirety.

Section 39. Section 4514(a), Title 15, Delaware Code, is amended by adding thereto the following:

In the case of New Castle County
For County Council

_____	Received	_____	Votes
_____	Received	_____	Votes

For County Executive

_____	Received	_____	Votes
_____	Received	_____	Votes.

Section 39A. Section 4518 (b), Title 15, Delaware Code, is hereby amended by deleting same in its entirety and inserting in lieu thereof the following subsection:

(b) The Departments of Elections shall designate only conveniently located and readily accessible polling places for each election district. Such polling places, whenever possible, shall be located in public buildings which shall include suitable government buildings, schools, fire houses, community buildings, churches, financial institutions, lobbies or other gathering places at least three hundred fifty (350) square feet in size of apartment buildings or complexes consisting of fifty (50) or more units, or other such similar structures; however, in the event that no such public building is available in a conveniently located and readily accessible place, then and in that event, the

Board of Elections, by unanimous consent, may with the concurrence of the Election Commissioner, designate a suitable, conveniently located and readily accessible private business establishment, but in no event shall the Department of Elections designate a private residence as a polling place. The Department shall hire the designated polling places and cause them to be equipped, heated, lighted and cleaned.

Section 40. Section 4944, Title 15, Delaware Code, is amended by adding thereto a new subsection as follows:

3. The person offering to vote does not meet the residency requirements under Article 5, Section 2 of the Constitution of the State of Delaware.

Section 40A. Section 4947, Title 15, Delaware Code, is hereby repealed in its entirety.

Section 41. Section 4971, Title 15, Delaware Code, is hereby repealed in its entirety.

Section 42. Section 4972, Title 15, Delaware Code, is amended by striking the section number and the title and inserting in lieu thereof the following:

§ 4972. Method of counting absentee votes and other paper ballots

Section 42A. Section 4972 (a), Title 15, Delaware Code, is amended to read as follows:

(a) When the election is closed, and after recording the votes cast on the voting machines (as provided for in Chapter 50 of this Title), the Inspector shall openly and publicly unlock the ballot box containing the absentee ballots, (placed therein pursuant to the procedure described in § 5516 of this Title), and shall remove the lid so far that the envelopes containing the ballots can be separately taken from the box. The Inspector shall keep the box in his custody, and shall publicly, and in the presence of the Judges, clerks, and such other persons as are properly in the voting room, take the envelopes containing the ballots one by one from the box and remove the ballot from the envelope. The ballots shall be read, counted and otherwise handled in the

manner prescribed by this section and in accordance with Sections 4973, 4974, 4975, and 4976 of this Title, which latter sections are applicable to the counting and recording of and otherwise dealing with votes cast by absentee ballots.

Section 42 B. Section 4975, Title 15, Delaware Code, is hereby amended by deleting the following words from the first sentence thereof:

as required by Sections 4914 and 4938 of this title, and inserting in lieu thereof the following:

as required by Section 5516 of this Title.

Section 43. Section 4978 (a), Title 15, Delaware Code, is hereby amended by adding the following words on the first line after "(a)" and before "The":

At the end of the day of election.

and by deleting the following words on lines one and two appearing after the word "district" and before the word "shall":

on the day following the general election.

Section 44. Section 4979 (a), Title 15, Delaware Code, is amended by adding the following words on the first line after "(a)" and before the word "The":

At the end of the day of the election.

and by deleting the following words on lines one and two appearing after the word "shall" and before the word "deliver":

On the day next after the general election,

Section 45. Section 4979 (b), Title 15, Delaware Code, is hereby amended by adding the following words on the first line after "(b)" and before the word "deliver":

At the end of the day of the election.

and by deleting the following words on lines one and two appearing after the word "also" and before the word "deliver":

On the day next after the general election,

Section 46. Section 5018, Title 15, Delaware Code, is hereby repealed in its entirety.

Section 47. Section 5506, Title 15, Delaware Code, is hereby amended by adding the following sentence at the end thereof:

Nothing contained herein shall prevent the issuance of an absentee ballot to those lawfully entitled thereto prior to twelve o'clock noon of the day prior to any general election when the request is made less than three (3) days prior to the general election.

Section 48. Section 5512, Title 15, Delaware Code, is hereby amended by substituting the word "administrative director" for the word "Secretary" whenever the word "Secretary" appears therein.

Section 49. Section 5514, Title 15, Delaware Code, is hereby amended by deleting the following words from the end of the first paragraph thereof, to-wit:

after noon on the day of the election,
and inserting in lieu thereof the following:
after the opening of the polls on the day of the election.

Section 50. Section 5515, Title 15, Delaware Code, is hereby amended by substituting the word "administrative director" for the word "Secretary" as it appears therein.

Section 51. Section 5516, Title 15, Delaware Code, is hereby amended by deleting the last sentence of the first paragraph thereof in its entirety and inserting in lieu thereof the following:

The ballot shall then be voted by depositing same (still in its official envelope) in the ballot box provided for receipt of absentee ballots, and the proper notations of such vote shall then be recorded in the election records in the same fashion as if the voter had appeared to cast his vote in person.

Section 52. Section 5709, Title 15, Delaware Code, is hereby amended by adding the following paragraph to the end thereof:

In addition to making the disposition of the aforesaid certificates, the Court, within three (3) days after making such

certificates, shall, either personally or by a person designated by it for that purpose, transmit, deliver and lodge a duly executed copy of each of the aforesaid certificates with the State Election Commissioner who shall be the master repository of all such certificates.

Section 53. Chapter 57, Title 15, Delaware Code, is hereby amended by adding the following new subsection thereto to read as follows:

§ 5717. Costs

All necessary costs and expenses incurred in carrying out the duties of this chapter including compensation of all personnel involved shall be paid by the State Treasurer from any monies in the State Treasury not otherwise appropriated upon proper warrants and vouchers submitted to the Governor and approved by the Budget Director.

Approved June 15, 1970.

CHAPTER 568

AN ACT TO AMEND CHAPTER 81, TITLE 10, OF THE DELAWARE CODE, BY ADDING A NEW SECTION RELATING TO LIMITATION OF ACTIONS GROWING OUT OF ALLEGED DEFICIENCIES IN THE CONSTRUCTION OR MANNER OF CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY OR IN THE DESIGNING, PLANNING, SUPERVISION OR OBSERVATION OF SUCH CONSTRUCTION OR MANNER OF CONSTRUCTION.

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

Section 1. Chapter 81, Title 10, of the Delaware Code, is hereby amended by adding thereto a new section to be known as Section 8126, to read as follows:

§ 8126. Alleged deficiencies in the construction or manner of construction of improvements to real property or in the designing, planning, supervision or observation of such construction or manner of construction

(a) No action, whether in contract (oral or written, sealed or unsealed), based upon a contract (oral or written, sealed or unsealed), in tort, or otherwise, to recover damages or for indemnification or contribution for damages, resulting.

(1) from any alleged deficiency in the construction or manner of construction of an improvement to real property and/or in the designing, planning, supervision and/or observation of any such construction or manner of construction; or

(2) from any alleged injury to property, real, personal or mixed, arising out of any such alleged deficiency; or

(3) from any alleged personal injuries arising out of any such alleged deficiency; or

(4) from any alleged wrongful death arising out of any such alleged deficiency; or

(5) from any alleged trespass arising out of any such alleged deficiency; or

(6) from any alleged injury unaccompanied with force or resulting indirectly from any such alleged deficiency; shall be brought against any person performing or furnishing, or causing the performance or furnishing of, any such construction of such an improvement or against any person performing or furnishing, or causing the performing or furnishing of, any such designing, planning, supervision, and/or observation of any such construction or manner of construction of such an improvement, after the expiration of six years from whichever of the following dates shall be earliest:

(i) In all such cases, the date of purported completion of all the work called for by the contract as provided by the contract if such date has been agreed to in the contract itself;

(ii) In all such cases, the date when the statute of limitations commences to run in relation to the particular phase or segment of work performed pursuant to the contract in which the alleged deficiency occurred, where such date for such phase or segment of work has been specifically provided for in the contract itself;

(iii) In all such cases, the date when the statute of limitations commences to run in relation to the contract itself where such date has been specifically provided for in the contract itself;

(iv) In all such cases, the date when payment in full has been received by the person against whom the action is brought for the particular phase of such construction or for the particular phase of such designing, planning, supervision, and/or observation of such construction or manner of such construction, as the case may be, in which such alleged deficiency occurred;

(v) In all such cases, the date the person against whom the action is brought has received final payment in full under the contract for the construction or for the designing, planning, supervision, and/or observation of construction, as the case may be, called for by contract;

(vi) In all such cases, the date when the construction of such an improvement as called for by the contract has been substantially completed;

(vii) In all such cases, the date when an improvement has been accepted as provided in the contract by the owner or occupant thereof following the commencement of such construction;

(viii) In the case of alleged personal injuries also, the date upon which it is claimed that such alleged injuries were sustained; or after the period of limitations provided in the contract if the contract provides such a period and if such period expires prior to the expiration of two years from whichever of the foregoing dates is earliest.

(b) Nothing in this Act shall extend or lengthen nor shall anything in this act be construed or interpreted as extending or lengthening, the period otherwise prescribed by the laws of this State for the bringing of any action covered hereby.

(c) The limitations prescribed by this act shall not be available by way of a defense to any person in actual possession or actual control, as owner, tenant or otherwise, of such an improvement at the time when the alleged deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.

(d) The term "deficiency" as used herein shall include acts and actions performed and failures to act and omissions.

(e) The term "improvement" as used herein shall include buildings, highways, roads, streets, bridges, entrances and walkways of any type constructed thereon, and other structures affixed to and on land as well as the land itself, except that such term shall not include buildings, entrances, walkways and structures used or intended to be used at the time of such construction primarily for residential purposes and uses.

(f) The term "person" as used herein shall include individuals, corporations, partnerships, firms, individual proprietorships and associations of persons.

(g) The term "construction" as used herein shall include construction, erection, building, alteration, reconstruction and destruction of improvements to real property.

(h) The term "contract" as used herein shall mean the prime or general contract between the general contractor, on the one hand, and the owner or agent of the owner of the real

property upon which or to which the construction is to be performed, or the owner or agent of the owner of the improvement to be constructed, on the other hand.

(i) The term "action" as used herein shall include actions at law or in equity, or otherwise, instituted and/or prosecuted by or on behalf of the State of Delaware, any of its agencies, commissions, departments and political subdivisions, and by or on behalf of any other governmental subdivision, agency, department or body, as well as by or on behalf of private individuals, persons, parties, corporations, partnerships, associations and other entities.

Section 2. Section 8106, Chapter 81, Title 10, of the Delaware Code, is hereby amended by adding the words "and 8126" immediately before the words "of this title." as the words "of this title." appear at the end of said Section 8106.

Section 3. Section 8118, Chapter 81, Title 10, of the Delaware Code, as amended, is hereby further amended by substituting a semicolon for the period at the end thereof, and by adding the following new words immediately following said semicolon:

subject, however, to the provisions of Section 8126 of this Title.

Section 4. This Section 8126 and the period of limitations provided herein shall not apply to actions and suits brought by the owner of real property on a bond given to him by a contractor guaranteeing a part or all of an improvement constructed by the contractor for the owner and guaranteeing such part or all of the improvement for a period longer than the period of limitations which would otherwise be applicable hereunder.

Section 5. The provisions of this Section 8126 shall be construed as separable and severable, and should any of the provisions, parts or sections thereof be construed or held to be unconstitutional or for any reason invalid, the remaining provisions, parts or sections of this Section shall not be thereby affected.

Section 6. This Act shall not affect any cause of action which has arisen or accrued prior to the effective date hereof, and as to such causes the limitations in affect immediately prior to the effective date of this Act shall apply.

Section 7. This Act shall become effective upon approval of the Governor.

Approved June 18, 1970.

CHAPTER 569

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1971.**

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, 1971, 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, 1971, 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—House</i>	<i>Year Ending June 30, 1971</i>
Salaries—House Members	\$ 234,000
Salaries—Attaches	70,000
Salary of Chief Clerk	6,000
Personal Services	5,000
Travel	27,500
Contractual Services	2,500
Supplies and Materials	2,500
Capital Outlay	2,000
Office of the Speaker	500
TOTAL	\$ 350,000

General Assembly—Senate**Year Ending June 30, 1971**

Salaries—Senate Members	\$ 114,000
Salaries—Attaches	75,500
Salary of Executive Secretary	6,000
Salary of the Secretary	4,500
Personal Services	5,000
Travel	17,500
Contractual Services	2,500
Supplies and Materials	2,500
Capital Outlay	2,000
TOTAL	\$ 229,500

Commission on Modernization of State Laws

Travel	\$ 400
Contractual Services	1,000
TOTAL	\$ 1,400

Delaware Commission on Interstate Cooperation

Travel	
Legislative Travel Only	\$ 5,000
Other Travel	1,000
Contractual Services	
Council of State Governments	7,400
Delaware River Basin Advisory Committee	76,800
National Legislative Leaders Conference ..	1,000
Southern Nuclear Board	8,600
Other Contractual Services	2,700
Supplies and Materials	100
TOTAL	\$ 102,600

Legislative Council

Salary of Director	\$ 19,000
Salary of Assistant Director	13,500
Salaries—Part-time	2,700
Salaries and Wages of Employees (5)	44,500

Year Ending June 30, 1971

Travel	4,000
Contractual Services	12,500
Supplies and Materials	19,500
Capital Outlay	6,000
Office of Controller General	
Salary of Controller General	18,000
Salary and Wages of Employees (1)	5,800
Other Expenses	5,000
Total	\$ 150,500

State Election Commissioner

Salary of Election Commissioner	\$ 12,000
Salaries—Casual and Seasonal	9,700
Salaries and Wages of Employees (3)	19,800
Salaries—Overtime	1,600
Travel	200
Contractual Services	10,000
Supplies and Materials	1,900
Capital Outlay	1,900
Vote Tabulation	8,000
TOTAL	\$ 65,100

New Castle County Department of Elections

Salaries of Board Members	\$ 10,500
Salary of Administrative Director	11,500
Salary of Deputy Administrative Director	9,000
Salaries of Extra Help	30,200
Salaries and Wages of Employees (12)	69,500
Salaries—Overtime	13,500
Personal Services	
Registration and Election Officers	115,100
Other Personal Services	14,400
Travel	800
Contractual Services	
Moving Voting Machines	16,000
Registration and Polling Place Rental	16,800
Board of Canvass	300

Year Ending June 30, 1971

Other Contractual Services	34,900
Supplies and Materials	9,500
Capital Outlay	3,000
TOTAL	\$ 355,000

Kent County Department of Elections

Salaries of Board Members	6,500
Salary of Administrative Director	9,000
Salary of Deputy Administrative Director	7,750
Salaries—Extra Employees	6,400
Salaries and Wages of Employees (2)	11,300
Salaries—Overtime	2,800
Personal Services	
Registration and Election Officers	14,200
Other Personal Services	700
Travel	300
Contractual Services	
Moving Voting Machines	2,000
Registration and Polling Place Rental	2,400
Other Contractual Services	4,800
Supplies and Materials	800
Capital Outlay	1,000
TOTAL	\$ 69,950

Sussex County Department of Elections

Salaries of Board Members	\$ 6,500
Salary of Administrative Director	9,000
Salary of Deputy Administrative Director	7,750
Salaries—Part-time	2,500
Salaries—Extra Employees	6,700
Salaries and Wages of Employees (2)	11,700
Salaries—Overtime	2,500
Personal Services—Registration and	
Election Officer	19,000
Travel	1,300
Contractual Services	
Moving Voting Machines	1,000

Year Ending June 30, 1971

Registration and Polling Place Rental	2,800
Other Contractual Services	8,600
Supplies and Materials	800
Capital Outlay	1,000
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TOTAL	\$ 81,150
TOTAL LEGISLATIVE AND ELEC- TIONS	\$ 1,405,200
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EXECUTIVE AND FINANCIAL*Governor*

Salary of Governor	\$ 35,000
Salaries and Wages of Employees (15.5)	160,600
Personal Services	4,000
Travel	
Governors Conference	800
Other Travel	8,500
Contractual Services	15,000
Supplies and Materials	9,000
Capital Outlay	2,500
Contingent Expense	5,400
Task Force on Reorganization	27,000
Summer Fellows Program	10,000
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TOTAL	\$ 277,800

Lieutenant Governor

Salary of Lieutenant Governor	\$ 9,000
Salaries and Wages of Employees (1)	6,600
Travel	
Other than Legislative	2,200
Contractual Services	800
Supplies and Materials	250
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TOTAL	\$ 18,850

Secretary of State**Year Ending June 30, 1971**

Salary of Secretary of State	\$ 22,000
Salary of Assistant Secretary of State	13,000
Salaries—Casual and Seasonal	2,700
Salaries and Wages of Employees (59)	303,200
Travel	3,500
Contractual Services	
Printing and Binding Session Laws	9,000
Dissolution Account	1,000
Other Contractual Services	36,300
Supplies and Materials	40,600
Capital Outlay	15,000
TOTAL	\$ 446,300

State Treasurer

Salary of State Treasurer	\$ 15,000
Salary of Deputy Treasurer	13,000
Salaries—Casual and Seasonal	2,000
Salaries and Wages of Employees (13)	73,700
Travel	700
Contractual Services	15,800
Supplies and Materials	32,600
Capital Outlay	1,000
Lost and Outdated Checks	2,500
TOTAL	\$ 156,300

Budget Director

Salary of Budget Director	22,000
Salaries and Wages of Employees (25)	200,000
Overtime	2,000
Personal Services	10,000
Travel	2,000
Contractual Services	21,800
Supplies and Materials	8,500
Capital Outlay	4,000
TOTAL	\$ 270,300

Data Processing Division**Year Ending June 30, 1971**

Salary of Director	\$ 18,300
Salaries and Wages of Employees (75)	522,600
Overtime	20,000
Personal Services	
Criminal Information System	25,000
Other Personal Services	7,500
Travel	3,000
Contractual Services	
EDP Equipment Rental	688,500
Other Contractual Services	35,100
Supplies and Materials	75,000
Capital Outlay	5,000
TOTAL	\$ 1,400,000

Auditor of Accounts

Salary of Auditor	15,000
Salaries—Part-time	7,800
Salaries and Wages of Employees (26)	232,500
Personal Services	35,000
Travel	2,600
Contractual Services	4,000
Supplies and Materials	8,000
Capital Outlay	7,000
TOTAL	\$ 311,900

Bond Issuing Officers

Expense of Issuing Bonds	\$ 35,000
TOTAL	\$ 35,000

Tax Department

Salaries of Board Members	3,000
Salary of Commissioner	28,000
Salaries—Part-time	4,000
Overtime	3,000
Salaries and Wages of Employees (164)	977,400
Personal Services	4,500

Year Ending June 30, 1971

Travel	2,700
Contractual Services	235,300
Supplies and Materials	48,500
Capital Outlay	4,500
Contingency — Modernization and Field Audit	100,000
TOTAL	\$ 1,410,900

Revenue Collector

Salary of Revenue Collector	\$ 300
TOTAL	\$ 300

Development Department

Salary of Director	\$ 13,000
Salaries—Part-time	4,300
Overtime	1,300
Salaries and Wages of Employees (13)	104,000
Personal Services	20,000
Travel	18,000
Contractual Services	55,000
Supplies and Materials	10,000
Capital Outlay	11,000
Grant—Delmarva Advisory Council	13,000
Grant—Opportunities Industrialization Center, Inc.	175,000
Summer Youth Program	300,000
Miss America Pageant	1,000
TOTAL	\$ 725,600

Planning Office

Salary of Director	\$ 21,000
Salaries and Wages of Employees (19)	161,000
Personal Services	2,000
Travel	3,100
Contractual Services	
New Castle County Land Use Study	20,000

Year Ending June 30, 1971

Printing	3,000
Other Contractual Services	19,800
Supplies and Materials	6,600
Capital Outlay	2,200
TOTAL	\$ 238,700

Personnel Commission

Salaries of Commissioners	\$ 2,250
Salary of Director	21,000
Salaries and Wages of Employees (11)	92,000
Personal Services	4,800
Travel	2,000
Contractual Services	
Examination Services	6,500
Other Contractual Services	6,300
Supplies and Materials	3,600
Capital Outlay	600
TOTAL	\$ 139,050
TOTAL EXECUTIVE AND FINAN-	
 CIAL	\$ 5,431,000

JUDICIAL LEGAL*Supreme Court*

Salary of Chief Justice	\$ 25,000
Salaries of Associate Justices	49,000
Salaries—Part-time	700
Salaries and Wages of Employees (8)	61,400
Travel	2,600
Contractual Services	7,500
Supplies and Materials	2,500
Capital Outlay	5,000
TOTAL	\$ 153,700

Court of Chancery***Year Ending June 30, 1971***

Salary of Chancellor	\$ 24,000
Salaries of Vice -Chancellors	47,000
Salaries and Wages of Employees (11)	87,800
Personal Services	800
Travel	2,500
Contractual Services	2,000
Supplies and Materials	3,000
Capital Outlay	3,800

TOTAL\$ 170,900

Superior Court

Salary of President Judge	\$ 24,000
Salaries of Associate Judges	188,000
Salary of Jury Commissioners	6,000
Salaries and Wages of Employees (55)	385,000
Personal Services	50,600
Travel	25,000
Contractual Services	34,500
Supplies and Materials	12,400
Capital Outlay	26,500
Jury Costs	170,000

TOTAL\$ 922,000

Common Pleas Court—Kent County

Salary of Judge	\$ 21,000
Salaries—Part-time	8,800
Salaries and Wages of Employees (4)	27,500
Travel	1,000
Contractual Services	
Jury Costs	11,000
Other Contractual Services	6,400
Supplies and Materials	1,200
Capital Outlay	1,600

TOTAL\$ 78,500

***Common Pleas Court —
Sussex County***

Year Ending June 30, 1971

Salary of Judge	\$ 21,000
Salaries—Part-time	5,200
Salaries and Wages of Employees (6)	37,700
Personal Services—Public Defender	1,500
Contractual Services	
Jury Costs	11,600
Other Contractual Services	3,200
Supplies and Materials	2,600
Capital Outlay	3,200
TOTAL	\$ 85,800

Common Pleas Court—New Castle County

Salaries of Judges	\$ 30,500
Salaries and Wages of Employees (13)	91,400
Personal Services	
Court Reporter Contingency	5,000
Other Personal Services	1,200
Travel	1,800
Contractual Services	10,000
Supplies and Materials	3,000
Capital Outlay	2,800
TOTAL	\$ 145,700

Family Court for New Castle County

Salaries of Judges	\$ 63,000
Salary of Director	16,500
Salaries—Part-time	3,200
Salaries and Wayes of Employees (77)	520,000
Personal Services—Masters	15,000
Travel	4,200
Contractual Services	28,000
Supplies and Materials	5,800
Capital Outlay	4,100
TOTAL	\$ 659,800

Year Ending June 30, 1971

Family Court for Kent and Sussex Counties

Salaries of Judges	\$ 42,000
Salary of Director	10,000
Salaries and Wages of Employees (33)	202,000
Personal Services—Masters	10,000
Travel	23,400
Contractual Services	13,000
Supplies and Materials	6,000
Capital Outlay	5,000
TOTAL	\$ 311,400

New Castle County Law Library

Salaries and Wages of Employees (1)	\$ 6,100
Contractual Services	1,300
Supplies and Materials	100
Capital Outlay	12,500
TOTAL	\$ 20,000

State Law Library in Kent County

Salaries and Wages of Employees (2)	\$ 9,100
Contractual Services	1,800
Supplies and Materials	100
Capital Outlay	10,500
TOTAL	\$ 21,500

Sussex County Law Library

Salaries—Part-time	\$ 1,250
Contractual Services	2,000
Supplies and Materials	100
Capital Outlay	9,000
TOTAL	\$ 12,350

Department of Justice**Year Ending June 30, 1971**

Salary of Attorney General	\$ 20,000
Salary of Chief Deputy Attorney General	20,000
Salaries of County Deputies (3)	45,000
Salaries of Assistant County Deputies (11) ...	165,000
Salary of State Solicitor	15,000
Salary of State Prosecutor	15,000
Salaries of State Detectives (5)	31,500
Salaries and Wages of Employees (22)	141,000
Salaries—Part-time	5,000
Personal Services	6,000
Travel	5,000
Contractual Services	20,300
Supplies and Materials	8,800
Capital Outlay	5,500
TOTAL	\$ 503,100

Board of Post Mortem Examiners

Salary of the Medical Examiner	\$ 29,000
Salaries of Assistant Medical Examiners (1) ..	20,000
Salary of Toxicologist (1)	19,680
Salary of Medical Technologist (1)	6,120
Salaries of Investigators (4)	26,920
Salary of Morgue Assistant (1)	6,324
Salaries of Secretaries and Stenographers (4)	23,596
Salary of Custodian (1)	4,626
Overtime	4,000
Personal Services	7,500
Travel	1,700
Contractual Services	15,410
Supplies and Materials	5,750
Capital Outlay	5,000
TOTAL	\$ 175,626

Public Defender

Salary of Public Defender	\$ 13,000
Salaries and Wages of Employees (6)	43,300

Year Ending June 30, 1971

Personal Services	
Lawyers	61,000
Court Reporters and Other Personal Services	13,000
Travel	2,000
Contractual Services	8,500
Supplies and Materials	2,000
Capital Outlay	1,000
TOTAL	\$ 143,800

Council on Administration of Justice

Travel	\$ 200
Contractual Services	300
TOTAL	\$ 500

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)	88,900
Salaries of Deputy Clerks (45)	234,500
Salaries and Wages of Employees (5)	33,500
Personal Services	8,600
Travel	
Constables	27,000
Other Travel	1,000
Contractual Services	
J.P. Court Rental	55,800
Other Contractual Services	23,000
Supplies and Materials	17,800
Capital Outlay	6,000
TOTAL	\$ 1,080,100

Court on the Judiciary

Personal Services	\$ 4,000
Travel	300

Year Ending June 30, 1971

Contractual Services	500
Supplies and Materials	200
TOTAL	\$ 5,000
TOTAL JUDICIAL AND LEGAL ...	\$ 4,489,776

PROFESSIONAL AND OCCUPATIONAL BOARDS*Board of Accountancy*

Salaries of Board Members	\$ 1,250
Salaries and Wages of Employees	1,400
Personal Services	100
Travel	400
Contractual Services	2,400
Supplies and Materials	100
TOTAL	\$ 5,650

Board of Examiners and Registration of Architects

Salaries and Wages of Employees (0.5)	\$ 2,300
Travel	300
Contractual Services	900
Supplies and Materials	100
TOTAL	\$ 3,600

Board of Barber Examiners

Salaries of Board Members	\$ 2,100
Salary and Wages of Employees	1,000
Travel	700
Contractual Services	800
Supplies and Materials	300
TOTAL	\$ 4,900

Board of Chiropractic and/or Podiatry Examiners

Salaries of Board Members	\$ 160
Travel	100

Year Ending June 30, 1971

Contractual Services	140
Supplies and Materials	50
Capital Outlay	50
TOTAL	\$ 500

Board of Chiropractic Examiners

Salaries of Board Members	\$ 150
Travel	50
Contractual Services	140
Supplies and Materials	40
TOTAL	\$ 380

Board of Cosmetology

Salaries of Board Members	\$ 1,500
Salary and Wages of Employees	2,500
Personal Services	800
Travel	800
Contractual Services	1,100
Supplies and Materials	450
TOTAL	\$ 7,150

Board of Dental Examiners

Salaries of Board Members	\$ 800
Salaries and Wages of Employees	800
Travel	500
Contractual Services	800
Supplies and Materials	150
TOTAL	\$ 3,050

Board of Registration for Professional Engineers and Land Surveyors

Salaries—Casual and Seasonal	\$ 800
Salaries and Wages of Employees (1)	5,350

Year Ending June 30, 1971

Travel	950
Contractual Services	4,300
Supplies and Materials	1,200
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TOTAL	\$ 12,600

Medical Council of Delaware

Salaries of Board Members	\$ 2,500
Salaries—Casual and Seasonal	2,000
Salaries and Wages of Employees (1)	8,100
Personal Services	100
Travel	3,050
Contractual Services	1,200
Supplies and Materials	800
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TOTAL	\$ 17,750

Board of Nursing

Salaries of Board Members	\$ 1,000
Salary of Executive Director	13,600
Salaries and Wages of Employees (2)	12,520
Travel	
Mileage—Board Members	2,000
Other Travel	600
Contractual Services	6,700
Supplies and Materials	400
Capital Outlay	700
<hr/>	
TOTAL	\$ 37,520

Board of Examiners in Optometry

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

Board of Pharmacy**Year Ending June 30, 1971**

Salaries of Board Members	\$ 1,500
Personal Services	4,200
Travel	1,500
Contractual Services	1,000
Supplies and Materials	100
Capital Outlay	100
TOTAL	\$ 8,400

Examining Board of Physical Therapists

Personal Services	\$ 100
Travel	35
Contractual Services	160
Supplies and Materials	25
Capital Outlay	100
TOTAL	\$ 420

Board of Examiners of Psychologists

Personal Services	\$ 200
Travel	100
Contractual Services	300
Supplies and Materials	50
TOTAL	\$ 650

Real Estate Commission

Salaries of Board Members	\$ 1,800
Salary of Executive Secretary	7,500
Salaries and Wages of Employees (1)	5,500
Travel	500
Contractual Services	4,600
Supplies and Materials	1,200
Capital Outlay	700
TOTAL	\$ 21,800

*Year Ending June 30, 1971****Board of Examiners of Undertakers***

Salaries of Board Members	\$ 300
Salaries and Wages of Employees	100
Personal Services	200
Travel	150
Contractual Services	350
Supplies and Materials	100
TOTAL	\$ 1,200

Board of Veterinary Examiners

Salaries of Board Members	\$ 1,250
Salaries—Casual and Seasonal	500
Travel	400
Contractual Services	300
Supplies and Materials	100
Capital Outlay	100
TOTAL	\$ 2,650

Board of Electrical Examiners

Salary of Board Members	\$ 1,260
Salary of Secretary-Treasurer	300
Salaries and Wages of Employees (1)	6,030
Travel	1,400
Contractual Services	3,000
Supplies and Materials	300
TOTAL	\$ 12,290
TOTAL PROFESSIONAL AND OCCUPA- TIONAL BOARDS	\$ 141,110

REGULATORY BOARDS AND AGENCIES***Alcoholic Beverage Control Commission***

Salaries of Board Members	\$ 3,000
Salary of Secretary	15,750

Year Ending June 30, 1971

Salaries and Wages of Employees (22)	142,700
Personal Services	
Court Reporters	6,000
Accountant	4,000
Travel	5,000
Contractual Services	33,300
Supplies and Materials	3,600
Capital Outlay	6,000
TOTAL	\$ 219,350

Athletic Commission

Salaries of Board Members	900
Salaries and Wages of Employees	200
Travel	500
Contractual Services	100
Supplies and Materials	100
Capital Outlay	100
TOTAL	\$ 1,900

Bank Commissioner

Salaries of Board Members	\$ 240
Salary of Bank Commissioner	17,000
Salaries—Part-time	200
Salaries and Wages of Employees (6)	54,200
Travel	3,800
Contractual Services	1,900
Supplies and Materials	1,100
Capital Outlay	1,200
TOTAL	\$ 79,640

Bingo Control Commission

Salaries of Board Members	\$ 2,500
Salaries—Part-time	200
Salaries and Wages of Employees (2.6)	14,000
Travel	3,100

Year Ending June 30, 1971

Contractual Services	500
Supplies and Materials	100
TOTAL	\$ 20,400

Board of Boiler Rules

Salary of Chief Inspector	9,900
Salaries and Wages of Employees (5)	30,400
Travel	3,600
Contractual Services	3,200
Supplies and Materials	500
Capital Outlay	300
TOTAL	\$ 47,900

Fire Prevention Commission—Office of State Fire Marshal

Salary of Fire Marshal	13,000
Salaries and Wages of Employees (9)	63,300
Travel	1,500
Contractual Services	6,400
Supplies and Materials	4,400
Capital Outlay	6,000
Fire Prevention Conference	800
TOTAL	\$ 95,400

Fire Prevention Commission—State Fire School

Salary of Director	\$ 13,000
Salaries and Wages of Employees (4)	28,100
Travel	5,600
Contractual Services	
Instructional Services	10,000
Other Contractual Services	4,700
Supplies and Materials	3,500
Capital Outlay	6,500
Minor Capital Improvement—Warehouse	15,000
TOTAL	\$ 86,400

Human Relations Commission Year Ending June 30, 1971

Salary of Director	\$ 15,000
Salaries and Wages of Employees (2)	14,000
Travel	2,000
Contractual Services	4,500
Supplies and Materials	900
Capital Outlay	100
TOTAL	\$ 36,500

Insurance Commissioner

Salary of Commissioner	\$ 15,000
Salary of Deputy	13,000
Salaries and Wages of Employees (13)	74,100
Travel	2,900
Contractual Services	
Insurance Premiums	156,500
Other Contractual Services	10,600
Supplies and Materials	8,000
Capital Outlay	800
Self Insurance Fund	545,000
TOTAL	\$ 825,900

Public Service Commission

Salaries of Board Members	\$ 22,500
Salaries and Wages—Part-time	800
Salaries and Wages of Employees (6)	49,700
Personal Services	4,000
Travel	2,800
Contractual Services	4,900
Supplies and Materials	2,300
Capital Outlay	2,200
Contingency Fund—Hearings	5,000
TOTAL	\$ 94,200

Delaware Harness Racing Commission

Salaries of Board Members	\$ 3
Salary of Executive Secretary	12,500
Salaries—Part-time	1,000

Year Ending June 30, 1971

Salaries and Wages of Employees (3)	19,200
Travel	4,800
Contractual Services	
Association Dues	1,000
Other Contractual Services	3,600
Supplies and Materials	1,500
Capital Outlay	400
TOTAL	\$ 44,003

Delaware Racing Commission

Salaries of Board Members	4
Salaries and Wages of Employees (1)	6,000
Travel	1,000
Contractual Services	4,200
Supplies and Materials	300
Capital Outlay	500
TOTAL	\$ 12,004

**TOTAL REGULATORY BOARDS
AND AGENCIES\$ 1,563,597**

DEFENSE*Delaware National Guard*

Salary of Adjutant General	\$ 20,000
Salaries and Wages of Employees (16)	101,400
Travel	5,500
Contractual Services	140,000
Supplies and Materials	
Uniform Allowance—Officers	20,000
Other Supplies and Building Materials ...	17,000
Capital Outlay	17,000
Unit Fund Allowance	15,000
Bethany Beach Contingency	9,000
Minor Capital Improvements	74,000
TOTAL	\$ 418,900

Department of Civil Defense Year Ending June 30, 1971

Salary of Director (Total \$13,000; State \$6,500; Other Sources \$6,500)	6,500
Salaries and Wages of Employees (7)	50,200
Travel	800
Contractual Services	6,900
Supplies and Materials	3,300
Capital Outlay	7,000
TOTAL	74,700
TOTAL DEFENSE	\$ 493,600

LABOR***Department of Labor and Industrial Relations***

Salary of Executive Secretary	\$ 13,000
Salaries and Wages of Employees (14)	96,800
Travel	4,500
Contractual Services	14,200
Supplies and Materials	2,600
Capital Outlay	900
TOTAL	\$ 132,000

Apprenticeship and Training Council

Salaries of Board Members	1,500
Salary of Director	9,000
Salaries and Wages of Employees (1)	4,800
Travel	400
Contractual Services	300
Supplies and Materials	200
Capital Outlay	100
TOTAL	\$ 16,300

Governor's Committee on Employment of the Handicapped

Personal Services	300
Travel	300

Year Ending June 30, 1971

Contractual Services	600
Supplies and Materials	100
TOTAL	\$ 1,300

Industrial Accident Board

Salaries of Board Members	\$ 15,000
Salary of Secretary	6,000
Salaries and Wages of Employees (4)	22,400
Personal Services—Court Reporters	12,000
Travel	3,800
Contractual Services	9,300
Supplies and Materials	800
Capital Outlay	200
TOTAL	\$ 69,500

Office of Economic Opportunity

Contingency—Foster Grandparent Program ..	\$ 60,000
Contingency—Office of Economic Opportunity Administration Funds	15,000
TOTAL	\$ 75,000
TOTAL LABOR	\$ 294,100

CULTURAL, HISTORIC AND RECREATIONAL*Public Archives Commission*

Salary of Archivist	\$ 17,000
Salaries—Part-time	5,300
Salaries and Wages of Employees (16)	102,880
Travel	900
Contractual Services	
Sussex County Courthouse	300
Robinson House—Blockhouse	300
Other Contractual Services	7,600

Year Ending June 30, 1971

Supplies and Materials	
Film	3,500
Robinson House—Blockhouse	500
Other Supplies and Materials	3,500
Capital Outlay	
Historic Markers	1,000
Other Capital Outlay	700
TOTAL	\$ 143,480

Public Archives Commission—State Museum

Salaries—Part-time	\$ 1,000
Salaries and Wages of Employees (9)	59,450
Travel	250
Contractual Services	1,600
Supplies and Materials	1,200
Capital Outlay	3,000
TOTAL	\$ 66,500

Public Archives Commission—John Dickinson Mansion

Salaries—Part-time	\$ 1,500
Salaries and Wages of Employees (3)	19,000
Contractual Services	400
Supplies and Materials	500
Capital Outlay	800
TOTAL	\$ 22,200

Public Archives Commission—Fort Christina Monument

Salaries—Part-time	\$ 400
Salaries and Wages of Employees (2)	8,600
Contractual Services	1,800
Supplies and Materials	500
Capital Outlay	200
TOTAL	\$ 11,500

Year Ending June 30, 1971

Public Archives Commission—Governor's House

Salaries—Part-time	\$ 1,800
Contractual Services	300
Supplies and Materials	8,000
Capital Outlay	4,000
Gardens	2,000
TOTAL	\$ 16,100

Public Archives Commission—Buena Vista

Salaries—Part-time	\$ 1,500
Salaries and Wages of Employees (5.5)	32,100
Salaries—Overtime	1,600
Contractual Services	5,100
Supplies and Materials	9,000
Capital Outlay	5,000
Gardens	1,000
TOTAL	\$ 55,300

Portrait Commission

Travel	\$ 25
Contractual Services	150
Supplies and Materials	25
Capital Outlay	2,500
TOTAL	\$ 2,700

Lewes Memorial Commission

Salaries—Part-time	\$ 750
Salaries and Wages of Employees (3)	17,200
Travel	150
Contractual Services	1,600
Supplies and Materials	300
Capital Outlay	1,200
TOTAL	\$ 21,200

***Public Archives Commission— Year Ending June 30, 1971
New Castle Historic Buildings Division***

Salaries and Wages of Employees (4)	\$ 17,200
Contractual Services	3,100
Supplies and Materials	500
Capital Outlay	500
TOTAL	\$ 21,300

Delaware Archaeological Board

Salary of Archaeologist	\$ 10,300
Salaries—Part-time	4,400
Salaries and Wages of Employees (4)	26,600
Personal Services	1,000
Travel	400
Contractual Services	3,300
Supplies and Materials	1,100
Capital Outlay	1,000
TOTAL	\$ 48,100

Library Commission

Salary of Librarian (Total \$17,000; State 9,000; Other Sources 8,000)	\$ 9,000
Salary of Assistant Librarian (Total \$13,000; State 6,500; Other Sources 6,500)	6,500
Salaries—Part-time	1,100
Salaries and Wages of Employees (10)	50,800
Travel	1,000
Contractual Services	
Library Service—Blind and Handicapped	26,000
Other Contractual Services	2,600
Supplies and Materials	2,500
Capital Outlay	23,000
TOTAL	\$ 122,500

Park Commission

Salary of Director	\$ 17,000
Salaries and Wages of Employees (60)	439,000

Year Ending June 30, 1971

Personal Services	100
Travel	2,900
Contractual Services	
Nature Center Contract	18,000
Other Contractual Services	50,000
Supplies and Materials	51,700
Capital Outlay	25,000
Recreation Assistance Fund	400,000

TOTAL\$ 1,003,700

TOTAL CULTURAL, HISTORIC

AND RECREATIONAL\$1,534,580

STATE PROPERTIES

Custodian

Salary of Custodian	\$ 13,000
Salary of Deputy	8,000
Salary of Chief Security Officer	9,600
Salaries—Overtime	5,000
Salaries—Part-time	4,100
Salaries and Wages of Employees (90)	431,500
Personal Services	1,000
Travel	400
Contractual Services	
Security Services	20,400
Other Contractual Services	369,000
Supplies and Materials	38,700
Capital Outlay	
Building Alterations	10,000
Other Capital Outlay	8,000
Resurface Parking Lots	10,000
Repair East Wall—Old State House Annex ...	25,000
Roof Replacements—Capitol Complex	10,000

TOTAL\$ 963,700

Year Ending June 30, 1971

Building and Grounds Commission

Personal Services	\$ 200
Travel	300
Contractual Services	100
Supplies and Materials	200
TOTAL	\$ 800

Distribution Agency

Salary of Director	\$ 11,500
Salaries—Part-time	2,100
Salaries and Wages of Employees (28)	189,500
Salaries—Overtime	25,000
Personal Services	1,100
Travel	1,000
Contractual Services	47,000
Supplies and Materials	12,400
Capital Outlay	1,000
TOTAL	\$ 290,600

TOTAL STATE PROPERTIES\$ 1,255,100

HEALTH AND WELFARE

Health and Social Services Department

Salary of Secretary	\$ 34,000
Other Costs	16,000
TOTAL	\$ 50,000

Board of Health

Salary of Executive Secretary	\$ 27,000
Salary of Assistant Executive Secretary	24,000
Salaries and Wages of Employees (149)	1,166,000
Personal Services	
School Examination Fees	31,200
Other Personal Services	8,000

Year Ending June 30, 1971

Travel	4,500
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	30,300
Capital Outlay	16,000
Contingency—Family Planning	100,000
Contingency—State Service Centers (2)	83,000
Contingency—Delaware Adolescent Program ..	100,000
TOTAL	\$ 1,686,800

Emily P. Bissell Hospital

Salary of Hospital Administrator	\$ 16,128
Salaries and Wages of Employees (133)	869,400
Salaries—Part-time	32,500
Salaries—Overtime	6,600
Personal Services	
Medical Fees	8,700
Other Personal Services	3,000
Travel	1,700
Contractual Services	
Contracts—Other Hospitals	9,000
Repair and Service, Buildings and Grounds	17,000
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	35,000
TOTAL	\$ 1,246,028

Water and Air Resources Commission

Salary of Executive Director (Total \$22,000; State \$11,000; Other Sources \$11,000) ...	11,000
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Year Ending June 30, 1971

Salaries and Wages of Employees (46)	392,500
Personal Services	2,200
Travel	5,000
Contractual Services	
Rental—New Offices	15,000
Other Contractual Services	58,000
Supplies and Materials	22,000
Capital Outlay	25,000
TOTAL	\$ 530,700

Department of Mental Health—Administration

Salaries and Wages of Employees (43)	\$ 362,600
Overtime	2,000
Travel	4,500
Contractual Services	25,900
Supplies and Materials	7,200
Capital Outlay	3,800
TOTAL	\$ 406,000

*Department of Mental Health—
Delaware State Hospital*

Salaries and Wages of Employees (785)	\$ 4,748,500
Salary—Overtime	82,000
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 and Medical Supplies	155,000
Buildings Repair Materials	32,000
Other Supplies and Materials	139,300
Capital Outlay	74,100
TOTAL	\$ 6,007,900

Department of Mental Health— **Year Ending June 30, 1971**
Mental Hygiene Clinic

Salaries and Wages of Employees (59)	\$ 556,950
Personal Services	1,100
Travel	1,900
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
TOTAL	\$ 684,950

Department of Mental Health—
Governor Bacon Health Center

Salaries and Wages of Employees (260)	\$ 1,589,500
Salaries—Overtime	27,500
Personal Services	
Payments to Patients	1,800
Other Personal Services	18,600
Travel	900
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	\$ 1,902,100

Department of Mental Health—
Hospital for the Mentally Retarded

Salary—Overtime	\$ 33,000
Salaries and Wages of Employees (390)	2,125,300

Year Ending June 30, 1971

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
<hr/>	
TOTAL	\$ 2,655,200

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

Salaries—Part-time	\$ 4,200
Salaries and Wages of Employees (47)	275,800
Travel	700
Contractual Services	16,000
Supplies and Materials	19,200
Capital Outlay	3,300
Small Group Living Centers	20,000
<hr/>	
TOTAL	\$ 339,200

Department of Mental Health—***Children's Hospital***

Salaries and Wages of Employees (21)	\$ 187,400
Personal Services	6,000
Travel	2,500
Contractual Services	38,500
Supplies and Materials	32,300
Capital Outlay	3,000
<hr/>	
TOTAL	\$ 269,700

***Delaware Home and Hospital
for Chronically Ill at Smyrna***

Salary of Medical Director	\$ 23,500
Salary—Overtime	22,000

Year Ending June 30, 1971

Salary—Shift Differential	27,500
Salaries and Wages of Employees (536)	2,847,500
Personal Services	24,000
Travel	2,500
Contractual Services	
A.D.P. Equipment Rental	8,200
Food Service Contract	33,000
Other Contractual Services	144,000
Supplies and Materials	
Drugs and Medical Supplies	90,000
Other Supplies and Materials	435,000
Capital Outlay	45,000
TOTAL	\$ 3,702,200

Commission for the Aging

Salary of Director (Total \$12,000; State \$6,000; Other Sources \$6,000)	\$ 6,000
Salaries and Wages of Employees (1)	5,875
Travel	1,000
Contractual Services	2,100
Supplies and Materials	350
Capital Outlay	150
Older American Act Grants	111,800
Employment of Elderly Program	50,000
TOTAL	\$ 177,275

Commission for the Blind

Salary of Director (Total \$15,200; State \$7,100; Other Sources \$8,100)	\$ 7,100
Salaries—Part-time	1,200
Salaries and Wages of Employees (18)	113,600
Personal Services	5,500
Travel	5,000
Contractual Services	
Bus Transportation	16,000
Education Services	95,000
Other Contractual Services	11,800

Year Ending June 30, 1971

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	240,000
TOTAL	\$ 527,600

Department of Public Welfare

Salary of Director (Total \$25,000; State \$12,500; Other Sources \$12,500)	\$ 12,500
Salary of Intake, P.A., C.W.S. and G.A. Supervisors (20)	187,400
Salary of Intake, P.A., C.W.S. and G.A. Caseworkers (80)	577,900
Salaries and Wages of Employees (77)	570,500
Personal Services	3,000
Travel	4,000
Contractual Services	
Blue Cross Contract	140,000
Other Contractual Services	99,200
Supplies and Materials	28,000
Capital Outlay	12,000
Old Age Assistance Grants	750,000
Aid to Disabled Grants	890,000
Aid to Families with Dependent Children	3,150,000
Direct Care—Child Welfare Service	2,250,000
Medical Aid Program—Drugs	250,000
General Assistance Grants	2,200,000
Title 19 Federal Program	
Program for other than State Institutions (See Section 18)	1,850,000
Program for State Institutions (See Section 19)	500,000
Purchase Homemaker Service	12,500
Hospital Care—Indigent Patients	1,150,000
Purchase of Day Care	250,000
TOTAL	\$ 14,887,000

Department of Housing**Year Ending June 30, 1971**

Salary of Secretary	\$ 25,000
Salary of Assistant Secretary	20,000
Salaries and Wages of Employees (3)	32,600
Personal Services	10,000
Travel	3,000
Contractual Services	9,000
Supplies and Materials	3,500
Capital Outlay	2,000

TOTAL\$ 105,100

TOTAL HEALTH AND WELFARE \$ 35,177,753

REHABILITATION**Department of Correction**

Salary of Commissioner	\$ 23,000
Salary of Hazardous Duty and Shift Differential	130,000
Salary of Casual and Part-time	30,000
Salary—Overtime	80,000
Salaries and Wages of Employees (256)	1,980,000
Personal Services	
Payments to Inmates	25,000
Other Personal Services	44,100
Travel	9,700
Contractual Services	235,200
Supplies and Materials	293,000
Capital Outlay	23,000
Contingency—Smyrna Facility	
Salaries	170,700
Contractual Services	32,800
Supplies and Materials	64,500

TOTAL\$ 3,141,000

Youth Services Commission

Salary of Executive Director	\$ 21,000
Salary of Casual and Part-time	33,600
Salary—Overtime	18,000

Year Ending June 30, 1971

Salaries and Wages of Employees (165)	1,148,800
Personal Services	71,000
Travel	4,000
Contractual Services	112,000
Supplies and Materials	
Food	110,000
Other Supplies and Materials	83,000
Capital Outlay	34,000
Contingency—Boys Group Home	47,500
Contingency—Special Treatment Unit	65,000
Minor Capital Improvements	60,000
TOTAL	\$ 1,807,900

Board of Parole

Salaries of Board Members	\$ 2,160
Salary of Executive Secretary	8,000
Salaries and Wages of Employees (1)	6,050
Travel	1,700
Contractual Services	1,600
Supplies and Materials	200
TOTAL	\$ 19,710

Board of Pardons

Salary of President	'\$ 244
Personal Services	96
Travel	100
TOTAL	\$ 440
TOTAL REHABILITATION	\$ 4,969,050

AGRICULTURE, FORESTRY AND CONSERVATION*Board of Agriculture*

Salaries of Board Members	\$ 1,950
Salary of Secretary	14,000

Year Ending June 30, 1971

Salaries—Casual and Part-time	3,700
Salaries and Wages of Employees (33)	247,000
Personal Services	
Veterinary Fees	23,000
Other Personal Services	200
Travel	3,500
Contractual Services	
U.S.D.A. Inspector Service	12,000
Hog Cholera Indemnities	10,000
Other Contractual Services	13,400
Supplies and Materials	18,100
Capital Outlay	14,900
Educational Contracts	2,000
Interstate Pest Control Contract	3,800
TOTAL	\$ 367,550

*Board of Agriculture—
Meat Inspection Division*

Salaries and Wages of Employees (12)	\$ 98,500
Personal Services	400
Travel	1,600
Contractual Services	3,600
Supplies and Materials	3,100
Capital Outlay	1,200
TOTAL	\$ 108,400

*Board of Agriculture—
Weights and Measures*

Salaries and Wages of Employees (8)	\$ 55,800
Travel	500
Contractual Services	1,700
Supplies and Materials	3,200
Capital Outlay	2,900
TOTAL	\$ 64,100

Year Ending June 30, 1971

***Natural Resources and Environmental
Control Department***

Salary of Secretary	\$ 31,000
Other Costs	16,000
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TOTAL	\$ 47,000

Soil and Water Conservation Commission

Salary of Director	\$ 14,000
Salaries and Wages of Employees (7)	57,800
Travel	2,100
Contractual Services	
Highway Crossing Contracts	80,000
Other Contractual Services	5,700
Supplies and Materials	
Highway Crossings	70,000
Other Supplies and Materials	12,000
Capital Outlay	1,500
Tax Ditches—Sussex County*	22,500
Tax Ditches—Kent County*	10,000
Tax Ditches—New Castle County*	30,000
*Pursuant to Section 3921, Title 7, Delaware Code	
Minor Capital Improvements—Facility for New Castle County Operations	10,000
Creek Dredging Program	72,600
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TOTAL	\$ 388,200

Poultry Commission

Salary of Executive Secretary	\$ 2,000
Salaries and Wages of Employees	1,400
Travel	400
Contractual Services	10,525
Supplies and Materials	25
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TOTAL	\$ 14,350

**Forestry Department
Administration**

Year Ending June 30, 1971

Salaries and Wages of Employees (13)	\$ 76,600
Personal Services—Forest Patrol	400
Travel	500
Contractual Services	5,000
Supplies and Materials	4,000
Capital Outlay	1,600
TOTAL	\$ 88,100

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

Salaries and Wages of Employees (5)	\$ 14,500
Personal Services—Fire Wardens	1,200
Travel	50
Contractual Services	1,500
Supplies and Materials	600
Capital Outlay	500
TOTAL	\$ 18,350

Fish and Wildlife Division

Salary of Director (Total \$15,000; State \$8,000; Other Sources \$7,000;	8,000
Salaries and Wages of Employees (30)	200,000
Personal Services	400
Travel	2,000
Contractual Services	
New Castle County Dog Control	25,000
Kent County Dog Control	10,000
Boat Repairs	2,000
Other Contractual Services	24,000
Supplies and Materials	20,000
Capital Outlay	7,000
Minor Capital Improvements	
Fish Passage Facilities	45,000
Repair of Boat Ramps	25,000
Wetland Development	10,000
TOTAL	\$ 378,400

*Year Ending June 30, 1971****Atlantic States Marine Fisheries Commission***

Travel	\$ 150
Contractual Services	1,500
TOTAL	\$ 1,650

State Geologist

Salaries and Wages of Employees (7)	\$ 67,000
Salaries—Casual and Part-time	1,200
Travel	700
Contractual Services	
River Master Program	16,100
Federal Co-op Program	30,000
Other Contractual Services	4,800
Supplies and Materials	1,200
Capital Outlay	600
TOTAL	\$ 121,600
TOTAL AGRICULTURE, FOREST- RY AND CONSERVATION ...	\$ 1,597,700

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

Salary of Controller	\$ 19,680
Salaries and Wages of Employees (16)	135,500
Salaries—Overtime	1,500
Personal Services	2,000
Travel	900
Contractual Services	16,000
Supplies and Materials	8,000
Capital Outlay	800
Social Security Contribution (Administered by State Treasurer)	450,000
TOTAL	\$ 634,380

**Highway Department—
Engineering Division**

Year Ending June 30, 1971

Salary of Director of Operations	\$ 28,000
Salaries and Wages of Employees (Including Overtime) (900)	5,390,000
Operations	1,880,000
Contractual Services	
Resurfacing Contracts	1,600,000
Roadside, Grass and Growth Control	90,000
Bridge Repair Contracts	200,000
Capital Outlay	400,000
Lines, Center and Edges of Highways	80,000
Emergency Funds—Snow Removal, Ice Control Etc.	250,000
TOTAL	\$ 9,918,000

**Highway Department—
Motor Vehicle Division**

Salary of Commissioner	\$ 15,000
Salaries and Wages of Employees (175)	950,700
Salaries—Part-time	5,000
Travel	800
Contractual Services	
Photographs for Licenses	50,000
Other Contractual Services	72,400
Supplies and Materials	
Tags, Stickers and Numerals	175,000
Other Supplies and Materials	47,000
Capital Outlay	4,500
Contingency - Salaries - Growth and Upgrading	20,000
TOTAL	\$ 1,340,400

**Highway Department—
Safety Responsibility Division**

Salary of Director	\$ 9,924
Salaries and Wages of Employees (5)	24,600
Travel	800

Year Ending June 30, 1971

Contractual Services	1,700
Supplies and Materials	1,100
TOTAL	\$ 37,624

Highway Department
Motor Fuel Tax Division

Salary of Director	\$ 9,924
Salaries and Wages of Employees (4)	29,840
Salaries—Part-time	1,000
Travel	2,000
Contractual Services	2,100
Supplies and Materials	1,600
Capital Outlay	400
TOTAL	\$ 46,864

Highway Department—
State Police Division

Salary of Superintendent	\$ 20,000
Salary of Director of Operations	18,000
Salaries of Uniformed Division (400)	3,440,000
Salaries and Wages of Employees (93)	500,700
Personal Services	1,600
Travel	10,500
Contractual Services	210,000
Supplies and Materials	388,200
Capital Outlay	
Vehicles and Related Equipment	180,000
Other Capital Outlay	141,000
Pension Fund Contribution	68,800
TOTAL	\$ 4,978,800

Highway Department—
Communications Division

Salaries and Wages of Employees (17)	\$ 138,100
Travel	900

Year Ending June 30, 1971

Contractual Services	
School Contracts	500
Other Contractual Services	10,000
Supplies and Materials	
Materials for Resale	18,000
Other Supplies and Materials	6,700
Capital Outlay	15,000
TOTAL	\$ 189,200

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

Salary of Superintendent	\$ 12,720
Salaries—Casual and Seasonal	20,000
Salaries—Overtime	5,500
Salaries—Salaries Employees (7)	52,900
Base Wages—Hourly Employees (13)	66,300
Travel	300
Contractual Services	
Spraying	72,200
Research Contracts—University of Delaware	24,000
Other Contractual Services	24,000
Supplies and Materials	
Insecticides	52,000
Other Supplies and Materials	26,500
Capital Outlay	23,000
TOTAL	\$ 379,420

Federal-State Highway Safety Coordinator

Salary of Coordinator (Total \$15,000; (State \$7,500; Other Sources \$7,500)	7,500
Salaries and Wages of Employees (1)	8,000
Travel	1,100
Contractual Services	4,000
Supplies and Materials	700
Capital Outlay	300
TOTAL	\$ 21,600

Department of Transportation Year Ending June 30, 1971

Salary of Secretary	\$ 25,000
Salaries and Wages of Employees (2)	17,800
Personal Services	10,000
Travel	2,500
Contractual Services	25,100
Supplies and Materials	1,600
Capital Outlay	1,500
Local Authorities Subsidies	15,000
TOTAL	\$ 98,500

Delaware Agency to Reduce Crime

(Administered by Governor)	
Personal Services	\$ 22,500
Travel	500
Contractual Services	2,200
Supplies and Materials	600
Capital Outlay	300
Program Grants	150,000
Aid to Local Law Enforcement Agencies	700,000
Contingency for Administration	63,600
TOTAL	\$ 939,700

TOTAL HIGHWAYS, POLICE, ETC. \$ 18,584,488

MISCELLANEOUS**Delaware Veterans Military Pay Commission**

Salaries of Board Members	\$ 2,400
Salary of Deputy Director	12,600
Salaries and Wages of Employees (3.5)	19,100
Travel	2,000
Contractual Services	7,400
Supplies and Materials	6,000
TOTAL	\$ 49,500
TOTAL MISCELLANEOUS	\$ 49,500

DEBT SERVICE*Year Ending June 30, 1971*

Redemptions	\$ 27,652,000
Interest	14,083,000
TOTAL	\$ 41,735,000

County Obligations

Redemptions	\$ 25,000
Interest	1,313
TOTAL	\$ 26,313
TOTAL DEBT SERVICE	\$ 41,761,313

PENSIONS AND SOCIAL SECURITY***State Employees Pension Plan***

Salaries—Board Members	\$ 200
Salaries and Wages of Employees (3)	20,700
Personal Services	100
Travel	1,000
Contractual Services	2,200
Supplies and Materials	1,000
Capital Outlay	800
Benefits	3,940,000
Survivors' Pension—Spouse	315,000
Employees' Pension Fund	603,000
Employees' Insurance Benefits	2,000,000
TOTAL	\$ 6,884,000

Board of State Employees Pension Trustees

Salaries and Wages of Employees (2) \$9,804 to be from the State Employees Retirement Fund.

State Judiciary Retirement Fund

Contributions	\$ 56,000
TOTAL	\$ 56,000

*Year Ending June 30, 1971****Pension—Spouse of Elected Officials***

Benefits	\$	2,067
TOTAL	\$	2,067

State Police Retirement Fund

Personal Services	700
Contractual Services	1,000
Supplies and Materials	800
Contributions—Regular Pensions	491,700
—Survivor's Pensions	134,600
TOTAL	\$ 628,800

Paraplegic Veterans' Pensions

Benefits	\$ 14,400
TOTAL	\$ 14,400

Retired and Disabled Teachers' Pensions

Benefits	\$ 133,000
TOTAL	\$ 133,000

State Share—Social Security

Contributions	\$ 5,200,000
TOTAL	\$ 5,200,000
TOTAL PENSIONS AND SOCIAL SECURITY	\$ 12,918,267

GRANTS-IN-AID***Municipalities***

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

Peninsula Horticultural Society Year Ending June 30, 1971

Contractual Services	\$	900
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TOTAL	\$	900
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Crop Improvement Association

Contractual Services	\$	800
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TOTAL	\$	800
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Public Libraries

Grants-in-Aid	\$	33,400
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TOTAL	\$	33,400
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TOTAL GRANTS-IN-AID	\$	2,035,100
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CONTINGENCY FUND

(Administered by State Budget Commission)

Emergency Fund Only	\$	350,000
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Boiler and Roof Repair		50,000
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Court Rents		450,000
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TOTAL	\$	850,000
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TOTAL AGENCIES, GRANTS-IN-AID AND CONTINGENCY FUND		\$134,551,234
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EDUCATION***University of Delaware***

Operations	\$	12,486,000
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Diagnostic Poultry Service		10,000
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General Scholarships	\$	183,000
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Aid to Needy Students (5520-5524, Title 14, Delaware Code)	\$	57,000
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Year Ending June 30, 1971

Teaching Scholarships (5502, Title 14, Delaware Code)	50,000
Scholarship Fund (5501, Title 14, Delaware Code)	100,000
Research	
Shellfish	10,000
Crabs and Clams	15,000
Employer's Share, Social Security (Administered by State Treasurer)	638,000
State Employees' Pension Benefits (Administered by State Treasurer)	316,000
TOTAL	\$ 13,865,000

*Delaware Institute of
Medical Education and Research*

Operations	\$ 800,000
TOTAL	\$ 800,000

Delaware State College

Salaries and Wages of Employees (240.25) ...	\$ 1,524,800
Salaries of Security Guards (12)	61,600
Personal Services	
Work Study Program	25,000
Other Personal Services	13,000
Travel	4,600
Contractual Services	215,000
Supplies and Materials	135,000
Capital Outlay	120,000
Scholarships (6510, Title 14, Delaware Code) .	50,000
State Matching Grants-In-Aid	50,000
TOTAL	\$ 2,199,000

*Delaware Technical and
Community College*

Salary of Executive Director	\$ 25,000
Salaries and Wages of Employees (216)	2,067,200

Year Ending June 30, 1971

Salaries—Overtime	1,000
Personal Services	13,500
Travel	10,000
Contractual Services	
University of Delaware	190,000
Rental of Buildings	275,900
Other Contractual Services	346,700
Supplies and Materials	110,300
Capital Outlay	180,000
Minor Capital Improvements—Parking	50,000
TOTAL	\$ 3,269,600

Higher Educational Aid Advisory Commission

(Delaware Higher Education and Vocational Loan Program)

Salaries and Wages of Employees	4,500
Travel	200
Contractual Services	700
Supplies and Materials	200
Guaranteed Loan Reserves	90,000
TOTAL	\$ 95,600
TOTAL HIGHER EDUCATION	\$ 20,229,200

PUBLIC EDUCATION*State Board of Education*

Division I—Salaries

Board Members	\$ 2,700
Superintendent	30,000
Deputy Superintendent (All Other Funds)	—
Assistant Superintendents (3)	56,800
Directors (6) (5 State Funds; 1 All Other Funds)	85,500
Administrative Assistant (1) All Other Funds, Director Level	—
Supervisors (41) (16) State Funds	246,400

Year Ending June 30, 1971

	(7) State \$51,100 and other	51,100
	(18) All Other Funds	—
Specialists (7) (1) State Funds		10,100
	(1) State \$5,700 and other ...	5,700
	(5) All Other Funds	—
Teachers		
Homebound		80,700
Substitutes in Districts		621,000
Clerical (48½)		262,700
Others		
Education of the Foreign Born		9,400
E.D.P. Operation Manager—State \$4,400 and		
Other		4,400
E.D.P. Programmer—State \$4,400 and Other		4,400
Graphic Arts—All Other Funds		—
Machine Operator—All Other Funds		—
Public Information (Editorial Assistant)—All		
Other Funds		—
Nonpublic School and Summer Driver Education		122,000
TOTAL SALARIES FROM STATE		
FUNDS	\$	1,592,900
Division II		
Personal Services	\$	4,500
Travel		
Homebound		8,500
State Board Travel		2,600
Staff Travel		18,000
Contractual Services		
Tuition and Initiation of Deaf Program ..		110,000
Public School Transportation		4,620,000
Non-Public School Transportation		280,000
James H. Groves High School		135,000
Unwed Mothers—Home Study and Part-		
time Teachers		6,000
Other Contractual Services		67,000
Supplies and Materials		25,000
Capital Outlay		
Films		15,000
Vehicles Other Than Buses		4,400

Year Ending June 30, 1971

Other Capital Outlay	10,000
Scholarship Fund (Chapter 34, Title 14, Delaware Code)	120,000
Division III Educational Advancement	1,808,000

TOTAL NON-SALARIES—State Funds . \$ 7,234,000

TOTAL STATE BOARD OF EDUCATION STATE FUNDS \$ 8,826,900

State Board for Vocational Education

Division I—Salaries

Director (1) State \$8,400 and other	\$ 8,400
Supervisors (11) (7) State \$50,500 and other	50,500
(4) All Other Funds	—

Teachers

Vocational Programs	110,500
Apprentice Programs	76,000
Summer Programs—Vo-Tech. School Districts	50,000
Clerical (3½)	20,700
Student Work Study Program	13,000

TOTAL SALARIES—STATE FUNDS .. \$ 329,100

Division II—Other Costs

Personal Services	\$ 1,200
Travel	4,000
Contractual Services	3,200
Supplies and Materials	
Trade Extension (Adult)	10,000
Apprentice Programs	38,000
Summer Programs—Vo-Tech. School Districts	25,000
Other Supplies and Materials	2,700
Capital Outlay	2,100
War Orphans	15,000

TOTAL NON-SALARIES \$ 101,200

TOTAL— STATE BOARD FOR VOCATIONAL EDUCATION \$ 430,300

Year Ending June 30, 1971

**State Board for Vocational Education—
Rehabilitation Division**

Salaries—All Other Funds	—
Personal Services	\$ 87,300
Travel	7,500
Contractual Services	159,200
Supplies and Materials	26,000
TOTAL	\$ 280,000

Caesar Rodney**Division I—Salaries**

Chief School Officer		18,600
Assistant Superintendent	1	16,000
Directors	2	30,000
Supervisors	2	21,700
Principals	7	87,900
Assistant Principals	4	39,200
Administrative Assistants	1	13,600
Teachers	252	1,990,000
Teachers—Psychologists	1	8,600
Teachers—Speech and Hearing	1	6,900
Teachers—Visiting	1	7,500
Teachers—Driver Education	3-1/5	24,800
Clerical	22	117,200
Custodial	38	211,000
Nurses	6	38,400
Cafeteria	7	43,400

TOTAL SALARIES	\$ 2,674,800
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Division II—Other Costs

All Other Costs	252	\$ 226,800
Capital Outlay	252	37,800

TOTAL	\$ 2,939,400
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Caesar Rodney Trainable**(Administered by Caesar Rodney)****Division I—Salaries**

Principal	1	\$ 11,100
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Year Ending June 30, 1971

Teachers	7	50,300
Clerical	1	5,100
Custodial	1	5,900
Nurses	1	5,100
Cafeteria	1/2	1,900
Attendants and Aides	7	24,200
TOTAL SALARIES		\$ 103,600
Division II—Other Costs		
All Other Costs	14	\$ 12,600
Capital Outlay	14	2,100
TOTAL		\$ 118,300

*Claymont***Division I—Salaries**

Chief School Officer		\$ 17,600
Directors	1	13,000
Supervisors	1	8,400
Principals	5	65,700
Assistant Principals	1	9,700
Administrative Assistants	1	11,500
Teachers	164	1,362,200
Teachers—Psychologists	1	10,100
Teachers—Speech and Hearing	1	10,100
Teachers—Visiting	1	8,400
Teachers—Driver Education	1-3/5	13,100
Clerical	15	84,400
Custodial	30	167,100
Nurses	4	29,300
Cafeteria	6	35,700
TOTAL SALARIES		\$ 1,846,300

Division II—Other Costs

All Other Costs	164	\$ 147,600
Capital Outlay	164	24,600
TOTAL		\$ 2,018,500

Capital**Year Ending June 30, 1971****Division I—Salaries**

Chief School Officer		\$	18,600
Assistant Superintendent	1		16,000
Directors	2		30,000
Supervisors	2		21,700
Principals	9		111,700
Assistant Principals	7		69,500
Administrative Assistants	1		13,600
Teachers	296		2,400,400
Teachers—Psychologists	2		18,500
Teachers—Speech and Hearing	2		14,000
Teachers—Visiting	1		7,800
Teachers—Driver Education	3-1/5		25,200
Transportation Supervisor	1		11,800
Clerical	26		138,000
Custodial	59		333,200
Nurses	7		45,500
Cafeteria	10		55,900
Attendants and Aides	3		9,700

TOTAL SALARIES		\$	3,341,100
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Division II—Other Costs

All Other Costs	296	\$	266,400
Capital Outlay	296		44,400

TOTAL		\$	3,651,900
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Alexis I. du Pont**Division I—Salaries**

Chief School Officer		\$	16,500
Principals	4		49,500
Assistant Principals	2		20,700
Administrative Assistants	1		14,100
Teachers	127		1,095,800
Teachers—Psychologists	1		8,400
Teachers—Speech and Hearing	1		8,400
Teachers—Driver Education	1-2/5		12,400
Clerical	12		68,300
Custodial	34		195,700

Year Ending June 30, 1971

Nurses	3	22,900
Cafeteria	7	38,000

TOTAL SALARIES		\$ 1,551,000
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Division II—Other Costs

All Other Costs	127	\$ 114,300
Capital Outlay	127	19,100

TOTAL		\$ 1,684,400
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Alfred I. du Pont

Division I—Salaries

Chief School Officer		\$ 18,600
Assistant Superintendent	1	16,500
Directors	4	60,500
Supervisors	4	47,200
Principals	12	159,000
Assistant Principals	8	80,900
Administrative Assistants	1	14,100
Teachers	468	4,034,300
Teachers—Psychologists	3	30,800
Teachers—Speech and Hearing	3	27,100
Teachers—Visiting	1	9,500
Teachers—Alfred I. duPont Institute ..	2	17,200
Teachers—Driver Education	5-4/5	50,800
Clerical	40	221,500
Custodial	92	516,300
Nurses	11	77,600
Cafeteria	13	75,800
Transportation Supervisor	1	10,800

TOTAL SALARIES		\$ 5,468,500
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Division II Other Costs

All Other Costs	468	\$ 421,200
Capital Outlay	468	70,200

TOTAL		\$ 5,959,900
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C. W. Bush Trainable School **Year Ending June 30, 1971**
(Administered by Alfred I. du Pont)

Division I—Salaries

Principals	1	\$	12,900
Teachers	8		64,500
Clerical	1		5,700
Custodial	1		5,900
Nurses	1		5,500
Cafeteria	1		4,200
Attendants and Aides	10		36,300

TOTAL SALARIES \$ 135,000

Division II—Other Costs

All Other Costs	18	\$	16,200
Capital Outlay	18		2,700

TOTAL \$ 153,900

Lake Forest

Division I—Salaries

Chief School Officer		\$	15,300
Supervisor	1		10,900
Principals	5		63,500
Assistant Principal	1		10,300
Administrative Assistants	1		14,100
Teachers	140		1,132,800
Teachers—Psychologists	1		9,500
Teachers—Speech and Hearing	1		8,600
Teachers—Driver Education	1-2/5		11,000
Clerical	13		72,000
Custodial	27		149,500
Nurses	4		24,100
Cafeteria	5		25,900

TOTAL SALARIES \$ 1,547,500

Division II—Other Costs

All Other Costs	140	\$	126,000
Capital Outlay	140		21,000

TOTAL \$ 1,694,500

Laurel**Year Ending June 30, 1971****Division I—Salaries**

Chief School Officer		\$	16,000
Principals	3		38,300
Assistant Principals	1		9,700
Administrative Assistant	1		12,200
Teachers	98		807,700
Teachers—Psychologists	1		9,500
Teachers—Speech and Hearing	1		9,500
Teachers—Driver Education	1		8,600
Clerical	9		53,500
Custodial	18		104,800
Nurses	2		17,400
Cafeteria	3		16,000

TOTAL SALARIES		\$	1,103,200
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Division II—Other Costs

All Other Costs	98	\$	88,200
Capital Outlay	98		14,700

TOTAL		\$	1,206,100
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Cape Henlopen**Division I—Salaries**

Chief School Officer		\$	17,100
Directors	1		15,000
Supervisors	1		10,900
Principals	7		90,000
Assistant Principals	1		10,400
Administrative Assistants	1		13,600
Teachers	166		1,384,400
Teachers—Psychologists	1		10,100
Teachers—Speech and Hearing	1		9,700
Teachers—Visiting	1		7,500
Teachers—Driver Education	2		17,700
Clerical	15		86,100
Custodial	30		173,200
Nurses	4		28,500
Cafeteria	8		44,100

TOTAL SALARIES		\$	1,918,300
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Year Ending June 30, 1971

Division II—Other Costs

All Other Costs	166	\$	149,400
Capital Outlay	166		24,900

TOTAL		\$	2,092,600
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Milford

Division I—Salaries

Chief School Officer		\$	17,600
Directors	1		15,000
Supervisors	1		10,700
Principals	6		77,400
Assistant Principals	2		17,900
Administrative Assistants	1		12,900
Teachers	181		1,458,800
Teachers—Psychologists	1		9,700
Teachers—Speech and Hearing	1		7,300
Teachers—Visiting	1		8,600
Teachers—Driver Education	2		16,000
Clerical	17		90,200
Custodial	29		170,500
Nurses	5½		30,200
Cafeteria	8		42,400

TOTAL SALARIES		\$	1,985,200
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Division II—Other Costs

All Other Costs	181	\$	162,900
Capital Outlay	181		27,200

TOTAL		\$	2,175,300
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Mount Pleasant

Division I—Salaries

Chief School Officer		\$	18,600
Assistant Superintendent			16,000
Directors	2		28,900
Supervisors	2		21,300
Principals	7		92,100
Assistant Principals	5		49,500

Year Ending June 30, 1971

Administrative Assistants	1	12,900
Teachers	271	2,400,900
Teachers—Psychologists	1	10,100
Teachers—Speech and Hearing	1	8,200
Teachers—Visiting	1	7,100
Teachers—Driver Education	3-3/5	31,000
Clerical	24	138,500
Custodial	42	238,100
Nurses	6	44,700
Cafeteria	8	49,700

TOTAL SALARIES		\$ 3,167,600
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Division II—Other Costs

All Other Costs	271	\$ 243,900
Capital Outlay	271	40,700

TOTAL		\$ 3,452,200
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New Castle - Gunning Bedford

Division I—Salaries

Chief School Officer		\$ 17,400
Assistant Superintendent	1	16,000
Directors	3	45,000
Supervisors	3	35,200
Principals	10	130,100
Assistant Principals	6	60,000
Administrative Assistants	1	13,600
Teachers	367	2,954,900
Teachers—Psychologists	2	20,200
Teachers—Speech and Hearing	2	16,200
Teachers—Visiting	1	8,200
Teachers—Driver Education	4-1/5	37,700
Clerical	32	180,000
Custodial	56	309,600
Nurses	9	64,800
Cafeteria	12	68,400
Transportation Supervisor	1	11,600

TOTAL SALARIES		\$ 3,988,900
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Year Ending June 30, 1971

Division II—Other Costs

All Other Costs	367	\$	330,300
Capital Outlay	367		55,100

TOTAL		\$	4,374,300
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Newark

Division I—Salaries

Chief School Officer		\$	18,600
Assistant Superintendents	2		33,100
Directors	5		76,500
Supervisors	6		67,000
Principals	19		246,600
Assistant Principals	8		78,700
Administrative Assistants	1		13,600
Teachers	641		5,255,300
Teachers—Psychologists	4		39,400
Teachers—Speech and Hearing	4		33,400
Teachers—Visiting	2		16,500
Teachers—Driver Education	7-2/5		61,600
Transportation Supervisor	1		12,600
Clerical	55		294,100
Custodial	88		485,300
Nurses	16		108,800
Cafeteria	17		98,500

TOTAL SALARIES		\$	6,939,600
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Division II—Other Costs

All Other Costs	641	\$	576,900
Capital Outlay	641		96,200

TOTAL		\$	7,612,700
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Margaret S. Sterck School
(Administered by Newark)

Division I—Salaries

Principals	1	\$	12,100
Teachers	13		105,600
Teachers—Media Specialist	1		8,400

Year Ending June 30, 1971

Clerical	1		5,400
Custodial	2		10,100
Nurses	1		5,500
Attendants and Aides	11		35,800
TOTAL SALARIES			\$ 182,900
Division II—Other Costs			
All Other Costs	13	\$	11,700
Capital Outlay	13		2,000
Consultant Services			7,500
TOTAL			\$ 204,100

Seaford

Division I—Salaries

Chief School Officer		\$	17,100
Directors	1		15,000
Supervisors	1		10,300
Principals	6		75,500
Assistant Principals	1		9,800
Administrative Assistants	1		13,600
Teachers	180		1,469,100
Teachers—Psychologists	1		10,600
Teachers—Speech and Hearing	1		8,400
Teachers—Visiting	1		8,200
Teachers—Driver Education	1-3/5		12,900
Transportation Supervisor	1		12,600
Clerical	16		88,800
Custodial	31		181,100
Nurses	5		33,600
Cafeteria	6		34,900
Attendants and Aides	7		24,900

TOTAL SALARIES	\$	2,026,400
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Division II—Other Costs

All Other Costs	180	\$	162,000
Capital Outlay	180		27,000

TOTAL	\$	2,215,400
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Smyrna**Year Ending June 30, 1971****Division I—Salaries**

Chief School Officer		\$	16,000
Supervisor	1		10,100
Principals	5		61,700
Assistant Principals	1		8,800
Administrative Assistants	1		12,900
Teachers	122		995,000
Teachers—Speech and Hearing	1		9,500
Teachers—Psychologists	1		9,500
Teachers—Visiting	1		7,500
Teachers—Driver Education	1-2/5		10,100
Clerical	11		58,300
Custodial	19		108,600
Nurses	31½		24,000
Cafeteria	7		38,600

TOTAL SALARIES		\$	1,370,600
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Division II—Other Costs

All Other Costs	122	\$	109,800
Capital Outlay	122		18,300

TOTAL		\$	1,498,700
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Marshallton - McKean**Division I—Salaries**

Chief School Officer		\$	17,100
Directors	1		15,000
Supervisors	2		20,600
Principals	6		77,600
Assistant Principals	2		20,700
Administrative Assistants	1		13,600
Teachers	207		1,725,400
Teachers—Psychologists	1		9,500
Teachers—Speech and Hearing	1		6,900
Teachers—Visiting	1		8,200
Teachers—Driver Education	2-3/5		22,500
Clerical	19		110,600
Custodial	35		204,200

Year Ending June 30, 1971

Nurses	5	34,500
Cafeteria	7	42,000
TOTAL SALARIES		\$ 2,328,400
Division II—Other Costs		
All Other Costs	207	\$ 186,300
Capital Outlay	207	81,100
TOTAL		\$ 2,545,800

*Appoquinimink***Division I—Salaries**

Chief School Officer		\$ 16,000
Supervisors	1	11,000
Principals	4	51,500
Assistant Principals	1	10,200
Administrative Assistants	1	14,100
Teachers	114	920,100
Teachers—Driver Education	1	7,500
Clerical	11	61,700
Custodial	19	103,100
Nurses	3½	22,900
Cafeteria	5	31,200
TOTAL SALARIES		\$ 1,249,300

Division II—Other Costs

All Other Costs	114	\$ 102,600
Capital Outlay	114	17,100
TOTAL		\$ 1,369,000

*Conrad Area***Division I—Salaries**

Chief School Officer		\$ 18,000
Assistant Superintendent	1	16,000
Directors	2	30,000
Supervisors	3	33,900
Principals	9	110,700

Year Ending June 30, 1971

Assistant Principals	4	37,500
Administrative Assistant	1	13,600
Teachers	302	2,528,800
Teachers—Psychologists	2	20,200
Teachers—Speech and Hearing	2	14,900
Teachers—Visiting	1	8,000
Teachers—Driver Education	3-4/5	29,300
Clerical	27	140,000
Custodial	37	214,400
Nurses	8	51,700
Cafeteria	7	41,300

TOTAL SALARIES		\$ 3,308,300
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Division II—Other Costs

All Other Costs	302	\$ 271,800
Capital Outlay	302	45,300

TOTAL		\$ 3,625,400
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De La Warr

Division I—Salaries

Chief School Officer		\$ 17,600
Directors	1	13,400
Supervisors	1	10,100
Principals	6	76,800
Assistant Principals	3	28,900
Administrative Assistants	1	13,600
Teachers	195	1,595,700
Teachers—Psychologists	1	9,500
Teachers—Speech and Hearing	1	8,600
Teachers—Visiting	1	9,500
Teachers—Driver Education	2-1/5	18,100
Clerical	17	96,000
Custodial	33	183,200
Nurses	5	35,500
Cafeteria	7	41,600

TOTAL SALARIES		\$ 2,158,100
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Year Ending June 30, 1971

Division II—Other Costs

All Other Costs	195	\$	175,500
Capital Outlay	195		29,300
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TOTAL		\$	2,362,900

John G. Leach

(Administered by De La Warr)

Division I—Salaries

Principals	1	\$	12,900
Teachers	10		79,000
Clerical	1		5,700
Custodial	2		10,700
Nurses	1		7,200
Attendants and Aides	10		28,100
			<hr/>

TOTAL SALARIES \$ 143,600

Division II—Other Costs

All Other Costs	10	\$	9,000
Capital Outlay	10		1,500
			<hr/>

TOTAL \$ 154,100

Stenton

Division I—Salaries

Chief School Officer		\$	18,100
Assistant Superintendent	1		16,000
Directors	2		30,000
Supervisors	3		23,200
Principals	7		91,200
Assistant Principals	1		10,600
Administrative Assistant	1		14,100
Teachers	257		2,169,900
Teachers—Psychologists	1		8,800
Teachers—Speech and Hearing	1		9,500
Teachers—Visiting	1		9,300
Teachers—Driver Education	2-4/5		24,100
Supervisor of Transportation	1		12,600
Clerical	19		106,800

Year Ending June 30, 1971

Custodial	40	230,200
Nurses	6	40,400
Cafeteria	8	46,300
TOTAL SALARIES		\$ 2,861,100
Division II—Other Costs		
All Other Costs	257	\$ 231,300
Capital Outlay	257	38,600
TOTAL		\$ 3,131,000

Meadowood Trainable
(Administered by Stanton)

Division I—Salaries		
Principals	1	\$ 13,300
Teachers	17	134,800
Clerical	3	17,200
Custodial	2	11,500
Nurses	1	7,000
Cafeteria	1	4,400
Attendants and Aides	15	49,700
TOTAL SALARIES		\$ 237,900
Division II—Other Costs		
All Other Costs	32	\$ 28,800
Capital Outlay	32	4,800
TOTAL		\$ 271,500

Woodbridge

Division I—Salaries		
Chief School Officers		\$ 16,500
Principals	4	49,700
Administrative Assistant	1	12,900
Teachers	96	763,600
Teachers—Psychologists	1	8,400
Teachers—Speech and Hearing	1	8,400
Teachers—Driver Education	1	8,400

Year Ending June 30, 1971

Clerical	9	49,500
Custodial	15	86,500
Nurses	2½	15,900
Cafeteria	3	16,600
TOTAL SALARIES		\$ 1,036,400
Division II—Other Costs		
All Other Costs	96	\$ 86,400
Capital Outlay	96	14,400
TOTAL		\$ 1,137,200

*Indian River**Division I—Salaries*

Chief School Officer		\$ 18,100
Assistant Superintendent	1	16,000
Directors	2	30,000
Supervisors	2	23,200
Principals	9	108,400
Assistant Principals	1	8,800
Administrative Assistant	1	13,600
Teachers	269	2,196,700
Teachers—Psychologists	1	10,100
Teachers—Speech and Hearing	1	9,500
Teachers—Visiting	1	6,700
Teachers—Driver Education	2-4/5	24,400
Transportation Supervisor	1	11,600
Clerical	24	131,800
Custodial	42	242,800
Nurses	6	43,100
Cafeteria	10	56,100
TOTAL SALARIES		\$ 2,950,900

Division II—Other Costs

All Other Costs	269	\$ 242,100
Capital Outlay	269	40,400
TOTAL		\$ 3,233,400

Delmar**Year Ending June 30, 1971****Division I—Salaries**

Chief School Officer		\$	15,000
Principals	1		12,700
Administrative Assistant	1		10,000
Teachers	33		277,800
Teachers—Driver Education	4/5		6,900
Clerical	3		20,900
Custodial	7		39,800
Nurses	1		6,600
Cafeteria	1		5,600

TOTAL SALARIES		\$	395,300
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Division II—Other Costs

All Other Costs	33	\$	29,700
Capital Outlay	33		5,000

TOTAL		\$	430,000
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New Castle County Vocational-Technical Center**Division I—Salaries**

Chief School Officer		\$	15,000
Principals	1		13,600
Assistant Principals	2		20,000
Administrative Assistant	1		13,600
Teachers	58		473,300
Teachers—Driver Education	2-2/5		18,300
Clerical	5		31,000
Custodial	5		27,700
Nurses	1		8,000
Cafeteria	1		5,600

TOTAL SALARIES		\$	626,100
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Division II—Other Costs

All Other Costs	58	\$	93,600
Capital Outlay	58		15,600

TOTAL		\$	735,300
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Year Ending June 30, 1971

Kent County Vocational-Technical Center

Division I—Salaries

Chief School Officer		\$	15,000
Principals	1		11,900
Assistant Principals	1		10,600
Administrative Assistants	1		13,600
Teachers	35		294,200
Clerical	3		20,000
Custodial	7		39,800
Nurses	1		5,900
Cafeteria	1		5,700

TOTAL SALARIES		\$	416,700
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Division II—Other Costs

All Other Costs	35	\$	94,500
Capital Outlay	35		15,800

TOTAL		\$	527,000
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Sussex County Vocational-Technical Center

Division I—Salaries

Chief School Officer		\$	13,200
Principals	1		12,300
Administrative Assistant	1		12,900
Teachers	28		238,500
Clerical	2		12,600
Custodial	5		29,600
Nurses	1		5,700
Cafeteria	1		4,700

TOTAL SALARIES		\$	329,500
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Division II—Other Costs

All Other Costs	28	\$	75,600
Capital Outlay	28		12,600

TOTAL		\$	417,700
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Wilmington Board of Education Year Ending June 30, 1971**Division I—Salaries**

Superintendent	\$	18,600
Assistant Superintendents	2	32,600
Directors	6	90,200
Supervisors	6	68,100
Principals	20	263,400
Assistant Principals	9	88,100
Administrative Assistant	1	12,900
Teachers	687	5,864,100
Teachers—Psychologists	4	40,700
Teachers—Speech and Hearing	4	38,600
Teachers—Visiting	2	19,600
Teachers—Driver Education	6-4/5	56,300
Teachers—Homebound Instruction		10,000
Clerical	58	366,100
Custodial	106	599,100
Nurses	17	130,900
Cafeteria	22	124,900
Attendants—Trainable	8	29,200

TOTAL SALARIES \$ 7,853,400

Division II—Other Costs

All Other Costs	687	\$ 618,300
Capital Outlay	687	103,100

TOTAL \$ 8,574,800

Educational Contingency Fund

Growth and Upgrading	\$ 1,500,000
School Building Maintenance—State Board of Education	500,000
Sterck School—Residence	50,000
Minor Capital Improvements	500,000
Monitors—Matching Funds (State \$50,000; Local \$50,000; Total \$100,000)	50,000

TOTAL EDUCATIONAL CONTINGENCY FUND \$ 2,600,000
TOTAL PUBLIC EDUCATION \$ 83,704,500

Year Ending June 30, 1971

TOTAL EDUCATION	\$103,933,700
TOTAL AGENCIES, GRANTS-IN-AID, AND CONTINGENCY FUND	\$134,551,234
GRAND TOTAL AGENCIES, EDUCA- TION, GRANTS-IN-AID, AND CON- TINGENCY FUNDS	<u>\$238,484,934</u>

Section 2. The monies appropriated in Section 1 of this Budget Appropriation Act shall be paid by the State Treasurer from the General Fund.

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.

(2) They shall be payable at any period not exceeding one year from date of the issuance thereof.

(3) They shall be redeemable at the Farmers Bank of Dover on the date of their maturity.

(4) They shall be signed by the Governor, the Secretary of State and the State Treasurer and shall have the State Seal affixed.

(5) The Governor, Secretary of State and State Treasurer shall constitute a commission to negotiate and arrange for the sale or disposition of the revenue anticipation notes or certificates of indebtedness.

(6) The faith and credit of the State of Delaware is pledged for the payment of the principal and interest of the revenue anticipation notes or certificates of indebtedness which shall be exempt from taxation for any purpose by this State.

(7) All expense incident to the advertising, preparing, issuing and delivering of the revenue anticipation notes or certificates, principals and interest thereon shall be paid by the State Treasurer. There is appropriated such sums as may be necessary to pay costs, principals and interest of such revenue anticipation notes or certificates.

(b) If at any time during the fiscal year ending June 30, 1971, but prior to June 15, 1971, 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, 1971. 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, 1971, 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. 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 6. 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 each of the local School Boards of

Education 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 7. 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 8. In the event that any school district shall have more certified units of pupils based on the actual enrollment for September 30, 1970, than the number of units for which appropriation 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, 1970, 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, 1970, 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 based on the actual enrollment for September 30, 1970, 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, 1970.

(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 9. 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 "Custodial" 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", "Assistant Superintendents", "Directors", "Supervisors", "Specialists", "Teachers", "Clerical" and "Custodial" 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, 1970, except in the event such employee is reduced in classification or in months employed.

Section 10. (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 "Custodial", pursuant to Chapter 13, Title 14, Delaware Code. Said board may also employ such other additional personnel who are paid entirely from Federal or other than State Funds.

(c) Local School Boards of Education 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 outside of regularly scheduled school hours.

Section 11. The funds herein appropriated to the State Board of Education in Section 1 of this Act specifically exclude salaries for the Director of Adult and Continuing Education, Director of Pupil Personnel and Services to Exceptional Children, Supervisor of Research, Supervisor of Physical Education and Athletics, one Supervisor of Transportation, and the Supervisor for Exceptional Children (TMR/EMR), and such positions shall be abolished effective June 30, 1970.

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, 1969.

(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. (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. 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. In the event that an employee shall receive such excessive compensation, the amount of the appropriation from the General Fund shall be reduced by the amount of such excessive compensation and the Attorney General shall take such steps as are necessary to recover from such employee any such excessive amount as has actually been paid at the end of the fiscal year. In the event 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.

(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 employer, and be paid additional compensation therefor, provided such additional duties are not a part of the regular duties of the principal employer.

Section 15. (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 and 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 employee 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 June 30, 1970 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.

(e) It is the intent of this Budget Act that the number of employees, other than public school employees, shall not exceed the total number set forth in Section 1. It is also the intent of this Budget Act that the grand total Salary Appropriations, other than public school employees, shall not exceed that set forth in Section 1.

Section 16. 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.

Section 17. 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 18. The sum of \$1,850,000 appropriated to the Department of Health and Social Services for Title XIX 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 requirements of Section 121 (a) of P. L. 89-97 enacted by the Congress of the United States and commonly known as Title XIX of the Social Security Act.

(b) The State Plan of Medical Care to be carried out by the Department of Health and Social Services 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 Health and Social Services to the hospitals participating in this program on a per diem basis for the cost of services provided.

(c) The Department of Health and Social Services shall endeavor to assure that each hospital listed herein shall receive during the fiscal year payments from the Department of Health and Social Services 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 19. The sum of up to \$500,000 appropriated to the Department of Health and Social Services for Title XIX Federal Programs in State institutions shall be expended solely in accordance with the following conditions and limitations:

(a) The sum of up to \$480,000 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 Health and Social Services.

(b) The sum of up to \$20,000 may be expended by the Department of Health and Social Services for administrative costs involved in carrying out the purposes of this section based on prior approval of the Budget Director.

(c) The funds hereby appropriated shall be expended only on the condition that the program is approved and federal match-in funds are provided by the appropriate federal agency.

Section 20. 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 21. 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, establish rates that are comparable to rates paid from State appropriated funds to employees with similar training and experience and in similar positions in the classified service.

Section 22. 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, 1970. 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 23. The Budget Director shall make a monthly report of all transfers of funds and positions between agencies and within agencies with appropriate justification to the Controller General of the Joint Finance Committee.

Section 24. 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 Beverage Control Commission, and certain special use vehicles operated by the Department of Health and Social Services, Division of Corrections.

Section 25. 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 26. 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 18, 1970.

CHAPTER 570

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 87 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF STATE, 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 87 to read as follows:

CHAPTER 87. DEPARTMENT OF STATE**§ 8701. Establishment of Department of State**

(a) A Department of State is hereby established having, in addition to the other powers, duties and functions vested in the Department by the provisions of this Chapter, the following powers, duties and functions:

(1) The Department of State shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Secretary of State pursuant to the provisions of Title 29, Delaware Code, Chapter 23.

§ 8702. Secretary; Division Directors; Acting Secretary; Appointment

(a) The administrator and head of the Department shall be the Secretary of State, and preference shall be given to a resident of this State provided that he is acceptable and equally qualified. The Secretary of State shall be appointed by the Governor as provided in the Constitution of the State of Delaware. 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 Assistant to the Secretary of State and division director as are vacant. Persons so appointed shall serve at the pleasure of the Governor and upon the position of Secretary being filled such persons 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 Assistant to the Secretary of State or the director of any division of the Department to serve as Acting Secretary. The Secretary may, during his absence from the State, appoint the Assistant to the Secretary of State or 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.

§ 8703. Powers, duties and functions of the Secretary

The Secretary of State shall have, in addition to his other powers, duties and functions as provided by law, 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 director, 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 Corporations, who shall be known as the Director of Corporations, and who shall be qualified by training and experience to perform the duties of his office.

(2) A Director of the Division of Archives and Cultural Affairs, who shall be known as the Director of Archives and Cultural Affairs, 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 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.

§ 8704. Division of Corporations

(a) The Division of Corporations is hereby established having powers, duties and functions as follows:

(1) The Division of Corporations shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Secretary of State pursuant to the provisions of Title 5A, Delaware Code, and Title 8, Delaware Code.

§ 8705. Division of Archives and Cultural Affairs

(a) The Division of Archives and Cultural Affairs is hereby established having powers, duties and functions as follows:

(1) The Division of Archives and Cultural Affairs 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 Public Archives Commission and the State Archivist pursuant to the provisions of Title 29, Delaware Code, Chapter 33;

(ii) The Lewes Memorial Commission pursuant to the provisions of Title 7, Delaware Code, Chapter 49;

(iii) The Delaware Day Commission pursuant to the provisions of Title 29, Delaware Code, Chapter 37;

(iv) The Portrait Commission pursuant to the provisions of Title 29, Delaware Code, Chapter 35;

(v) The Delaware Archaeological Board pursuant to the provisions of Title 7, Delaware Code, Chapter 54.

§ 8706. Council on Archives and Cultural Affairs

(a) There is hereby established the Council on Archives and Cultural Affairs.

(b) The Council on Archives and Cultural Affairs shall serve in an advisory capacity to the Director of Archives and Cultural Affairs and shall consider matters relating to the care and preservation of historical and current public records; the ac-

quisition, care and preservation of historic buildings, sites or objects within this State; the perpetuation of our national heritage and culture and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Archives and Cultural Affairs. 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 Archives and Cultural Affairs, upon the effective date of this Chapter, shall be composed of the members of the Public Archives Commission, the Lewes Memorial Commission, the Delaware Day Commission, the Portrait Commission and the Delaware Archaeological Board whose terms, as of the effective date of this Chapter, have not expired, and the Chairman of the Delaware State Arts Council and the Poet Laureate who shall serve on the Council ex-officio as voting members. Each member shall serve as a member of the Council on Archives and Cultural Affairs for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. When the number of 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 newly appointed 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. 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), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties. At least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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.

§ 8707. Books, records; access; annual report

(a) The Council on Archives and Cultural Affairs shall have access to all books, records, reports and other documents relating to the Division of Archives and Cultural Affairs unless otherwise prohibited by law.

(b) The Chairman of the Council of Archives and Cultural Affairs shall make an annual report of the activities of the Council 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.

§ 8708. 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 State;
- (b) Assistant to the Secretary of State;
- (c) Director of Corporations;
- (d) Director of Archives and Cultural Affairs.

§ 8709. 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 Secretary of State, the Public Archivies Commission and the State Archivist, the Lewes Memorial Commission, the Delaware Day Commission, the Portrait Commission and the Delaware Archaeological Board 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.

§ 8710. 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.

§ 8711. 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 State 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 functions as established and created herein.

§ 8712. Annual Report

The Secretary of the Department shall make an annual report to the Governor and the General Assembly of the Department's operation, and render such other reports as the Governor or General Assembly may from time to time request or as may be required by law.

§ 8713. 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.

§ 8714. 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.

§ 8715. 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 Section 1 of this Act shall become effective on the date which the Governor designates in 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, 1971, for the purpose 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, 1971, 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 State.

Approved June 22, 1970.

CHAPTER 571

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 85 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF LABOR, 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 85 to read as follows:

CHAPTER 85. DEPARTMENT OF LABOR

§ 8501. Establishment of Department of Labor

(a) A Department of Labor is hereby established. The Department of Labor shall have, in addition to the other powers, duties and functions vested in the Department by the provisions of this Chapter, the following powers, duties and functions:

(1) The Department of Labor 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 Labor and Industrial Relations pursuant to the provisions of Title 19, Delaware Code, Chapters 1 and 13 except as provided in §8513 of this Chapter;

(ii) The Delaware State Development Department pursuant to the provisions of Title 29, Delaware Code, §4103 (c), only;

(iii) The Employment Security Commission of Delaware pursuant to the provisions of Title 19, Delaware Code, Chapters 31 and 33, not otherwise specifically assigned to an office, division or board in the Department.

§ 8502. Secretary; Division Directors; Acting Secretary; Appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Labor, 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 \$28,000.

(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 the 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.

§ 8503. 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 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) An administrator and head of the Office of Administration, who shall be known as the Chief of Administration, and who shall be qualified by training and experience to perform the duties of his office.

(2) 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 qualified by training and experience to perform the duties of his office.

(3) A Director of the Division of Employment Services, who shall be known as the Director of Employment Services, and who shall be qualified by training and experience to perform the duties of his office.

(4) A Director of the Division of Unemployment Insurance, who shall be known as the Director of Unemployment Insurance, and who shall be qualified by training and experience to perform the duties of his office.

(5) A Director of the Division of Industrial Affairs, who shall be known as the Director of Industrial Affairs, and who shall be qualified by training and experience to perform the duties of his office.

(6) A Director of the Division of Vocational Rehabilitation, who shall be known as the Director of Vocational Rehabilitation, 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.

§ 8504. Office of Administration

(a) The Office of administration is hereby established having powers, duties and functions as follows:

(1) The Office of Administration shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions respecting administrative services heretofore performed by the Employment Security Commission of Delaware in the exercise of its powers and duties pursuant to the provisions of Title 19, Delaware Code, Chapters 31 and 33.

(2) In addition to the foregoing, the Office of Administration shall administer and coordinate the record keeping, transportation, fiscal affairs, data processing, accounting, statistics, 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 shall coordinate such general services and business administration with other departments, agencies and offices of the Government of this State.

§ 8505. Office of Planning, Research and Evaluation

(a) The Office of Planning, Research and Evaluation is hereby established having powers, duties and functions as follows:

(1) The Office of Planning, Research and Evaluation shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions respecting statistical research and analysis regarding employment and unemployment heretofore performed by the Employment Security Commission of Delaware in the exercise of its powers and duties pursuant to the provisions of Title 19, Delaware Code, Chapters 31 and 33.

(2) In addition to the foregoing, the Office of Planning, Research and Evaluation shall 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.

§ 8506. Division of Employment Services

(a) The Division of Employment Services is hereby established having powers, duties and functions as follows:

(1) The Division of Employment Services shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions respecting employment services heretofore performed by the Employment Security Commission of Delaware in the exercise of its powers and duties pursuant to the provisions of Title 19, Delaware Code, Chapters 31 (except for §3155 which shall be vested in the Department of Finance and the Department of Administrative Services as provided by law) and 33.

§ 8507. Council on Employment Services

(a) There is hereby established the Council on Employment Services.

(b) The Council on Employment Services shall serve in an advisory capacity to the Director of Employment Services and in

cooperation with the United States Department of Labor, shall consider matters relating to the formulation of policies and the development and maintenance of impartial, non-partisan standards in the administration of and the selection of the personnel of employment services. The Council shall also consider matters relating to the promotion of public understanding of the purposes, policies, and practices of employment services and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Employment 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 Employment Services, upon the effective date of this Chapter, shall be composed of the members of the Department of Labor and Industrial Relations whose terms, as of the effective date of this Chapter, have not expired and the Chairman of the Council on Apprenticeship and Training. The members of the Department of Labor and Industrial Relations shall serve as members of the Council for the period of their unexpired term. The Council shall be composed of seven (7) members. The terms of the newly appointed 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 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.

(d) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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 may 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 re-election.

(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.

§ 8508. Division of Unemployment Insurance

(a) The Division of Unemployment Insurance is hereby established having powers, duties and functions as follows:

(1) The Division of Unemployment Insurance shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions respecting unemployment insurance services heretofore performed by the Employment Security Commission of Delaware in the exercise of its powers and duties pursuant to the provisions of Title 19, Delaware Code, Chapters 31, and 33, except as set forth in §8509 below.

(2) The administrative, ministerial, fiscal and clerical functions heretofore performed by the Employment Security Commission of Delaware in the exercise of its powers and duties as a review board, pursuant to the provisions of Title 19, Delaware Code, Chapters 31 and 33, shall be performed by the Division of Unemployment Insurance.

§ 8509. Unemployment Insurance Appeal Board

(a) The Employment Security Commission of Delaware, created by Title 19, Delaware Code, Chapter 31, hereby renamed the Unemployment Insurance Appeal Board, is continued as a review board.

(b) Except as otherwise provided in § 8508 (a) (2) above, the Unemployment Insurance Appeal Board is vested with the membership, remuneration, organization, powers, duties and functions heretofore vested in the Employment Security Commission in its capacity as a review board, with the power to hear

appeals from the decisions of appeal tribunals as the same heretofore existed respecting decisions of appeal tribunals pursuant to the provisions of Title 19, Delaware Code, Chapters 31 and 33. The right of appeal from determinations of the Employment Security Commission heretofore existing pursuant to law is hereby continued respecting appeals from determinations of the Unemployment Insurance Appeal Board.

§ 8510. Division of Industrial Affairs

(a) The Division of Industrial Affairs is hereby established having powers, duties and functions as follows:

(1) The Division of Industrial Affairs 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 Labor and Industrial Relations, the Labor Commission, the State Child Labor Inspector, the Labor Inspector and the State Mediation Service pursuant to the provisions of Title 19, Delaware Code, Chapter 1, except § 104 thereof, and Chapter 5;

(ii) The Department of Labor and Industrial Relations and the State Apprenticeship and Training Council pursuant to the provisions of Title 19, Delaware Code, Chapter 2;

(iii) The Labor Commission of Delaware and the Division Against Discrimination pursuant to the provisions of Title 19, Delaware Code, Chapter 7;

(iv) The Department of Labor and Industrial Relations pursuant to the provisions of Title 19, Delaware Code, Chapters 8, 9, and 11.

(2) The administrative, ministerial, fiscal and clerical functions of the Industrial Accident Board, set forth in Title 19, Delaware Code, Chapter 21, shall be performed by the Division of Industrial Affairs.

§ 8511. Industrial Accident Board

(a) The Industrial Accident Board, created by the provisions of Title 19, Delaware Code, Chapter 21, is hereby continued.

(b) Except as otherwise provided in § 8510 (a) (2) above, the Industrial Accident Board is vested with the membership, remuneration, organization, meetings, powers, duties and functions heretofore vested in the Industrial Accident Board by law including jurisdiction of all cases arising under Title 19, Delaware Code, Chapters 21 and 23. The right of appeal from determinations of the Industrial Accident Board heretofore existing pursuant to law is hereby continued.

§ 8512. Council on Apprenticeship and Training

(a) There is hereby established the Council on Apprenticeship and Training.

(b) The Council on Apprenticeship and Training shall serve in an advisory capacity to the Secretary of Labor and shall consider matters relating to apprenticeship and occupational training and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Industrial Affairs. 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 Apprenticeship and Training, upon the effective date of this Chapter, shall be composed of the members of the State Council on Apprenticeship and Training whose terms, as of the effective date of this Chapter, have not expired, with the exception of the Chairman of the Department of Labor and Industrial Relations whose term shall end as of the effective date of this Chapter. Each member shall serve on the Council on Apprenticeship and Training for the period of his unexpired term, unless he vacates his position by resignation, death or incapacity. The Council shall be composed of seven (7) members, six (6) of whom shall be appointed by the Governor. Three of the appointed members shall be representative of employee organizations and three of the appointed members shall be representative of employers. The Director of the Department for Vocational Education shall be an ex-officio voting member of the Council. The State Supervisor of the United States Department of Labor, Bureau of Apprenticeship and training, shall be a consultant to the Council. The terms of the newly appointed 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 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.

(d) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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 re-election.

(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.

§ 8513. Division of Vocational Rehabilitation

(a) The Division of Vocational Rehabilitation is hereby established having powers, duties and functions as follows:

(1) The Division of Vocational Rehabilitation shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions respecting vocational rehabilitation heretofore vested in the State Board for Vocational Education-Rehabilitation Division pursuant to the provisions of Title 14, Delaware Code, Chapter 33.

(b) In implementing the transfer of personnel of the Division of Vocational Rehabilitation into the classified service under Title 29, Delaware Code, Chapter 59, the State Personnel Com-

mission is directed to assign all positions of professional categories so that the salary schedules for the fiscal year ending June 30, 1971, set forth in Senate Bill No. 418 of the 125th General Assembly, as amended, shall, insofar as practicable, be incorporated into the classifications and pay plans of the Commission. In no event shall the minimum, intermediate, or maximum amounts for any position be less than those which would otherwise have been available to such personnel. The State Personnel Commission is further directed to assign all positions of non-professional personnel to appropriate positions and pay grades within the classifications and pay plans of the Commission; provided, however, that if the present salary of any such employee is not at an even step of a pay grade he shall be paid at the next higher even step and, further provided, that in no event shall the salary paid any such employee be lower than that for which he would otherwise be eligible as of July 1, 1970.

§ 8514. Governor's Council on Labor

(a) There is hereby established the Governor's Council on Labor.

(b) The Governor's Council on Labor, upon the effective date of this Chapter, shall be composed of the members of the Department of Labor and Industrial Relations whose terms, as of the effective date of this Chapter, have not expired and the Chairman of the Council on Apprenticeship and Training. The members of the Department of Labor and Industrial Relations shall serve as members of the Council for the period of their unexpired term. The Council shall be composed of seven (7) members. The terms of the newly appointed 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 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.

(c) The term of the ex-officio member of the Council shall coincide with his term as Chairman of the Council on Apprenticeship and Training.

(d) The Governor's Council on Labor shall advise, recommend and refer to the Secretary of the Department matters which, in its opinion are of Departmental concern, and shall con-

sider such other matters as may be referred to it by the Secretary of the Department or the Governor. The Council may also 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.

(e) In addition to the foregoing, the Governor's Council on Labor shall, after hearing upon reasonable notice, recommend to the Secretary the unit appropriate for the purpose of collective bargaining, as provided in Title 19, Delaware Code, Chapter 13. The Secretary, in each case, shall determine the unit appropriate for the purpose of collective bargaining, as provided in §8501 of this Chapter.

(1) If the Council, for any reason, shall fail to hold a hearing or shall hold a hearing but shall fail to make a recommendation to the Secretary within a reasonable period of time following notification by the Secretary, the Secretary may, with the approval of the Governor, upon twenty (20) days' prior written notice to the Chairman of the Council, determine the appropriate collective bargaining unit, notwithstanding the failure of the Council to hold a hearing or make its recommendations, or both.

(f) At least three (3), but no more than four (4) of the members of the Council shall be affiliated with one of the major political parties; at least two (2), but no more than three (3) of the members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

§ 8515. Books, records; access; annual report

(a) The Governor's Council on Labor shall have access to all books, records, reports, and other documents relating to the Department of Labor unless otherwise prohibited by law.

(b) The various councils of the division of the Department of Labor 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 Labor 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.

§ 8516. 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 Labor;
- (2) Chief of Administration;
- (3) Chief of Planning, Research and Evaluation;
- (4) Director of Employment Services;
- (5) Director of Unemployment Insurance;
- (6) Director of Industrial Affairs;
- (7) Director of Vocational Rehabilitation.

§ 8517. Merit System Coverage

Notwithstanding any other provisions of this Chapter, the Secretary of Labor, with the approval of the Governor, is authorized and directed to take such action with respect to merit system coverage of personnel as may be necessary to qualify, or continue the eligibility of, this State for grants-in-aid under any Federal law or program.

§ 8518. 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 the powers, duties and functions vested by law in the Department of Labor and Industrial Relations, Employment Security Commission of Delaware, State Mediation Services, State Apprenticeship and Training Council,

Industrial Accident Board and State Board for Vocational Education-Rehabilitation Division 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, excepting only those powers, duties and functions hereinabove expressly vested in or retained by any such person, department, board, commission or agency.

§ 8519. 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, or office to which such function is hereby transferred, and each appeal shall be perfected in the manner heretofore provided by law.

§ 8520. 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 reference 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 Labor 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 functions 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.

§ 8521. 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.

§ 8522. 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.

§ 8523. 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.

§ 8524. 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 Section 1 of this Act shall become effective on the date which the Governor designates in 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, 1971, for the purpose 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, 1971, 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 Labor.

Approved June 22, 1970.

CHAPTER 572

AN ACT TO AMEND CHAPTER 92, VOLUME 23, LAWS OF DELAWARE, AS AMENDED, BEING "AN ACT TO PROVIDE FOR THE ORGANIZATION AND CONTROL OF THE PUBLIC SCHOOLS OF THE CITY OF WILMINGTON" BY PROVIDING THAT THE BOARD OF PUBLIC EDUCATION IN THE CITY OF WILMINGTON CONSIST OF SEVEN (7) MEMBERS, FOUR OF WHOM SHALL BE APPOINTED BY THE GOVERNOR AND THREE (3) OF WHOM SHALL BE APPOINTED BY THE MAYOR OF THE CITY OF WILMINGTON.

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

Section 1. Chapter 92, Volume 23, Laws of Delaware, as Amended, is amended by striking Section 3 and inserting in lieu thereof a new Section 3 to read as follows:

Section 3. Beginning July 1, 1970, the Board of Public Education in Wilmington shall consist of seven (7) members, four (4) of whom shall be appointed by the Governor of the State of Delaware and three (3) of whom shall be appointed by the Mayor of the City of Wilmington. In case a vacancy shall occur in the office of a member of the Board of Public Education in Wilmington after it is comprised of seven (7) members for any cause, the vacancy thereby created shall be filled by the Governor of the State of Delaware, if the Governor had appointed the member creating the vacancy, or by the Mayor of the City of Wilmington, if the Mayor had appointed the member creating the vacancy. The vacancy thereby created shall be filled by the appointment of a competent person to serve for the remainder of such term. There shall be a President of the Board who should be elected by the members of the "Board of Public Education in Wilmington" and shall hold office until a new election is held by the Board. No more than four (4) members of the Board shall belong to the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Board. No member of City Council or the General

Assembly shall be a member of the Board of Public Education in Wilmington.

Section 2. Chapter 92, Volume 23, Laws of Delaware, as Amended, is hereby amended by deleting the first sentence of Section 9 and inserting in lieu thereof the following new sentence:

Four (4) members shall form and constitute a quorum for the transaction of business.

Approved June 22, 1970.

CHAPTER 573

**AN ACT DIRECTING THE STATE BOARD OF EDUCATION
TO APPROVE AN AMENDED CERTIFICATE OF NEC-
CESSITY FOR THE CAPITAL IMPROVEMENT RE-
QUESTS OF THE MARSHALLTON McKEAN SCHOOL
DISTRICT.**

WHEREAS, the construction of Marbrook School in the Marshallton District was approved by the State Board of Education and the Marshallton School Board as an experimental project; and

WHEREAS, the school plant has proven satisfactory in most respects, but the Marshallton School Board has requested funds beyond the square foot formula in order to enclose the physical education facility, and thereby make it more useful; and

WHEREAS, the suggested improvement has an estimated cost of \$85,000; and

WHEREAS, the State Board of Education has already approved a sum of \$354,640 for administrative offices on the accepted square foot formula; and

WHEREAS, the Marshallton McKean School Board has devised, by purchasing and renovating an existing building, a plan to furnish adequate administrative facilities at less cost than the approved square foot formula for capital improvements;

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 State Board of Education is hereby directed to issue an amended certificate of necessity in the same amount as approved in a letter dated September 26, 1969, from Robert Durkee, Director School Plant Services, to School Superintendents.

Section 2. The approved sum in the amounts of \$1,107,000 State funds and \$738,000 local funds shall include site work and an addition of 30,000 square feet to McKean High School, Administrative Offices, an addition to Marshallton Elementary School cafeteria of 1687 square feet, an addition to Brandywine Springs Junior High of 5580 square feet, and the enclosure of the physical education facility at Marbrook School.

Section 3. The Administration Building constructed must meet the State's minimum adequate design criteria for such structures.

Section 4. The Marshallton-McKean School District agrees by accepting the funds herein appropriated that it will accept the financial responsibility for constructing the Administration Building of the scope of the referenced Administration Building to meet the minimum adequate design criteria of the State and that no additional State funds will be requested for the additional site work described in Section 2 of this Act.

Section 5. This law shall become effective upon the enactment of the Education Capital Improvements Bond Bill of 1971.

Approved June 22, 1970.

CHAPTER 574

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE FIRE PREVENTION COMMISSION,
OFFICE OF THE STATE FIRE MARSHAL, FOR OP-
ERATION OF THE OFFICE ENDING JUNE 30, 1970.**

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

Section 1. The sums of One Thousand Dollars (\$1,000) to Contractural Services and Two Thousand Dollars (\$2,000) to supplies and materials are hereby appropriated to the State Fire Prevention Commission, Office of the State Fire Marshal of the State of Delaware, for the fiscal year ending June 30, 1970. These sums are to be expended for motor vehicle repair and service, dues, advertising, machine rental, uniforms, tires and accessories, and photography supplies.

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 22, 1970.

Section 2. The approved sum in the amounts of \$1,107,000 State funds and \$738,000 local funds shall include site work and an addition of 30,000 square feet to McKean High School, Administrative Offices, an addition to Marshallton Elementary School cafeteria of 1687 square feet, an addition to Brandywine Springs Junior High of 5580 square feet, and the enclosure of the physical education facility at Marbrook School.

Section 3. The Administration Building constructed must meet the State's minimum adequate design criteria for such structures.

Section 4. The Marshallton-McKean School District agrees by accepting the funds herein appropriated that it will accept the financial responsibility for constructing the Administration Building of the scope of the referenced Administration Building to meet the minimum adequate design criteria of the State and that no additional State funds will be requested for the additional site work described in Section 2 of this Act.

Section 5. This law shall become effective upon the enactment of the Education Capital Improvements Bond Bill of 1971.

Approved June 22, 1970.

CHAPTER 574

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE FIRE PREVENTION COMMISSION,
OFFICE OF THE STATE FIRE MARSHAL, FOR OP-
ERATION OF THE OFFICE ENDING JUNE 30, 1970.**

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

Section 1. The sums of One Thousand Dollars (\$1,000) to Contractural Services and Two Thousand Dollars (\$2,000) to supplies and materials are hereby appropriated to the State Fire Prevention Commission, Office of the State Fire Marshal of the State of Delaware, for the fiscal year ending June 30, 1970. These sums are to be expended for motor vehicle repair and service, dues, advertising, machine rental, uniforms, tires and accessories, and photography supplies.

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 22, 1970.

CHAPTER 575

AN ACT TO AMEND TITLE 30, CHAPTER 23, DELAWARE CODE, WITH REFERENCE TO THE TAX STATUS OF PERSONS ENGAGED IN THE BUSINESS OF OPERATING SCHOOL BUSES.

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

Section 1. Amend Chapter 23 of Title 30, Delaware Code, by adding the following words to the paragraph in Section 2301 (a) entitled "Taxicab or Bus Operator":

This tax shall not apply, however, in the operation of school buses used solely in the transportation of children to and from kindergarten, grade school, vocational school and high school.

Section 2. This Act is retroactive to, and effective from May 30, 1969.

Approved June 22, 1970.

CHAPTER 576

**AN ACT TO AMEND SECTION 1307 (c), CHAPTER 13,
TITLE 14, DELAWARE CODE, RELATING TO ASSIST-
ANT PRINCIPALS.**

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

Section 1. Strike in Sections 1307 (c) the sentence reading :

An assistant principal shall be paid from state funds for ten months per year the amount for which he is eligible under Section 1305 (a) of this Title plus an annual amount for administrative responsibility to be determined in accordance with the following schedule and substitute in lieu the following :

Assistant principals in senior high schools, junior high schools and middle schools shall be paid from state funds for twelve months per year the amount for which they are eligible under Section 1305 (a) of this title plus an annual amount for administrative responsibility to be determined in accordance with the following schedule (elementary school assistant principals being paid from state funds for only ten months) :

Approved June 22, 1970.

CHAPTER 577

AN ACT TO AMEND SECTION 2804, TITLE 10, DELAWARE CODE, RELATING TO SALARIES OF THE JUSTICE OF THE PEACE CONSTABLES.

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

Section 1. Subparagraph (a), Section 2804, Title 10, Delaware Code, is amended by striking subparagraph "(a)" in its entirety, and inserting in lieu thereof the following new subparagraph "(a)" to read as follows:

(a) Constables appointed pursuant to this Chapter and who devote $37\frac{1}{2}$ hours per week to their duties as Constables for the Magistrate Courts shall receive an annual salary of not less than \$5,000 and not more than \$6,500. A Constable who has more than one year of continuous service may, at the discretion of the Chief Justice of the Supreme Court, thereafter receive, not more frequently than once every twelve months, a salary increase for each subsequent year of service, such salary increase not to exceed \$500 in any fiscal year. Each Constable shall serve at the pleasure of the Chief Justice.

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

Section 2. This Act shall become effective July 1, 1970.

Approved June 22, 1970.

CHAPTER 578

AN ACT TO AMEND SECTION 4703 (a), CHAPTER 47, TITLE 7, DELAWARE CODE, BY ADDING THERETO A NEW SUBPARAGRAPH EXTENDING THE POWERS AND DUTIES OF THE STATE PARK COMMISSION TO INCLUDE THE LEASING OF LANDS FOR PARK AND RECREATIONAL PURPOSES.

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

Section 1. Section 4703 (a), Chapter 47, Title 7, Delaware Code, is amended by adding a new subparagraph thereto, being subparagraph (10), to read as follows:

(10) Select and obtain, by lease or agreement with the owners thereof, and upon such terms and conditions as the Commission, with the approval of the State Planning Office, shall determine, such lands as the Commission deems appropriate and desirable for park and recreation use and purposes and to improve, develop, operate and maintain such lands for such purposes. The Commission may only exercise the powers herein granted by lease or agreement entered into with the Federal Government or with a municipality, agency or political subdivision of the State of Delaware.

Approved June 22, 1970.

CHAPTER 579

AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 80, BY PROVIDING THAT A BOND IN THE AMOUNT OF \$1,000,000 BE POSTED PRIOR TO ANY EXPLORATION, EXPLOITATION, PUMPING OR TRANSFER OF OFF-SHORE MINERALS TO SECURE TO THE STATE DAMAGES AND CLAIMS ARISING THEREFROM.

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

Title 29, Delaware Code, Chapter 80, Section 8003, is hereby amended by adding thereto a new subsection to be designated as Section 8003 (j) and to read as follows:

(J) To require, prior to any exploration or exploitation of off-shore minerals, or any pumping or transfer operation of off-shore minerals from a ship to another ship, or from a ship to land, or vice versa, that a bond in the amount of at least \$1,000,000 be posted to secure to the State damages and claims arising from the operations thereunder.

Approved June 22, 1970.

CHAPTER 580

AN ACT RELATING TO THE RECLAMATION OF SOLID WASTE AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE PLANNING AND ENGINEERING DESIGN FOR A PILOT SYSTEM OR PROCESS FOR RECLAMATION OF SOLID WASTE AND TO ISSUE BONDS AND NOTES THEREFOR; AND EMPOWERING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO ADMINISTER, REGULATE AND DISTRIBUTE SUCH FUNDS, AND APPROPRIATING THE MONEY BORROWED TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

WHEREAS, the health and welfare of the people of this State require that land, water and air be protected against contamination by the disposal of solid waste; and

WHEREAS, the volume of solid waste is rapidly increasing because of the population explosion and modern packaging practices; and

WHEREAS, it is becoming increasingly more difficult to obtain suitable areas for the disposal of this growing volume of solid waste; and

WHEREAS, valuable resources are lost when solid waste is buried or burned; and

WHEREAS, a project for the recycling and reclamation of solid waste would greatly reduce the land area needed for solid waste disposal and would reclaim the valuable resources now lost; and

WHEREAS, the State of Delaware is recognized as the chemical capital of the world and is a center of knowledge and understanding in chemistry, physics and biology, and if this knowledge is pooled and addressed to the problem of solid waste, we in Delaware can solve a major portion of the problem;

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. Definitions:

(a) Qualified consultant — A company or firm designated by the Governor's Committee on Solid Waste as the responsible agent of the State for the planning, design, construction and operation of a solid waste reclamation project.

Section 2. The Department of Health and Social Services is hereby empowered to administer the provisions of this act and to distribute the funds provided herein to the qualified consultant. The Department of Health and Social Services shall require the consultant to supply it with estimates of costs, time schedules, the scope of the planning and design activities and any other documentation the Department of Health and Social Services considers reasonable to enable proper identification of the costs of this phase of the pilot reclamation project.

Section 3. There is hereby appropriated to the Department of Health and Social Services the sum of \$1,000,000 or so much as shall be received from the sale of bonds and notes hereinafter authorized, which shall be used for the planning and design of a pilot reclamation system or process.

Section 4. Any sums hereby appropriated remaining unexpended or unencumbered on June 30, 1970 shall not revert to the General Fund but any funds hereby appropriated remaining unexpended or unencumbered on June 30, 1971 shall revert to the General Fund.

Section 5. The said sum of \$1,000,000 shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code. For purposes of identification, the bonds issued pursuant to this authorization Act may be known, or referred to as "Solid Waste Reclamation Project Bonds of 1971".

Section 6. There is hereby appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which

becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 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.

Approved June 22, 1970.

CHAPTER 581

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 88 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF ADMINISTRATIVE SERVICES, 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 88 to read as follows:

**CHAPTER 88. DEPARTMENT OF
ADMINISTRATIVE SERVICES.**

§ 8801. Establishment of Department of Administrative Services

A Department of Administrative Services is hereby established.

§ 8802. Secretary; Division Directors; Acting Secretary; appointment

(a) The administrator and head of the Department shall be the Secretary of the Department of Administrative Services, 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 \$25,000.

(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.

§ 8803. 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 State Buildings who shall be known as the Director of State Buildings, and who shall be qualified by training and experience to perform the duties of his office.

(2) A Director of the Division of Purchasing who shall be known as the Director of Purchasing and, who shall be qualified by training and experience to perform the duties of his office.

(3) A Director of the Division of Central Data Processing who shall be known as the Director of Central Data Processing, and who shall be qualified by training and experience to perform the duties of his office.

(4) A Director of the Division of Business and Occupational Regulation who shall be known as the Director of Business and Occupational Regulation, 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 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.

§ 8804. Division of State Buildings

(a) The Division of State Buildings is hereby established having powers, duties and functions as follows:

(1) The Division of State Buildings shall supervise and account for the administration and operation of the communication services provided by the State telephone system, the messenger service and the mail department, heretofore administered by the Secretary of State.

(2) The Division of State Buildings 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 Building and Grounds Commission pursuant to the provisions of Title 29, Delaware Code, Chapter 31;

(ii) The Custodian of the State House pursuant to the provisions of Title 29, Delaware Code, Chapter 45;

(3) The administrative ministerial, fiscal and clerical functions of the Wilmington Civic Center State Office Building Commission, as established by law, shall be performed by the Division of State Buildings:

(i) Except as otherwise provided in (3) above, the membership, remuneration, organization, meetings, powers, duties and functions of the Wilmington Civic Center State Office Building Commission shall remain as prescribed by law.

§ 8805. Council on State Buildings

(a) There is hereby established the Council on State Buildings.

(b) The Council on State Buildings shall serve in an advisory capacity to the Director of State Buildings and shall consider matters relating to the planning, construction and maintenance of all State buildings and the planning and maintenance of all State lands and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of State Buildings. 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 State Buildings, upon the effective date of this Chapter, shall be composed of the members of the State Building and Grounds Commission whose terms, as of the effective date of this Chapter, have not expired. Each member of the

State Buildings and Grounds Commission shall serve as a member of the Council for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. The Council shall be composed of seven (7) members. The Governor shall appoint new members. The terms of the newly appointed 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) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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.

§ 8806. Division of Purchasing

(a) The Division of Purchasing is hereby established having powers, duties and functions as follows:

(1) The Division of Purchasing shall have the power to perform and shall be responsible for the performance of all the

powers, duties and functions heretofore vested in the State Distribution Agency pursuant to the provisions of Title 29, Delaware Code, Chapter 68.

§ 8807. Division of Central Data Processing

(a) The Division of Central Data Processing is hereby established having powers, duties and functions as follows:

(1) The Division of Central Data Processing shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Budget Director and the State Central Data Processing Division pursuant to the provisions of Title 29, Delaware Code, Chapter 66.

§ 8808. Division of Business and Occupational Regulation

(a) The Division of Business and Occupational Regulation is hereby established having powers, duties and functions as follows:

(1) The administrative, ministerial, budgetary and clerical functions, including but not limited to appointment, removal, compensation and duties of employees as provided by law, of the following commissions, board and agencies, shall be performed by the Division of Business and Occupational Regulation:

(i) State Board of Accountancy as set forth in Title 24, Delaware Code, Chapter 1;

(ii) The Delaware Alcoholic Beverage Control Commission as set forth in Title 4, Delaware Code, Chapter 3;

(iii) Board of Examiners and Registration of Architects as set forth in Title 24, Delaware Code, Chapter 3;

(iv) State Athletic Commission as set forth in Title 28, Delaware Code, Chapter 1;

(v) Bingo Control Commission as set forth in Title 28, Delaware Code, Chapter 11;

(vi) State Board of Electrical Examiners as set forth in Title 24, Delaware Code, Chapter 14;

(vii) State Board of Registration for Professional Engineers and Land Surveyors as set forth in Title 24, Delaware Code, Chapter 27;

(viii) Delaware Harness Racing Commission as set forth in Title 28, Delaware Code, Chapter 5;

(ix) The Board of Pilot Commissioners as set forth in Title 23, Delaware Code, Chapter 1;

(x) Public Service Commission as set forth in Title 26, Delaware Code, Chapter 1;

(xi) Delaware Racing Commission as set forth in Title 28, Delaware Code, Chapter 3;

(xii) Delaware Real Estate Commission as set forth in Title 24, Delaware Code, Chapter 29;

(xiii) Board of Trustees of the Delaware Standardbred Development Fund as set forth in Title 28, Delaware Code, Chapter 5, Subchapter V;

(xiv) State Bank Commissioner, Bank Advisory Board and Board of Bank Incorporation as set forth in Title 5, Delaware Code, Chapter 1, 3 and 5, respectively;

(2) The Division of Business and Occupational Regulation shall have the power to make and enforce rules and regulations for the conduct of employment agencies heretofore vested in the Employment Security Commission pursuant to the provisions of Title 19, Delaware Code, § 3155.

(3) Except as otherwise provided in this Chapter and Title 29, Delaware Code, § 8305, the membership, remuneration, organization, meetings, powers, duties and functions of the above named commissions, boards, agencies and persons shall remain as prescribed by law.

§ 8809. State Bank Commissioner

(a) The Office of State Bank Commissioner established by the provisions of Title 5, Delaware Code, Chapter 1 is hereby continued.

(b) The Commissioner shall be appointed by the Governor for a term of four (4) years and shall hold office until his successor shall be duly appointed. He shall be a person qualified by training and experience to perform the duties of his office.

(c) The Commissioner shall receive, in full compensation for his services, such salary as shall be fixed by the Governor within such limitations as may be prescribed by law.

(d) The Governor, upon due notice and hearing, may remove the Commissioner from office for cause.

(e) Upon the resignation, death, disability or removal of the Commissioner, the vacancy shall be filled by appointment of the Governor for the unexpired term.

(f) In addition to the powers, duties and functions heretofore vested in the State Bank Commissioner by law, the Commissioner shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Board of Bank Incorporation pursuant to the provisions of Title 5, Delaware Code.

(g) The Superior Court shall hear all appeals from the decisions or rulings of the State Bank Commissioner respecting the issuance, extension, renewal, suspension and revocation of licenses and certificates to transact business; applications to open a branch office or place of business; applications for a certificate of public convenience and advantage; mergers, consolidations and conversions; and amending of charters or certificates of incorporation.

(1) Any person whose interest is substantially affected by any of the decisions or rulings herein specified in § 8809 (g) of the Commissioner may appeal from any decision or ruling by filing with the Commissioner a notice of appeal. The notice shall be filed within 20 days from the date of notification of the decision or ruling of the Commissioner and shall be signed by the appellant or his attorney. The decision or ruling of the Commissioner shall be stayed pending disposition of the appeal.

(2) Within 30 days from the filing of the notice of appeal with the Commissioner, the appellant shall file with the Superior Court a copy of the notice of appeal, a copy of the decision or

ruling of the Commissioner and any record of prior proceedings or other matters relating to the appeal. The Court shall thereafter have complete jurisdiction of the matter.

(3) For the purposes of this section "person" means any bank, building and loan association, trust company, lending institution, savings institution, individual or organization conducting a banking business of any kind or plan which comes within the provisions of Title 5, Delaware Code.

§ 8810. Council on Banking

(a) There is hereby established the Council on Banking.

(b) The Council on Banking shall serve in an advisory capacity to the State Bank Commissioner and shall consider matters relating to the administration of the banking laws and the strengthening and improving of banking in this State and such other matters as may be referred to it by the Governor, Secretary of the Department or State Bank Commissioner. The Council may study, research, plan and advise the Commissioner, the Secretary and the Governor on matters it deems appropriate to enable the office of State Bank Commissioner to function in the best possible manner.

(c) The Council on Banking, upon the effective date of this Chapter, shall be composed of the members of the Bank Advisory Board whose terms, as of the effective date of this Chapter, have not expired, with the exception of the State Banking Commissioner whose term as a member of the Bank Advisory Board shall end as of the effective date of this Chapter. Each member of the Bank Advisory Board shall serve as a member of the Council for the period of his unexpired term unless he vacates his position by resignation, death or incapacity. The Council shall be composed of seven (7) members. The Governor shall appoint new members. The terms of the newly appointed 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) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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.

§ 8811. Books, records; access; annual report

(a) The various councils of the divisions and offices of the Department of Administrative Services shall have access to all books, records, reports and other documents relating to their respective divisions and offices unless otherwise prohibited by law.

(b) The Chairmen of the councils 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.

§ 8812. 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 Administrative Services;

- (b) Director of State Buildings;
- (c) Director of Purchasing;
- (d) Director of Central Data Processing;
- (e) Director of Business and Occupational Regulation;
- (f) State Bank Commissioner.

§ 8813. Functions prior to the 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 Building and Grounds Commission, the Custodian of the State House, the State Distribution Agency, the State Central Data Processing Division, the State Board of Accountancy, the Delaware Alcoholic Beverage Control Commission, the Board of Examiners and Registration of Architects, the State Athletic Commission, the Bingo Control Commission, the State Board of Electrical Examiners, the State Board of Registration for Professional Engineers and Land Surveyors, the Delaware Harness Racing Commission, the Board of Pilot Commissioners, the Public Service Commission, the Delaware Racing Commission, the Delaware Real Estate Commission, the Board of Trustees of the Delaware Standardbred Development Fund, the State Bank Commissioner, the Bank Advisory Board and the Board of Bank Incorporation 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, excepting only those powers, duties and functions hereinabove expressly vested in or retained by any such person, department, board, commission or agency.

§ 8814. 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 func-

tion is hereby transferred, and each such appeal shall be perfected in the manner heretofore provided by law.

§ 8815. 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 Administrative Services 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 functions as established and created herein.

§ 8816. 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.

§ 8817. 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.

§ 8818. 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.

§ 8819. 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 Section 1 of this Act shall become effective on the date which the Governor designates in 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, 1971, 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, 1971, shall revert to the General Fund.

Section 4. Any sums appropriated to any board, commission, department, council, agency or person 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 Administrative Services.

Approved June 22, 1970.

CHAPTER 582

AN ACT AMENDING TITLE 29, DELAWARE CODE, CHAPTERS 49, 59, 62 AND 63 PROVIDING FOR THE REORGANIZATION OF THE DELAWARE PLANNING ACT, THE PERSONNEL COMMISSION, THE PERSONNEL DIRECTOR, THE CAPITAL INVESTMENT FUND AND THE BUDGET COMMISSION.

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

Section 1. Chapter 49, Title 29, Delaware Code, is amended as follows:

A. § 4905 (b) (3) is amended by striking the words "State Planning Council created by this chapter," and inserting in lieu thereof the words "Council on State Planning".

B. § 4905 (b) (4) is repealed.

C. § 4906 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 4906. Council on State Planning

(a) There is hereby established the Council on State Planning.

(b) The Council on State Planning shall serve in an advisory capacity to the director of State planning and shall consider matters relating to the Delaware development plan and such other planning matters as may be referred to it by the Governor or the director of State planning. The Council may study, research, plan and advise the director of State planning and the Governor on matters it deems appropriate to enable the State Planning Office to function in the best possible manner.

(c) The Council on State Planning, upon the effective date of this Act, shall consist 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) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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.

D. § 4909 is amended by striking the words "first submit the plan, phase, or functional part, amendment, revision or extension thereof or addition thereto to the Delaware State Planning Council for its consideration and advice. Thereafter the director shall".

E. § 4912 (a) is amended by striking the words "Delaware State Planning Council" and inserting in lieu thereof the words "Council on State Planning".

Section 2. Chapter 59, Title 29, Delaware Code, is amended as follows:

A. By adding a new § 5904 as follows:

§ 5904. Classification of exempt employees

Any employee whose position has been in an exempt status under §§ 5903 (4) and 5903 (5) of this Chapter who, as the result of a reorganization of State government approved by the General Assembly, is thereafter assigned to a position in the classified service, shall have such position classified by the Personnel Director, and an appropriate title and pay grade assigned thereto, in accordance with the provisions of this Chapter and the rules and regulations promulgated thereunder. Any such employee shall be continued in his newly assigned position without an examination requirement, unless subsequently separated from such position as provided by law.

B. § 5910 (a) is amended as follows:

(1) By striking from the beginning of the first sentence the words "The Commissioners shall, with the approval of the Governor," and inserting in lieu thereof the words "The Governor shall".

(2) By striking from the last sentence the word "Commission" and inserting in lieu thereof the word "Governor".

C. § 5911 (3) is amended as follows:

(1) By striking the words "with approval of the Commission" and inserting in lieu thereof the words "within the limitation of funds appropriated therefor".

(2) By striking from the first line thereof the last word "Commission".

D. § 5912 is amended as follows:

(1) By striking the words, "with the approval of the Commission,".

(2) By striking from the second line thereof the word "Commission".

Section 3. §§ 6203, 6204 and 6205, Title 29, Delaware Code, are amended by striking the words "Budget Director" wherever

they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 4. § 6311, Title 29, Delaware Code, is amended by striking the words "State Tax Commissioner" and inserting in lieu thereof the words "Secretary of Finance".

Section 5. If any provision of this Act, 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 Act 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.

Approved June 22, 1970.

CHAPTER 583

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 86 RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, 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 86 to read as follows:

CHAPTER 86. DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT

§ 8601. Department of Community Affairs and Economic Development

A Department of Community Affairs and Economic Development is hereby established.

§ 8602. Secretary; Division Directors; Acting Secretary; appointment

(a) The administrator and head of the Department shall be the Secretary of Community Affairs and Economic Development, 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 \$28,000.

(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.

§ 8603. 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 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 Economic Development who shall be known as the Director of Economic Development and who shall be a person qualified by training and experience to perform the duties of his office.

(2) A Director of the Division of Housing who shall be known as the Director of Housing and who shall be a person qualified by training and experience to perform the duties of his office.

(3) A Director of the Division of Libraries who shall be known as the Director of Libraries and who shall be a person qualified by training and experience to perform the duties of his office.

(4) A Director of the Division of Consumer Affairs who shall be known as the Director of Consumer Affairs, and who shall be a person qualified by training and experience to perform the duties of his office.

(5) An administrator and head of the Office of Human Relations who shall be known as the Chief of Human Relations 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 Local Governmental Services who shall be known as the Chief of Local Governmental Services and who shall be a person 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 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.

§ 8604. Office of Human Relations

(a) The Office of Human Relations is hereby established having powers, duties and functions as follows:

(1) The Office of Human Relations shall have the power to perform and shall be responsible for the performance of all the administrative, ministerial, fiscal and clerical functions, including but not limited to appointment and removal of employees as provided by law, heretofore vested in the State Human Relations Commission, and all the powers, duties and functions heretofore vested in the Director of the State Human Relations Commission pursuant to the provisions of Title 31, Delaware Code, § 3003.

(2) Except as provided in Section 8604 (a) (1) above, the membership, remuneration, organization, meetings, powers, duties and functions of the State Human Relations Commission shall remain as prescribed in Title 6, Delaware Code, Chapters 45 and 46 and Title 31, Delaware Code, Chapter 30.

§ 8605. Office of Local Governmental Services

(a) The Office of Local Governmental Services is hereby established having powers, duties and functions as follows:

(1) Cooperate with local governments and their instrumentalities and provide technical assistance, information, data,

and other materials which may be helpful or necessary, to enable such units to discharge their responsibilities.

(2) Assist the Governor in coordinating the activities of State agencies which have an impact on the solution of problems of and the implementation of the plans of local governments.

(3) Encourage, and when requested, assist local governments and their instrumentalities in their efforts to develop mutual and cooperative solutions to their common problems.

(4) Cooperate with, and provide assistance to, local governments and their instrumentalities in establishing and organizing neighborhood information centers and referral services.

(5) Study existing laws that affect the fiscal and administrative structures of local governments and their instrumentalities and those State activities significantly involved therein; and recommend to the Governor and the General Assembly changes in such laws and activities as it deems necessary to strengthen local government.

(6) Carry out continuing studies and analyses of the problems faced by local governments with the State and make such recommendations for administrative or legislative action as it deems necessary. In carrying out such studies and analyses, particular attention should be paid to the problems of urban, suburban, rural and other areas in which social, economic and population factors are rapidly changing.

(7) Cooperate with, and provide assistance to, other State agencies and officials, official organizations of elected officials in the State, local governments and their instrumentalities and officials, and federal agencies and officials, in carrying out the functions and duties of this Office and this Department.

(8) Consult with private groups and individuals, and, if, the Secretary deems it desirable, hold public hearings to obtain information for the purpose of carrying out the provisions of this Chapter.

(9) Develop and test programs and projects or otherwise provide a program of practical research in the solution of problems of local government. In furtherance thereof and consistent with the laws of this State, the Office of Local Governmental

Services may enter into contracts to administer various functions or services to or for local governments and their instrumentalities.

(10) Such other powers, duties and functions as the Secretary may assign which are not otherwise inconsistent with the laws of this State.

§ 8606. Division of Economic Development

(a) The Division of Economic Development is hereby established having powers, duties and functions as follows:

(1) The Division of Economic Development 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 Development Department pursuant to the provisions of Title 29, Delaware Code, Chapter 41, excepting § 4103 (c) thereof;

(ii) The State of Delaware Industrial Building Commission pursuant to the provisions of Title 6, Delaware Code, Chapter 70.

§ 8607. Council on Industrial Financing

(a) There is hereby established the Council on Industrial Financing.

(b) The Council on Industrial Financing shall serve in an advisory capacity to the Director of Economic Development and shall consider matters relating to the refinancing and modernization of industrial facilities 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 Economic Development. 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 Industrial Financing shall be composed of the members of the State of Delaware Industrial Building 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 Industrial Financing for the period of his unexpired term unless he vacates his position by resignation, death or incapacity.

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) At least three (3), but no more than four (4) members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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.

§ 8608. Division of Housing

(a) The Division of Housing is hereby established having powers, duties and functions as follows:

(1) The Division of Housing 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 Housing pursuant to the provisions of Title 31, Delaware Code, Chapters 40, 43 and 45, and the State Bureau of Housing pursuant to the provisions of Title 31, Delaware Code, § 4303.

§ 8609. Council on Housing

(a) There is hereby established the Council on Housing.

(b) The Council on Housing shall serve in an advisory capacity to the Director of Housing and shall consider matters relating to housing 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 Housing. 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 Housing, upon the effective date of this Chapter, shall be composed of the appointed members of the State Bureau of Housing whose terms, as of the effective date of this Chapter, have not expired. Each member shall serve as a member of the Council on Housing for the period of his unexpired term unless he vacates his position by resignation, death, or incapacity. 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) At least three (3), but no more than four (4) members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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.

§ 8610. Division of Libraries

(a) The Division of Libraries is hereby established having powers, duties and functions as follows:

(1) The Division of Libraries shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Library Commission for the State of Delaware pursuant to the provisions of Title 14, Delaware Code, Chapter 71.

§ 8611. Council on Libraries

(a) There is hereby established the Council on Libraries.

(b) The Council on Libraries shall serve in an advisory capacity to the Director of Libraries and shall consider matters relating to libraries in the State and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Libraries. 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 Libraries, upon the effective date of this Chapter, shall be composed of the members of the Library Commission for 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 Libraries 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), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties. At least two (2), but no more than three (3) of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall 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.

§ 8612. Division of Consumer Affairs

(a) The Division of Consumer Affairs is hereby established having powers, duties and functions as follows, which shall be performed by the Director, or his duly authorized designee, with the approval of the Secretary:

(1) Issue cease and desist orders against any person, firm, business, corporation, proprietorship, partnership or otherwise when there has been any violation of Title 6, Delaware Code, §§ 2513 and 2532. This section shall not limit any powers of the Attorney General.

(i) Cease and desist orders shall be in writing and shall state what alleged violations have occurred or are about to occur which are the basis for the issuance of such orders.

(ii) Cease and desist orders shall be served upon the violator and a copy shall be filed in the office of the Prothonotary of the County wherein is located the violator's main place of business in the State of Delaware or in the office of the Prothonotary of the County where the violation occurred, or both.

(iii) No cease and desist order shall be issued by the Division in cases where the Attorney General has filed a complaint seeking injunctive action, in cases where the Attorney General has signed a cease and desist agreement which has not been violated, or in cases where an injunction has been issued.

(iv) Upon receipt of such cease and desist order, the violator shall immediately cease and desist from conducting any activity which has been ordered ceased. Any person or agent or employee of any corporation, partnership or other business who conducts any activity which he has been ordered to cease shall be considered to be in contempt of the Consumer Affairs Board and shall be proceeded against in accordance with § 8613 (b) (3).

(2) Receive and forward to appropriate agencies of the State, for final processing and determination, complaints from any citizen relating to consumer affairs.

(3) Advise the Governor and the Attorney General as to all matters affecting the interests of the public as consumers.

(4) Review, and make recommendations regarding, State policies and programs of primary importance to consumers or the unmet consumer needs which can be met appropriately through State action.

(5) Review, and make recommendations regarding, State policies, programs and operations wherein the view of consumers should be made available to State officials and the manner in which such views can be communicated to appropriate departments and agencies.

(6) Recommend the enactment of such legislation as it deems necessary to protect and promote the interests of the public as consumers.

(7) Cooperate with and provide assistance to Federal, State and local governmental agencies and activities relating to consumer affairs.

(8) Appear before Federal, State and local governmental departments, agencies and commissions to represent and be heard on behalf of consumer interests.

(9) Cooperate with and establish necessary liaison with consumer organizations.

(10) Promulgate such rules and regulations as the Division may be given by law.

(11) Perform all the necessary administrative and clerical functions of the Consumer Affairs Board.

(12) Do such other acts as may be necessary and proper to the exercise of the powers, duties and functions conferred by this Chapter.

(b) The Attorney General shall represent the Division in all administrative and judicial proceedings.

§ 8613. Consumer Affairs Board

(a) There is hereby established a Consumer Affairs Board to consist of three (3) members to be appointed by the Governor, with the advice and consent of the Senate:

(1) One (1) member of the Board shall be an attorney.

(2) The terms of the members shall be staggered. The first appointee shall serve for a term of two (2) years, the second appointee shall serve for a term of three (3) years and the third appointee shall serve for a term of four (4) years. Thereafter, all new appointees shall serve for a term of four (4) years.

(3) The Governor shall designate the Chairman from among the members of the Board who shall serve as Chairman at the pleasure of the Governor.

(4) The Chairman shall be paid \$1,500 annually, and the remaining two members shall be paid \$1,000 each.

(5) At least one member of the Board shall be affiliated with one of the major political parties, and at least one member

shall be affiliated with the other major political party. Any person who declines to announce his political affiliation shall be eligible for appointment as a member of the Board.

(6) 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.

(7) The Governor, upon due notice and hearing, may remove any member of the Board from office for cause.

(b) The Board shall hold whatever meetings or hearings are necessary to accomplish its business and shall have the following powers, duties and functions:

(1) The Board shall hear appeals from any order of the Director of Consumer Affairs. The Board shall review the order of the Director and it may uphold, alter, amend or vacate such order. Any party to the action may appeal such decision to the Superior Court but such appeal shall be on the record of the Director's written order, any transcript or record before the Board and the final order of the Board.

(i) Such appeal must be made within 30 days of notification of the Board's decision.

(ii) The Superior Court is vested with jurisdiction to hear and determine all appeals from the Consumer Affairs Board and may, by proper rules, prescribe the procedure to be followed in such appeals. Every such appeal shall be determined by the Court without the aid of a jury.

(iii) The Director of Consumer Affairs shall have the same right of appeal from any decision of the Consumer Affairs Board as any other party to the action.

(2) The Board may issue subpoenas and administer oaths in any proceeding and in all other cases where it is necessary in the exercise of its powers, duties and functions. It may examine persons as witnesses, take evidence, require the production of documents, and do all other things conformable to law which are necessary to enable it effectively to discharge its powers, duties and functions. Such oaths may be administered and such subpoenas issued by any member of the Board.

(i) Any person against whom action has been brought or who is appealing any action of the Division shall be entitled to be represented by counsel and to have the Board issue subpoenas for any persons or documents deemed necessary by that person to properly present his case. The cost of such subpoenas and their service shall be paid by the person so requesting them.

(ii) Any subpoena, process, or order of the Board, or any notice or paper requiring service, may be served by a Sheriff, Deputy Sheriff, Constable, or any employee of the Division and return thereof made to the Board. Process servers shall receive the same fees as are provided by law for like service in civil actions, except that if service is made by an employee of the Division, he shall not receive any fee, but shall be paid his actual expenses.

(3) If any person, in proceedings before the Board, disobeys or resists any lawful order or process; or misbehaves during a hearing or so near the place thereof as to obstruct the hearing; or neglects to produce, after having been ordered to do so, any pertinent document; or refuses to appear after having been subpoenaed; or, upon appearing, refuses to take the oath as a witness; or, after having taken the oath, refuses to be examined, according to law, the Board shall certify the facts under the hand of its Chairman to any Judge of the Superior Court, who shall thereupon hear the evidence as to the acts complained of. If the evidence so warrants, the Judge shall punish such person in the same manner and to the same extent as for a contempt committed before the Superior Court, or shall commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of, or in the presence of the Superior Court.

(4) The Board in its hearings shall not be bound by the strict rules of evidence but shall take whatever evidence is necessary to justly and properly decide the matter before it.

(5) The Board may promulgate such regulations and rules as it deems necessary to carry out the purposes of this section or any other powers, duties or functions given to it by law.

§ 8614. Council on Consumer Affairs

(a) There is hereby established a Council on Consumer Affairs.

(b) The Council on Consumer Affairs shall serve in an advisory capacity to the Director of Consumer Affairs and shall consider matters relating to the protection and guidance of consumers and businesses and such other matters as may be referred to it by the Governor, Secretary of the Department of the Director of Consumer Affairs. 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 Consumer Affairs 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) shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) At least three (3), but no more than four (4) members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major 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.

§ 8615. Books, records; access; Annual Report

(a) The various councils of the divisions of the Department of Community Affairs and Economic Development shall have access to all books, records, reports, and other documents relating to their respective divisions unless otherwise prohibited by law.

(b) The chairman 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.

§ 8616. 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 Community Affairs and Economic Development
- (b) Director of Economic Development
- (c) Director of Housing
- (d) Director of Libraries
- (e) Director of Consumer Affairs
- (f) Chief of Human Relations
- (g) Chief of Local Governmental Services

§ 8617. 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 Human Relations Commis-

sion, the Delaware State Development Department, the Industrial Building Commission, the Department of Housing and the Library Commission for the State of Delaware 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; excepting only those powers, duties and functions hereinabove expressly vested in or retained by any such person, department, board, commission or agency.

§ 8618. 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.

§ 8619. 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 Community Affairs and Economic Development 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 functions as established and created herein.

§ 8620. 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.

§ 8621. 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.

§ 8622. 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.

§ 8623. 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 Section 1 of this Act shall become effective on the date which the Governor designates in 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, 1971, for the purpose 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, 1971, shall revert to the General Fund.

Section 4. Any sum 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 Community Affairs and Economic Development.

Approved June 22, 1970.

CHAPTER 584

AN ACT TO AMEND TITLE 11, SECTION 4347, DELAWARE CODE, RELATING TO THE NOTIFICATION OF THE STATE POLICE AS PART OF THE PAROLE PROCEDURE.

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

Section 1. Amend Title 11, Section 4347, Delaware Code, by adding at the end of subsection (b) the following sentence:

At the same time a copy of the progress report and the parole plan and recommendations shall also be submitted to the Delaware State Police and to the arresting police force along with the date and location of the scheduled parole hearing. Moreover, whenever possible and feasible, the Department shall notify the aggrieved party of the crime or crimes for which the offender was sentenced of the date and location of the scheduled parole hearing.

Approved June 22, 1970.

CHAPTER 585

AN ACT TO AMEND TITLE 11, DELAWARE CODE, CHAPTER 39, SECTIONS 3911 AND 3912 RELATING TO HABITUAL CRIMINALS.

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

Section 1. Title 11, Delaware Code, Section 3911, is hereby amended by striking the section in its entirety and inserting in lieu thereof a new section to be designated as Section 3911 and to read as follows:

§ 3911. Habitual criminal; life sentence

(a) Any person who has been three times convicted of a felony, other than those which are specifically mentioned in subsection (b) hereunder, under the laws of this State, and/or any other State, United States or any territory of the United States, and who shall thereafter be convicted of a subsequent felony of this State is declared to be an habitual criminal, and the Court in which such fourth or subsequent conviction is had, in imposing sentence, may, in its discretion, impose a life sentence upon the person so convicted.

(b) Any person who has been two times convicted of a felony hereinafter specifically named, under the laws of this State, and/or any other State, United States or any territory of the United States, and who shall thereafter be convicted of a subsequent felony, hereinafter specifically named, of this State is declared to be an habitual criminal, and the Court in which such third or subsequent conviction is had, in imposing sentence, shall impose a life sentence upon the person so convicted unless the subsequent felony conviction requires or allows and results in the imposition of capital punishment. Such sentence shall not be subject to the probation or parole provisions of Title 11, Chapter 43. Such felonies shall be:

<i>Section</i>	<i>Crime</i>
351	Arson in the first degree
392	Burglary in the first degree

- 393 Burglary in the second degree
- 571 Murder in the first degree
- 572 Murder in the second degree
- 575 Manslaughter except involuntary manslaughter
by motor vehicle
- 577 Assault with intent to murder
- 578 Poisoning with intent to murder
- 623 Kidnapping
- 624 Abducting child under 12 years
- 625 Kidnapping child under 15 years
- 701 Maiming by lying in wait
- 702 Maiming without lying in wait
- 781 Rape
- 782 Assault with intent to commit rape
- 811 Robbery
- 812 Assault with intent to commit robbery.

Section 2. Amend Title 11, Delaware Code, Section 3912 (b), by striking subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) If, at any time after conviction and before sentence, it shall appear to the Attorney General or to the Superior Court that, by reason of such conviction and prior convictions, a defendant should be subjected to the provisions of Section 3911 of this Title, the Attorney General shall file a motion to have the defendant declared an habitual criminal under the provisions of Section 3911 of this title. If it shall appear to the satisfaction of the Court at a hearing on the motion that the defendant falls within the provisions of Section 3911 of this Title, the Court shall enter an order declaring the defendant an habitual criminal and shall impose sentence accordingly.

Approved June 22, 1970.

CHAPTER 586

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STANTON SCHOOL DISTRICT FOR THE PUR-
POSE OF CONSTRUCTING SIDEWALKS AND AC-
QUIRING THE NECESSARY RIGHTS-OF-WAY THERE-
FOR WITHIN THE SCHOOL DISTRICT.**

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 Stanton School Board of the Stanton 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 Stanton Elementary and Stanton Junior High Schools sites 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 \$1,380 is hereby appropriated to the Stanton School District for the purpose of constructing sidewalks within the Stanton School District.

Section 2. The Stanton School District prior to the expenditure of any moneys appropriated herein shall supplement the sum appropriated herein in the amount of \$1,020 no later than May

30, 1971. Said sum of \$1,020 shall be transferred from the Stanton 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 Stanton 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 sidewalks along the southerly side of Skyline Drive from the existing sidewalk on Skyline Drive to the existing sidewalk on Grendon Drive for a distance of 640 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 June 22, 1970.

CHAPTER 587

**AN ACT TO AMEND SECTION 2303 AND SECTION 2304,
CHAPTER 23, TITLE 7, DELAWARE CODE, RELATING
TO THE SALE, POSSESSION OR USE OF HARD SHELL,
SOFT SHELL AND PEELER CRABS TAKEN FROM
CERTAIN WATERS OF THIS STATE.**

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

Section 1. Section 2303, Chapter 23, Title 7, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

§ 2303. Limitation on sale, possession or use of hard shell crabs taken from certain waters

(a) No person at any time shall catch or take for commercial purposes any hard shell crabs from any waters of the rivers and bays of this State and the tributaries thereof nor sell, offer for sale or buy any hard shell crabs taken from said waters, except the Delaware River, the Delaware Bay and the waters commonly known as Big Assawoman Bay. The use of more than two (2) crab pots by any individuals or his agents shall constitute prima facie evidence of commercial intent.

(b) No person shall at any time have in his possession more than one bushel of hard shell crabs, other than peeler crabs, measuring less than five inches across the shell from tip to tip of spike taken from said waters. This subsection shall also apply to the Delaware River, Delaware Bay and the waters commonly known as Big Assawoman Bay.

Section 2. Section 2304, Chapter 23, Title 7, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

§ 2304. Limitation on sale, possession or use of soft shell crabs and peeler crabs taken from certain waters

(a) No person at any time shall catch or take for commercial purposes any soft shell or peeler crabs from any of the waters of the rivers and bays of this State and the tributaries

thereof nor take any soft shell crabs or peeler crabs from said waters for commercial purposes except the Delaware River, the Delaware Bay and the waters commonly known as Big Assa-woman Bay. The use of more than two (2) crab pots by any individual or his agents shall constitute prima facie evidence of commercial intent.

(b) No person shall take, possess, sell, offer for sale or buy any soft shell crab measuring less than three and one-half inches across the shell from tip to tip of spike, or any peeler crab measuring less than three inches across the shell from tip to tip of spike. This provision shall apply to all the waters of this State.

Approved June 22, 1970.

CHAPTER 588

AN ACT TO AMEND CHAPTER 39, TITLE 11, DELAWARE CODE, BY PROVIDING FOR THE DESTRUCTION OF ALL INDICIA OF ARREST FROM A PERSON'S RECORD WHERE SUCH PERSON WAS NOT CONVICTED OF THE CRIME FOR WHICH SUCH PERSON WAS ARRESTED.

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

Section 1. Chapter 39, Title 11, Delaware Code, is hereby amended by adding one new subsection to read as follows:

§ 3914. Destruction of Indicia of arrest

a. Whenever a person with no prior criminal record is arrested and is not convicted of any crime nor adjudged a delinquent as a result of the arrest, the Superior Court in the county wherein such person resides or if such person does not reside in the State of Delaware, The Superior Court of New Castle County, upon petition of such person, may order that all indicia of arrest, including without limitation any record entry, photographs or fingerprints, be destroyed. Upon the issuance of any such order of the Superior Court it shall not be necessary for such person to report or acknowledge that he has ever been arrested for the crime, the record of which has been destroyed.

b. Any petition filed pursuant to subsection "a" shall be served upon the Attorney General and no action shall be taken by The Superior Court for ten days after the date of such service.

Approved June 22, 1970.

CHAPTER 589

AN ACT TO AMEND SECTION 3509, TITLE 10, DELAWARE CODE, RELATING TO GARNISHMENT OF EMPLOYERS, BY PROHIBITING DISMISSAL OF AN EMPLOYEE WHEN THE EMPLOYER IS SUMMONED AS GARNISHEE.

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

Section 1. Amend § 3509, Title 10, Delaware Code, by adding thereto the following new paragraph:

It shall be unlawful for any employer to dismiss his employee upon the employer's being summoned as garnishee for his employee.

Approved June 22, 1970.

CHAPTER 590

AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, RELATING TO STATE APPROPRIATIONS FOR UNITS OF PUPILS.

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

Section 1. Amend the second paragraph of Section 1703, Title 14, Delaware Code, by adding two new sentences to the paragraph as follows:

All such units must be authorized by the State Board of Education under rules and regulations promulgated by such Board with the total number of units for exceptional children authorized in all school districts subject to a limitation of $8\frac{1}{2}\%$ of the total number of regular units (total units less kindergarten, vocational, and exceptional children) in the State for the 1970-71 fiscal year, 9% of the total number of regular units in the State for the 1971-72 fiscal year, and 10% of the total number of regular units in the State for the 1972-73 fiscal year and thereafter. All units of exceptional children above 8% of the total number of regular units (as calculated in the previous sentence) must be approved by the Budget Director annually.

Approved June 22, 1970.

CHAPTER 591

AN ACT AMENDING TITLES 11, 16, 29 AND 31, DELAWARE CODE, PROVIDING FOR OMNIBUS AMENDMENTS AND CORRECTIONS RELATING TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AS PROVIDED IN TITLE 29, DELAWARE CODE, CHAPTER 79.

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

Section 1. Title 16, Delaware Code, Section 101, is hereby amended by adding thereto the following:

"Secretary" means the Secretary of the Department of Health and Social Services.

Section 2. Title 16, Delaware Code, Sections 102, 103, 105, 106, 109 and 111 are hereby repealed in their entirety.

Section 3. Title 16, Delaware Code, Section 107 (a), is hereby amended by striking therefrom the word "Executive".

Section 4. Title 16, Delaware Code, Section 108, is hereby amended by striking therefrom the words "and of the Executive Secretary," and "or the Executive Secretary".

Section 5. Title 16, Delaware Code, Section 112, is hereby amended by striking therefrom the words "Executive Secretary thereof" and inserting in lieu thereof the word "Secretary".

Section 6. Title 16, Delaware Code, Section 124, is hereby amended by striking therefrom the words "or its Executive Secretary".

Section 7. Title 16, Delaware Code, Section 124, is hereby amended by striking therefrom the words "Executive Secretary of the State Board and approved by the President thereof" and inserting in lieu thereof the word "Board".

Section 8. Title 16, Delaware Code, Section 127 (a), is hereby amended by striking therefrom the words "by the Executive Secretary or committees of the Board".

Section 9. Title 16, Delaware Code, Section 127 (b), is hereby amended by striking therefrom the words "President may direct any member of the Board or the Executive Secretary to" and inserting in lieu thereof the words "Board may".

Section 10. Title 16, Delaware Code, Section 127 (b), is hereby amended by striking therefrom the words "the member or Executive Secretary" and inserting in lieu thereof the word "it".

Section 11. Title 16, Delaware Code, Section 127 (b), is hereby amended by striking therefrom the entire last sentence thereof.

Section 12. Title 16, Delaware Code, Section 128, is hereby amended by striking therefrom the words "or the Executive Secretary thereof on the order of the President of the Board", "or the Executive Secretary thereof" and "or its Executive Secretary".

Section 13. Title 16, Delaware Code, Section 506, is hereby amended by striking therefrom the words "The Executive Secretary of".

Section 14. Title 16, Delaware Code, Section 3104, is hereby amended by striking therefrom the words "Executive Secretary of the State Board of Health" and inserting in lieu thereof the words "Director of Physical Health of the Department of Health and Social Services".

Section 15. Title 16, Delaware Code, Section 3106, is hereby amended by striking therefrom the words "the Executive Secretary of".

Section 16. Title 16, Delaware Code, Section 704 (a) and (c), are amended by striking therefrom the words "Executive Secretary of the State Board of Health" and inserting in lieu thereof the words "Secretary of Health and Social Services or his duly authorized designee".

Section 17. Title 16, Delaware Code, Section 7404 (c) is hereby amended by striking the words "the State Board of

Health" in the second sentence thereof and the words "the Board" in the third sentence thereof and inserting in lieu thereof the words "the Department of Health and Social Services".

Section 18. Title 31, Delaware Code, Sections 2801, 2802, 2803, 2804 and 2805, are hereby repealed in their entirety.

Section 19. Title 31, Delaware Code, Section 2806, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 20. Title 31, Delaware Code, Sections 2820, 2821, 2822, 2830 and 2831, are hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the words "State Board of Health".

Section 21. Title 16, Delaware Code, Sections 5102 and 5103, are hereby repealed in their entirety.

Section 22. Title 16, Delaware Code, Section 5101, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 5101. Definitions

As used in this Title:

(a) "The State Board of Trustees of the Delaware State Hospital" or "Board of Trustees" or "State Board" or "State Board of Trustees" or "State Board of Trustees of the Hospital" or "Board of Trustees of the Hospital" or the "Board" or the "Board of Trustees of the Department of Mental Health" shall mean the Department of Health and Social Services.

(b) "Superintendent", except in this subchapter, or "Commissioner" or "Commissioner of the Department of Mental Health" or "Assistant Superintendent" shall mean Secretary of the Department of Health and Social Services.

(c) "Department" or "Department of Mental Health" shall mean Department of Health and Social Services.

Section 23. Title 16, Delaware Code, Section 5108, is hereby amended by striking therefrom the words "President and Secretary of the Board of Trustees" and inserting in lieu thereof the words "Secretary".

Section 24. Title 16, Delaware Code, Section 5141, is hereby amended by striking therefrom the words "State Psychiatrist" and inserting in lieu thereof the word "Secretary".

Section 25. Title 16, Delaware Code, Section 5153, is hereby amended by striking therefrom the words "State Psychiatrist" and inserting in lieu thereof the word "Secretary".

Section 26. Title 16, Delaware Code, Section 5303, is hereby amended by striking therefrom the words "State Psychiatrist" and inserting in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 27. Title 16, Delaware Code, Section 5306, is hereby amended by striking therefrom the words "President and Secretary of the State Board of Trustees" and inserting in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 28. Title 16, Delaware Code, Section 5902, is hereby amended by striking therefrom the words "State Psychiatrist of Delaware" and inserting in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 29. Title 16, Delaware Code, Section 6102, is hereby amended by striking therefrom the words "Commissioner of the Department of Mental Health" and inserting in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 30. Title 31, Delaware Code, Section 101, is hereby amended by striking the section in its entirety and inserting in lieu thereof a new section to be designated and to read as follows;

§ 101. Definitions

As used in this Title:

(a) "Board" or "Department" or "Department of Public Welfare" or "Board of Welfare" means the Department of Health and Social Services.

(b) "Secretary" or "Director" means Secretary of the Department of Health and Social Services.

Section 31. Title 31, Delaware Code, Sections 102, 103, 104 and 108, are hereby repealed in their entirety.

Section 32. Title 31, Delaware Code, Section 109, is hereby amended by striking therefrom the words "Director of Welfare" and inserting in lieu thereof the word "Secretary".

Section 33. Title 31, Delaware Code, Sections 111 and 112, are hereby amended by striking therefrom the words "Director of Welfare, with the concurrence of the Board" and inserting in lieu thereof the word "Secretary".

Section 34. Title 31, Delaware Code, Section 502, is hereby amended by striking therefrom the following:

"Board" means the Board of Welfare;

"Department" means the Department of Public Welfare;

"Director" means the Director of Welfare;

Section 35. Title 31, Delaware Code, Section 511 (1), is hereby amended by striking therefrom the words "with the approval of the Board,".

Section 36. Title 31, Delaware Code, Section 514 is hereby amended by striking the section in its entirety.

Section 37. Title 31, Delaware Code, Section 2101, is hereby amended by adding thereto the following:

"Commission" or "Delaware Commission for the Blind" or "Department" means the Department of Health and Social Services.

Section 38. Title 31, Delaware Code, Section 2102, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following new section:

§ 2102. Blind; supervision, training and welfare

The Department shall have supervision and control of the education, training and welfare of blind persons residing in the State.

Section 39. Title 31, Delaware Code, Section 2103, is hereby repealed in its entirety.

Section 40. Title 31, Delaware Code, Section 2901, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following new section:

§ 2901. Definitions

As used in this Chapter:

“Commission” or “Delaware Commission for the Aging”, or “Department” means the Department of Health and Social Services.

“Executive Director” or “Secretary” means the Secretary of the Department of Health and Social Services.

Section 41. Title 31, Delaware Code, Sections 2903, 2904, 2905, 2907, 2909 and 2910, are hereby repealed in their entirety.

Section 42. Title 31, Delaware Code, Sections 2701, 2702, 2703, 2704 and 2705, are hereby repealed in their entirety.

Section 43. Title 31, Delaware Code, Sections 2706, 2707 and 2708, are hereby amended by striking the word “Commission”, wherever it may appear in those sections, and inserting in lieu thereof the words “Department of Health and Social Services”.

Section 44. Title 11, Delaware Code, Section 4302, is hereby amended by striking therefrom the following:

"Board" means the Board of the Department of Correction, and inserting in lieu thereof the following:

"Board" or "Board of the Department of Correction" means the Department of Health and Social Services.

Section 45. Title 11, Delaware Code, Section 4302, is hereby amended by striking therefrom the following:

"Department" means the Department of Correction and inserting in lieu thereof the following:

"Department" or "Department of Correction" means Department of Health and Social Services.

Section 46. Title 11, Delaware Code, Section 4302, is hereby amended by striking therefrom the following:

"Commissioner" means the Commissioner of the Department and inserting in lieu thereof the following:

"Commissioner" or "Commissioner of the Department" means Secretary of the Department of Health and Social Services.

Section 47. Title 11, Delaware Code, Section 6502, is hereby amended by striking therefrom the following:

"Board" means the Board of Correction established by this chapter;

"Commissioner" means the Commissioner of Correction;

"Department" means the Department of Correction as established by this chapter; and inserting in lieu thereof the following:

"Board" or "Board of Correction" means the Department of Health and Social Services;

"Commissioner" or "Commissioner of Correction" means the Secretary of the Department of Health and Social Services;

"Department" or "Department of Correction" means the Department of Health and Social Services.

Section 48. Title 11, Delaware Code, Sections 6506, 6507, 6508, 6509, 6510, 6511, 6512 and 6515, are hereby repealed in their entirety.

Section 49. Title 31, Delaware Code, Section 5101, is hereby amended by striking therefrom the words "Commission" means The Youth Services Commission of Delaware and inserting in lieu thereof the following:

"Commission" or "Youth Services Commission of Delaware" means the Department of Health and Social Services.

Section 50. Title 31, Delaware Code, Sections 5103, 5104, 5105 and 5106, are hereby repealed in their entirety.

Section 51. Title 31, Delaware Code, Section 5221, is hereby amended by striking therefrom the words "Executive Director of the Youth Services Commission of Delaware" and inserting in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 52. Title 11, Delaware Code, Section 4342 (c), is hereby amended by striking Section 4342 (c) in its entirety.

Section 53. Title 29, Delaware Code, Sections 4701, 4702, 4703 and 4704, are hereby repealed in their entirety.

Section 54. Title 29, Delaware Code, Section 4705, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 55. Title 29, Delaware Code, Sections 4706, 4707, 4709 and 4711, are hereby amended by striking therefrom the words "Board" and "Board's", wherever they appear, and inserting in lieu thereof the words "Department of Health and Social Services" and "Department's", respectively.

Section 56. Title 29, Delaware Code, Section 4708, is hereby amended by striking therefrom the words "Board of Post-Mortem Examiners" and inserting in lieu thereof the words "Department of Health and Social Services".

Section 57. Title 29, Delaware Code, Chapter 79, is hereby amended by adding thereto a new section to be designated as Section 7930 and to read as follows:

§ 7930. Supremacy

All other laws or parts of laws not in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 58. Title 29, Delaware Code, Chapter 79, is hereby amended by striking the word "To" as it appears as the first word of Section 7903 (h) and inserting in lieu thereof the following: "To make and enter into any and all contracts, agreements or stipulations, and to".

Section 58 (A). Title 29, Delaware Code, §7904 (d) is amended by striking the words "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:" and inserting in lieu thereof "The administrative, ministerial, budgetary, clerical and inspection functions including, but not limited to, appointment, removal compensation and duties of employees as provided by law, of the following boards set forth in Title 24, Delaware Code, shall be performed by the Division of Physical Health:".

Section 59. Title 29, Delaware Code, Section 7906 (c), is hereby amended by adding thereto a new sentence which shall be inserted immediately after the first sentence thereof and shall become the second sentence thereof and shall read as follows:

In addition thereto the Delaware member of the Southern Interstate Nuclear Compact shall be an ex-officio member of the Council on Radiation and of the Authority on Radiation Protection with no voting privileges.

Section 60. Section 7905 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of member of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2),

but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 61. Section 7906 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 62. Section 7907 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 63. Section 7909 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 64. Section 7910 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) At least three (3), but no more than four (4) members of the Council shall be affiliated with one of the major political parties and at least two (2); but no more than three (3), of the members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 65. Section 7912 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of member of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 66. Section 7913 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 67. Section 7914 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 68. Section 7915 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation

of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 69. Section 7917 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 70. Section 7918 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 71. If any provision of this Act, 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 Act and the application of such provisions of the Act 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.

Approved June 25, 1970.

CHAPTER 592

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, ENTITLED "STATE EMPLOYEES' PENSION PLAN," BY REVISING THE ENTIRE SAID CHAPTER 55.

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

Section 1. Chapter 55, Title 29, Delaware Code, is amended by striking all the said Chapter 55, and substituting in lieu thereof a new Chapter 55, to be entitled "State Employees' Pension Plan," to read as follows:

SUBCHAPTER I. GENERAL PROVISIONS

§ 5501. Definitions

As used in this Chapter:

(a) "Employee" shall mean an individual who

(1) is employed by:

(i) the State on a full time or annual basis, including elected or appointed officials, or

(ii) the State Department of Public Instruction, a School District which is part of the State School System, the University of Delaware, Delaware State College, or Delaware Technical and Community College, or

(iii) a State agency that is supported wholly or in part by funds granted to the State by the Federal Government; and

(2) receives compensation wholly or in part directly from the State Treasury or from the Treasury through an agency within the State that is wholly or in part supported by the State; and

(3) is not a member of any other state or municipal retirement system financed in whole or in part by the State; and

(4) did not, after May, 1970, and after attainment of age 60, first enter service which would otherwise be deemed service as an employee.

(b) "Credited service" shall mean, for any individual,

(1) service as an employee;

(2) service before June, 1970, which was deemed to be "covered employment" as defined in section 5501 as in effect on May 31, 1970;

(3) service for which credit was allowed pursuant to section 5522 as in effect on May 31, 1970;

(4) full time active duty, not in excess of 5 years, in the Armed Services of the United States during time of war or national emergency, provided that the individual became an employee within 2 years after completion of his tour of duty or within 2 years after his completion of a course of professional or vocational training, if such course was begun within 2 years after completion of his tour of duty;

(5) service in professional educational employment, not in excess of 4 years, performed for another State, a municipality in another State, the Federal Government, or an accredited private school or college, provided that the individual who rendered such service (i) subsequently becomes an employee as a school teacher, professional administrative or supervisory employee or school nurse employed in a public school, the State Department of Public Instruction, the University of Delaware, Delaware State College, or Delaware Technical and Community College, and (ii) on or before the date of his application for a pension, pays into the Fund an amount equal to 5% of his final average compensation for each month so credited;

(6) If an individual ceases to be an employee before he has acquired 20 years of credited service, his service credits to the date of termination shall be cancelled, but shall be restored if: (i) his cessation of employment is due to absence on account of military service, disability, or approved leave, under such rules as the Board may adopt, and he again becomes an employee within 4 months after such absence, or (ii) he again becomes an employee within 4 months after such cessation of employment, or

(iii) he subsequently acquires 5 years of credited service, provided that if he has withdrawn his contributions he repays them with interest at a rate determined by the Board.

(c) "Compensation" shall mean, for any individual, all salary, wages, and fees, including overtime payments and special payments for extra duties, payable to him for service credited under paragraph (b) (1), (2), and (3) and the value of any maintenance provided for him as part of such payments, except that any part of such payments which is at an annual rate in excess of \$24,000 a year shall be excluded.

(d) "Final average compensation" shall mean, for any individual, the average compensation paid to him per month, up to a maximum of \$2,000, during the period of 60 consecutive months in his years of service credited under paragraph (b) (1), (2), and (3) in which his compensation was highest.

(e) "Board" shall mean the Board of Trustees established by section 5542.

§ 5502. Employment of pensioners

(a) An individual shall not receive a pension under this chapter for any month during which he is an employee, unless he is:

(1) An official elected by popular vote at a regular State election, or

(2) An official appointed by the Governor, or

(3) A temporary employee whose earnings from such temporary employment do not exceed \$2,000 a year.

(b) Nothing in this section shall prevent the State from employing an individual receiving a pension under this chapter as a registration or election official or as a juror. An individual so employed may receive the compensation provided by law without deduction from his pension.

§ 5503. Attachment and assignment of benefits

The benefits provided by this chapter shall not be subject to attachment or execution and shall be payable only to the beneficiary designated, and shall not be subject to assignment or transfer.

§ 5504. Waiver of benefits

Any individual entitled to any benefits under this chapter may decline to accept all or any part of such benefits by a waiver signed and filed with the Board. Such waiver may be revoked in writing at any time, but no payment of the benefits waived shall be made covering the period during which such waiver was in effect.

§ 5505. University of Delaware

Any sections of this chapter to the contrary notwithstanding-

(a) The term employee as used in this chapter shall exclude all faculty and designated professional staff of the University of Delaware who are first employed by the University after June 1, 1970.

(b) Faculty and designated professional staff of the University of Delaware, who, as of January 1, 1971, have less than 5 years of credited service under this chapter and are in a position covered by the Teachers Insurance and Annuity Association Retirement Plan shall cease to be employees under this Chapter on January 1, 1971 and shall have their accumulated contributions with interest refunded upon the filing of an application on or after January 1, 1971 in a form prescribed by the Board.

(c) Faculty and designated professional staff of the University of Delaware who, as of January 1, 1971, have less than 5 years of credited service under this chapter and are in a position covered by the Teachers Insurance and Annuity Association Retirement Plan may, effective January 1, 1971, elect to either:

(1) continue to be an employee under this chapter and continue to make the contributions required under section 5543, or

(2) cease to be an employee under this chapter and leave their accumulated contributions in the State Employees Retirement Fund, or

(3) cease to be an employee under this chapter and have their accumulated contributions with interest refunded upon the filing of an application on or after January 1, 1971 in a form prescribed by the Board.

(d) Faculty and designated professional staff who leave their accumulated contributions in the State Employees Retirement Fund in accordance with paragraph (c) (2) hereof shall become eligible to receive a service pension or acquire a vested right to a service pension in accordance with section 5522 and section 5523, respectively, provided that their age and total years of service with the University of Delaware meet the requirements of section 5522 or section 5523. The amount of the monthly service pension payable to any such faculty or designated professional staff shall be $1/60$ of his final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his period of credited service under this chapter, subject to a maximum of \$1,000.

(e) By October 1 of each year beginning with 1970, the University of Delaware shall submit to the Board a list of the faculty and designated professional staff who are not employees under this chapter and are covered by the Teachers Insurance and Annuity Association Retirement Plan, showing the estimated salaries of such faculty and professional staff for the fiscal year beginning July 1 of the following year. The Board shall apply the normal rate of contribution determined in accordance with section 5544 to the total estimated salaries of such faculty and professional staff and report the resulting amount to the Budget Director of the State by November 1 of each year beginning with 1970. The State shall appropriate such amount from the General Fund to the University of Delaware each fiscal year, payments of which shall be made in equal monthly installments, beginning with the fiscal year beginning July 1, 1971.

SUBCHAPTER II. ELIGIBILITY REQUIREMENTS AND BENEFITS

§ 5551. Mandatory retirement

(a) Except as provided in paragraphs (b) and (c), an employee shall retire on his mandatory retirement date. The mandatory retirement date shall be the last day of the calendar month in which the employee attains his mandatory retirement age, except, that in the case of a teacher or other institutional employee on an annual contract, it shall be the last day of the contract year in which the employee attains his mandatory retirement age.

The mandatory retirement age shall be as follows:

	<i>Age</i>
Effective January 1, 1971	69
Effective January 1, 1972	68
Effective January 1, 1973	67
Effective January 1, 1974	66
Effective January 1, 1975	65

(b) At the option of and upon the recommendation of the head of the department or agency by which he is employed and subject to the annual approval of the Committee specified herein, an employee's retirement may be postponed to the end of any month within 5 years after the mandatory retirement date. Such Committee shall consist of the Governor or his designee as Chairman, the Budget Director, and the Personnel Director.

(c) The mandatory retirement date specified in paragraph (a) shall not apply to:

(1) An official elected by popular vote at a regular State election, or

(2) An official appointed by the Governor, or

(3) A temporary employee whose earnings from such temporary employment do not exceed \$2,000 a year.

§ 5522. Eligibility for service pension

(a) An employee shall become eligible to receive a service pension, beginning with the month after he has terminated employment, if —

(1) he has 5 years of credited service, exclusive of service credited under section 5501 (b) (4) or (5), and has attained age 65, or

(2) he has 15 years of credited service, exclusive of service credited under section 5501 (b) (4) or (5), and has attained age 60, or (3) he has 30 years of credited service.

(b) A former employee with a vested right to a service pension shall become eligible to receive such pension beginning with the first month after his attainment of age 60.

§ 5523. Vested right to service pension

(a) An employee who has 20 years of credited service, including 15 years credited under section 5501 (b) (1), (2) and (3), shall have a vested right to a service pension.

(b) A former employee's vested right shall be forfeited upon his application for a refund of his accumulated contributions.

§ 5524. Eligibility for disability pension

(a) An employee who has 15 years of credited service, exclusive of service credited under section 5501 (b) (4) or (5), and becomes disabled shall become eligible to receive a disability pension beginning with the fourth month following the inception of his disability. He shall cease to be eligible at the end of the month in which he recovers from disability, if such recovery occurs before his attainment of age 60.

(b) Such an employee shall be kept on the active payroll and receive credited service from the inception of his disability to the end of the third month following and shall receive payments at the same rate of compensation he received before he became disabled.

(c) An employee shall be deemed disabled for the purposes of this section if he has a physical or mental disability which prevents him from performing the duties of his position.

§ 5525. Payment of service pension

Service pension payments shall be made to a retired employee or former employee for each month beginning with the month in which he becomes eligible to receive such pension and ending with the month in which he dies.

§ 5526. Payment of disability pension

(a) Disability pension payments shall be made to a retired employee for each month beginning with the month in which he becomes eligible to receive such pension and ending with the month in which he ceases to be eligible or dies.

(b) If a disability pensioner engages in any gainful occupation or business while still disabled and before he has attained age 60, the amount of his pension shall be reduced each month by the excess, if any, of the amount earned in such month from such business or occupation over one-half of the rate of compensation he received before he became disabled.

(c) Termination of a disability pension on account of recovery from disability shall not prejudice the right of the pensioner to qualify subsequently for a service pension or another disability pension.

§ 5527. Amount of service or disability pension

(a) The amount of the monthly service or disability pension payable to an employee or former employee shall, subject to the maximum and minimum limitations specified herein, be $1/60$ of his final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his period of credited service.

(b) In the case of an employee or former employee whose credited service under section 5501 (b) (1), (2), and (3) includes service before June 1970.

(1) the maximum amount payable shall be \$1,000, and

(2) the minimum amount payable shall be (i), if he has 15 years of such credited service, the lesser of \$150 or his final average compensation, and (ii), if he does not have 15 years of such credited service, the minimum amount payable under paragraph (c), subject to the limitation specified therein.

(c) In the case of an employee or former employee whose credited service under section 5501 (b) (1), (2), and (3) does not include service before June 1970,

(1) the maximum amount payable shall be \$1,000, and

(2) the minimum amount payable shall be \$5 multiplied by the number of years, taken to the nearest twelfth of a year, in his period of credited service, but not more than 30 such years. For any month used in the calculation of such minimum amount

in which the employee or former employee worked less than 130 hours, the portion of the pension attributable to such month shall be reduced in the ratio of the number of hours worked to 130.

§ 5528. Survivor's pension

(a) Upon the death of an employee who has 15 years of credited service, exclusive of service credited under section 5501 (b) (4) or (5), a monthly survivor's pension shall be payable to his eligible survivor or survivors in an amount equal to one-half of the service pension for which the employee would have been eligible if he had been 60 years of age.

(b) Upon the death of an individual receiving a service or disability pension at the time of his death (other than a pension payable solely under section 5522 (a) (1), a monthly survivor's pension equal to one-half of such service or disability pension shall be payable to his eligible survivor or survivors.

(c) For the purpose of this section, the eligible survivors shall be as follows:

(1) in the case of an employee or former employee whose credited service under section 5501 (b) (1), (2), and (3) includes service before June 1970, the widow or widower, provided such person had been married to the deceased employee or former employee for at least two years before the date of death, or

(2) in the case of an employee or former employee whose credited service under section 5501 (b) (1), (2), and (3) does not include service before June 1970, the widow or dependent widower, provided such person had been married to the deceased employee or former employee for at least two years before the date of death, or

(3) if there is no eligible widow nor eligible widower, a child (or, with the survivor's pension divided among them in equal shares, all such children if there are more than one), provided the child is unmarried and either: (i) has not attained age 18, (ii) has attained age 18 but not age 21 and is attending school on a full-time basis, or (iii) has attained age 18 and is permanently disabled as the result of a disability which began before he attained age 18, or

(4) if there is no eligible widow, eligible widower, or eligible child, a dependent parent (or, with the survivor's pension divided between them in equal shares, both such parents if there are two).

(d) The amount payable to a widow or widower who has not attained age 50 at the time the survivor's pension begins shall be actuarially reduced, in accordance with actuarial tables approved by the Board, for each month the survivor is under age 50 at such time.

(e) A widower or parent shall be deemed to have been dependent on the deceased employee, former employee, or pensioner if he was receiving at least one-half of his support from such deceased person at the time of death.

(f) A survivor's pension shall begin with the month following the month in which the employee, former employee, or pensioner dies. If payable to a widow or widower, it shall cease with the month in which the survivor dies or marries. If payable to a parent, it shall cease with the month in which the parent dies. If payable to a child, it shall cease with the month in which the child dies or fails to meet the conditions of eligibility in paragraph (c) (3) herein.

§ 5529. Death benefit

Upon the death of an employee, former employee, or pensioner, or, if a survivor's pension is payable upon such death, when such pension ceases to be payable, there shall be paid to the designated beneficiary or, in the absence of a designated beneficiary, to the estate of the employee, former employee, or pensioner, a lump sum equal to the excess, of any, of the accumulated employee contributions with interest over the aggregate of all pension payments made.

§ 5530. Withdrawal benefit

Upon the withdrawal from service of an employee who is not eligible for a service or disability pension, his accumulated contributions with interest shall be paid to him.

§ 5531. Application for benefits

A service pension, disability pension, survivor's pension, death benefit, or withdrawal benefit shall be paid only upon the filing of an application in a form prescribed by the Board. A monthly benefit shall not be payable for any month earlier than the second month preceding the date on which the application for such benefit is filed. In no event shall a withdrawal benefit be paid to an individual whose application for such benefits is filed more than 5 years after the date he first becomes eligible to receive them.

§ 5532. Increases in pensions which become effective before June 1970

(a) A service or disability pension which became effective before January 1970 shall be increased as follows:

(1) the pension shall be increased by 1/6% for each month from the effective date thereof to May 31, 1970, or, if it produces a greater amount, the pension shall be recomputed in accordance with section 5527 (a) and (b);

(2) if the amount determined in (1) does not exceed \$250, the pension shall be increased to such amount;

(3) if the amount determined in (1) exceeds \$250, and if the pension paid for the month of May 1970 does not exceed \$250, the pension shall be increased to \$250 plus one-half the amount in excess of \$250, but not to more than \$375; and

(4) if the amount determined in (1) exceeds \$250, and if the pension paid for the month of May 1970 exceeds \$250, the pension shall be increased to such amount, but not to more than \$1,000.

(b) A service or disability pension which became effective in the period January 1970 through May 1970 shall be recomputed in accordance with section 5527 (a) and (b).

(c) A pension to a surviving spouse which became effective before June 1970 shall be increased to one-half of the amount of the pension or imputed pension on which it was based after adjusting such pension or imputed pension in accordance with the applicable paragraph (a) or (b) herein.

SUBCHAPTER III. FINANCING AND ADMINISTRATION**§ 5541. Establishment of Fund**

There shall be established a State Employees Retirement Fund, hereinafter referred to as "Fund", to which appropriations and contributions shall be deposited and from which benefits and administrative expenses authorized by the Board shall be paid.

§ 5542. Board of Trustees

(a) There shall be established a Board of Trustees which shall consist of 7 members, as follows:

(1) The State Budget Director, and the Director, State Personnel Commission shall serve ex-officio as members.

(2) The other 5 members shall be appointed by the Governor by and with the consent of a majority of the members elected to the Senate.

(3) Four members shall be appointed for terms of four years each, commencing, in each case, from the date of appointment; provided, however, that in the initial appointments, members shall, as designated by the Governor at time of appointment, serve 1, 2, 3 and 4 year terms, respectively. The seventh member shall serve at the pleasure of the Governor and shall be Chairman of the Board. He may be removed by the Governor and shall serve until he is removed by the Governor.

(4) In case of a vacancy on the Board 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.

(b) Except for the ex-officio members, each member of the Board shall be paid \$25 for each day devoted to Board business, but not more than \$600 in any one fiscal year. Members shall be entitled to reimbursement for travel and other expenditures made necessary by their official duties.

(c) The Board shall be responsible for the general administration of the provisions of this chapter. Such responsibility shall include, but not be limited to:

(1) the adoption of rules and regulations for the administration of this chapter ;

(2) the appointment of an executive secretary and other necessary personnel ;

(3) the designation of an actuary to perform the actuarial services necessary to effectuate the purposes of this chapter, and

(4) the preparation and publication of an annual report to the Governor and Legislature on its activities, including expenditures for administration.

(d) The Board shall establish, maintain, invest, and certify payments from the Fund.

(e) The Board may enter into a contract or contracts with an agency or agencies of the State, or any outside agency or agencies, to assist in the general administration of this chapter or to invest or advise as to the investment of the Fund.

(f) The Board shall determine the interest rate to be credited to employee contributions and the rate to be charged on repayment of contributions previously withdrawn.

§ 5543. Employee contributions

(a) An employee shall contribute to the Fund 5% of that portion of his monthly compensation which exceeds \$500 and does not exceed \$2,000, provided that no contributions shall be required after a pension of \$1,000 has accrued to him.

(b) An employee whose pension begins in the period June 1970 through June 1971 shall be eligible to receive a pension in excess of \$250 only if he makes a payment into the Fund at, or prior to, the time he applies for a pension, which payment shall be equal to 10% of his final average compensation not in excess of \$1,000, multiplied by the number of months from the first month for which the pension is payable through June 1971.

§ 5544. Actuarial valuations and appropriations

(a) The actuary shall, by September 30, 1971, prepare an actuarial valuation of the assets and liabilities of the Fund as of December 31, 1970. On the basis of accepted actuarial practices

and reasonable actuarial assumptions and tables approved by the Board, he shall determine (1) a normal rate of contribution which the State shall be required to make into the Fund in order to meet the actuarial cost of current service and (2) the unfunded past service cost, namely, the excess of the present value of future benefits over the sum of the amount in the Fund and the present value of future normal costs.

(b) The actuary shall, at least once every three years after the first, prepare a valuation of the assets and liabilities of the Fund as of the preceding December 31. On the basis of each such valuation, he shall determine the appropriate adjustments to be made in the normal rate of contribution and, until it is amortized, in the unfunded past service cost.

(c) The State's appropriation to the Fund for a fiscal year shall be based on the determinations of the normal rate of contribution and the unfunded past service cost made pursuant to the last completed actuarial valuation, as follows:

(1) The appropriation for the fiscal year 1970-71 shall be 50% of the sum of the normal cost for the year and the annual payment that would be required, on a level basis, to amortize the unfunded past service cost over 40 years from July 1, 1970;

(2) The appropriation for the fiscal year 1971-72 shall be 60% of the sum of the normal cost for the year and the annual payment that would be required, on a level basis, to amortize the unfunded past service cost over 40 years from July 1, 1971;

(3) The appropriation for the fiscal year 1972-73 shall be 70% of the sum of the normal cost for the year and the annual payment that would be required, on a level basis, to amortize the unfunded past service cost over 40 years from July 1, 1972;

(4) The appropriation for the fiscal year 1973-74 shall be 80% of the sum of the normal cost for the year and the annual payment that would be required, on a level basis, to amortize the unfunded past service cost over 40 years from July 1, 1973;

(5) The appropriation for the fiscal year 1974-75 shall be 90% of the sum of the normal cost for the year and the annual payment that would be required, on a level basis, to amortize the unfunded past service cost over 40 years from July 1, 1974;

(6) The appropriation for each of the 40 fiscal years beginning with July 1, 1975 shall be the sum of the normal cost for the year and the annual payment that would be required, on a level basis, to amortize the unfunded past service cost over 40 years from July 1, 1975;

(7) The appropriation for each fiscal year thereafter shall be the normal cost for the year.

(d) At least once in each 6-year period beginning July 1, 1970, the actuary shall make an actuarial investigation into the relevant experience with respect to employees and pensioners and the finances of the Fund, on the basis of which he shall recommend to the Board suitable changes in funding procedures and actuarial assumptions and tables.

Section 2. Effective date — This Act shall become effective on June 1, 1970, except that Section 5562 (a), Chapter 55, Title 29, as in effect on May 31, 1970, shall remain in effect until January 1, 1971, at which time Section 5543 (a) of this Act shall supersede the said Section 5562 (a), and provided further that the Board of Trustees provided for in Section 5542 of this Act may be appointed by the Governor and meet as necessary at any time after the enactment of this Act.

Approved June 25, 1970.

CHAPTER 593

AN ACT TO AMEND TITLE 16, CHAPTER 51, DELAWARE CODE, RELATING TO PAROLES, PARDONS, AND COMMUTATIONS OF SENTENCES AND REQUIRING PSYCHIATRIC EXAMINATIONS.

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

Section 1. Title 16, Chapter 51, Delaware Code, is amended by adding thereto a new Section 5135, to read as follows:

§ 5135. Examinations of persons relative to parole, pardon or commutation of sentence in case of certain crimes

Whenever the Director of the Division of Mental Health and Retardation receives a request from the Director of the Division of Correction, relative to parole, pursuant to the provisions of Section 4353, Title 11, or relative to pardon or commutation of sentence, pursuant to the provisions of Section 4362, Title 11, for psychiatric examination and psychological clinical studies, and a report containing an opinion of the prisoner's condition and of the probability of his again committing crimes similar to the one for which he was incarcerated, or other crimes, the Director shall cause such examination and studies to be made at the Correctional Institution or the State Hospital, and copies of the report on same be delivered to each member of the Parole Board or the Board of Pardons, as the case may be; and in cases of pardons and commutations of sentence a copy to the Governor.

Section 2. This Act shall become effective on the date the Governor designates by Executive Order that the five members of the new parole Board, as constituted under Title 11, Section 4341, Delaware Code, as amended by Senate Bill No. 516 of the 125th General Assembly, have been selected and are ready to serve in that capacity.

Approved June 25, 1970.

CHAPTER 594

AN ACT TO AMEND TITLE 11, CHAPTER 43, DELAWARE CODE, RELATING TO PARDONS AND COMMUTATION OF SENTENCES AND PROVIDING PSYCHIATRIC EXAMINATIONS.

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

Section 1. Title 11, Chapter 43, Delaware Code, is amended by adding a new Section 4362, to read as follows:

§ 4362. Psychiatric examinations

(a) When the Board of Pardons considers for recommendation to the Governor, for pardon or commutation of sentence, any person who has been convicted of, and convicted for the crimes of murder, voluntary manslaughter, rape, kidnapping, abducting a child, poisoning with intent to harm, robbery, burglary in the first degree, burglary in the second degree, mayhem, arson, assault with intent to murder, to rape or to rob or for an attempt as provided by statute to commit any of same, there shall be furnished to each member of the Board of Pardons (and to the Governor, in case recommendation for a pardon or commutation of sentence be made) a copy of the report of the psychiatrist who has examined such person, as hereinafter provided.

(b) Prior to consideration and recommendation, for release by means of pardon or commutation of sentence, by the Board of Pardons of any person who has been incarcerated for any of the crimes stated in subsection (a) hereof, such person shall be adequately examined by a physician who has practiced in psychiatry; and such person shall undergo adequate psychological studies for a period of not less than 30 days, within a 5-month period immediately preceding consideration of such person's case by the Board of Pardons. The Director of the Division of Correction may request the Director of the Division of Mental Health and Retardation to cause examination and studies to be made.

(c) Pursuant to the provisions of subsections (a) and (b) hereof, the examining psychiatrist shall furnish each member of the Board of Pardons a copy of the report of his findings, of his opinion as to the physical, mental and emotional health of the person who is being considered for recommendation for pardons or commutation of sentence, and of his opinion of the probability of such person's again committing a crime similar to the one for which he was incarcerated or of violating any other law of this State. In the event that the Board of Pardons recommends a pardon or commutation of sentence, a copy of the psychiatrist's report shall be furnished to the Governor.

(d) In the event that examination and clinical studies as provided in this Section cannot be made at the correctional institution, the prisoner may be transferred, under adequate security safeguards, to the Delaware State Hospital for such examination and studies.

Section 2. This Act shall become effective on the date the Governor designates by Executive Order that the five members of the new Parole Board, as constituted under Title 11, Section 4341, Delaware Code, as amended by Senate Bill No. 516 of the 125th General Assembly, have been selected and ready to serve in that capacity.

Approved June 25, 1970.

CHAPTER 595

AN ACT TO AMEND TITLE 11, CHAPTER 43, DELAWARE CODE, RELATING TO PARDONS AND COMMUTATION OF SENTENCES AND PROVIDING USE OF SERVICES OF BOARD OF PAROLE.

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

Section 1. Title 11, Delaware Code, Chapter 43, is amended by adding thereto a new section 4363 to read as follows:

§ 4363. Request for advice from Board of Parole

Whenever the Board of Pardons receives an application for recommendation of pardon or commutation of sentence from a person who is in legal custody of the Department of Health and Social Services, the Board shall request from the Board of Parole a report summarizing the complete record of such person which shall include an opinion as to the state of rehabilitation of such person, which shall be furnished by the Parole Board as provided in Section 4343 (8), of this Chapter.

Section 2. This Act shall become effective on the date the Governor designates by Executive Order that the five members of the new Parole Board, as constituted under Title 11, Section 4341, Delaware Code, as amended by Senate Bill No. 516 of the 125th General Assembly, have been selected and are ready to serve in this capacity.

Approved June 25, 1970.

CHAPTER 596

AN ACT TO AMEND TITLE 11, CHAPTER 43, DELAWARE CODE, RELATING TO PAROLES AND PROVIDING PSYCHIATRIC EXAMINATIONS.

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

Section 1. Title 11, Chapter 43, Delaware Code, is hereby amended by adding a new Section 4353 to read as follows :

§ 4353. Psychiatric examinations required prior to parole

(a) No person who has been convicted of and imprisoned for murder, voluntary manslaughter, rape, kidnapping, abducting a child, poisoning with intent to harm, robbery, burglary in the first degree, burglary in the second degree, mayhem, arson, assault with intent to commit murder, to rape or to rob, or for an attempt as provided by statute to commit any of same, shall be released from incarceration by the Parole Board until the Parole Board has considered psychiatric and clinical studies of such person, and the Board is satisfied that he is free of any tendency to commit again the crime for which he was committed, or to violate any other law of this State.

(b) Prior to consideration for release by the Parole Board of any person who has been incarcerated for any of the crimes stated in subsection (a) hereof, such person shall be adequately examined by a physician who has practiced psychiatry; and such person shall undergo adequate psychological clinical studies for a period of not less than 30 days within a 5-month period immediately preceding consideration of such person's release by the Parole Board. The Director of the Division of Correction may request the Director of the Division of Mental Health and Mental Retardation to cause examination and studies to be made.

(c) Pursuant to the provisions of subsections (a) and (b) hereof, the examining psychiatrist shall furnish each member of the Parole Board a copy of the report of his findings, of his opinion as to physical, mental and emotional health of the person who is being considered for release, and of his opinion of the proba-

ability of such person again committing a crime similar to the one for which he was incarcerated or of violating any other law of this State.

(d) Nothing herein shall preclude the parole of a person for treatment in another institution because of his physical or mental condition, as provided in Section 4346 of this Chapter.

(e) In the event that examination and clinical studies, as provided in subsections (a), (b) and (c) hereof cannot be made at the correctional institution, the prisoner may be transferred under adequate security safeguards to the Delaware State Hospital for such examination and studies.

Section 2. This Act shall become effective on the date the Governor designates by Executive Order that the five members of the new Parole Board, as constituted under Title 11, Section 4341, Delaware Code, as amended by Senate Bill No. 516 of the 125th General Assembly, have been selected and are ready to serve in this capacity.

Approved June 25, 1970.

CHAPTER 597

AN ACT TO AMEND TITLE 11, DELAWARE CODE, CHAPTER 43, RELATING TO THE COMPOSITION AND POWERS OF THE BOARD OF PAROLE AND MAKING A SUPPLEMENTARY APPROPRIATION TO THE BOARD TO IMPLEMENT THE ACT.

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

Section 1. Title 11, Delaware Code, Chapter 43, Section 4341, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 4341 to read as follows:

§ 4341. Board of Parole, selections, appointment and removal

(a) The Board of Parole shall consist of four members, each of whom shall serve for a term of four years, and a Chairman who shall serve at the pleasure of the Governor, all to be appointed by the Governor, and confirmed by a majority of the members elected to the Senate.

(b) One of the four members shall be an attorney admitted to practice law in Delaware and another member shall be a psychiatrist or psychologist licensed in Delaware. The attorney member shall not practice criminal law while serving as a member of the Board. In any case where the attorney member has a conflict of interest because of any person appearing as an applicant before the Board, he shall so notify the Governor who shall appoint by letter another attorney to serve specially for that particular case.

(c) The Chairman shall have an earned Graduate Degree above that a bachelor's Degree, either in social work, psychology, sociology, criminology, and/or corrections, and at least five years in the field of probation, parole or other area of corrections. He shall be paid a salary not to exceed \$20,000 per annum, which shall be fixed by the Governor.

(d) One of the initial four members shall be appointed for a term of one year, one for a term of two years, one for a term of three years and the fourth for a full four year term. Members

appointed thereafter, unless to fill a vacancy, shall be for full four year terms. A vacancy shall be filled by the Governor within 60 days, the appointee to serve the balance of the unexpired term. A member shall hold office until a successor has been appointed and qualified.

(e) The present Chairman and members of the Board of Parole shall continue to serve as voting members of the Board until the expiration date of their present terms, unless they shall sooner resign.

(f) The Governor may remove a member of the Board only for disability, inefficiency, neglect of duty or malfeasance in office. Before such removal the Governor shall give the member a written copy of the charges against him and shall fix the time when he can be heard in his defense, which shall not be less than ten days thereafter.

Section 2. Title 11, Delaware Code, Chapter 43, Section 4342, is amended by striking said section in its entirety and inserting in lieu thereof a new Section 4342 as follows:

§ 4342. Organization

(a) The Board shall obtain and maintain suitable and adequate quarters and shall employ those persons necessary to carry out its functions.

(b) The Board shall adopt an official seal of which the Courts shall take judicial notice.

Section 3. Title 11, Delaware Code, Chapter 43, Section 4343, is amended by adding thereto a new paragraph (8) to read as follows:

(8) Act as Advisory Board to the Board of Pardons. When a person in legal custody of the Division of Corrections applies to the Board of Pardons for recommendation for a pardon or commutation of sentence, the Parole Board, upon request, furnish to each member of the Board of Pardons and to the Governor a report of the record of such persons, which shall include its opinion as to the state of rehabilitation of such person.

Section 4. Title 11, Delaware Code, Chapter 43, Section 4344, is amended by striking said Section in its entirety and inserting in lieu thereof a new Section 4344 to read as follows:

§ 4344. Compensation and expenses

(a) Each member of the Board except the Chairman may receive \$60.00 per day as compensation for services when attending a meeting of the Board, not to exceed 50 meetings each year.

(b) In addition, each member shall receive mileage, incurred attending such meetings and performing such duties.

Section 5. Title 11, Delaware Code, Chapter 43, Section 4345, is amended by striking the existing paragraph and inserting in lieu thereof a new section to read as follows:

At least 14 days before any meeting of the Board, the Chairman shall provide all the members of the Board with copies of all pertinent information and materials at his disposal concerning all applications for Parole coming before the Board at that meeting or concerning any reviews which shall be undertaken at that meeting.

Section 6. The sum of twenty-eight thousand dollars (\$28,000) is appropriated to the Board of Parole to defray the salaries and costs of the Board for administration of this Act for the fiscal year beginning July 1, 1970 and ending June 30, 1971.

Section 7. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware out of funds not otherwise appropriated. Any funds appropriated herein which are unexpended shall revert to the General Fund of the State of Delaware on June 30, 1971.

Section 8. The provisions of this Act relating to the composition, personnel, duties and functions of the new Parole Board shall take effect on the date the Governor designates by Executive Order that the five members of the new Parole Board have been selected and are ready to serve in that capacity.

Approved June 25, 1970.

CHAPTER 598

AN ACT MAKING AN APPROPRIATION TO THE HISTORICAL SOCIETY OF DELAWARE.

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 Historical Society of Delaware for the fiscal year ending June 30, 1970, the sum of \$15,000.

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.

Approved June 29, 1970.

CHAPTER 599

**AN ACT MAKING AN APPROPRIATION TO THE CAESAR
RODNEY 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, Title 14, Delaware Code, the Board of School Directors of the Caesar Rodney 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 Reilly Brown, Nellie Hughes Stokes, W. B. Simpson, and Caesar Rodney Schools 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, Title 14, Delaware Code, have indicated their approval in writing of this program for the construction of sidewalks leading to said school sites;

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 \$13,200 is hereby appropriated to the Caesar Rodney School District for the purpose of constructing sidewalks within the Caesar Rodney School District and acquiring the necessary rights-of-way therefor.

Section 2. The Caesar Rodney School District prior to the expenditure of any moneys appropriated herein shall supplement the sum appropriated herein in the amount of \$8,800 no later

than May 30, 1971. Said sum of \$8,800 shall be transferred from the Caesar Rodney 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 Caesar Rodney 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. LAYTON AVENUE
Easterly side, from the southern end to Southern Boulevard 370 feet
- II. SOUTHERN BOULEVARD
Northerly side, from Layton Avenue to Camden-Wyoming Avenue 667 feet
- III. CAESAR RODNEY AVENUE
Easterly and westerly sides, from Old North Road to Camden-Wyoming Avenue 1,364 feet
- IV. OLD NORTH ROAD
Northerly side, from Layton Avenue to a point 46 feet east of the W.B. Simpson School ... 1,035 feet
- V. WILLOW GROVE ROAD
Westerly side, from Camden-Wyoming Avenue to a point 720 feet south of Camden - Wyoming Avenue 720 feet
- VI. OLD NORTH ROAD
Northerly side, from W.B. Simpson School to the Caesar Rodney Senior High School . 1,340 feet
- VII. WEST STREET
Easterly side, from Old North Road to Camden-Wyoming Avenue 1,595 feet
- VIII. WEBBS LANE
Southerly side, from end of Brown Elementary School property to a point opposite Turner Drive 246 feet

7,337 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 June 29, 1970.

CHAPTER 600

**AN ACT TO AMEND VOLUME 56, LAWS OF DELAWARE,
CHAPTER 397, PROVIDING THAT THE SUM APPROPRIATED THEREBY SHALL NOT REVERT UNTIL
JUNE 30, 1972.**

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

Section 1. Amend Volume 56, Laws of Delaware, Chapter 397, Section 3 thereof, by striking the figures "1970" as they appear therein and inserting in lieu thereof the figures "1972".

Approved June 29, 1970.

CHAPTER 601

AN ACT TO AMEND CHAPTER 3, SECTION 303, TITLE 3,
DELAWARE CODE, ENTITLED BUREAU OF MARK-
ETS.

Section 1. Chapter 3, Title 3, Delaware Code, is amended by adding to Section 303 in the first sentence, the fifth line, after the words "grain inspections" the following:

"and the testing of butterfat samples."

Approved June 29, 1970.

CHAPTER 602

AN ACT TO AMEND SECTION 4648, TITLE 9, DELAWARE CODE, RELATING TO THE ISSUANCE OF BONDS BY THE LEVY COURT OF KENT COUNTY TO FINANCE SEWAGE IMPROVEMENTS.

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

Section 1. Amend Section 4648, Title 9, Delaware Code, by striking said Section in its entirety and inserting in lieu thereof a new Section to read as follows:

§ 4648. Interest rates

Bonds or notes issued pursuant to this law may bear interest at a rate or rates, without limitation, which may be determined by resolution of the Levy Court.

Approved June 29, 1970.

CHAPTER 603

AN ACT PROVIDING FOR THE APPROPRIATION OF MONEY TO JAMES DAY WALLACE, A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN'S MILITARY PAY ACT NO. II, WHO DID NOT RECEIVE HIS BONUS.

WHEREAS, James D. Wallace, now of 37 North Queen Street, Dover, Delaware, was born elsewhere but had resided within the State of Delaware for 36 months prior to his entry into the United States Air Force on October 19, 1951 and is a legal resident of Delaware now; and

WHEREAS, James D. Wallace served in the United States Air Force during the Korean conflict; and

WHEREAS, James D. Wallace served between June 25, 1950 and January 31, 1955, the time in which the Veteran's Military Pay Act No. II was effective; and

WHEREAS, he applied for the Pennsylvania Korean conflict veteran's benefits under the assumption he was entitled to such solely because his place of birth and place of induction was in Pennsylvania, and was subsequently denied such benefits on the grounds that he was not considered a resident of Pennsylvania at the time of entry into service; and

WHEREAS, he was not cognizant that Delaware granted Korean conflict benefits to veterans until June of 1962 at which time the Act had expired; and

WHEREAS, the added confusion and ambivalence over said applicant's residency added to the lapse of time; and

WHEREAS, it is felt that those who served their country and their state should not be deprived of their bonus payment solely because they did not file prior to the expiration of the Act; and

WHEREAS, James D. Wallace did serve four (4) years and four (4) months, and would therefor be entitled to \$225 under provisions of Section 3 (a) at a rate of \$15 for each month served not to exceed 15 months;

NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each house thereof concurring therein):

Section 1. The sum of \$225 is appropriated to James Day Wallace.

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 29, 1970.

CHAPTER 603

AN ACT PROVIDING FOR THE APPROPRIATION OF MONEY TO JAMES DAY WALLACE, A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN'S MILITARY PAY ACT NO. II, WHO DID NOT RECEIVE HIS BONUS.

WHEREAS, James D. Wallace, now of 37 North Queen Street, Dover, Delaware, was born elsewhere but had resided within the State of Delaware for 36 months prior to his entry into the United States Air Force on October 19, 1951 and is a legal resident of Delaware now; and

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WHEREAS, he applied for the Pennsylvania Korean conflict veteran's benefits under the assumption he was entitled to such solely because his place of birth and place of induction was in Pennsylvania, and was subsequently denied such benefits on the grounds that he was not considered a resident of Pennsylvania at the time of entry into service; and

WHEREAS, he was not cognizant that Delaware granted Korean conflict benefits to veterans until June of 1962 at which time the Act had expired; and

WHEREAS, the added confusion and ambivalence over said applicant's residency added to the lapse of time; and

WHEREAS, it is felt that those who served their country and their state should not be deprived of their bonus payment solely because they did not file prior to the expiration of the Act; and

WHEREAS, James D. Wallace did serve four (4) years and four (4) months, and would therefor be entitled to \$225 under provisions of Section 3 (a) at a rate of \$15 for each month served not to exceed 15 months;

NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each house thereof concurring therein):

Section 1. The sum of \$225 is appropriated to James Day Wallace.

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 29, 1970.

CHAPTER 604

AN ACT TO AMEND TITLE 19, DELAWARE CODE, CHAPTER 1, RELATING TO DUTIES OF CHILD LABOR INSPECTORS.

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

Section 1. Title 19, Delaware Code, Section 109, is amended by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 109. State Labor Inspectors; duties

(a) The Department of Labor shall appoint suitable and qualified individuals to be State Labor Inspectors.

(b) All State Labor Inspectors shall have the power to enforce any provisions pursuant thereto.

(c) The State Labor Inspectors may visit and inspect at any time, any establishment in this State to ascertain whether the provisions of this title are being complied with, and, in the event violations are detected, the inspector shall make complaint against and shall prosecute any person violating any of the provisions of such title.

Section 2. Title 19, Delaware Code, Section 110, is amended by repealing said section in its entirety.

Approved June 29, 1970.

CHAPTER 605

**AN ACT TO AMEND § 7107, TITLE 3, DELAWARE CODE,
RELATING TO THE COMPENSATION PAID FOR ANI-
MALS CONDEMNED AND KILLED BY THE STATE
BOARD OF AGRICULTURE.**

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

Section 1. § 7107, Title 3, Delaware Code, is hereby amend-
ed by:

A. striking the figure "\$25" where it appears therein and
inserting in lieu thereof the figure "\$50", and

B. striking the figure "\$50" where it appears therein and
inserting in lieu thereof the figure "\$100".

Approved June 29, 1970.

CHAPTER 606

AN ACT TO AMEND SECTION 704, PARAGRAPH (c), TITLE 7, DELAWARE CODE, RELATING TO PROHIBITED HUNTING METHODS.

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

Section 1. Amend Section 704, Paragraph (c), Title 7, Delaware Code, by striking Paragraph (c) in its entirety and substituting in lieu thereof a new Paragraph (c) to read as follows:

(c) No person or persons shall shoot at, or kill any birds or animals protected by the laws of this State with any device, swivel or punt gun, or with any gun other than such as is habitually raised at arm's length and fired from the shoulder, or pursue or kill the same, except frogs, raccoons, opossums, skunks, minks and otters, with the aid of any artificial light or lantern. Possession of such illegal device or gun or lantern while hunting shall be prima facie evidence of an offense under this subsection.

Approved June 29, 1970.

CHAPTER 607

AN ACT TO AMEND TITLE 24, DELAWARE CODE, SECTION 1424, RELATING TO BONDS REQUIRED OF MASTER ELECTRICIANS.

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

Section 1. Title 24, Delaware Code, Section 1424, is amended by striking subsection "(b)" thereof in its entirety and inserting in lieu thereof the following:

(b) Before any registration certificate will be issued, the applicant must furnish a good and sufficient bond meeting with the approval of the Board, in the name of the State of Delaware, in the sum of \$1,000 conditioned that he will comply with all applicable standards for the installation of electrical work, apparatus and devices required by law or regulation. Any person damaged by the failure to comply with such standards shall have a right of action on such bond, provided, such action is commenced within one year from the completion of the installation and provided, further, that the aggregate liability of the surety to all such persons for all such damages shall in no event exceed the sum of such bond.

Approved June 29, 1970.

CHAPTER 608

**AN ACT AMENDING TITLES 7 AND 29 PROVIDING FOR
OMNIBUS AMENDMENTS AND CORRECTIONS RE-
LATING TO THE DEPARTMENT OF STATE AS PRO-
VIDED IN TITLE 29, DELAWARE CODE, CHAPTER 87.**

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

Section 1. Chapter 33, Title 29, Delaware Code, is amended as follows:

A. § 3301 is amended as follows:

(1) By striking the section heading, "Creation and general duties of Commission" and inserting in lieu thereof a new section heading, "General duties of the Department of State".

(2) By striking the words, "There shall be a Public Archives Commission, hereafter in this chapter referred to as the "Commission", whose duties shall be: and inserting in lieu thereof the words "The Department of State, hereinafter referred to in this chapter as the 'Department', shall be responsible for".

B. §§ 3301, 3303, 3304, 3306, 3308, 3309, 3321, 3323, 3324, 3327, 3328, 3329, 3330, 3331, 3334, 3335, 3351, 3352, 3353, 3354, 3357, 3371 and 3373 are amended by striking the words "Commission" and "Public Archives Commission" wherever they appear and inserting in lieu thereof the words "Department" and "Department of State", respectively.

C. §§ 3302 and 3305 are repealed.

D. § 3307 is amended by striking the words "State Treasury" and inserting in lieu thereof the words "Secretary of Finance".

E. §§ 3309, 3324, 3325, 3328, 3331 and 3335 are amended by striking the words "State Archivist" wherever they appear and inserting in lieu thereof the words "Department of State".

F. § 3309 is further amended by striking from the second paragraph the word "he" and inserting in lieu thereof the word "it".

G. § 3322 is amended by striking the words "Public Archives Commission." and inserting in lieu thereof the words "Department of State, provided, that such transfer is consistent with the provisions of any such termination."

H. § 3324 is further amended by striking from the second sentence the word "his" and inserting in lieu thereof the word "its".

I. § 3328. (a) is further amended by striking the words, "subject to the rules, regulations and acts governing the Commission,".

J. § 3330 (b) is further amended by striking the words "State Treasurer" and inserting in lieu thereof the words "Secretary of Finance".

K. § 3354 is further amended as follows:

(1) By striking from the first paragraph the words "Budget Commission" and inserting in lieu thereof the words "Secretary of Finance".

(2) By striking from the third paragraph the words "State Treasurer" and inserting in lieu thereof the words "Secretary of Finance".

L. § 3356 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 3356. Purchase of State papers

The sum of \$500 is appropriated annually for the purchase of State papers by the Department of State, and the necessary expense of obtaining the same. Such purchases shall be approved by the Secretary of State, and the money shall be paid out of the State Treasury on the warrant of the Department, countersigned by the Secretary of Finance.

M. § 3371 is further amended by striking the word "division" and inserting in lieu thereof the word "museum".

Section 2. Chapter 49, Title 7, Delaware Code, is amended as follows:

A. §§ 4901 and 4904 (b) are repealed.

B. §§ 4902 and 4903 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the words "Department of State".

C. § 4904 (a) is amended by striking the words "state treasurer" and inserting in lieu thereof the words "Secretary of Finance".

Section 3. Chapter 37, Title 29, Delaware Code, is amended as follows:

A. § 3701 is repealed.

B. § 3702 is amended by striking the words "Delaware Day Commission" and inserting in lieu thereof the words "Department of State".

Section 4. § 3501, Title 29, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 3501. Portraits

The Department of State shall continue to obtain by gift, portraits of the signers of the Declaration of Independence, Governors, United States Senators, Congressmen, Judges of Courts, Cabinet Officers, Naval, Army and Air Force officers and Colonial and United States officials who are from Delaware.

Section 5. Chapter 54, Title 7, Delaware Code, is amended as follows:

A. §§ 5401, 5402 and 5405 are repealed.

B. § 5403 is amended by striking the section heading, "Purposes" and inserting in lieu thereof a new section heading, "Duties of the Department of State".

C. § 5404 is amended by striking the words "Delaware Archaeological Board" and inserting in lieu thereof the words "Department of State".

Section 6. § 4401, Title 29, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 4401. Poet Laureate

The Governor may appoint a Poet Laureate for the State of Delaware to serve a two-year term commencing on the first day of January of each odd-numbered year. The Poet Laureate shall perform such duties as may be requested by the Governor and the Secretary of State or his duly authorized designee. The Department of State shall be responsible for the administrative, ministerial and clerical services, including but not limited to furnishing office space, which may be requested by the Poet Laureate, within such limitations as may be imposed by law.

Section 7. Chapter 87, Title 29, Delaware Code, is amended by adding a new section as follows:

§ 8716. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 8. If any provision of this Act, 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 Act and the application of such provisions of this Act 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.

Approved June 29, 1970.

CHAPTER 609

AN ACT TO AMEND TITLE 24, DELAWARE CODE, CHAPTER 27, RELATING TO PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

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

Section 1. Title 24, Delaware Code, Chapter 27, is amended by striking the fourth paragraph of § 2707 thereof and inserting in lieu thereof a new paragraph to read as follows:

The Secretary of the Board and the Office Secretary shall give a surety bond to the State in such a sum as the Board may determine. The premium on such bonds shall be regarded as a proper and necessary expense of the Board.

Section 2. Title 24, Delaware Code, Chapter 27, is amended by striking § 2709 thereof and inserting in lieu thereof a new section to read as follows:

§ 2709. Roster

A complete roster showing the names and last known address and places of business of all registered professional engineers and all registered professional land surveyors shall be published by the Secretary of the Board prior to September first of each uneven year, or at intervals as established by Board regulations. In a year when the full roster is not printed, an addenda to the last roster shall be printed. Copies of this roster or addenda shall be mailed to each person so registered, placed on file with the Secretary of State, County and City officials and may be distributed or sold to the public.

Section 3. Title 24, Delaware Code, Chapter 27, is amended by striking § 2729 thereof in its entirety and inserting in lieu thereof a new section to read as follows:

§ 2729. Expirations and renewals

Certificates of registration issued before July 1, 1970 shall expire on the last day of the month of June following their issuance and shall become invalid on that date unless renewed. Cer-

tificates of registration issued after July 1, 1970 shall expire on the last day of the month of June in the uneven year after their issuance and shall become invalid on that date unless renewed.

Beginning July 1, 1970, and every two years thereafter, the Secretary of the Board shall notify every person registered under this Chapter of the date of expiration of this Certificate and the amount of the fee that shall be required for its renewal for two years.

If this renewal comes due during an uneven year, the Secretary of the Board shall notify the person registered under this Chapter of the date of expiration of this Certificate and the amount of fee that shall be required for its renewal for one year.

All notices shall be mailed at least one month in advance of the date of expiration of such Certificate.

Renewal may be effected at any time during the month of July by the payment of a renewal fee of \$12 bi-annually for professional engineers and \$6 bi-annually for professional land surveyors. The failure on the part of any registrant to renew his Certificate bi-annually in the month of July as required by this Section shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a Certificate after the month of July shall be increased fifty cents for each month or fraction of a month that payment of renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

The first payment due for professional engineers and professional land surveyors during the uneven year shall be one-half of the bi-annual fee.

Approved June 29, 1970.

CHAPTER 610

AN ACT TO REPEAL CHAPTER 47, SECTION 4721, TITLE 7, DELAWARE CODE RELATING TO THE JURISDICTION OF THE STATE PARK COMMISSION CONCERNING BRANDYWINE SPRINGS PARK AND AUTHORIZING AND DIRECTING THE STATE PARK COMMISSION ON BEHALF OF THE STATE OF DELAWARE TO CONVEY BRANDYWINE SPRINGS PARK TO THE COUNTY COUNCIL OF NEW CASTLE COUNTY FOR PUBLIC PARK AND RECREATIONAL PURPOSES.

WHEREAS, the Wilmington City Council and the County Council of New Castle County are considering the merger of certain municipal park facilities in order to provide improved public recreational services and a more logical administrative system; and

WHEREAS, the area known as Brandywine Springs State Park is located within this metropolitan region and serves a greater local than statewide need; and

WHEREAS, Brandywine Springs Park because of its location, size, natural features and recreational facilities better meets the criteria established for County rather than State Parks, but at the time of its acquisition no County park and recreational agency existed to provide administration; and

WHEREAS, the transfer of this area to New Castle County meets with the full approval of the County Council, State Park Commission and the State Planning Office and has been, for many years, included in their long range planning;

NOW, THEREFORE,

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

Section 1. § 4721, Sub-Chapter 11, Chapter 47, Title 7, Delaware Code, is hereby repealed in its entirety and the State Park Commission is hereby authorized and directed, on behalf of the State of Delaware, to convey unto the County Council of New

Castle County all of the State's rights, title, and interest in and to all those certain pieces, tracts, or parcels of lands with improvements thereon, situated in Mill Creek Hundred, New Castle County in the State of Delaware, and shown on Survey Plot prepared by Price & Price of Wilmington, Delaware, Civil Engineers and Surveyors as revised April 22, 1954; said properties being known as "Brandywine Springs State Park" and more thoroughly bounded and described in Deed Record E, Volume 51, Page 361, dated Twenty-Sixth day of July A.D. 1951, containing approximately 56.95 acres and Deed Record A, Volume 54, Page 487, dated the Twelfth day of March A.D. 1954, containing approximately 0.91 acres, recorded in the Office of the Recorder of Deeds, in and for New Castle County; granted and conveyed to the State of Delaware for the use of the State Park Commission of Delaware.

Section 2. Said lands and improvements shall be used by the County Council of New Castle County for public park and recreation purposes only and if such stated use ceases said lands and improvements shall immediately revert to the State of Delaware.

Approved June 29, 1970.

CHAPTER 611

AN ACT TO VALIDATE CERTAIN PROCEEDINGS AT REFERENDA OF SCHOOL DISTRICTS, AND ANY BONDS OR OTHER OBLIGATIONS ISSUED OR TO BE ISSUED PURSUANT TO SUCH PROCEEDINGS.

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

1. All proceedings heretofore had or taken by any school district at, or pertaining to any school district referenda for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued pursuant to proposals adopted by the legal voters at such referenda, are hereby ratified, validated and confirmed, notwithstanding that the period of time during which the polls remained open was not advertised precisely in accordance with Title 14, Delaware Code, Section 2120 (f), due to confusion between Eastern Standard Time and Eastern Daylight Saving Time.

2. This Act shall take effect immediately.

Approved June 29, 1970.

CHAPTER 612

**AN ACT TO VALIDATE THE BOND REFERENDUM HELD
IN THE ALEXIS I. DUPONT SCHOOL DISTRICT ON
MAY 16, 1970.**

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

1. The Bond referendum held in the Alexis I. duPont School District on May 16, 1970, at which the voters approved a \$276,-400 local Bond issue, is hereby validated notwithstanding that the amount of bonds to be authorized by the local district was overstated in the first two Notices of Election.

2. This Act shall take effect immediately.

Approved June 29, 1970.

CHAPTER 613

AN ACT TO AMEND TITLE 21, CHAPTER 41, DELAWARE CODE, SECTION 4176 (a) OF THE REVISED CODE BY DESIGNATING A BLOOD ALCOHOL LEVEL AT WHICH DRIVING OR PHYSICAL CONTROL OF A MOTOR VEHICLE IS UNLAWFUL.

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

Section 1. Title 21, Chapter 41, Delaware Code, Section 4176 (a) is amended by adding the following sentences immediately after the last sentence of Section 4176 (a) which begins with the words . . . "A suspended sentence".

Any person who drives, operates or has in actual physical control a motor vehicle while such person's blood has reached a blood alcohol concentration of 10/100 of one percentum or more, by weight, as shown by a chemical analysis of a blood, breath, or urine sample taken within two hours of the alleged offense shall be guilty of this section. This provision shall not preclude a conviction based on other admissible evidence.

Section 2. Any action, case, prosecution, trial or any other legal proceeding in progress under or pursuant to the previous wording of the section amended by this Act, no matter what the stage of the proceeding, shall be preserved and shall not become illegal or terminated upon the effective date of this Act. For purposes of such proceedings in progress the prior law shall remain in full force and effect.

Approved June 20, 1970.

CHAPTER 614

AN ACT TO AMEND TITLE 28, DELAWARE CODE, CHAPTER 9, RELATING TO OUTDOOR MUSICAL FESTIVALS.

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

Section 1. Title 28, Delaware Code, § 926, is amended by striking the "." at the end of subsection (a) thereof and inserting in lieu thereof the following:

"except that in incorporated municipalities of more than 5,000 persons the chief of police of that incorporated area shall be the person to issue such permit instead of the Superintendent of the State Police."

Section 2. Title 28, Delaware Code, § 926, is amended by striking subsection (b) (1) thereof and inserting in lieu thereof a new subsection to read as follows:

(1) The promoters shall post a cash bond in an amount to be determined by the Board not to exceed \$50,000.

Section 3. Title 28, Delaware Code, § 926, is amended by inserting after the word "Police" and before the word "shall" in subsection (c) thereof the following words:

or the chief of police of any incorporated municipality of more than 5,000 persons.

Approved June 29, 1970.

CHAPTER 615

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE PUBLIC SERVICE COMMISSION.**

WHEREAS, additional funds are required to pay existing and anticipated obligations for the Fiscal Year ending June 30, 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 \$9,500 is appropriated to the Delaware Public Service Commission for the fiscal year ending June 30, 1970, to be used for the purpose of carrying out its regulatory functions.

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 June 29, 1970.

CHAPTER 616

AN ACT TO AMEND TITLE 21, CHAPTER 41, DELAWARE CODE BY ADDING A NEW SECTION 4135 RELATING TO ENTERING OR CROSSING A DIVIDED HIGHWAY.

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

Section 1. Title 21, Chapter 41, Delaware Code, is amended by adding a new Section 4135 to read as follows:

§ 4135. Entering or crossing divided highway from crossover or other intervening space between opposing lanes

(a) The driver of a vehicle about to drive onto or cross a lane or lanes of a divided highway from the intervening space between opposing lanes where there is no official traffic control device shall yield the right-of-way to any vehicle approaching on the divided highway.

Approved June 29, 1970.

CHAPTER 617

AN ACT AMENDING TITLE 7, DELAWARE CODE, PROVIDING FOR AMENDMENTS AND CORRECTIONS TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AS PROVIDED IN TITLE 29, DELAWARE CODE, CHAPTER 80.

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

Section 1. §§ 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513, 4514, 4515, 4516, 4517 and 4519, Title 7, Delaware Code, are amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Approved June 29, 1970 .

CHAPTER 618

AN ACT TO AMEND TITLE 24, SECTION 602, DELAWARE CODE, RELATING TO QUALIFICATIONS OF MEMBERS OF THE STATE BOARD OF COSMETOLOGY.

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

Section 1. Amend Title 24, Section 602, Delaware Code, by striking the third sentence of said Section beginning with the word "the" and ending with the word "State", and inserting therein the following:

The members of the Board shall be at least twenty-five (25) years of age and shall be citizens of this State. Moreover, three (3) members must have had at least five (5) years practical experience in the majority of the practices of cosmetology; one member must be an owner or administrator of a school of cosmetology recognized for accepting students under state programs; one member must be an individual who has no connection with the profession of cosmetology.

Approved June 30, 1970.

CHAPTER 619

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE RESPECTIVE DEPARTMENTS OF ELEC-
TIONS FOR NEW CASTLE, KENT AND SUSSEX COUN-
TIES FOR ADDITIONAL MOBILE REGISTRATION.**

WHEREAS, it is the desire of the members of the General Assembly to have each County Department of Elections provide additional mobile registration; and

WHEREAS, mobile registration provides an effective and efficient method to register voters.

NOW, THEREFORE,

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

Section 1. In addition to any sums heretofore appropriated to the Departments of Elections for each county of this State, there is appropriated to the Departments of Elections for New Castle, Kent and Sussex Counties the following sums for the purpose of providing additional mobile registration :

Department of Elections for New Castle County	\$3,500.00
Department of Elections for Kent County	1,500.00
Department of Elections for Sussex County	2,000.00

Section 2. The funds appropriated herein are to be used only for the purposes specified and any unexpended funds shall revert to the General Fund of the State of Delaware on December 31, 1970.

Section 3. This Act shall be known as a supplementary appropriation act and funds hereby appropriated shall be paid out of the General Fund of the State of Delaware from funds not otherwise appropriated.

Approved June 30, 1970.

CHAPTER 620

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE HIGHWAY DEPARTMENT—MOTOR VEHICLE
DIVISION.**

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

Section 1. The sum of \$71,200 is appropriated to the Highway Department - Motor Vehicle Division for the fiscal year ending June 30, 1971, for the following purposes:

Salary and wages of employees (14)	\$67,000
Capitol outlay	4,200
	<hr/>
TOTAL	\$71,200

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 as of June 30, 1971, shall revert to the General Fund of the State Treasury.

Approved June 30, 1970.

CHAPTER 621

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR'S COMMITTEE ON EMPLOY-
MENT OF THE HANDICAPPED.**

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

Section 1. The sum of \$500 is appropriated to the Governor's Committee on Employment of the Handicapped 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.

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 30, 1970.

CHAPTER 622

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY CREATING A NEW SUBCHAPTER RELATING TO THE ESTABLISHMENT IN THE STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES OF A PROGRAM OF CARE OF PERSONS SUFFERING FROM CHRONIC RENAL DISEASES, PROVIDING FOR AN ADVISORY COMMITTEE IN CONNECTION THEREWITH, DESIGNATING POWERS AND DUTIES IN RELATION THERETO, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. Amend Title 29, Delaware Code, by adding a subchapter to be designated as Subchapter II to read as follows:

**SUBCHAPTER II. THE CHRONIC
RENAL DISEASES PROGRAM**

§ 7931. Establishment of a program

The State Department of Health and Social Services hereafter referred to as the Department, shall establish a program for the care and treatment of persons suffering from chronic renal diseases. This program shall assist persons suffering from chronic renal diseases who require lifesaving care and treatment for such renal disease, but who are unable to pay for such services on a continuing basis.

§ 7932. Advisory Committee

The Secretary of the Department of Health and Social Services, herewith referred to as the Secretary, shall appoint a Renal Disease Advisory Committee, hereafter referred to as the Committee, to consult with the Secretary in the administration of this Act. The Committee shall be composed of eleven persons representing hospitals and medical centers which establish dialysis centers, voluntary agencies interested in kidney diseases, related public agencies, physicians licensed to practice medicine, and the

general public. Each member shall hold office for a term of four years and until his successor is appointed and qualified, except that the terms of the members first taking office shall expire, as designated at the time of appointment, two at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The Committee shall meet as frequently as the Secretary deems necessary, but not less than once each year. The Committee members shall receive no compensation but shall be reimbursed for actual expenses incurred in carrying out their duties as members of this Committee.

§ 7933. Powers and duties of the Secretary

The Secretary shall:

(1) With the advice of the Committee, develop standards for determining eligibility for care and treatment under this program.

(2) Assist in the development and expansion of programs for the care and treatment of persons suffering from chronic renal diseases, including dialysis and other medical procedures and techniques which will have a lifesaving effect in the care and treatment of persons suffering from these diseases.

(3) Assist in the development of programs for the prevention of chronic renal diseases.

(4) Extend financial assistance to persons suffering from chronic renal diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary in caring for such diseases including the renting or purchase of home dialysis equipment.

(5) Assist in equipping dialysis centers.

(6) Institute and carry on an educational program among physicians, hospitals, public health departments, and the public concerning chronic renal diseases, including the dissemination of information and the conducting of educational programs con-

cerning the prevention of chronic renal diseases and the methods for the care and treatment of persons suffering from these diseases.

Section 2. The sums of \$50,000 for direct patient care and \$8,000 for administration and education are appropriated to the Secretary for the fiscal year ending June 30, 1971, for the purpose of implementing the provisions of this Act. This appropriation shall be considered a supplementary appropriation and shall be paid out of funds not otherwise appropriated. Any portion thereof which is unexpended or unencumbered as of June 30, 1971, shall revert to the General Fund.

Section 3. This Act shall take effect July 1, 1970.

Approved June 30, 1970.

CHAPTER 623

AN ACT TO AMEND TITLE 16, DELAWARE CODE, REQUIRING THE ESTABLISHMENT OF COUNTY PLANS FOR SOLID WASTE MANAGEMENT, APPROPRIATING FUNDS FOR SUCH PLANNING, AND EMPOWERING THE DIVISION OF PHYSICAL HEALTH OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO ADMINISTER, REGULATE AND DISTRIBUTE SUCH FUNDS.

WHEREAS, in this State, the volume of solid wastes (garbage, trash, refuse) produced each year has greatly increased because of a rapidly expanding population, a healthy economy with the widespread use of packaged products; and

WHEREAS, the improper storage, collection and disposal of such solid wastes may (1) cause the breeding of insects and rodents (2) be the source of odors, (3) cause uncontrolled fires and air pollution, and (4) contaminate surface and ground waters; and

WHEREAS, such conditions are a menace to the health, safety, and welfare of the people of the State; and

WHEREAS, the disposal of solid wastes should be conducted on a regional basis,

NOW, THEREFORE,

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. Title 16, Delaware Code, is amended by inserting after Chapter 17, a new Chapter, Chapter 18, which shall read as follows:

**CHAPTER 18. SOLID WASTE: MANAGEMENT,
STORAGE, COLLECTION AND DISPOSAL**

§ 1801. Definitions

(a) Qualified Agency, as used in this Chapter shall mean:

(1) The Levy Court or County Council of the Counties.

(b) Planning of Solid Waste Collection and Disposal Systems shall mean :

(1) Engineering or planning services to survey, plan, develop and supervise the establishment or construction of comprehensive solid waste collection, and disposed systems.

(c) Federal Aid or Grant shall mean any and all Federal grants-in aid, regardless of source, which supplement the aid provided by the State in this Chapter and which are applied to the planning of solid waste collection and disposal systems by qualified agencies.

(d) Solid Waste shall mean that material that is made up of residential, domestic, institutional, commercial, agricultural, industrial and street or highway refuse. It includes garbage, rubbish, ashes, street refuse, dead animals, abandoned automobiles, demolition rubble and sewage sludge.

(e) Collection and Disposal Systems shall mean :

(1) Systems for the storage, collection, transportation, transfer, processing, reclamation, reduction and disposal of solid wastes.

§ 1802. Establishment of County Plans

Each of the three counties, New Castle, Kent and Sussex, shall prepare and administer a comprehensive and detailed plan for a system for the collection, storage and disposal of all solid wastes which are produced or are disposed of within the boundaries of their respective counties. Provided, however, that if a county does not indicate its willingness, within 60 days from the effective date of this Chapter, to submit a plan as provided herein, the Division of Physical Health of the Department of Health and Social Services, shall conduct its own study and prepare plans as to that county. Such plans shall :

(a) Consider domestic, industrial, demolition, commercial, and agricultural wastes.

(b) Provide for the control of the wastes from point of origin to the place or places of disposal.

(c) Include a method or methods of adequately financing the comprehensive plan.

(d) Establish an organization for the administration and enforcement of the comprehensive plan.

(e) Be completed and submitted to the Division of Physical Health of the Department of Health and Social Services, by April 1, 1971.

§ 1803. Amount of aid; limitation

A qualified agency proceeding with the planning of solid waste collection and disposal systems and applying for aid under this Chapter shall receive State aid funds appropriated pursuant to the purposes and provisions of this Chapter in an amount not to exceed 75 per cent of the cost of the planning of the solid waste collection and disposal system. If Federal funds are received, the sum of State and Federal grants -in-aid shall not exceed 75 per cent of the cost of the planning of the solid waste collection and disposal system.

§ 1804. Allocation of funds

The Division of Physical Health of the Department of Health and Social Services is hereby empowered to administer the provisions of this Chapter and allocate and disburse funds to qualified agencies which make proper application for such funds. Application forms shall be furnished by the Division, and the Division Director, with the approval of the Secretary of the Department, may set rules and regulations to govern the applications and aid the payment process.

Section 2. There is appropriated to the Department of Health and Social Services, Division of Physical Health, the sum of Seventy-Five Thousand Dollars (\$75,000) which shall be used for grants-in-aid to qualified agencies for the planning of solid waste collection and disposal systems.

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 not otherwise appropriated.

Section 4. Any of said appropriated funds remaining unexpended at the end of Fiscal Year ending June 30, 1971, shall not revert to the General Fund, but shall be retained by the Department to be used for the purposes set forth in this Act.

Approved June 30, 1970.

CHAPTER 624

AN ACT MAKING AN APPROPRIATION TO THE NEW CASTLE-GUNNING BEDFORD REORGANIZED SCHOOL DISTRICT FOR THE PURPOSE OF CONSTRUCTING TWO PEDESTRIAN OVERPASSES OVER U.S. ROUTE 13 IN WIMINGTON MANOR AND ACQUIRING THE NECESSARY RIGHTS-OF-WAY THEREFOR.

WHEREAS, 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 School District; and

WHEREAS, the Board of Education of the New Castle-Gunning Bedford Reorganized School District has determined the need for two overpasses over U.S. Route 13 in Wilmington Manor leading to and from the School sites; and

WHEREAS, the State Highway Department and the State Board of Education after reviewing and considering the factors required have indicated their approval and cooperation of this proposal for the construction of the overpasses; and

WHEREAS, the total cost of the two overpasses is estimated to be \$190,000 to be paid sixty per cent (60%) by the State Treasurer out of the General Fund, the remainder to be paid by the local governing unit or the local School Board out of any accumulated balance in the Local Current Expense Account;

NOW, THEREFORE,

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

Section 1. The State Highway Department is authorized to erect two pedestrian overpasses over U.S. Route 13 in Wilmington Manor, New Castle County, Delaware, leading to and from the School sites in that locality.

Section 2. There is hereby appropriated to the State Highway Department the sum of \$114,000 for the sole purpose of

erecting two pedestrian overpasses over U.S. Route 13 in Wilmington Manor, New Castle County, Delaware. Such sum shall be paid by the State Treasurer out of the General Fund from monies not otherwise appropriated. Any portion of the said sum of \$114,000 which shall remain unexpended after the erection of the two overpasses shall revert to the General Fund of the State of Delaware.

Section 3. The local School Board of the New Castle-Gunning Bedford Reorganized School District shall pay the remainder of the sum required to erect the two overpasses over U.S. Route 13 in Wilmington Manor from the accumulated balance of the Local Current Expense Account, any provisions of Title 14 to the contrary notwithstanding.

Section 4. Any sums hereby authorized to be paid from the accumulated balance of the Local Current Expense Account which are unencumbered or unexpended upon completion of the overpasses identified in Section 2 hereof shall revert to the Local Current Expense Account of the New Castle-Gunning Bedford School District.

Approved June 30, 1970.

CHAPTER 625

AN ACT TO AMEND CHAPTER 5, TITLE 22, DELAWARE CODE, RELATING TO PARKING AUTHORITIES.

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

Section 1. § 505 (a), Title 22, Delaware Code, is amended by striking the words and figure "not exceeding 6 per cent per annum" where they appear on lines 5 and 6 thereof.

Section 2. § 505 (a), Title 22, Delaware Code, is further amended by striking the second sentence in its entirety from the second subparagraph thereof.

Section 3. § 505 (b), Title 22, Delaware Code, is amended by inserting in the fourth line thereof the words "or of the municipality" after the word "Authority" and before the word "for".

Section 4. § 508, Title 22, Delaware Code, is amended by striking the last paragraph thereof and inserting in lieu thereof a new paragraph to read as follows:

Any Municipality establishing an Authority under this chapter may, under such terms and conditions as it may deem appropriate, provide for and pay to such Authority such sum or sums of money necessary to acquire in whole or in part the lands upon which such Authority may undertake to erect a parking facility as herein provided and/or such sum or sums of money necessary to acquire or construct in whole or in part a parking facility for facilities as herein provided; or such sum or sums of money necessary to pay operating expenses of the Authority and debt service on outstanding bonds of the Authority and/or to make payments into a reserve fund for the payment of the principal of and interest on indebtedness of the Authority as may be provided by any resolution of the Authority authorizing the issuance of its revenue bonds or by any trust indenture securing its revenue bonds. The Municipality for the purpose of providing such sum or sums of money may issue its general obligation bonds secured by the faith and credit of the Municipality payable

from unlimited ad valorem taxes on all of the real estate in the Municipality subject to taxation or levy ad valorem taxes on real estate subject to taxation, unlimited as to rate or amount. In addition to the issuance of its general obligation bonds and levy of taxes as provided above, a Municipality may guarantee bonds of the Authority issued pursuant to Section 505 of this chapter by pledging its full faith and credit to the payment of the principal of and interest on such revenue bonds. The aggregate amount of general obligation bonds issued by a municipality under this provision and the indebtedness so guaranteed and taxes levied shall be in addition to and not within the limitations of any existing statutory debt or tax limitation of the Municipality. Any agreement by the Municipality to guarantee the revenue bonds of the Authority or to maintain a reserve fund or to pay debt service or operating expenses of the Authority may be made a part of any contract with holders of revenue bonds of the Authority and may be pledged by the Authority to the payment of such revenue bonds. The enforcement or performance of such guaranty may include resort to the power of the Municipality to tax real estate subject to taxation with no limit as to rate or amount or to any other monies of the Municipality available for such purpose.

Section 5. § 510, Title 22, Delaware Code, is amended by adding immediately following Section 510 (e) thereof a new subsection as follows:

(f) The provisions of subsection (a) of this section shall not apply to the construction of parking facilities intended to serve and be an integral part of, a redevelopment project, in any municipality where the municipality, or its redevelopment agency has designated or selected a developer who is responsible for the over-all development of said project including parking facilities. In such case, the Authority may negotiate with said developer for the construction and design of public parking facilities on such terms and conditions as the Authority may deem justified and in the public interest.

Approved June 30, 1970.

CHAPTER 626

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF MENTAL HEALTH TO BE
USED FOR SURFACING AND OTHER IMPROVEMENTS
OF ENTRANCE ROAD AND PARKING AREA AT THE
HOSPITAL FOR THE MENTALLY RETARDED.**

WHEREAS, the Department of Mental Health and the Hospital for the Mentally Retarded have faithfully served the mentally ill of the State of Delaware; and

WHEREAS, all members of the General Assembly have always stayed aware and cognizant of the activities of the Hospital and Medical Center in Georgetown; and

WHEREAS, the General Assembly believes that the appropriation requested by the Georgetown facility is in the best interests of the State and its citizens;

NOW, THEREFORE,

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

Section 1. The sum of \$8,500 is hereby appropriated to the Department of Mental Health to provide funds to defray all reasonable and necessary expenses involved in surfacing and otherwise improving the entrance road and parking area serving the Hospital for the Mentally Retarded.

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

Section 3. The funds so appropriated shall be used only for the purposes herein specified, and any funds appropriated but unexpended by December 30, 1970, shall thereupon revert to the General Fund of the State Treasury.

Approved June 30, 1970.

CHAPTER 627

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE DEVELOPMENT DE-
PARTMENT FOR THE SPECIAL SERVICES DIVISION
FOR THE CONTINUATION OF CERTAIN PROJECTS.**

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

Section 1. The sum of \$23,598 is appropriated to the Delaware State Development Department for the Fiscal Year ending June 30, 1971, for the purpose of funding operation of the Department's Special Services Division. Such funds shall be used to provide for the continuation of certain projects including, but not limited to, the Delaware Calendar of Events, the Delaware Sportfishing Tournament, the summer Legislative Hall Tour Program and shall be expended in the following manner:

Salaries (1)	\$10,248.00
Supplies & Materials	3,850.00
Contractual Services	8,500.00
Legislative Hall Tours	1,000.00
TOTAL	\$23,598.00

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. Any such funds remaining unexpended as of June 30, 1971, shall revert to the General Fund.

Approved June 30, 1970.

CHAPTER 628

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF PURCHASING, INSTALLING AND EQUIPPING TWO PORTABLE CLASSROOM UNITS ALONG WITH OTHER EQUIPMENT FOR THE MIDDLETOWN SCHOOL DISTRICT NO. 60.

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

Section 1. The sum of \$45,000 is hereby appropriated to the State Board of Education for the purpose of purchasing, installing and equipping two portable classroom units along with other equipment for the Middletown School District No. 60.

Section 2. The Middletown School District No. 60 shall pay rent to the State Board of Education at the appropriate rate while the portable classroom units and other associated equipment are used for the purpose intended by the said Middletown School District No. 60. When the Middletown School District No. 60 no longer requires the use of the said portable classroom units and other associated equipment, they will be returned to the State Board of Education for use by others as determined by the State Board.

Section 3. Any funds hereby appropriated which remain unexpended on June 30, 1971, shall revert to the General Fund of the State.

Section 4. This is an Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State from funds not otherwise appropriated.

Approved June 30, 1970.

CHAPTER 629

**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 (d) and substituting in lieu thereof a new subsection (d) as follows:

(d) The amount of assistance or supplementary services granted as Aid to Families with Dependent Children, as defined below, shall be determined by the Department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and in accordance with the rules and regulations made by the Department, and shall be sufficient, when added to all other income and support available to the family, to provide such family with a reasonable subsistence compatible with decency and health.

In no event, however, shall the total amount paid to the mother or guardian or other person standing in loco parentis to a dependent child, for any calendar month, exceed \$91.00 for the first dependent and only child plus \$61.00 each for the caretaker relative and for the spouse of the caretaker relative as provided in Section 504 (2) of this chapter.

If there are the number of dependent children in the same family, as specified below, the amount paid for any calendar month shall not exceed the amount specified below in each case plus \$61.00 each for the caretaker relative and for the spouse of the caretaker relative as provided in Section 504 (2) of this chapter.

2 dependent children	\$106.00
3 dependent children	120.00
4 dependent children	135.00
5 dependent children	147.00
6 dependent children	159.00
7 dependent children	172.00
8 dependent children	183.00

In no event shall the total amount for Aid to Families with Dependent Children in the same family exceed \$305.00 for any calendar month. The limitations on the amount paid for Aid to Families with Dependent Children may be exceeded, however, by the amount of any payments for Medical Care as defined in Section 502 of this chapter.

In order to receive assistance undersection 503 (d), Title 31, Delaware Code, the mother, guardian or persons standing in loco parentis to a dependent child must have instituted suit for non-support in the Family Court of the appropriate county or must have designated the Department of Health and Social Services to act as the attorney-in-fact for the purpose of instituting proceedings for non-support in the Family Court in the appropriate county on behalf of such mother, guardian or person standing in loco parentis.

Section 2. This Act shall be effective from the effective date of the Annual Budget Act of 1970-71.

Approved June 30, 1970.

CHAPTER 630

AN ACT APPROPRIATING CERTAIN MONEYS TO GRACE PRITCHETT, WIDOW OF DAVID PRITCHETT IN THE DEATH OF HER HUSBAND, WHILE IN THE PERFORMANCE OF OFFICIAL DUTIES IN LINE OF SERVICE OF THE STATE OF DELAWARE.

WHEREAS, on the 31st day of October, 1968, David Pritchett met death by drowning, while in the performance of his duties as heavy equipment operator of the State Highway Department of the State of Delaware, while clearing refuse and debris from the St. Jones River; and

WHEREAS, the said David Pritchett left to survive him a widow, Grace Pritchett, five children, two of whom are under the age of eighteen years, and two grandchildren under the age of five years for whom he was the sole means of support; and

WHEREAS, the accident which caused death by drowning of David Pritchett could in no way be attributed to negligence or carelessness on his part; and

WHEREAS, David Pritchett had been a valued, conscientious employee, whose terms of employment extended from June 1941 to July 1942 and from June 30, 1958 to the date of his death; and

WHEREAS, in recognition of the service rendered to the State of Delaware, and in recognition of the fact that while in the line of service to the State of Delaware, David Pritchett met with untimely death through no fault of his own;

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. That the State Treasurer be and is hereby directed and authorized to pay to Grace Pritchett, widow of

David Pritchett, the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00).

Section 2. That this bill shall be known as a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved June 30, 1970.

CHAPTER 631

AN ACT APPROPRIATING CERTAIN MONEYS TO RUTH PATTERSON, WIDOW OF ROBERT PATTERSON IN THE DEATH OF HER HUSBAND, WHILE IN THE PERFORMANCE OF OFFICIAL DUTIES IN LINE OF SERVICE OF THE STATE OF DELAWARE.

WHEREAS, on the 31st day of October, 1968, Robert Patterson met death by drowning, while in the performance of his duties as heavy equipment operator of the State Highway Department of the State of Delaware, while clearing refuse and debris from the St. Jones River; and

WHEREAS, the said Robert Patterson left to survive him a widow, Ruth Patterson and two children, both of whom are under the age of sixteen years; and

WHEREAS, the accident which caused death by drowning of Robert Patterson could in no way be attributed to negligence or carelessness on his part; and

WHEREAS, Robert Patterson had been a valued, conscientious employee, whose term of employment extended, uninterrupted from June 29, 1955 to the date of his death; and

WHEREAS, in recognition of the service rendered to the State of Delaware, and in recognition of the fact that while in the line of service to the State of Delaware, Robert Patterson met with untimely death through no fault of his own;

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. That the State Treasurer be and is hereby directed and authorized to pay to Ruth Patterson, widow of Robert Patterson, the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00).

Section 2. That this Bill shall be known as a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved June 30, 1970.

CHAPTER 632

AN ACT TO AMEND TITLE 21, DELAWARE CODE, CHAPTER 21, SUBCHAPTER I BY PROVIDING FOR REFUNDS OF FEES PAID FOR UNUSED REGISTRATIONS OF MOTOR VEHICLES BY PERSONS ENTERING THE ARMED FORCES OF THE UNITED STATES OR PERSONS 65 YEARS OF AGE OR OLDER WHO VOLUNTARILY SURRENDER THEIR OPERATOR'S LICENSE.

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

Section 1. Title 21, Delaware Code, Chapter 21, Subchapter I, is hereby amended by adding a new section to be designated and to read as follows:

§ 2117. Refunds of fees paid for certain unused registrations

Upon the surrender to the Department of the number plates or plate issued for a vehicle registered under the provisions of this Title and the furnishing of proof satisfactory to the Commissioner and the State Treasurer that (a) the owner of the vehicle entered the Armed Forces of the United States after such vehicle was registered or (b) that the owner of such vehicle is sixty-five years of age or older and that he voluntarily surrendered his operator's license following his attainment of such age and the registration or re-registration of such vehicle, and that the registration of such vehicle is in full effect, there shall be refunded to such owner, from the General Fund of the State of Delaware from funds not otherwise appropriated, a sum equal to as many twelfths of the fee paid for the registration of the vehicle as there are full calendar months in the registration year following the date of the receipt of the number plates or plate, less the sum of one dollar.

Section 2. This Act shall take effect October 1, 1970.

Approved June 30, 1970.

CHAPTER 633

AN ACT TO AMEND CHAPTER 11, TITLE 17 OF THE 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. Amend Title 17, Section 1102, of Delaware Code by adding a new line (7) to paragraph (10) of subsection (b) which line shall read as follows: "(7) Activities not visible from the main traveled way."

Section 2. Amend Title 17, Section (b) (12) by striking the entire paragraph (12) and inserting in lieu thereof the following paragraph:

"Unzoned commercial or industrial areas" mean those areas not zoned by any State, County or local ordinance or regulations on which there is located one or more permanent structures devoted to a business or industrial 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 outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of the pavement of the highway."

Section 3. Amend Title 17, Section 1103 (a) by inserting the phrase "are effective and" after the word "which" on the third line of said paragraph.

Section 4. Amend Section 1103 (b) (1) by striking the heading "Size of Signs" and inserting in lieu thereof: "Construction of Signs" and to further amend (1) by adding a new paragraph worded as follows:

"(e) All newly erected, rebuilt or replaced sign structures shall be constructed in accordance with the applicable wind pressure standards of the local building code; or, in the absence of such requirement, shall be constructed to withstand a minimum wind pressure of 25 pounds per square foot."

Section 5. Amend Section 1103 (b) (2) (a) (1) by adding the following sentence:

"Except for roof signs, wall signs and free standing signs against the wall of a building, no ground sign shall be placed within 35 feet of either highway right-of-way at an intersection where they converge, unless the base of such sign shall be at least 8 feet above ground level or road bed, whichever is higher."

Section 6. Amend Title 17, Section 1103 (b) (2) by striking the words "villages and cities" where they appear in subparagraphs (b) (2), (c) (1), and (c) (2) thereof and inserting in lieu thereof the words "incorporated cities and towns".

Section 7. Amend Title 17, Section 1104 by striking the entire unnumbered paragraph in sub-section (a) paragraph 2 which said paragraph begins with the words "Such regulations shall . . ." and ends with the words "United States Code."

Section 8. Amend Title 17, Section 1105 (c) by inserting the following words after the phrase "provided, however":

"that all new permits issued shall expire at the next regular renewal period established by the Department." The phrase immediately following "No permit, etc." shall begin a new sentence.

Section 9. Amend Section 1105 by adding the following paragraph:

"(f) All sign permits issued under this Section shall terminate and become void if the sign structure for which the permit is issued is not under construction within six months and is not fully constructed in full compliance with the terms of this Act within one year after its issuance. Under no circumstances shall there be any refund of a permit fee which has become void."

Section 10. Amend Title 17, Section 1109 (c) by striking "or any school bus waiting shelter displaying outdoor advertising signs" and insert, in lieu thereof, the following:

"or any outdoor advertising signs displayed on any school bus waiting shelter located and approved by the State Department of Public Instruction."

Section 11. Amend Title 17, Section 1109 (c) by striking the period at the end of said section and inserting"; "in lieu thereof and adding the words:

"or simple directional signs indicating the site of a place of business located on a side street or road, which location is not easily noticed from the highway."

Section 12. Amend Section 1111 by adding the following paragraph:

"(a) When any sign is damaged, or falls into disrepair to the extent that obvious repair are needed, the owner shall be notified in writing by the Department to make all necessary repairs. If the sign is not repaired, rebuilt, or removed within six months of said notification, the applicable sign permit shall lapse and become null and void."

Section 13. Amend Section 1121 (7) by adding the following sentence:

"Should the State Department of Instruction determine that there is no longer a need for a waiting shelter at its present location, the exemption provided by this paragraph shall then terminate."

Approved June 30, 1970.

CHAPTER 634

AN ACT TO AMEND SUBSECTION 1920 (e), CHAPTER 19, TITLE 24, DELAWARE CODE, RELATING TO EXCEPTIONS FROM THE OPERATION OF TITLE 24, NURSING AND SCHOOLS OF NURSING, BY ADDING THE PHRASE "UNDER ADEQUATE NURSING SUPERVISION".

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

Section 1. Amend § 1920 (e), Chapter 19, Title 24, Delaware Code, by adding after the semi-colon the following phrase:

"under adequate nursing supervision."

Approved June 30, 1970.

CHAPTER 635

AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO SALARIES OF JUSTICES OF THE PEACE.

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

Section 1. Amend Title 10, Section 9209 of the Delaware Code, by striking the figure "8,000" where it appears therein and inserting in lieu thereof the figure "10,000".

Section 2. For the purpose of carrying out the provisions of this Act, the sum of \$106,000 is appropriated for the fiscal year ending June 30, 1971. This shall be 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 provisions of Section 1 and Section 2 of this Act shall become effective July 1, 1970.

Approved June 30, 1970.

CHAPTER 636

AN ACT TO AMEND CHAPTER 21, TITLE 14, DELAWARE CODE, RELATING TO LOCAL SCHOOL BONDS BY PROVIDING FOR TEMPORARY USE OF SCHOOL FUNDS FOR CAPITAL IMPROVEMENTS.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members elected to each house thereof concurrnig therein):

Section 1. Chapter 21, Title 14, Delaware Code, is amended by inserting a new section 2102(a) which shall read as follows:

§ 2102 (a). Temporary use of funds

The School Board of any District may advance funds which by law may be used only for stated purposes and which are not immediately required for the purpose or purposes for which the same were raised or otherwise made available for the purpose or purposes for which an issue of bonds has been authorized. Suitable records shall be kept of the temporary diversion of such funds. Such funds shall be made again available to the District from the proceeds of such bonds or from the proceeds of the sale of bond anticipation notes issued in anticipation of the sale of such bonds.

Section 2. Advances made prior to the effective date of this Act and reimbursements of such advances from the proceeds of bonds or bond anticipation notes are hereby validated.

Approved June 30, 1970.

CHAPTER 637

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HEALTH AND SOCIAL
SERVICES.**

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

Section 1. The sum of \$47,000 is hereby appropriated to the Department of Health and Social Services for the fiscal year ending June 30, 1971, for the purpose of allocating \$20,000 for home care geriatric services; the sum of \$15,000 for continuing programs in various nursing homes in the State of Delaware; and the sum of \$12,000 for the purpose of continuing to conduct certain pre-medical examinations at the Department of Health clinic at the Crestview Apartments in Wilmington, Delaware.

Section 2. The sum of \$23,000 is hereby appropriated to the Department of Health and Social Services for the fiscal year ending June 30, 1971, for the purpose of employing one Physical Therapist and one Speech Pathologist for assignment to the John G. Leach School in the De La Warr School District, and two Speech Pathologists for assignment to the Department's Speech and Hearing services in the Division of Physical Health.

Section 3. The sum of \$20,000 is hereby appropriated to the Department of Health and Social Services for the fiscal year ending June 30, 1971, for the purpose of increasing the appropriations heretofore made to the Department's Hospital for the Mentally Retarded for Contractual Services (\$10,000) and for Supplies and Materials (\$10,000).

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.

Section 5. Any money appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1971.

Approved June 30, 1970.

CHAPTER 638

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

WHEREAS, the National Campers and Hikers Association Inc. has scheduled a National Convention in Michigan from July 10 to July 17, 1970; and

WHEREAS, the Delaware chapter will be represented by approximately 40 families in attendance; and

WHEREAS, the Delaware Chapter of National Campers and Hikers Association, Inc. desire to display a float representing the State of Delaware in the national parade; and

WHEREAS, such representation in a national parade would enhance the reputation of our State and inform others of the natural beauty and camping opportunities in Delaware.

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

Section 1. In addition to other sums previously appropriated, the sum of \$150.00 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1970, to be expended for the purpose of defraying expenses of the Delaware Chapter of The National Campers and Hikers Association, Inc. for a float to be entered on behalf of the State of Delaware in the national parade held pursuant to the National Convention July 7-July 10, 1970 in Michigan.

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 30, 1970.

CHAPTER 639

**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 \$3,500 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1971, for the purpose of purchasing and distributing flags of this State to be distributed gratis to Delaware 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 June 30, 1970.

CHAPTER 640

**AN ACT TO AMEND SECTION 1908, TITLE 7, DELAWARE
CODE, BY ADDING THE AREAS OF DELAWARE BAY
TO THE LEASING JURISDICTION OF THE DELA-
WARE COMMISSION OF SHELL FISHERIES.**

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

Section 1. Section 1908 (1), Title 7, Delaware Code, is amended by inserting, "Delaware Bay" after the words "Indian River Bay" where they appear therein.

Approved June 30, 1970.

CHAPTER 641

AN ACT TO AMEND SECTION 5515, TITLE 25, DELAWARE CODE, RELATING TO PUBLIC SALE OF PROPERTY DISTRAINED.

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

Section 1. Section 5515, Title 25, Delaware Code, is repealed and a new Section 5515 is inserted in lieu thereof to read as follows:

§ 5515. Public sale of property distrained; hearing; order; costs

(a) After the expiration of six days from the day of appraising property distrained and not replevied, the person on whose demand a distress is made may make application in a court of one of the Justices of the Peace located in the County wherein the demised premises or a portion of the demised premises are situated, for an order of sale of the property.

(b) A copy of the application shall be served forthwith by any officer of the court upon the owner of the property, together with a notice of the date and time for hearing, which shall be no later than ten (10) days after application is made. At the hearing, the owner of the property may appear and answer the application and set forth any defenses he may have.

(c) The court shall have the power to issue an order of sale of the property and make such orders in connection therewith as may be required. Upon an order of sale, the sheriff, or any constable of the County or place, where the distress is taken, shall sell the property, or so much thereof as is necessary to satisfy the rent and all costs, at public vendue, to the highest and best bidder, or bidders, first giving at least six days' notice of the sale by advertisements posted in at least five public places in the County.

(d) The expenses of the proceeding before the court shall be included as a part of the costs of the sale.

Approved June 30, 1970.

CHAPTER 642

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE EDUCATIONAL CONTINGENCY FUND FOR
THE PURPOSE OF TUITION PAYMENTS ON AC-
COUNT OF DELMAR SCHOOL DISTRICT.**

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

Section 1. The sum of One Hundred Thirty-Five Thousand Dollars (\$135,000) is hereby appropriated to the Educational Contingency Fund to provide for the payment of tuition for Delmar, Delaware, students attending Maryland schools which sum represents the difference between the amount due Delaware and the amount due Maryland through the exchange of students.

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.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds thereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved June 30, 1970.

CHAPTER 643

AN ACT TO AMEND TITLES 17 AND 26, DELAWARE CODE, CONFERRING UPON THE PUBLIC SERVICE COMMISSION EXCLUSIVE JURISDICTION OVER THE INSPECTION, LOCATION, CONSTRUCTION, IMPROVEMENT, PROTECTION AND ABOLITION OF RAILROAD AND RAILWAY CROSSINGS; REMOVING CERTAIN AUTHORITY FROM THE DELAWARE STATE HIGHWAY DEPARTMENT; INCREASING THE PENALTIES FOR NON-COMPLIANCE WITH ORDERS OF THE PUBLIC SERVICE COMMISSION AND MAKING A SUPPLEMENTARY APPROPRIATION TO PUBLIC SERVICE COMMISSION.

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

Section 1. Title 26, Delaware Code, is hereby amended by adding thereto the following new Section:

§ 141. Railway and railroad crossings; construction and protection

(a) No public utility, engaged in the transportation of passengers or property, shall, without prior order of the Commission, construct its facilities across the facilities of any other such public utility or across any highway at grade or above or below grade, or at the same or different levels; and, without like order, no such crossing heretofore or hereafter constructed shall be altered, relocated or abolished.

(b) The Commission is hereby vested with exclusive power to determine and prescribe, by regulation or order, the points at which, and the manner in which, such crossing may be constructed, altered, relocated or abolished, and the manner and conditions, including protective devices, in or under which such crossings shall be maintained, operated, and protected to effectuate the prevention of accidents and the promotion of the safety of the public.

(c) Upon its own motion or upon complaint, the Commission shall have exclusive power after hearing upon notices to all

parties in interest, including the owners of adjacent property, to order any such crossing heretofore or hereafter constructed to be relocated or altered, or to be abolished upon such reasonable terms and conditions as shall be prescribed by the Commission. The Commission may order the work of construction, relocation, alteration, protection, or abolition of any crossing aforesaid to be performed in whole or in part by any public utility or municipal corporation concerned or by the State.

Section 2. Section 191, Title 26, Delaware Code, is hereby amended by striking the figures "\$50" appearing therein and inserting in lieu thereof the words and figures "up to \$1,000".

Section 3. Section 704, Title 26, Delaware Code, is repealed.

Section 4. Section 708, Title 26, Delaware Code, is repealed.

Section 5. Section 709, Title 26, Delaware Code, is repealed.

Section 6. Section 701, Title 17, Delaware Code, is hereby repealed.

Section 7. Section 702, Title 17, Delaware Code, is repealed.

Section 8. Section 703, Title 17, Delaware Code, is repealed.

Section 9. Section 704, Title 17, Delaware Code, is repealed.

Section 10. Section 709, Title 17, Delaware Code, is repealed.

Section 11. Acts occurring before the effective date of this Act and the rights, duties and interests flowing from them shall be governed by the law in existence at the time this Act becomes law. The provisions of this Act do not apply to violations of the law or to causes of action or judgements arising therefrom prior to the effective date of this Act. Prosecutions for such offenses or violations shall be governed by the prior law which is continued in effect for the purpose as if this Act is not in force. All violations, offenses, prosecutions and criminal appeals under prior law are saved and preserved. All civil causes of action based upon or under prior law arising out of occurrences prior to the effec-

tive date of this Act and judgments thereon or appeals therefrom are saved and preserved.

Section 12. The provisions of this Act shall become effective on July 1, 1970.

Section 13. There is hereby appropriated to the Public Service Commission the sum of \$25,000 for the fiscal year ending June 30, 1971, for the purpose of exercising the inspection and enforcement duties conferred by this Act. This appropriation shall be a supplementary appropriation and shall be paid by the State Treasurer out of the General Fund of the State of Delaware not otherwise appropriated .

Approved June 30, 1970.

CHAPTER 644

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE "MISS U.S.A." PAGEANT FOR
THE PURPOSE OF PROVIDING FUNDS FOR DELA-
WARE'S MISS U.S.A. TO ATTEND THE NATIONAL
MISS U.S.A. PAGEANT, AND TO DEFRAY RELATED
EXPENSES.**

WHEREAS, Delaware's Miss U.S.A. 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 Miss U.S.A. Pageant; and

WHEREAS, the 1970 winner of the Delaware Miss U.S.A. pageant is Miss Marilyn O'Neill of Newark, Delaware, who has been chosen to represent the State of Delaware at the National Miss U.S.A. pageant to be held on the eleventh of May, 1970, in Miami, Florida;

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 \$200.00 is hereby allocated to the Delaware Miss U.S.A. representative to provide funds to defray the reasonable and necessary expenses involved in obtaining an appropriate gown and costume for Delaware's representative to the Miss U.S.A. Pageant, which gown and costume are to be of a type native to the State of Delaware.

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 on June 30, 1970, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved June 30, 1970.

CHAPTER 645

AN ACT TO AMEND VOLUME 56, CHAPTER 469, 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 1969 Capital Projects Schedule allocates Eight Hundred Thousand Dollars (\$800,000) to the Public Archives Commission for the purpose of construction of Records Center and Parking Lot in Capital Complex Area; and

WHEREAS, the records of the State of Delaware, now on file in the Hall of Records, must be transferred to the new Records Center; and

WHEREAS, the volume of records involved in the transfer requires services of a contractual nature; and

WHEREAS, it was the intent and understanding of the Public Archives Commission that funds for moving expenses were included in the Records Center and Parking Lot appropriation; and

WHEREAS, of the original allocation, a sufficient balance is available to provide for moving expenses;

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 469, Volume 56, Laws of Delaware, by adding thereto a new section to read as follows:

Section 23. The \$800,000 appropriated to the Public Archives Commission in the Project Schedule for Records Center

and Parking Lot in Capital Complex Area includes and provides funds for moving records and equipment from the building now housing said records and equipment to the newly-constructed Records Center.

Approved June 30, 1970.

CHAPTER 646

**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 \$50,000 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	\$12,600
Salaries and Wages of Employees	6,300
Supplies and Materials	2,500
Travel	1,000
Capital Outlay	500
Contractual Services	2,000
Grants & Participatory Projects	25,100
TOTAL	\$50,000

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, 1971, 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 beginning July 1, 1970.

Approved June 30, 1970.

CHAPTER 647

AN ACT TO PURCHASE AND PROVIDE A HELICOPTER TO THE STATE POLICE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

WHEREAS, the citizenry and the General Assembly are greatly concerned with the increasing accident rate on the highways and the increasing death rate caused by careless and reckless motorists on the highways of the State of Delaware and the increasing and alarming crime rate in the State of Delaware; and

WHEREAS, Governor Peterson has pledged that the State of Delaware shall lead the Parade of States into a new era of highway safety seeking to attain the lowest percentage of accidents and deaths per passenger mile traveled on any of the public roads in the United States; and

WHEREAS, persons suffering serious head injuries can only be properly cared for at the facilities of the Delaware Division of the Wilmington Medical Center, and since motor ambulances consume much time in the transport of victims of accidents originating in the Counties of Kent and Sussex and since time is of the essence for such treatment and since new and swift means of transport are now available; and

WHEREAS, State Highway Patrols of many of our neighboring states have cut their accident and highway death rates as well as the increasing crime rate by employment of helicopters; and

WHEREAS, this innovation, which brings a third dimension into highway surveillance and also provides rapid transport for accident victims, can be introduced into Delaware at relatively little cost because of a generous and continuing Federal assistance program; and

WHEREAS, with Federal aid the anticipated additional net cost to the State of Delaware will only be approximately \$105,-

000 for the first year and approximately \$16,500 for each year thereafter;

NOW, THEREFORE,

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

Section 1. The Delaware State Police are directed to provide for the training of five officers in a flight program designed to teach flying of a helicopter, care and reasonable maintenance of a helicopter (excluding major overhaul), aerial surveillance of public highways and roads, bridges, streams, ponds, lakes, rivers and bays, forests and wooded areas, beaches, swamps, low land and wet lands, and buildings. In addition, all five officers shall be trained in advanced first aid including the transport of victims of serious head injuries. Flight training shall include landing on and departing from heliports, highways, bridges and high buildings from which persons may have to be rescued in case of fire, civil disturbance or disasters. Additionally, instruction in flight training shall include radio communication, flying at night, and flying in bad weather such as rain, snow, wind and fog or other poor visibility. First aid training shall include resuscitation of the near drowned, near strangulated, near electrocuted, and also delivery in case of child birth from any accident, isolation in snow or ice storm, flooding, dam break, forest fire, hurricane, road washout, or other disasters.

Section 2. The only passengers which may normally be carried by such helicopter shall be police officers of the State of Delaware of its counties, municipalities, and subdivisions and doctors of medicine or nurses. By special consent of the Governor or Lt. Governor in the Governor's absence, the Secretary of the Department of Natural Resources or one appointed by said Secretary may inspect possible oilspills in the rivers, bays, wet lands, or shore lines of the State.

Photographers of the State Highway Department may be carried as passengers to photograph specified sites requested by the State Planning Office, the Planning Division of the State Highway Department or the Highway Safety Division of the State Highway Department or their successors.

The Governor or the Lt. Governor may divert the helicopter to their use only for the inspection of damage to buildings, bridges, waterways, lands and beaches of the State as a result of storms, fires or other disasters.

No persons shall use the helicopter for pleasure, personal business or ordinary affairs of State.

Section 3. The sum of \$240,680 is appropriated to the Department of Public Safety for use in the training of five officers of the Delaware State Police in accordance with the provisions of Section 1 hereof, and other expenses associated with the operation thereof and insurance on the hull of the helicopter, as follows:

Personal Services

Salaries included in State Police Operational Budget:

2 Sergeants at \$9,707.00 — \$19,414.00

3 Corporals at \$9,030.00 — \$27,090.00

Travel Expense

Project Director (out-of-state) 250

Subsistence

5 Pilot Trainees at 21.50 x 20 days 2,150

Professional Training

5 Pilots at \$4,000 20,000 \$ 22,400

Other Direct Costs

5 Place, turbine engine helicopter

Basic Price 113,000

Avionics

Narco Mark 24VHF/with intercom 2,895

Narco VOA-8 omni/locatizer indicator 970

Flight-Instrument Kit 3,200

Dual Controls 1,395

Heater 4,145

Rotor Brake 1,395

Engine Anti-Icing Inlet Kit 2,000

Litter Installation (for 2) 6,000

Nightsun Light 8,200

Federal Speaker System with Siren 1,200

RCA Super Call Phone Radio	800	
First Aid Equipment	800	
Insurance	19,780	\$165,780
<hr/>		
Operational Cost (Project Period - First Year)		
1500 hrs. at \$35.00/hr.		\$ 52,500
Includes gas, oil, maintenance, periodic inspections and reserve for engine overhaul		
<hr/>		
Total appropriation		\$240,680
Less:		
Anticipated Federal Grant from approved Project PT 70-001 (001) under Section 402 (c) of Public Law 89-564 to be reimbursed		
		\$135,650
<hr/>		
Net approximate first-year additional cost to State		\$105,030

Section 4. 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. The anticipated Federal Grant reimbursement shall be paid into the General Fund of the State of Delaware.

Section 5. Any money appropriated herein and unexpended or unencumbered shall revert to the General Fund of the State of Delaware on June 30, 1971.

Approved June 30, 1970.

CHAPTER 648

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE NATIONAL GUARD TO ESTAB-
LISH A REVOLVING FUND FOR STATE PARTICIPA-
TION IN FEDERAL PROGRAMS.**

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

Section 1. The sum of \$20,000 is appropriated to the Delaware National Guard to establish a Revolving Fund for State participation in Federal Programs.

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. Funds remaining in this Revolving Fund shall not revert at the end of any fiscal year.

Approved June 30, 1970.

CHAPTER 649

**AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE
RELATING TO CORPORATIONS BY MAKING CERTAIN
CHANGES IN SECTIONS 142 and 160.**

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

Section 1. Section 160 of Title 8, Delaware Code, is amended by deleting the last two sentences and by substituting in lieu thereof the following:

Shares of its own capital stock belonging to the corporation or to another corporation, if a majority of the shares entitled to vote in the election of directors of such other corporation is held, directly or indirectly, by the corporation, shall neither be entitled to vote nor be counted for quorum purposes. Nothing in this section shall be construed as limiting the right of any corporation to vote stock, including but not limited to its own stock, held by it in a fiduciary capacity.

Section 2. Section 142 of Title 8, Delaware Code, is amended by deleting Section 142 in its entirety and by substituting in lieu thereof the following:

§ 142. Officers; titles, duties, selection, term; failure to elect; vacancies

(a) Every corporation organized under this chapter shall have such officers with such titles and duties as shall be stated in the by-laws and as may be necessary to enable it to sign instruments and stock certificates which comply with sections 103 (a) (2) and 158 of this chapter. One of the officers shall record all of the proceedings of the meetings of the stockholders and directors in a book to be kept for the purpose. Any number of offices may be held by the same person unless the certificate of incorporation or by-laws otherwise provide.

(b) Officers shall be chosen in such manner and shall hold their offices for such terms as are prescribed by the by-laws or determined by the board of directors or other governing body.

Each officer shall hold his office until his successor is elected and qualified or until his earlier resignation or removal. Any officer may resign at any time upon written notice to the corporation.

(c) The corporation may secure the fidelity of any or all of its officers or agents by bond or otherwise.

(d) A failure to elect officers shall not dissolve or otherwise affect the corporation.

(e) Any vacancy occurring in any office of the corporation by death, resignation, removal or otherwise, shall be filled as the by-laws provide. In the absence of such provision, the vacancy shall be filled by the board of directors or other governing body.

Approved July 1, 1970.

CHAPTER 650

AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, RELATING TO STATE APPROPRIATIONS BY ESTABLISHING A PILOT PROGRAM IN FLEXIBLE FUNDING.

WHEREAS, in listing legislative priorities for Fiscal Year 1970, the State Board of Education proposed a Flexible Funding Program Model as a high priority item in curriculum improvement; and

WHEREAS, the Stanton School District is desirous of initiating a program in flexible funding and staffing and to serve as a pilot school district in behalf of the State public school system; and

WHEREAS, the new Linden Hill Elementary School in the Stanton School District will be open for occupancy in September, 1970; and

WHEREAS, the Stanton School District has, in anticipation of presenting a new program of instruction in this new building, assigned certain of its personnel including a school principal to the study of the flexible staffing concept; and

WHEREAS, this special study has been conducted under a grant of funds awarded to the Stanton School District under federal Public Law 89-10, and thus a program for staff assignment is now prepared,

NOW, THEREFORE,

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

Section 1. Amend Delaware Code, Title 14, Section 1709, by designating the existing paragraph of that section as Paragraph (a).

Section 2. Further amend Delaware Code, Title 14, Section 1709, by adding to that section a new Paragraph (b) as follows:

(b) The limitations of this Section, Paragraph (a), or any other restrictions of the Delaware Code, notwithstanding, the Stanton School District is authorized to establish a pilot program for experimentation and, upon approval by the State Board of Education, to assign staff personnel to the Linden Hill Elementary School in such a manner as to permit flexibility in the use of Division 1 State funds, particularly in relationship to the number and qualifications of professional and paraprofessional employees assigned to that school. In order that there be a basis for appropriation of State funds for salary purposes in the Linden Hill Elementary School, the funds allocated for salary purposes shall be equal to the average salary paid, from State funds in the remainder of the Stanton School District, times the certified number of units of children in the Linden Hill Elementary School. The provisions of this special pilot program shall extend from July 1, 1970, thus including the kindergarten enrollees of September, 1970, and continue through June 30, 1976; therefore, including these same children through the end of Grade Six of their school careers. The enactment of this Paragraph (b) shall not prevent the Stanton School District, with approval of the State Board of Education, from earlier discontinuance of the experimental program nor shall it prevent enactment of further statutes extending the Flexible Funding Model to other schools or school districts.

Approved July 1, 1970.

CHAPTER 651

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF TRANSPORTATION FOR
THE PURCHASE AND/OR CONSTRUCTION OF AN
AIRPORT IN KENT COUNTY.**

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

Section 1. The sum of \$100,000 is hereby appropriated to the Director of Aeronautics of the Department of Transportation for the fiscal year beginning July 1, 1970, specifically for the purchase and/or construction of an airport in Kent County.

Section 2. The funds hereby appropriated shall be used only for the purposes specified herein, and no funds shall be appropriated which are not matched by a similar amount from the Kent County Levy Court; in addition, application shall be made by both State and County to the Federal Aviation Administration for an amount equal to the combined State and County total.

Section 3. This Act is a supplementary appropriation and the funds hereby appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 4. Any funds unexpended as of June 30, 1971, shall revert again to the General Fund.

Approved July 1, 1970.

CHAPTER 652

AN ACT TO AMEND CHAPTER 47, TITLE 11, DELAWARE CODE RELATING TO MENTALLY ILL DEFENDANTS.

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

Section 1. Title 11 of the Delaware Code, is amended by striking section 4702 in its entirety and substituting in lieu thereof a new section 4702 to read as follows:

§ 4702. Disposition of person found not guilty by reason of mental illness

(a) Whenever a determination is made that a person is "not guilty by reason of mental illness", the court shall order that the person so acquitted be committed to the Delaware State Hospital.

(b) Whenever a person is committed pursuant to subsection (a), the court shall review at least twice per year the status of such person and at such time as the court is informed by the Delaware State Hospital that the defendant no longer represents a danger to the public he shall:

(i) be released from custody; or

(ii) be temporarily released from custody under such conditions of treatment and for such period of time as the court may prescribe.

Section 2. Title 11 of the Delaware Code, is amended by striking Section 4703 in its entirety and substituting in lieu thereof a new Section 4703 to read as follows:

§ 4703. Mental illness after conviction but before sentence

(a) Whenever it appears to the Superior Court that a defendant has become mentally ill after conviction and before sentence, the Superior Court shall, for purposes of obtaining information, appoint a commission to inquire into the mental condition of such defendant.

(b) Such investigatory commission shall:

(i) Consist of one psychiatrist, one practicing physician, and one layman;

(ii) Be compensated in an amount to be determined by the Superior Court;

(iii) Be empowered to examine witnesses on oath and to order the taking of testimony out of the State.

(c) Should the Superior Court find the defendant to be mentally ill, he shall be committed to the Delaware State Hospital in the department for criminally mentally ill persons.

(d) Should the defendant be committed to the Delaware State Hospital, the Superior Court shall review at least twice per year the status of the defendant and at such time as the defendant recovers, he shall receive the sentence for his crime, with the time of committment in the Delaware State Hospital computed as part of the sentence.

Approved July 3, 1970.

CHAPTER 653

**AN ACT TO VALIDATE THE BOND REFERENDUM HELD
IN THE STANTON SCHOOL DISTRICT ON JUNE 5, 1970,
AND ANY BONDS OR OTHER OBLIGATIONS ISSUED
OR TO BE ISSUED PURSUANT TO SUCH REFER-
ENDUM.**

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

Section 1. The referendum held in the Stanton School District on June 5, 1970 at which a majority of the voters of said school district voting at said referendum voted in favor of issuing bonds in the amount of \$440,160 for school construction purposes is hereby validated, notwithstanding that third and last publication of the notice of election occurred two days before the date of the referendum instead of five days as required by Section 2120 of Title 14 of the Delaware Code.

Section 2. This Act shall take effect immediately.

Approved July 3, 1970.

CHAPTER 654

**AN ACT TO AMEND § 8323, TITLE 11, DELAWARE CODE,
RELATING TO THE ELIGIBILITY FOR PENSIONS FOR
MEMBERS OF THE STATE POLICE.**

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

Section 1. §8323, Title 11, Delaware Code, is amended by striking therefrom subsection (c) (5) (a) in its entirety, to wit:

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

Approved July 3, 1970.

CHAPTER 655

AN ACT TO AMEND TITLE 16, DELAWARE CODE, SECTION 9005, RELATING TO REPAYMENT OF HOSPITAL CAPITAL IMPROVEMENT LOANS BY PROVIDING FOR THE FIRST PAYMENT ON LOANS MADE UNDER THIS SECTION TO BE MADE THIRTY (30) MONTHS AFTER THE HOSPITAL RECEIVES THE LOAN OR SOONER AT THE ELECTION OF THE HOSPITAL.

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

Section 1. Title 16, Delaware Code, § 9005, is hereby amended by adding thereto a new subsection (e) to read as follows:

(e) A Hospital which has been or will be granted a loan under the provisions of this chapter shall make its first annual payment of interest and principal on each separate loan advance thirty (30) months after it receives each separate loan advance or sooner at the election of the Hospital. This thirty (30) month period or lesser time at the election of the Hospital shall be in addition to the time for repayment as provided in subsection (a) of this section.

Approved July 3, 1970.

CHAPTER 656

AN ACT TO AMEND TITLE 14, CHAPTER 13, DELAWARE CODE, RELATING TO CERTAIN PROFESSIONAL PERSONNEL EMPLOYED BY THE STATE BOARD OF EDUCATION.

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

Section 1. Amend Title 14, Delaware Code, Section 1321 (f), by striking said section in its entirety and inserting a new section 1321 (f) to read as follows:

(f) For districts that do not qualify for Psychologists, Speech and Hearing Teachers, Visiting Teachers and Transportation Supervisors, the State Board of Education may combine contiguous districts or allocate the fractional part of the first unit to districts not meeting unit requirements, to provide for such personnel, under the provisions of subsection (e) of this section and shall adopt rules and regulations delegating administrative and financial control to such districts or combinations of local school districts as are formed.

Section 2. This Act shall become effective on July 1, 1970.

Approved July 3, 1970.

CHAPTER 657

**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 the members elected to each House thereof concurring therein):

Section 1. The sum of \$20,000 is appropriated to the "Delaware State Fair, Inc.", a corporation of the State of Delaware, to be used for prizes for achievements in agriculture, animal raising and in works of manual training and the domestic arts to be awarded at the annual State Fair.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1971, 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 3, 1970.

CHAPTER 658

**AN ACT TO AID CERTAIN CIVIC ORGANIZATIONS WHICH
MAINTAIN EMERGENCY VEHICLES BY MAKING AP-
PROPRIATIONS THEREFOR.**

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof 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, 1971, 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 3, 1970.

CHAPTER 659

**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 the 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, 1971, 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 3, 1970.

CHAPTER 660

AN ACT TO AID ORGANIZATIONS MAINTAINING RESIDENTIAL FACILITIES BY MAKING APPROPRIATIONS THERETO.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof concurring therein):

Section 1. The sum of \$5,000 is appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the care and maintenance of old age persons at the Old Folk's Home at Dover, for operation expenses.

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, 1971.

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 3, 1970.

CHAPTER 661

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, 1971.

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, 1971.

Approved July 3, 1970.

CHAPTER 662

**AN ACT RELATING TO EDUCATION OF THE CITIZENS
OF DELAWARE BY MAKING AN APPROPRIATION TO
WHYY, 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 the members elected to each House thereof concurring therein):

Section 1. The sum of \$100,000 is appropriated to WHYY, Inc. to be used to aid and support the operation of WHYY-TV as an educational, non-profit, non-commercial, instructional and cultural television serving the State.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1971, 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 3, 1970.

CHAPTER 663

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO BOYS HOME OF DELAWARE, INC.**

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof concurring therein):

Section 1. The sum of \$50,000 is appropriated to Boys Home of Delaware, Inc., a Delaware corporation, for the Fiscal Year ending June 30, 1971. The said sum shall be paid by the State Treasurer upon a warrant signed by the Treasurer of the said corporation.

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

Approved July 3, 1970.

CHAPTER 664

**AN ACT TO AMEND TITLE 29, SECTION 6103, DELAWARE
CODE, RELATING TO THE REPORTING OF GENERAL
FUND DEPOSITS.**

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

Section 1. Amend Title 29, Section 6103, Delaware Code, by inserting a period and deleting all words following "Budget Director".

Approved July 3, 1970.

CHAPTER 665

AN ACT TO AMEND TITLE 26, DELAWARE CODE, ENTITLED "PUBLIC UTILITIES" BY INCLUDING WITHIN THE DEFINITION OF "PUBLIC UTILITY" ANY PERSON, CORPORATION OR LEGAL ENTITY THAT NOW OPERATES OR HEREAFTER MAY OPERATE WITHIN THIS STATE ANY HEATING OIL SERVICE SYSTEM, PLANT OR EQUIPMENT WHERE THE HEATING OIL IS DELIVERED DIRECTLY TO RESIDENCES BY MEANS OF A PIPELINE FOR RESIDENTIAL CONSUMPTION AND BY GRANTING AUTHORITY TO THE PUBLIC SERVICE COMMISSION TO ISSUE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ANY SUCH PERSON, CORPORATION OR LEGAL ENTITY ENGAGED IN SUCH OPERATION ON THE EFFECTIVE DATE OF THIS ACT AND BY ESTABLISHING THE PROCEDURE FOR THE ISSUANCE OF SUCH CERTIFICATE AND THE FILING OF AN APPLICATION THEREFOR.

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

Section 1. Section 101, Title 26, Delaware Code, is amended by adding in the paragraph entitled "Public Utility" after the word "telegraph" and before the word "service" as the same appear in the tenth line of said paragraph, the following:

"heating oil for residential consumption delivered directly to residences by means of a pipeline".

Section 2. Subsection (a), Section 162, Title 26, Delaware Code, is amended by adding after the word "of" and before the word "sections" as the same appear in the first section thereof, the following language:

"subsection (b) of this section and of".

Section 3. Section 162, Title 26, Delaware Code, is amended by adding thereto a new subsection (b) to read as follows:

"(b) If any individual, co-partnership, association, corporation, joint stock company, agency or department of the State, co-

operative, or the lessees, trustees or receivers thereof (or the predecessor in interest of any such person, party or legal entity), was in bona fide operation within the State of Delaware on the effective date of this subsection (b) in the furnishing of heating oil for residential consumption delivered directly to residences by means of a pipeline, the Commission shall issue a Certificate of Public Convenience and Necessity authorizing such person, party or legal entity to engage in the sale and distribution of heating oil for residential consumption delivered directly to residences by means of a pipeline without further proceedings, such Certificate to identify by number and date of issuance the Certificate under which the applicant is carrying on such operation, if the application for such Certificate of Public Convenience and Necessity is filed with Commission on a form approved by the Commission within 120 days after the effective date of this Act. Pending the determination of any such application the continuance of such operation without a Certificate of Public Convenience and Necessity shall be lawful. Interruptions of service in such operations under which such person, party or legal entity, or the predecessor in interest thereof, had no control, shall not be considered in determining whether or not there has been an abandonment of any of such operations. In issuing any Certificate of Public Convenience and Necessity hereunder, the Commission, in its discretion, may define and/or limit the territory or territories in the State of Delaware within which the activities authorized by the Certificate may be conducted thereunder, but in no case shall such territory or territories be smaller than the territory or territories in the State of Delaware in which the applicant was in actual bona fide operation on the effective date of this Act. The application for a Certificate of Public Convenience and Necessity under this subsection shall be verified and shall contain such information as the Commission deems necessary to show that the applicant on the effective date of this subsection was in actual bona fide operations, actively and substantially carried on and that the applicant was not engaged merely in isolated, incidental, intermittent, sporadic and infrequent operations. The Commission may adopt and approve such form as it deems necessary for this purpose."

Section 4. This Act shall become effective on July 1, 1970.

Approved July 3, 1970.

CHAPTER 666

AN ACT TO AMEND CHAPTER 31, TITLE 5, DELAWARE CODE, RELATING TO SECONDARY MORTGAGE LOANS BY PROVIDING FOR CERTAIN QUALIFICATIONS WITH RESPECT TO APPLICANTS FOR A LICENSE, THE CONDITIONS UPON WHICH A LICENSE SHALL BE ISSUED OR REFUSED, THE AUTHORITY OF THE COMMISSIONER TO CONDUCT EXAMINATIONS AND FOR AN INCREASE IN THE LICENSE FEE.

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

Section 1. Title 5, Delaware Code, Chapter 31, Section 3102, is hereby amended by designating the existing text thereof as paragraph (a) and adding a new paragraph to be designated as paragraph (b) which shall read as follows:

(b) Every applicant for a license of this chapter and of the members thereof (if the applicant is a partnership for an association) and the officers and directors thereof (if the applicant is a corporation) shall be financially responsible, shall be of such experience, character, and general fitness as to command the confidence of the public and to warrant belief that the business will be operated lawfully and fairly within the purposes of this Act, and the applicant shall have available for the operation of such business net assets of at least \$25,000.

Section 2. Title 5, Delaware Code, Section 3105, is hereby amended by deleting the section in its entirety and inserting in lieu thereof a new section to read as follows:

§ 3105. Issuance or refusal of license

Within 60 days after the filing of the application and the payment of the fees set forth in this Chapter, the Commissioner shall either:

(a)— Issue and deliver to the applicant a license to engage in the business of making or negotiating secondary mortgage loans in accordance with the provisions of this chapter at the location specified in the said application if he deems that the public need and convenience would be served thereby; or

(b) — Refuse to issue the license on the grounds of qualification of the applicant or any of its members or officers or directors, or on a negative of public need and convenience or for any reason for which the Commissioner may suspend, revoke, or refuse to renew any license under Section 3111 of this Title.

Section 3. Title 5, Delaware Code, Section 3103, is hereby amended by designating the existing text thereof as paragraph (a) and by adding thereto two new paragraphs to be designated as paragraphs (b) and (c) to read as follows:

(b) Applicants shall not engage in any other business than that of secondary mortgage financing.

(c) It is required that all loan closings, transactions, and servicing shall be performed at the designated place of business.

Section 4. Title 5, Delaware Code, Section 3114, is hereby amended by striking in the catch line thereof the words "of violations", designating the existing text thereof as paragraph (a) and by adding two new paragraphs to be designated as paragraphs (b) and (c) which shall read as follows:

(b) The Commissioner or his authorized representative at anytime may conduct examinations. On the occasion of every examination, the Commissioner or his authorized representative shall be given access to every part of the office or place of business and to the assets, securities, books, papers, and other records of the business.

(c) The examination made by the Commissioner shall be a thorough examination into the affairs of the secondary mortgage loan business visited, the resources and liabilities, the investment of the funds, the mode of conducting the business and the compliance or noncompliance of the secondary mortgage loan business with this code and any other statutes of the State of Delaware.

Section 5. Title 5, Delaware Code, Section 3108, is hereby amended by striking therefrom the figure "25" and inserting in lieu thereof the figure "100".

Approved July 3, 1970.

CHAPTER 667

AN ACT TO AMEND TITLE 26, CHAPTER 1, DELAWARE CODE, RELATING TO CHARGES AND FEES OF THE PUBLIC SERVICE COMMISSION AND IMPOSING A REGULATORY ASSESSMENT ON PUBLIC UTILITIES.

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

Section 1. Title 26, Section 113, Delaware Code, is amended by striking subsection (a) thereof and inserting in lieu thereof the following:

(a) The Commission shall make and impose charges and fees for filing, copying, inspection and other services rendered by it in accordance with such rules and regulations as it may from time to time adopt pursuant to Section 105 of this Title.

Section 2. Title 26, Section 113, Delaware Code, is further amended by striking the fifth full paragraph of subsection (b) thereof beginning with the words "The total aggregate" and substituting in lieu thereof the following paragraph:

The total aggregate amount to be charged by the Commission to any public utility under authority of this section in any calendar year shall not exceed three-fourths of one per centum of such public utility's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, but in no event shall the total aggregate amount to be charged by the Commission to any such utility exceed \$75,000 for any calendar year.

Section 3. Title 26, Delaware Code, is further amended by adding thereto a new Section to read as follows:

§ 114. Public Policy; regulatory assessment; definition of revenue; collection of assessment

(a) It is declared to be the public policy of this State that in order to maintain and foster the effective regulation of public utilities under this title in the interests of the People of the State

of Delaware and the public utilities as well, the public utilities subject to regulation of the Public Services Commission and which enjoy the privilege of operating as public utilities in this State, shall bear the expense of regulation by means of an assessment on such privilege measured by the annual gross revenue of such public utilities in the manner hereafter provided. This assessment shall be in addition to all other fees and charges imposed by the Public Service Commission pursuant to this Title.

(b) As used in subsection (c) of this section, the term "intrastate public utility business" includes all that portion of the business of the public utilities designated in Section 101 of this Title and over which the Commission has jurisdiction under the provisions of this Title.

(c) As used in this section, the term "gross revenue" includes all revenue which (1) is collected by a public utility subject to regulation by the Public Service Commission, and (2) is derived from the intrastate public utility business of such a utility. Such term does not include revenue derived by such a public utility from the sale of public utility services, products or commodities to another public utility or to an electric cooperative for resale by such public utility or electric cooperative.

(d) An assessment is imposed upon each public utility subject to regulation by the Public Service Commission in an amount equal to the product of .001 (one mill) multiplied by its gross revenue for each fiscal year commencing with the fiscal year beginning July 1, 1970.

(e) On or before July 15 of each year each public utility subject to the provisions of this Title shall file with the Commission an annual gross revenue return containing an estimate of the amount of its gross revenue for the fiscal year commencing July 1 of said year and a statement of the amount of assessment due for said fiscal year on the basis of that estimate; in the event that such estimate should later prove erroneous, the public utility shall file an amended return within 45 days after the close of said fiscal year. Forms for such returns and amended returns shall be devised and supplied by the Commission.

(f) All returns submitted to the Commission by a public utility as provided in this Section shall be sworn to by an appropriate officer of the public utility. The Commission may audit

each such return submitted and may take such measures as are necessary to ascertain the correctness of the returns submitted. The Commission has the power to direct the filing of an amended return by any utility which has filed an incorrect return and to direct the filing of a return by any utility which has failed to submit a return.

(g) One quarter of the annual amount of the assessment due under subsection (d) shall be paid to the Commission on or before the fifteenth day of July, October, January, and April of the fiscal year subject to the assessment. In the event that an adjustment in the amount of assessment due should be necessary as a result of the filing of an amended return pursuant to subsection (e) hereof, the amount of any deficiency shall be paid by the public utility together with said amended return and the amount of any excess shall, after the filing of a claim for credit by the public utility, be returned to the public utility in the form of a credit memorandum in the amount of such excess. Said credit may be applied against the payment of any future amount due under the assessment imposed by this Section, or subject to reasonable rule of the Commission, may be assigned to any other public utility subject to regulation under this title.

(h) Each installment or required payment of the assessment imposed by subsection (d) becomes delinquent at midnight of the date that it is due. In the event that upon filing of an amended return it shall appear that a public utility has failed to pay, or has underpaid, the proper amount of any quarterly installment or payment, it shall pay a penalty to the Commission of 1% of the amount so due on any quarterly installment or payment for each month or fraction thereof that such amount is unpaid; provided, however, that if such failure to pay or underpayment is caused by an underestimation of gross revenue upon the annual gross revenue return of a public utility, such penalty shall not be imposed if the amount of estimated gross revenue reported in such return is at least equal to its gross revenue for the preceding fiscal year. The Commission may enforce the collection of any delinquent installment or payment, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Delaware may be enforced under the laws of this State.

(i) All sums collected by the Commission under the provisions of this section shall be paid promptly after the receipt of

the same to the State Treasurer to be deposited in the General Fund.

Section 4. This Act shall become effective on July 1, 1970.

Approved July 3, 1970.

CHAPTER 668

AN ACT TO AMEND TITLE 24, DELAWARE CODE, CHAPTER 19, RELATING TO NURSING AND THE REGULATION THEREOF.

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

Section 1. Title 24, § 1903 (a), Delaware Code, is hereby deleted and a new paragraph is inserted to read as follows:

(a) The Delaware Board of Nursing (hereafter referred to as the Board) is established and shall consist of seven (7) members. The term of office of every member appointed to the Board, except those appointed to fill vacancies occurring during any term of office, is three (3) years. Appointees shall be either (1) professional nurses with:

(a) an earned degree in nursing, nursing education, or education, one (1) of whom shall have at least an earned masters degree in nursing; and

(b) at least three (3) years active practice as a nurse, with administrative or teaching experience.

or (2) licensed practical nurses, who are graduates of an approved school of practical nursing, with at least three (3) years active practice as a practical nurse.

Section 2. Title 24, Delaware Code, Chapter 19, § 1904, is amended by striking the figure "\$10" as it appears in subsection (e) thereof and inserting in lieu thereof the figure "\$20".

Section 3. Title 24, Delaware Code, Chapter 19, § 1908 is amended by striking the figure "\$15" as it appears in subsection (d) thereof and inserting in lieu thereof the figure "\$30".

Section 4. Title 24, Delaware Code, Chapter 19, § 1910, is amended by striking subsection (e) thereof and by striking subsection (a) thereof and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Has graduated from a school of professional nursing accredited by the state, territory or foreign country, and which meets approved standards adopted by the Board.

Section 5. Title 24, Delaware Code, Chapter 19, § 1910, is amended by striking the “;” at end of subsection (d) and inserting the words “or its equivalent.”

Section 6. Title 24, Delaware Code, Chapter 19, § 1913, is amended by striking subsection (a) thereof and inserting in lieu thereof a new subsection to read as follows :

(a) Has graduated from a school of practical nursing accredited by the state, territory or foreign country, and which meets approval standards adopted by the Board.

Section 7. Title 24, Delaware Code, Chapter 19, § 1913, is amended by striking subsection (d) thereof and inserting in lieu thereof a new subsection to read as follows :

(d) Has completed four years of high school education or its equivalent, through a nationally standardized equivalence test.

Section 8. Title 24, Delaware Code, Chapter 19, § 1917, is amended by striking the figure “\$1.00” as it appears in subsection (b) thereof and inserting in lieu thereof the figure “\$5”.

Section 9. Title 24, Delaware Code, Chapter 19, § 1920, is amended by striking the last sentence of subsection (g) thereof.

Section 10. Title 24, Delaware Code, Chapter 19, § 1920, is amended by adding thereto two new subsections to read as follows :

(k) Nursing services rendered by a graduate of an accredited school of professional or practical nursing, working under supervision pending results of the first licensing examination. The Board shall establish the procedure and extent to which subsequent examinations may be taken and the length of time and the character of nursing service which may be rendered pending subsequent examinations.

Section 11. Title 24, Delaware Code, Chapter 19, § 1926, is repealed.

(1) Nursing service rendered by nurses who are currently licensed to practice nursing in other states and who have applied for endorsement may be issued a temporary license to practice nursing for a maximum of 60 days. The Board shall establish the procedure for application and issuance of the temporary license to practice nursing.

Section 12. Title 24, Delaware Code, § 1903 (b), is hereby deleted and a new (b) is inserted to read as follows:

(b) Upon the expiration of the term of any professional nurse member of the Board, a successor shall be appointed by the Governor for a term of three (3) years from a list of three (3) nominees, furnished annually by the Delaware Nurses' Association. Upon the expiration of the term of any licensed practical nurse member of the Board, a successor shall be appointed by the Governor for a term of three (3) years from a list of three (3) nominees furnished annually by the Delaware Licensed Practical Nurses Association. Vacancies occurring for any cause other than expiration of term shall be filled by the Governor for the unexpired term from a like list of nominees furnished by the appropriate Association.

Section 13. Title 24, Delaware Code, § 1903 (c), is amended by adding the following at the end thereof:

At least two (2) members of the Board, but not more than two (2) members of the Board, shall be licensed practical nurses.

Approved July 3, 1970.

CHAPTER 669

**AN ACT AMENDING TITLES 14, 19 AND 29 PROVIDING
FOR OMNIBUS AMENDMENTS AND CORRECTIONS
RELATING TO THE DEPARTMENT OF LABOR AS
PROVIDED IN TITLE 29, DELAWARE CODE, CHAPTER
85.**

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

Section 1. Chapter 1, Title 19, Delaware Code, is amended as follows:

A. §101 (a) is amended as follows:

(1) By striking the sentence " 'Service' means the State Mediation Service."

(2) By striking the sentence " 'Commission' means Employment Security Commission."

(3) By striking the sentence " 'Department' means the Department of Labor and Industrial Relations created and established by section 102 of this chapter." and inserting in lieu thereof a new sentence as follows:

" 'Department' means the Department of Labor."

(4) By striking the sentence " 'Director' means the Director of the State Mediation Service."

(5) By striking the sentence " 'Member' means a member of the Department of Labor and Industrial Relations."

(6) By adding a new sentence as follows:

" 'Secretary' or 'Secretary of Labor' shall mean the Secretary of Labor or his authorized designee, provided, that any such delegation of authority is consistent with the provisions of Title 29, Delaware Code, Chapter 83."

B. §§102, 103(b), 104, 105, 106, 107, 108, 110, 115(b), 118, 119 and 127 are repealed.

C. §109 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 109. Regulation of Child Labor

The Secretary of Labor may visit and inspect at any time any establishment in this State to ascertain whether any children are employed therein contrary to the provisions of Chapter 5 of this title and the Secretary shall make complaint against and shall prosecute any person violating any of the provisions of such chapter.

D. §§120, 121 and 123 are amended by striking the word "Director" wherever it appears and inserting in lieu thereof the word "Secretary".

E. §125 is amended by striking the words "Department of Labor and Industrial Relations" and inserting in lieu thereof the words "Department of Labor".

Section 2. Chapter 13, Title 19, Delaware Code, is amended as follows:

A. §1301(f) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(f) 'Department' means the Department of Labor."

B. §1310 is amended by striking the words "State Mediation Service" and inserting in lieu thereof the words "Department of Labor".

Section 3. §4103(c), Title 29, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(c) The Department of Labor shall be responsible for the developing of new and improved employment opportunities and coordination with all other State and local agencies and private organizations in this field. The Governor shall be kept fully apprised by the Department of Labor of all State, local and private activities in the employment development field."

Section 4. Chapter 31, Title 19, Delaware Code, is amended as follows:

A. §3101(a) is amended by inserting after the word "Delaware" and before the word "is" the words", renamed the Unemployment Insurance Appeal Board (hereinafter referred to as the 'Board').".

B. §§3101(b), 3101(c), 3103, 3104, 3105 and 3106 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Board".

C. §§3102, 3103 and 3105 are amended by striking the words "Commissioner" and "Commissioners" wherever they appear and inserting in lieu thereof the words "Board member" and "Board members", respectively.

D. §3104 is further amended by repealing subsection (b) in its entirety, and by striking from the section heading the words"; executive director and approval officer".

E. §3107, 3108, 3121, 3124(a) and 3156 are repealed.

F. §3122 is amended by striking the words "The Commission with the advice and aid of the Advisory Council, and through the appropriate divisions," and inserting in lieu thereof the words "The Department of Labor, hereinafter referred to in this chapter as the 'Department'".

G. §§3123, 3124(b), 3125, 2126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3151, 3152, 3153, 3154, 3161, 3162, 3163, 3164, 3165 and 3166 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

H. §§3126(a), 3131, 3164 and 3165 are amended by adding after the words "Secretary of Labor" wherever they appear the words "of the United States".

I. §3126(b) is further amended by striking the words "the Advisory Council" and inserting in lieu thereof the words "the Unemployment Insurance Appeal Board".

J. §§3151, 3165 and 3166 are amended by striking the words "Employment Security Commission" wherever they appear and inserting in lieu thereof the words "Department of Labor".

K. §3155 is amended by striking the word "Commission" where it appears in the second, sixth and seventh sentences only and inserting in lieu thereof the words "Department of Administrative Services".

L. §3166(b) is further amended by striking the word "Commissioner" and inserting in lieu thereof the words "Secretary of Labor".

Section 5. Chapter 33, Title 19, Delaware Code, is amended as follows:

A. §3302(6) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(6) 'Department' means the Department of Labor."

B. §§3302(10), 3302(11), 3302(15), 3302(16), 3304, 3305, 3311, 3312, 3313, 3315, 3317, 3318, 3319, 3322(b), 3325, 3342, 3343, 3345, 3350, 3351, 3352, 3353, 3354, 3355, 3357, 3358, 3359, 3361, 3362, 3364, 3365, 3372, 3373, 3381 and 3384 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

C. §§3305, and 3360 are amended by striking the words "Employment Security Commission" wherever they appear and inserting in lieu thereof the words "Department of Labor".

D. §3305 is further amended by adding after the words "Secretary of Labor" wherever they appear the words "of the United States".

E. §3320 is amended as follows:

(1) By striking the word "Commission" where it appears in the first, third, fourth and fifth sentences and inserting in lieu thereof the word "Unemployment Insurance Appeal Board".

(2) By striking the word "Commission" where it appears in the second sentence and inserting in lieu thereof the word "Department".

F. §§3321, 3322(a), 3323 and 3324 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the words "Unemployment Insurance Appeal Board".

G. §3344 is amended as follows:

(1) By striking subsection (a) in its entirety and inserting in lieu thereof a new subsection as follows:

(a) The Department may delegate to a suitable employee of the Department the power to make preliminary determinations on all questions relating to the liability of employing units for the assessments mentioned in this subchapter, but such administrative rulings shall be subject to the review of the Unemployment Insurance Appeal Board if the employing unit affected thereby appeals to such Board. Such appeals shall be taken within 15 days from the date of the rendering of the administrative ruling. The person taking the appeal shall be designated as the complainant. The Board shall hear such appeals within a reasonable time.

(2) By striking from subsections (b), (c) and (e) the word "Commission" wherever it appears and inserting in lieu thereof the words "Unemployment Insurance Appeal Board".

H. §3350 (1) is amended by striking the words "State Board of Vocational Education" and inserting in lieu thereof the words "Department of Labor".

I. §§3361 and 3367 are amended by striking the words "its Executive Director" and "the Executive Director" wherever they appear and inserting in lieu thereof the words "the Secretary of Labor of the State of Delaware".

Section 6. Chapter 5, Title 19, Delaware Code, is amended as follows:

A. §§501, 512, 517, 541, 542, 544, 545 and 546 are amended by striking the words "Labor Commission", "Labor Commission of Delaware" and "Commission" wherever they appear and inserting in lieu thereof the words "Department of Labor", "Department of Labor" and "Department", respectively.

B. §§514, 531 and 541 are amended by striking the words "State Child Labor Inspector" wherever they appear and inserting in lieu thereof the words "Department of Labor".

Section 7. Chapter 2, Title 19, Delaware Code, is amended as follows:

A. §§202, 204(b) and 205 are repealed.

B. §§204(a) and (c) are amended by striking the word "Council" wherever it appears and inserting in lieu thereof the words "Department of Labor".

C. §204 (a) (2) is amended by striking the words", subject only to the approval of the Chairman of the Department of Labor and Industrial Relations,".

D. §204 (a) (5) is amended by striking the words", the State Board for Vocational Education,".

E. §204 (a) (6) is amended by striking the words", local school boards, and the Chairman of the Department of Labor and Industrial Relations" and inserting in lieu thereof the words "and local school boards."

F. §206 is amended as follows:

(1) By striking the words "Director " and "Director of Apprenticeship and Training" and inserting in lieu thereof the words "Department of Labor".

(2) By striking the word "His" in the second sentence and inserting in lieu thereof the word "Its".

(3) By striking from subsection (h) the words "and informing the Council periodically as to the results." and inserting in lieu thereof a ". ".

Section 8. §711, Title 19, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 711. Jurisdiction; complaints; rules and regulations

The Department of Labor shall have jurisdiction over the subject of employment practices and discrimination made unlawful by this subchapter; provided, however, that any complaint that there has been a violation of section 710 of this title must be filed with the Department of Labor within 90 days after the alleged act of violation. The Department shall make such rules and regulations as may be necessary to effectuate the purposes of this subchapter."

Section 9. Chapter 8, Title 19, Delaware Code, is amended as follows:

A. §§802, 803 and 904 are amended by striking the words "Department of Labor and Industrial Relations" wherever they appear and inserting in lieu thereof the words "Department of Labor".

B. §804 is further amended by striking the words "Director of Mediation Service of the Department of Labor and Industrial Relations" and inserting in lieu thereof the words "Secretary of Labor".

Section 10. §901(a), Title 19, Delaware Code, is amended by striking the words "Department of Labor and Industrial Relations" and inserting in lieu thereof the words "Department of Labor".

Section 11. §1101(a)(1), Title 19, Delaware Code, is amended by striking the words "Department of Labor and Industrial Relations" and inserting in lieu thereof the words "Department of Labor".

Section 12. §2105, Title 19, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 2105. Secretary and other employees; compensation

(a) The Department of Labor may appoint a Secretary for the Board at a salary of not more than \$6,000 per year, and may remove the Secretary with or without cause, and appoint a successor. The Secretary shall not be permitted to receive any salary from any other public office.

(b) The Department of Labor may also employ such clerical and other assistants as it deems necessary for the Board, and fix the compensation of all persons so employed."

Section 13. Chapter 33, Title 14, Delaware Code, is amended as follows:

A. §§3304, 3305 and 3307 are amended by striking the words "State Board for Vocational Education", "State Board" and

"Board" wherever they appear and inserting in lieu thereof the words "Department of Labor", "Department" and "Department", respectively.

B. §3302 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 3302. Vocational rehabilitation

In order to provide for the vocational rehabilitation of disabled persons the Department of Labor shall have under its direction and control a division for the vocational rehabilitation and placement in remunerative employment of persons whose capacity to earn a living is or has been destroyed or impaired.

Section 14. Chapter 13, Title 19, Delaware Code, is amended as follows:

A. §1301 (f) is amended by striking the words "Department of Labor and Industrial Relations" and inserting in lieu thereof the words "Department of Labor".

B. §1310 is amended by striking the words "State Mediation Service" wherever they appear and inserting in lieu thereof the words "Department of Labor".

Section 15. Chapter 85, Title 29, Delaware Code, is amended by adding a new section as follows:

§ 8525. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 16. If any provision of this Act, 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 Act and the application of such provisions of this Act 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.

Approved July 6, 1970.

CHAPTER 670

AN ACT AMENDING TITLES 11, 16, 17, 20, 21 and 29, PROVIDING FOR OMNIBUS AMENDMENTS AND CORRECTIONS RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AS PROVIDED IN TITLE 29, DELAWARE CODE, CHAPTER 82.

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

Section 1. Chapter 84, Title 11, Delaware Code, is amended as follows:

A. § 8401 is amended by striking the word "Commission" in the first sentence and inserting in lieu thereof the words "Department of Public Safety", and by striking the sentence "'Commission' shall mean the Delaware Police Training Commission." and inserting in lieu thereof the sentence "'Council' shall mean the Council on Police Training".

B. § 8402 and § 8403(c) are repealed.

C. § 8403(a) and (b) and § 8404(a), (b), and (c) are amended by striking the word "Commission" in the section heading thereof and wherever it appears and inserting in lieu thereof the word "Council".

D. § 8405, § 8406(b), § 8407 and § 8408 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the words "Department of Public Safety".

E. § 8410 is amended by striking the words "Delaware Police Training Commission" and inserting in lieu thereof the words "Department of Public Safety".

Section 2. Chapter 16, Title 17, Delaware Code, is amended as follows:

A. §§ 1601 and 1602 are repealed.

B. § 1603 is amended by striking the words "on premises made available by the State Highway Commission;" in (2) and (3) and inserting in lieu thereof a ";", and by striking the word

"Division" in the section heading and the first sentence and inserting in lieu thereof the words "Department of Public Safety".

C. §§ 1604, 1605, 1606 and 1607 are amended by striking the word "Division" wherever it appears and inserting in lieu thereof the words "Department of Public Safety".

D. §1608 is amended by striking the words "Division" and "State Highway Department for the Division" and inserting in lieu thereof the words "Department" and "Department of Public Safety", respectively.

Section 3. Chapter 83, Subchapter I, Title 11, Delaware Code, is amended as follows:

A. §8301 is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Public Safety".

B. §8306 is amended by striking the word "Highway".

Section 4. Chapter 85, Title 11, Delaware Code, is amended as follows:

A. §8501(a) is amended by striking the word "Delaware" and inserting in lieu thereof the words "Division of".

B. §8501 (c) is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Public Safety".

C. §8514 is amended by adding a new subsection (4) to read:

(4) The Governor may, in his discretion, delegate to the Secretary of Public Safety any of the powers, duties or functions set forth in this section.

Section 5. §101, Title 21, Delaware Code, is amended by striking the sentence "'Commissioner' means the Motor Vehicle Commissioner of this State;" and inserting in lieu thereof the sentence "'Secretary' means the Secretary of Public Safety of this State or his duly authorized designee;" and by striking the words "Motor Vehicle Department" and inserting in lieu thereof the words "Department of Public Safety".

Section 6. Chapter 3, Title 21, Delaware Code, is amended as follows:

A. The chapter heading is amended by striking the words "Motor Vehicle" and inserting in lieu thereof the words "Public Safety".

B. §§301, 303, 304 and 307 are repealed.

C. §318 is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Public Safety".

D. §§305, 306, 308, 310, 314, 315, 316, 319, and 322 are amended by striking the words "Commissioner" and "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary" and "Secretary of Public Safety", respectively.

E. §310(c) is amended by striking subsections (1) and (2) and inserting in lieu thereof a new subsection (1) as follows:

(1) The Secretary of Public Safety and his duly authorized designee.

Section 7. Chapter 7, Title 21, Delaware Code, is amended as follows:

A. §701 is amended by striking the word "Commissioner" and inserting in lieu thereof the words "Secretary of Public Safety".

B. §704 (d) is amended by striking the words "State Motor Vehicle Division" and "Division" and inserting in lieu thereof the words "Department of Public Safety" and "Department", respectively.

C. §706(a) is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Public Safety".

Section 8. Chapter 21, Title 21, Delaware Code, is amended as follows:

A. §§2102, 2107, 2110, 2132, 2143, 2144, 2141A, 2158, 2177, 2188, 2189 and 2196 are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

B. §2132 and §2196 are amended by striking the words "Motor Vehicle Commissioner" wherever it appears and inserting in lieu thereof the words "Secretary of Public Safety".

C. §2196 is amended by striking the words "Commissioner of Motor Vehicles" and inserting in lieu thereof the words "Secretary of Public Safety".

Section 9. Chapter 23, Title 21, Delaware Code, is amended as follows:

A. §§2302, 2306, 2334, 2337 and 2338 are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

B. §2338 is amended by striking the words "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety".

Section 10. §2510, Title 21, Delaware Code, is amended by striking the words "Vehicle Commissioner" and inserting in lieu thereof the words "Secretary".

Section 11. Chapter 27, Title 21, Delaware Code, is amended as follows:

A. §§2703, 2710, 2713, 2714, 2733, 2734 and 2755 are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

B. §2710, 2718 and §2734 are amended by striking the words "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety".

C. §2707 and §2713 are amended by striking the words "Motor Vehicle Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

Section 12. Chapter 29, Title 21, Delaware Code, is amended as follows:

A. §§2906, 2908, 2909, 2913, 2921, 2922, 2923, 2924, 2925, 2926, 2941, 2942, 2945, 2946, 2949, 2950, 2951, 2953, 2954, 2955 and 2972 are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the words "Secretary of Public Safety".

C. §2909 is amended by striking the words "Department of Motor Vehicles" and inserting in lieu thereof the words "Department of Public Safety".

D. §2910 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 2910. Administration and enforcement

The Secretary of Public Safety shall handle the filing of the standard forms as used in other States, for the estimating of the security required, and for the suspending, revoking and reinstating of licenses and registration as required by this chapter.

The Secretary shall see that the accident reports are made and that sufficient security is filed with his Department to cover all damages to persons or property. He shall follow the standard practices used in other states, and shall use the standard forms used in other states. The State Police shall help enforce this chapter.

Section 13. Chapter 41, Title 21, Delaware Code, is amended as follows:

A. §§4101, 4107, 4120, 4121, 4126, 4152, 4162, 4164, 4169, 4170, 4171, 4173, 4178, 4179 and 4179A are amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

B. §§4103, 4172 and 4176 are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

C. §4169(bb) is amended by inserting before the words "concerning speed limits" in the first sentence the words "or its predecessor, the State Highway Department".

D. §4179 is further amended as follows:

(1) By striking from (c) the words "by resolution or order entered in its minutes".

(2) By striking from (d) the words", as evidenced by resolution or order entered in its minutes,".

E. §4179A is further amended as follows:

(1) By striking from (a) the words "resolution of".

(2) By striking from (c) the words", by resolution,".

Section 14. Chapter 42, Title 21, Delaware Code, is amended as follows:

A. §4202 is amended by striking the word "Commissioner" and inserting in lieu thereof the word "Secretary".

B. §4203 is amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

Section 15. Chapter 43, Title 21, Delaware Code, is amended as follows:

A. §§4303, 4307, 4373, 4384, 4385, 4386 and 4387 are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

B. §§4313 and 4314 are amended by striking the words "Motor Vehicle Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

C. §4354 is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Public Safety".

Section 16. Chapter 44, Title 21, Delaware Code, is amended as follows:

A. §§4402 and 4407 are amended by striking the words "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety".

B. §§4404 and 4406 are amended by striking the words "Motor Vehicle Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

Section 17. Chapter 61, Title 21, Delaware Code, is amended as follows:

A. §6104 is amended by striking the word "Commissioner" and inserting in lieu thereof the word "Secretary".

B. §6105 is amended by striking the words "Motor Vehicle Department" and inserting in lieu thereof the words "Department of Public Safety".

Section 18. §6304, Title 21, Delaware Code, is amended by striking the words "Commissioner" and "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary" and "Secretary of Public Safety", respectively.

Section 19. Chapter 65, Title 21, Delaware Code, is amended as follows:

A. §§6502, 6503, 6504 and 6508 are amended by striking the words "Motor Vehicle Commissioner" and "Commissioner of Motor Vehicles" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety".

B. §6503 is amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

C. §§6513, 6514, 6515, 6516 and 6517 are amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

Section 20. §6706, Title 21, Delaware Code, is amended by striking the words "Commissioner" and "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary" and "Secretary of Public Safety", respectively.

Section 21. Chapter 80, Title 21, Delaware Code, is amended as follows:

A. §§8011 and 8015 are amended by striking the words "Motor Vehicle Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

B. § 8013 is amended by striking the words "Motor Vehicle Commissioner" in the section heading and the first sentence and inserting in lieu thereof the words "Secretary of Public Safety".

Section 22. Chapter 81, Title 21, Delaware Code, is amended as follows:

A. §§8111 and 8113 are amended by striking the words "Motor Vehicle Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

B. §8111 is further amended by striking the words "Motor Vehicle Commissioner" and inserting in lieu thereof the words "Secretary of Public Safety".

Section 23. Chapter 4, Title 21, Delaware Code, is amended as follows:

A. §401. is repealed.

B. §§402, 403 and 405 are amended by striking the words "reciprocity commission" and "commission" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety" and "Secretary", respectively.

C. §403 is further amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Public Safety".

D. §§405, 408 and 411 are amended by striking the words "reciprocity commission and/or Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety".

E. §409 is amended by striking the words "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety".

Section 24. Chapter 45, Title 21, Delaware Code, is amended as follows:

A. §§ 4501 and 4502 are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

Section 25. Chapter 31, Title 20, Delaware Code, is amended as follows:

A. §3101 is amended by striking the word "Department" in (a) (1) and inserting in lieu thereof the word "Division".

B. §3103 is amended by striking the word "Department" wherever it appears and inserting in lieu thereof the word "Division", and by striking the word "Governor" wherever it appears and inserting in lieu thereof the word "Secretary of Public Safety".

C. §3103 (a) is further amended as follows:

(1) By inserting before the words "within the executive branch" in the first sentence the words "of the Department of Public Safety,".

(2) By striking the words "with the advice and consent of the Senate" and inserting in lieu thereof the words "with the written approval of the Governor".

(3) By striking the words "he shall hold office at the pleasure of the Governor" and inserting in lieu thereof the words "he may be removed from office by the Secretary with the written approval of the Governor".

D. §3103 (b) is amended by inserting after the word "Director" the words "with the approval of the Secretary of Public Safety".

E. §3104 is repealed.

F. §3105 is amended by striking the word "Department" wherever it appears and inserting in lieu thereof the word "Division", and by adding after the word "Delegate" in (b) (10) the words "to the Secretary of Public Safety or such other person".

G. §3107 (b) (3) and §3118 are amended by striking the word "Department" wherever it appears and inserting in lieu thereof the word "Division".

H. §3120 is amended by striking the words "Civil Defense" and inserting in lieu thereof the words "Public Safety", and by striking the word "Director" and inserting in lieu thereof the words "Secretary of Public Safety".

Section 26. Chapter 85, Title 16, Delaware Code, is amended as follows:

A. §§8501 and 8502 are repealed.

B. §8503 is amended by striking the word "Board" and inserting in lieu thereof the words "Department of Public Safety".

C. §8504 is amended as follows.

(1) By striking the words "Board of Boiler Rules" and inserting in lieu thereof the words "Department of Public Safety".

(2) By striking the word "Governor" in the first and second sentences and inserting in lieu thereof the words "Secretary of Public Safety".

D. §8505 is amended by striking the words "Board of Boiler Rules" and inserting in lieu thereof the words "Department of Public Safety".

Section 27. Chapter 82, Title 29, Delaware Code, is amended by adding a new §8222 as follows:

§ 3222. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 28. Chapter 82, Title 29, Delaware Code, is further amended as follows:

A. Section 8209 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2) but no

more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

B. §8207 (a) (2) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (ii) to follow subsection (i) and to read as follows:

(ii) The Reciprocity Commission pursuant to the provisions of Title 21, Delaware Code, Chapter 4. The Secretary of Public Safety shall have the authority to make any necessary agreements pursuant thereto.

C. §8214 is amended by adding a new subsection (1) as follows: "(1) Secretary of Public Safety" and by renumbering "(1), (2), (3), (4), (5)" as "(2), (3) (4), (5), (6)" respectively.

D. §8207 (a) (1) (iii) is amended by striking the number "\$4505" and inserting in lieu thereof the numbers "\$§4504 and 4505.

Section 29. §4602 (3), Title 21, Delaware Code, is amended by striking the words "Motor Vehicle Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Public Safety".

Section 30. §§8302, 8303, 8304, 8305 and 8306, Title 21, Delaware Code, are amended by striking the word "Commissioner" wherever it appears and inserting in lieu thereof the word "Secretary".

Section 31. If any provision of this Act, 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 Act and the application of such provisions of the Act 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.

Approved July 6. 1970.

CHAPTER 671

AN ACT AMENDING TITLES 2, 17, 21 AND 29 PROVIDING FOR OMNIBUS AMENDMENTS AND CORRECTIONS RELATING TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION AS PROVIDED IN TITLE 29, DELAWARE CODE, CHAPTER 84.

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

Section 1. Chapter 1, Title 17, Delaware Code, is amended as follows:

A. §101(a) is amended by adding a new sentence as follows:

"Secretary" means the Secretary of Highways and Transportation;

B. §§101(a), 116 and 152 are amended by striking the words "Director" and "Director of Operations" wherever they appear and inserting in lieu thereof the words "Secretary" and "Secretary of Highways and Transportation", respectively.

C. §§101(a) and 131 are amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Highways and Transportation".

D. §§111, 112, 113, 114, 115 and 116(a) are repealed.

E. §117 is repealed.

F. §132 is amended as follows:

(1) By striking from subsection (c) (1) the words, "within the recommendations of the Director of Operations,".

(2) By striking from subsection (c) (6) the words "All such persons employed to perform work for which the Director of Operations is responsible shall be employed and discharged by the Director. All such persons employed to perform work for which the Controller is responsible shall be employed and discharged by the Controller General and special counsel for the Department shall be employed by, and shall serve at the pleasure of the Department.".

(3) By striking from subsection (e) the words "Such policies shall be binding upon the Director of Operations, the Controller and all other persons employed by the Department. All such policies pertaining to powers and duties concerning accounting, a system of accounting, internal audit and fiscal control of the Department's receipts and disbursements shall be carried out by the Controller. All such policies pertaining to other powers and duties shall be carried out by the Director of Operations."

G. §133 is amended by striking the words "consider the recommendations of the Director of Operations and from such recommendations".

H. §136 is amended by striking the words, "upon the recommendation of the Director of Operations,".

Section 2. Chapter 3, Title 17, Delaware Code, is amended as follows:

A. §301 is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Highways and Transportation".

B. §318 is amended by striking the word "Chairman" wherever it appears and inserting in lieu thereof the word "Secretary".

Section 3. Chapter 4, Title 17, Delaware Code, is amended as follows:

A. §401 (a) is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Highways and Transportation".

B. §§401 (b) and 403 are repealed.

C. §402 is amended by striking the words "as the Delaware Interstate Highway Division and is vested" and inserting in lieu thereof the words "within the Department of Highways and Transportation,".

D. §§404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 418, 419, 420, 421, 422, 423, 424, 425 and 426 are amended by striking the word "Division" wherever it appears and inserting in lieu thereof the word "Department".

E. §406 is further amended by striking from the first sentence the words "and may enter into agreements with the Department to pay, in whole or in part, the cost of construction, reconstruction or improvement by the department of" and inserting in lieu thereof the words "and may construct, reconstruct or improve".

F. §406 is further amended by striking from the third and fourth sentences the words "in any agreement authorized in this Chapter. In entering into agreements with the Department for the" and inserting in lieu thereof the words "authorized in this chapter. In considering any".

G. §407 (a) is further amended by striking from the last sentence the words "may and, at the request of the Division, shall" and inserting in lieu thereof the words "shall have the power to".

H. §414 is amended by striking the words "to enable it to pay to the Department any amount which it is required to pay pursuant to any agreement made with the Department under the provisions of section 406 of this title,".

I. §416 is amended by striking the words "Director of the Division" wherever they appear and inserting in lieu thereof the words "Secretary of Highways and Transportation".

J. §422 is amended by striking the words "the subject of an agreement with the Department as authorized by section 406 of" and inserting in lieu thereof the words "authorized by".

K. §425 is amended by striking the words "or of the Department".

Section 4. Chapter 5, Title 17, Delaware Code, is amended as follows:

A. §504 (d) is amended by striking the word "Highway" wherever it appears.

B. §507 is amended by striking the words "the Director of Operations of".

C. §510 (a) is amended by striking the words "State Highway".

Section 5. Chapter 6, Title 17, Delaware Code, is amended as follows:

A. §602 (a) is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Highways and Transportation".

B. §602 (c) is amended by striking the words "or to the Delaware Interstate Highway Division as is appropriate." and inserting in lieu thereof a ".".

C. §604 is amended by striking the words "Director of Operations" wherever they appear and inserting in lieu thereof the word "Secretary".

D. §612 (a) is amended by striking the sentence, "The bonds shall be signed by the chairman of the Department or shall bear his facsimile signature, and shall bear a facsimile of the official seal of the Department, attested by the secretary of the Department, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Department." and inserting in lieu thereof a new sentence, "The bonds shall be signed by the Secretary of the Department or shall bear his facsimile signature, and shall bear a facsimile of the official seal of the Department, attested by the Secretary of State, and any coupons attached thereto shall bear the facsimile signature of the Secretary of the Department.".

Section 6. Chapter 7, Title 17, Delaware Code, is amended as follows:

A. §§703 and 709 (c) are amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Highways and Transportation".

B. §709 (c) is further amended by striking from the third sentence the words "the Director of Operations of".

Section 7. §901, Title 17, Delaware Code, is amended by striking the words "State Highway Department" from the section heading and inserting in lieu thereof the words "Department of Highways and Transportation".

Section 8. §1503, Title 17, Delaware Code, is amended by striking the words "State Highway Department" wherever they are and inserting in lieu thereof the words "Department of Highways and Transportation".

Section 9. §§501, 505, 506 and 507, Title 21, Delaware Code, are amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Highways and Transportation".

Section 10. §4504, Title 21, Delaware Code, is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of Highways and Transportation".

Section 11. Chapter 1, Title 2, Delaware Code, is amended as follows:

A. §102 is amended by striking the sentence, "'Commission' means the Delaware Aeronautics Commission;" and inserting in lieu thereof a new sentence, "'Department' means the Department of Highways and Transportation;"

B. §102 is further amended by striking the sentence, "'Director' means the Director of Aeronautics of this State;" and inserting in lieu thereof a new sentence, "'Secretary' means the Secretary of Highways and Transportation;"

C. §130 is repealed.

D. §§131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 172, 174 and 175 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

E. §§139, 140, 141 and 174 are amended by striking the words "Director of Aeronautics" wherever it appears and inserting in lieu thereof the words "Secretary of Highways and Transportation".

F. §140 is amended by striking from the third sentence the words "Each Commissioner, the" and inserting in lieu thereof the word "The".

G. §141 is amended by striking the words "nor shall any Commissioner," and inserting in lieu thereof the words "nor shall".

Section 12. §§701, 702, 703, 704, 705, 706 and 707, Title 2, Delaware Code, are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

Section 13. §§909, 932, 933, 941 and 945, Title 2, Delaware Code, are amended by striking the words "Delaware Aeronautics Commission" wherever they appear and inserting in lieu thereof the words "Department of Highways and Transportation".

Section 14. Chapter 15, Title 2, Delaware Code, is amended as follows:

A. §1501 is amended as follows:

(1) By striking the sentence, "'Department' means the Department of Transportation established by section 1512 of this title." and inserting in lieu thereof a new sentence, "'Department' means the Department of Highways and Transportation.".

(2) By striking the sentence, "'Secretary' means the Secretary of the Department of Transportation." and inserting in lieu thereof a new sentence, "'Secretary' means the Secretary of Highways and Transportation.".

B. §§1512, 1513, 1514, and 1521 (b) (1) and (2) are repealed.

C. §1521 (a) (1) is amended by striking the words "the State Highway Department,".

Section 15. Chapter 84, Title 29, Delaware Code, is amended by adding a new section as follows:

§ 8418. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified or amended as far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 15(A). Section 8407(e), Title 29, Delaware Code, is amended by striking said subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 16. §8409, Title 29, Delaware Code, is amended by adding the numbers "3, 5" after the words "Chapters 1,".

Section 17. If any provision of this Act, 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 Act and the application of such provisions of this Act 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.

Approved July 6, 1970.

CHAPTER 672

AN ACT TO AMEND SECTION 6603, TITLE 16, DELAWARE CODE, RELATING TO ENFORCEMENT OF REGULATIONS BY THE STATE FIRE PREVENTION COMMISSION.

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

Section 1. Section 6603, Title 16, Delaware Code, is amended by striking the "." at the end of the third sentence thereof, ending with the word "Commission", and inserting the following immediately before the next sentence thereof:

"; nor shall such regulations, insofar as they purport to prohibit the sale, purchase or domestic use of gasoline, kerosene, or other fuel burning home appliances for heating or cooking, apply to any person whose personal faith or belief prevents the use of any alternative heating or cooking appliance recommended by the State Fire Prevention Commission, the burden of proof thereof being upon the person claiming relief from such regulation."

Approved July 7. 1970.

CHAPTER 673

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, 1971", BEING HOUSE BILL NO. 630 OF THE 125TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1971 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 630, 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, 1971", and also known as the 1971 Budget Appropriation Bill (hereinafter referred to as House Bill No. 630), 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 adding new lines to Section 1 as hereinafter listed in this section and marked "(2)"; and by striking out the lines in Section 1 hereinafter listed and marked "(3)" in their entirety.

Delaware State College

(1) Salaries and Wages of Employees (228) .. \$1,524,800

Delaware Technical and Community College

(3) Salary of Executive Director 25,000

(1) Salaries and Wages of Employees (217) .. 2,093,800

(2) Contingency-Dental Technician Training .. 45,000

State Board of Education

DIVISION I—SALARIES

(1) Directors (8) (7 State Funds; 1 All Other Funds) 119,500

(1) Supervisors (43) (18) State Funds 268,500

(1) Clerical (45.5) 273,700

DIVISION II

(2) Learning Disabilities	25,500
(1) Division III Education Advancement Act ..	2,408,000
(1) Non-Public School Transportation	450,000

State Board for Vocational Education

DIVISION I—SALARIES

(1) Teachers

Summer Programs — Vo-Tech. School Districts	75,000
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DIVISION II—OTHER COSTS

(3) Supplies and Materials

Summer Programs — Vo-Tech. School Districts	25,000
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*State Board for Vocational Education—
Rehabilitation Division*

(1) Contractual Services	245,200
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Department of Public Welfare

(2) Head Start Program	250,000
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State Employees Pension Fund

(1) Employees' Pension Fund	103,000
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Educational Contingency Fund

(3) Monitors—Matching Funds (State \$50,000; Local \$50,000; Total \$100,000) ...	50,000
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Section 2. The said House Bill No. 630 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. 630 is further amended by deleting in its entirety Section 8 thereof, and inserting in lieu thereof the following:

Section 8. (a) In the event that any school district shall have more certified units of pupils based on the actual enrollment for September 30, 1970, than the number of units for which appropriation is made in this Act, such district is hereby authorized and empowered:

(1) To employ additional teachers with State Funds not to exceed the difference between the number of certified units of pupils as of September 30, 1970, and the number of units of pupils for which teachers are provided by Section 1 of this Act; provided that, no more than 38 additional units of exceptional children shall be permitted at State expense from the Growth and Upgrading Fund for the year ending June 30, 1971.

(2) 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, 1970, and the number of such employees provided for the district by Section 1 of this Act; provided that, no more than 38 additional units of exceptional children shall be permitted at State expense from the Growth and Upgrading Fund for the year ending June 30, 1971. 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.

(b) In the event that any school district shall have fewer certified units of pupils based on the actual enrollment for September 30, 1970, than the number of units for which appropriation is made in this Act, such district's appropriation may 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, 1970.

(c) 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 4. The said House Bill No. 630 is further amended by deleting in its entirety Section 11 thereof, and inserting in lieu thereof the following:

Section 11. (a) The amount of \$500,000 hereinabove provided in Section 1 of this Act for Minor Capital Improvements under Educational Contingency Funds is appropriated 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, and shall be paid by the State Board of Education to the local districts as provided in this Section.

(b) The State Board shall establish criteria for the types of minor capital improvements and repairs which it will approve under this Section. The State Board shall pay local districts only for the actual expenses of repairs and replacements of a Capital nature which shall include but not be limited to the 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.

(c) 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 (b) 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.

(d) In order to determine the right of payment to the school district under this Section, the State Board, or its designated representative, shall:

(i) inspect the building or buildings to determine that the improvements or repairs requested by the school district are needed and are in accordance with the criteria set forth in Subsection (b) of this Section;

(ii) provide necessary help to the school district for letting of bids on the repairs or replacements meeting the criteria;

(iii) inspect the improvements or repairs upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality, and

(iv) pay the State's share of the cost of the improvements or repairs made by the school district in accordance with the provisions of this Section after the improvements or repairs are accepted as meeting all specifications as to workmanship and materials.

(e) 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.

(f) Any school district, as an alternate to the levy and collection of a tax to pay its forty percent (40%) share 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.

(g) 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 (f) above.

(h) Notwithstanding any provisions of House Bill No. 630, Section 1 thereof or the provisions of Section 6521, Chapter 65, Title 29, Delaware Code, the State Board is hereby authorized to expend the amount hereinabove provided, for the purposes hereinabove provided, until June 30, 1972; at which time, any funds remaining unexpended or unencumbered shall revert to the General Fund.

Section 5. The said House Bill No. 630 is further amended by adding a new Section 27 to read as follows:

Section 27. All State agencies, boards, commissions and departments (hereinafter all referred to as agency) receiving funds

herein, shall file annual reports as follows, any other law to the contrary notwithstanding:

(a) The annual report shall inform the Governor, the General Assembly, other State agencies and the public of the costs and benefits, goals, accomplishments and problems of the reporting agency or office. The report should be brief, factual, and to the point, and it should be designed to transmit information rather than serve the purpose of a promotional publication.

(b) A statistical summary shall show the agencies' budget, supplemental appropriations (if any), actual expenditures, revenues (if any), and number of employees by year for the past three years as well as a forecast of expenditures, revenues (if any), and employees for the next five years. Explanations shall be provided for supplemental appropriations.

(c) The written portion of the report shall state briefly the statutory responsibility of the agency plus its major programs, accomplishments, goals, and problems. The emphasis should be on the future rather than on the past, and any forecast of substantial growth or decline in expenditures should be explained.

(d) The report shall be submitted not later than November 15, 1970.

(e) Each member of the General Assembly, the Governor, Lieutenant Governor, Budget Director and Auditor of Accounts, shall receive copies.

(f) The report shall be typewritten on standard sized paper and reproduced by the most economical means, considering the number of copies needed for distribution to all related functions and interested parties.

Section 6. The said House Bill No. 630, is further amended by adding the following subsection (e) to Section 8 thereof:

(e) To the extent that DIVISION I funds which are allocated in accordance with statutory formula for any and all salaries other than salaries for classroom teachers are not spent, they may be transferred to DIVISION II for use in such manner as the school districts shall determine to be appropriate, upon request to and approval by the State Board of Education and the concurrence of the Budget Director.

Section 7. The said House Bill No. 630 is further amended by adding thereto the following:

Section 28. The funds herein appropriated to the Department of Public Welfare in the amount of \$250,000 for the Head Start Program shall be spent only if there shall have been approved and made available the \$750,000 of Federal Government matching funds under Title IV A. If such Federal matching funds are not forthcoming, the \$250,000 of State funds herein appropriated shall be added to the State Employees' Pension Fund.

Approved July 7, 1970.

CHAPTER 674

**AN ACT TO AMEND TITLE 10, CHAPTER 1, SECTION 126,
OF DELAWARE CODE RELATING TO METHOD FOR
APPOINTING DEPUTY ADMINISTRATOR FOR JUSTICES OF PEACE.**

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

Section 1. Amend Title 10 of the Delaware Code, by striking § 126 thereof in its entirety and substituting in lieu of same, a new § 126 to read as follows:

§ 126. Deputy Administrator for Justices of the Peace

(a) The Deputy Administrator shall be responsible for the administration of all accounts, expenditures and other administrative functions of the Courts.

(b) The Deputy Administrator shall report directly to the Chief Justice of the Supreme Court.

(c) The Deputy Administrator shall be appointed to his position by the Governor, with the advice and consent of the Senate and shall serve at the pleasure of the Governor.

Section 2. Title 10, Delaware Code, is amended by adding thereto a new Section to read as follows:

§ 127. Powers of the Deputy Administrator

(a) The Deputy Administrator shall perform such duties and shall enforce such orders and directives as the Chief Justice shall from time to time establish for the more efficient operation of the Justice of the Peace Courts. His duties and authority shall be limited to the operation of Justice of the Peace Courts and shall extend to no other court whatsoever. Anything in this Act to the contrary notwithstanding the Deputy Administrator shall not be considered one of the appointed Justices of the Peace, and the number of such Justices of the Peace as prescribed by law shall not be increased by virtue of such power vested in the Deputy Administrator.

Section 7. The said House Bill No. 630 is further amended by adding thereto the following:

Section 28. The funds herein appropriated to the Department of Public Welfare in the amount of \$250,000 for the Head Start Program shall be spent only if there shall have been approved and made available the \$750,000 of Federal Government matching funds under Title IV A. If such Federal matching funds are not forthcoming, the \$250,000 of State funds herein appropriated shall be added to the State Employees' Pension Fund.

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(b) The Deputy Administrator shall have free access at all times to any proceedings before a Justice of the Peace for the purpose of acting as an observer and shall have the authority to inspect the records of, and to require reports and information from any of the Justices of the Peace, with respect to the manner of the operation of their Courts.

(c) The Deputy Administrator shall be a person who has been duly admitted to the practice of law in the State of Delaware.

(d) The Deputy Administrator may select an Assistant Deputy Administrator to assist him in the performance of his duties. The said assistant shall serve at the pleasure of the Deputy Administrator or until the appointment of a new Deputy Administrator.

(e) The Deputy Administrator shall be paid an annual salary of not less than \$16,000 and not more than \$23,000. Said salary shall be determined by the Governor.

Section 3. The provisions of Sections 1 and 2 of this Act shall become effective upon the signature of this Act by the Governor. The Deputy Administrator presently serving shall continue to serve until his successor is appointed and confirmed by the Senate.

Approved July 7, 1970.

CHAPTER 675

AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO CERTAIN JUDICIAL SALARIES.

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

Section 1. Amend Section 103, Title 10, Delaware Code, by striking the section in its entirety and inserting in lieu thereof the following:

§ 103. Salaries of Justices

(a) The Chief Justice shall receive annually the sum of \$34,500 as compensation for his services.

(b) The Justices of the Supreme Court shall each receive annually the sum of \$34,000 as compensation for their services.

Section 2. Section 304, Title 10, Delaware Code, is amended by striking subsections (a), (b) and (c) thereof and inserting in lieu thereof new subsections (a) and (b) as follows:

(a) The Chancellor shall receive annually as compensation for his services the sum of \$31,500.

(b) Each Vice Chancellor shall receive annually as compensation for his services the sum of \$31,000.

Section 3. Section 503, Title 10, Delaware Code, is amended by striking subsections (a), (b) and (c) thereof and inserting in lieu thereof new subsections (a) and (b) as follows:

(a) The President Judge of the Superior Court and of the Orphans' Court shall receive annually as compensation for his services the sum of \$31,500.

(b) Each Associate Judge shall receive annually as compensation for his services the sum of \$31,000.

Section 4. Amend Section 908, Title 10, Delaware Code, by striking the section in its entirety and inserting in lieu thereof the following:

§ 908. Salary of judges

The salary of each of the judges shall be \$27,000 per year, payable by the State.

Section 5. Amend Section 1106, Title 10, Delaware Code, by striking the section in its entirety and inserting in lieu thereof the following:

§ 1106. Salary of judges

The salary of each of the Judges shall be \$27,000 per year, payable by the State.

Section 6. Amend Section 1302 (c), Title 10, Delaware Code, by striking the subsection and inserting in lieu thereof the following:

(c) The Judges of such Court shall each receive an annual salary of \$27,000 per year, payable by the State.

Section 7. Amend Section 1502 (c), Title 10, Delaware Code, by striking the subsection and inserting in lieu thereof the following:

Section 8. Amend Section 1602 (c), Title 10, Delaware Code, by striking the subsection and inserting in lieu thereof the following:

(c) The salary of the Judge shall be \$27,000 per year, payable by the State.

Section 9. This Act shall become effective July 1, 1970, except that for the year beginning July 1, 1970 and ending June 30, 1971, the annual compensation for services for the several Justices, Chancellors and Judges under the respective sections hereof shall be only in the following amounts:

Chief Justice (Section 1)	\$29,750
Justices of the Supreme Court (Section 1)	29,250
Chancellor (Section 2)	27,750
Vice Chancellor (Section 2)	27,250

President Judge, Superior Court (Section 3)	27,750
Associate Judge, Superior Court (Section 3)	27,250
Judge of the Family Court, New Castle, Kent and Sussex Counties (Sections 4 and 5)	24,000
Judge of the Court of Common Pleas, New Castle, Kent and Sussex Counties (Sections 6, 7 and 8) .	\$24,000

Approved July 7, 1970.

CHAPTER 676

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, 1971", BEING HOUSE BILL NO. 630 OF THE 125TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1971 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 630, 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, 1971", and also known as the 1971 Budget Appropriation Bill (hereinafter referred to as House Bill No. 630), 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 adding new lines to Section 1 as hereinafter listed in this section and marked "(2)"; and by striking out the lines in Section 1 hereinafter listed and marked "(3)" in their entirety.

Delaware Commission on Interstate Cooperation

(2) Contractual Services	
Education Compact—Dues	\$ 9,000

Legislative Council

(1) Salary of Assistant Director	\$ 14,000
(1) Salaries and Wages of Employees (6)	53,500
(1) Travel	10,000

Kent County Department of Elections

(1) Salary of Administrative Director	\$ 10,000
(1) Salary of Deputy Administrative Director	8,500
(1) Salaries—Extra Employees	5,400
(1) Contractual Services	
Other Contractual Services	4,050

Secretary of State

(2) Salary of Data Processing (8)	\$ 35,500
(1) Salaries and Wages of Employees (60)	312,200
(2) Contractual Services	
Data Processing—Rental	17,500
(3) Supplies and Materials	40,600
(2) Supplies and Materials	
Data Processing	10,000
Other Supplies and Materials	40,600

Development Department

(1) Salaries and Wages of Employees (15)	\$ 122,876
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Personnel Commission

(1) Salaries and Wages of Employees (12)	\$ 100,300
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Superior Court

(1) Salaries and Wages of Employees (58.5) ..	\$ 423,050
(1) Travel	27,000

Department of Justice

(1) Salaries and Wages of Employees (24)	\$ 153,000
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Public Defender

(1) Salary of Public Defender	\$ 15,000
(1) Salaries and Wages of Employees (8)	53,300

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

(1) Contractual Services	\$ 7,400
(1) Supplies and Materials	5,900

Human Relations Commission

(1) Salaries and Wages of Employees (6.5)	\$ 48,600
(1) Travel	5,300
(1) Contractual Services	5,900
(1) Capital Outlay	2,400

Public Archives Commission

(1) Salaries and Wages of Employees (17)\$ 107,734

***Public Archives Commission—
State Museum***

(1) Salaries and Wages of Employees (10)\$ 62,974

Custodian

(1) Salaries and Wages of Employees (95)\$ 459,000

Board of Health

(1) Salaries and Wages of Employees (152) ...\$1,166,000

(1) Other Contractual Services 72,800

(1) Other Supplies and Materials 40,300

***Department of Mental Health —
Delaware State Hospital***

(1) Salaries and Wages of Employees (802) ..\$4,785,000

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

(1) Salaries and Wages of Employees (270) ...\$1,610,000

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

(1) Salaries and Wages of Employees (410) ...\$2,190,000

***Delaware Home and Hospital for
Chronically Ill at Smyrna***

(1) Salaries and Wages of Employees (547)\$2,847,500

Commission for the Aging

(1) Salaries and Wages of Employees (2.5)\$ 13,050

(1) Older American Act Grants 136,800

(1) Employment of Elderly Program 25,000

Youth Services Commission

(1) Salaries and Wages of Employees (170) ..\$1,178,800

Board of Parole

(1) Salary of Executive Secretary	\$ 8,500
(1) Salaries and Wages of Employees (1)	6,192

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

(1) Salaries and Wages of Employees (5)	\$ 35,600
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Federal-State Highway Safety Coordinator

(1) Salaries and Wages of Employees (2)	\$ 12,500
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Delaware Agency to Reduce Crime

(1) Aid to Local Law Enforcement Agencies ...	\$ 650,000
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Board of State Employees Pension Trustees

(1) Salaries and Wages of Employees (3)	\$ 30,000
(2) Supplies and Materials	2,100
(2) Capital Outlay	600

Contingency Fund

(2) Judicial Reform—Family Courts	\$ 150,000
(1) Court Rents	336,282

Section 2. The said House Bill No. 630 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. 630 is further amended by inserting a comma and the phrase "as appropriated and authorized in Section 1 of this Act," immediately after the word "positions" where it appears on Page 72, Line 5 of said House Bill No. 630.

Section 4. The said House Bill No. 630 is further amended by deleting in its entirety Section 25 thereof, and inserting in lieu thereof the following:

Section 25. 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 end-

ing June 30, 1971 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 and the 126th General Assembly.

Approved July 7, 1970.

CHAPTER 677

**AN ACT RELATING TO A PENSION FOR THOMAS HENRY,
AN EMPLOYEE OF THE STATE HIGHWAY DEPART-
MENT.**

WHEREAS, Thomas Henry of Georgetown had been a faithful employee of the State Highway Department for 14 years and 7 months until he became disabled; and

WHEREAS, Title 29, Section 5541 states that: "An employee who shall become disabled while in covered employment and after having served in covered employment for at least 15 years during the period that ends on the inception of such disability, so as to be prevented by such disability from performing his or her active duties, may be retired on a disability pension"; and

WHEREAS, Thomas Henry lacks 5 months employment in order to qualify for disability pension as provided above;

NOW, THEREFORE,

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

Section 1. That Title 29, Section 5541, of the Delaware Code, be amended for the sole purpose of permitting the State of Delaware to pay a disability pension to Thomas Henry, a former employee of the State Highway Department, and that the State Treasurer of the State of Delaware be instructed to pay a disability pension to Thomas Henry as if he had worked for a period of 15 years at the inception of his disability.

Approved July 7, 1970.

CHAPTER 678

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 \$10,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware.

Section 3. The sum of \$5,000 is appropriated to the Disabled American Veterans, Department of Delaware.

Section 4. The funds appropriated by Sections 1, 2 and 3 hereof shall be used to furnish services through a duly selected service officer to veterans of the Armed Forces of the United States.

Section 5. The sum of \$2,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operations expenses.

Section 6. The sum of \$2,000 is appropriated to the American Legion, Department of Delaware for operation expenses.

Section 7. The sum of \$2,500 is appropriated to the Disabled American Veterans of Delaware for operation expenses.

Section 8. The sum of \$2,000 is appropriated to the Department of Delaware Jewish War Veterans of the United States for operational expenses.

Section 9. The sum of \$1,500 is appropriated to the Delaware Veterans of World War I for operational expenses.

Section 10. 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 11. 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 12. The sums herein are for the fiscal year ending June 30, 1971, 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 13. 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 7, 1970.

CHAPTER 679

AN ACT AMENDING TITLES 6, 14, 29 AND 31 PROVIDING FOR OMNIBUS AMENDMENTS AND CORRECTIONS RELATING TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT AS PROVIDED IN TITLE 29, DELAWARE CODE, CHAPTER 86.

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

Section 1. §3003, Title 31, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 3003. Responsibilities; personnel

The Commission shall be responsible for carrying out public information and education programs, for preparing reports and recommendations, for making surveys and studies and for directing the Chief and employees of the Office of Human Relations concerning the work of the Commission.

Section 2. Chapter 41, Title 29, Delaware Code, is amended as follows:

A. §4101 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 4101. Responsibilities

The Department of Community Affairs and Economic Development, hereinafter referred to in this chapter as the "Department", shall be responsible for attracting new investors and business to the State, promoting tourism and creating 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.

B. §§4102, 4103 (b) and 4107 are repealed.

C. §4103 (a) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

§ 4103. Power and duties of the Department; staff

(a) The Department of Community Affairs and Economic Development shall be responsible for the execution of its functions as enumerated in this chapter. The Department may hire such experts and administrative aides, clerks and research personnel, and such other employees as are, in its judgment, required to carry out the provisions of this chapter.

D. §§4105 and 4106 are amended by striking the word "Director" wherever it appears and inserting in lieu thereof the words "Department".

Section 3. Chapter 70, Title 6, Delaware Code, is amended as follows:

A. §§7001 (e) and 7002 are repealed.

B. §7001 is further amended by striking the last paragraph of said section in its entirety and inserting in lieu thereof a new paragraph as follows:

Therefore, it is declared to be the policy of this State to promote the health, welfare and the good order of the inhabitants thereof by providing for the refinancing and modernization of industrial facilities. This policy and the purposes contained in this chapter are declared to be public uses for which the public money may be spent and the credit of the State pledged.

C. §§7001 (i), 7003, 7004, 7005 and 7006 are amended by striking the words "Industrial Building Commission" and "Industrial Commission" wherever they appear and inserting in lieu thereof the words "Department of Community Affairs and Economic Development".

Section 4. Chapter 40, Title 31, Delaware Code, is amended as follows:

A. §§4001 (2), 4001 (20), 4003, 4004, 4005, 4015 (the first paragraph thereof only), 4016, 4017 and 4018 are repealed.

B. §§4001 (9) and 4001 (18) are amended by striking the word "Housing" wherever it appears and inserting in lieu thereof the words "Community Affairs and Economic Development".

C. §§4001 (5), 4006 (14), 4006 (17), 4015 (the second and third paragraphs thereof), 4019, 4024, 4021 and 4022 (b) are amended by striking the words "Bureau of Housing" and "Bureau" wherever they appear and inserting in lieu thereof the words "Council on Housing" and "Council", respectively.

D. §4050 is amended by striking the words "Department of Housing" and inserting in lieu thereof the words "Department of Community Affairs and Economic Development".

E. §4053 (3) is amended by striking the words "Secretary of Housing" and inserting in lieu thereof the words "Secretary of Community Affairs and Economic Affairs and Economic Development".

F. §4055 (b) is amended by striking the words "and said seal shall be attested by the manual or facsimile signature of the Assistant Secretary." and inserting in lieu thereof a ".".

G. §4001 is amended by striking paragraph (13) thereof in its entirety and inserting in lieu thereof a new paragraph (13) as follows:

(13) "Issuing Officer" means the Secretary of Community Affairs and Economic Development.

H. Subchapter VI of Chapter 40, Title 31, Delaware Code, is amended by striking the words "Issuing Officers" wherever they appear therein and inserting in lieu thereof the words "Issuing Officer".

Section 5. Chapter 43, Title 31, Delaware Code, is amended as follows:

A. §4301 is amended by striking the sentence, "Bureau" means the State Bureau of Housing." and inserting in lieu thereof a new sentence as follows:

"Department" means the Department of Community Affairs and Economic Development.

B. §§4303, 4314 and 4318 are amended by striking the words "Bureau" and "Board" wherever they appear and inserting in lieu thereof the word "Department".

C. §4314 is further amended by striking the words "Secretary of Housing" and "Department of Housing" and inserting in lieu thereof the words "Secretary of Community Affairs and Economic Development" and "Department of Community Affairs and Economic Development", respectively.

Section 6. Chapter 71, Title 14, Delaware Code, is amended as follows:

A. §§7101, 7102, 7103 and 7108 are repealed.

B. §7104 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 7104. Librarian and assistants

The Department of Community Affairs and Economic Development, hereinafter referred to in this chapter as the "Department", shall employ a qualified librarian and may also employ such other assistants as shall be required for the performance of the Department's work, who shall serve under such conditions as the Department shall determine.

C. §§7106, 7107, 7124, 7135, 7136, 7138, 7141 and 7146 are amended by striking the words "Library Commission of the State of Delaware", "Library Commission for the State of Delaware" and "Commission" wherever they appear and inserting in lieu thereof the words "Department of Community Affairs and Economic Development", "Department of Community Affairs and Economic Development" and "Department", respectively.

Section 7. Chapter 86, Title 29, Delaware Code, is amended as follows:

A. §8608 (a) (1) is amended by striking the number "§4303" and inserting in lieu thereof the number "§§4303, 4314 and 4318".

B. §8613 (b) (1) is amended by striking the words "The Board shall have the power to hear appeals from any order" and

inserting in lieu thereof the words "The Board shall have the power to hear appeals from any cease and desist order".

C. By adding a new section as follows:

§ 8624. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

D. §8603 (d) is amended by adding after the word "Department" and before the word "as" on line 26 thereof, the words "except the housing authorities established pursuant to Title 31, Delaware Code, Chapters 40 and 43,".

Section 8. If any provisions of this Act, 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 Act and the application of such provisions of this Act 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.

Approved July 7, 1970.

CHAPTER 680

AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS BY PROVIDING FOR MONTHLY REPORTS BY PERSONS LICENSED TO SELL ALCOHOLIC LIQUOR.

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

Section 1. Amend Title 4, Delaware Code, Section 718, by striking said Section 718 in its entirety, and substituting in lieu thereof a new Section 718 to read as follows:

§ 718. Monthly reports by persons licensed to sell

The Commission shall require that every holder of a license for the sale of alcoholic liquor shall make a monthly report of his manufacture, purchases, stocks and sales of alcoholic liquor to the Commission.

Approved July 7, 1970.

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CHAPTER 681

**AN ACT TO AMEND CHAPTER 43, TITLE 30, DELAWARE
CODE, RELATING TO THE USE TAX ON LICENSES OF
TANGIBLE PERSONAL PROPERTY.**

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

Section 1. Section 4305, Title 30, Delaware Code, is amended by striking the period at the end thereof and inserting the following:

“;provided, however, that any person who has paid the fee required under Section 2905 (a) of this title for each place of business shall not be required to pay the fee under this section.”

Approved July 7, 1970.

CHAPTER 682

AN ACT RELATING TO A PENSION FOR EMILY M. WALLER, SOLE DEPENDENT PARENT OF THE LATE RETIRED CAPTAIN VERNON H. WALLER, JR., OF THE DELAWARE STATE POLICE.

WHEREAS, Captain Vernon H. Waller served as a Delaware State Policeman with distinction for eighteen years and became disabled because of a heart condition which began in 1966 and caused his retirement in 1969;

WHEREAS, Captain Waller's heart condition was caused by his conscientious devotion to his work and his dedication as a Delaware State Policeman and he suffered a heart attack because of events connected with the performance of his duties as a State Policeman;

WHEREAS, after his retirement he was awarded a one-half pension by the State Police Pension Board and was denied a three-quarters pension and thereafter the same heart condition caused his untimely death on March 25, 1970.

WHEREAS, his mother, Mrs. Emily M. Waller, is his sole dependent parent and is entitled to survivors benefits.

NOW, THEREFORE,

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

Section 1. The late Captain Vernon H. Waller shall be deemed to have been retired on August 15, 1969 upon a pension equal to three-fourths of his salary at the time of his retirement, together with costs of medical attention and subject to all benefits of Section 8324, Title 11 of the Delaware Code including any increases in the amount of said pension.

Section 2. The estate of Captain Vernon H. Waller shall be entitled retroactively from August 15, 1969 to March 25, 1970 to the difference between said three-quarters pension and the one-

half pension which was paid to the late Captain Vernon H. Waller.

Section 3. Captain Waller's mother, Emily M. Waller, as sole dependent parent of the late Captain Vernon H. Waller shall be entitled to receive a pension equal to three-fourths of said three-fourths salary of Captain Vernon H. Waller from March 25, 1970 as long as she shall live and otherwise shall be entitled to all survivors benefits of §8324 and §8325 of Title 11, of the Delaware Code.

Section 4. The Delaware State Police Pension Board shall certify vouchers for payment hereunder and the Treasurer of the State of Delaware shall honor all such vouchers.

Approved July 7, 1970.

CHAPTER 683

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE HISTORICAL SOCIETY OF DELAWARE.**

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each house thereof concurring therein):

Section 1. There is appropriated to The Historical Society of Delaware for the fiscal year ending June 30, 1971, the sum of \$15,000.

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, 1971.

Approved July 7, 1970.

CHAPTER 684

AN ACT TO AMEND TITLE 21, CHAPTER 43, DELAWARE CODE, BY ENACTING A NEW SECTION 4359, RELATING TO VEHICLE REAR WHEEL FLAPS AND SHIELDS.

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

Section 1. Title 21, Delaware Code, is amended by adding a new Section 4359 to read as follows:

§ 4359. Vehicles to be equipped with rear wheel flaps or shields

Every motor vehicle and every combination of a motor vehicle and trailer or of a truck tractor and semi-trailer having a gross weight of 8000 pounds or more when operated on a highway of this State shall be equipped with flaps, shields or other such devices as to inhibit water or other road surface substances from being thrown from the rear wheels of such vehicle or combination of vehicles.

Section 2. This Act shall become effective 90 days after its enactment into law.

Approved July 7, 1970.

CHAPTER 685

AN ACT TO AMEND TITLE 16, DELAWARE CODE, BY PROVIDING FOR A NEW CHAPTER, TO BE DESIGNATED AS CHAPTER 52, RELATING TO THE MENTALLY DISORDERED OFFENDER BY ENTERING INTO THE INTERSTATE COMPACT ON THE MENTALLY DISORDERED OFFENDER AND PROVIDING FOR THE IMPLEMENTATION OF THE COMPACT.

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

Section 1. Amend Title 16, Delaware Code, by providing for a new chapter to be designated as Chapter 52 and to read as follows:

**CHAPTER 52. INTERSTATE COMPACT
ON THE MENTALLY DISORDERED OFFENDER**

§ 5201. Interstate Compact; enactment

The Interstate Compact on the Mentally Disordered Offender, hereinafter called "the compact", is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I

Purpose and Policy

(a) The party states, desiring by common action to improve their programs for the care and treatment of mentally disordered offenders, declare that it is the policy of each of the party states to:

1. Strengthen their own programs and laws for the care and treatment of the mentally disordered offender.

2. Encourage and provide for such care and treatment in the most appropriate locations, giving due recognition to the need to achieve adequacy of diagnosis, care, treatment, after-care

and auxiliary services and facilities and, to every extent practicable, to do so in geographic locations convenient for providing a therapeutic environment.

3. Authorize cooperation among the party states in providing services and facilities, when it is found that cooperative programs can be more effective and efficient than programs separately pursued.

4. Place each mentally disordered offender in a legal status which will facilitate his care, treatment and rehabilitation.

5. Authorize research and training of personnel on a cooperative basis, in order to improve the quality or quantity of personnel available for the proper staffing of programs, services and facilities for mentally disordered offenders.

6. Care for and treat mentally disordered offenders under conditions which will improve the public safety.

(b) Within the policies set forth in this Article, it is the purpose of this compact to:

1. Authorize negotiation, entry into, and operations under contractual arrangements among any two or more of the party states for the establishment and maintenance of cooperative programs in any one or more of the fields for which specific provision is made in the several articles of this compact.

2. Set the limits within which such contracts may operate, so as to assure protection of the civil rights of mentally disordered offenders and protection of the rights and obligations of the public and of the party states.

3. Facilitate the proper disposition of criminal charges pending against mentally disordered offenders, so that programs for their care, treatment and rehabilitation may be carried on efficiently.

ARTICLE II

Definitions

As used in this compact:

(a) "Mentally disordered offender" means a person who has been determined, by adjudication or other method legally

sufficient for the purpose in the party state where the determination is made, to be mentally ill and:

1. is under sentence for the commission of crime; or
2. who is confirmed or committed on account of the commission of an offense for which, in the absence of mental illness, said person would be subject to incarceration in a penal or correctional facility.

(b) "Patient" means a mentally disordered offender who is cared for, treated, or transferred pursuant to this compact.

(c) "Sending state" means a state party to this compact in which the mentally disordered offender was convicted; or the state in which he would be subject to trial on or conviction of any offense, except for his mental condition; or, within the meaning of Article V of this compact, the state whose authorities have filed a petition in connection with an untried indictment, information or complaint.

(d) "Receiving state" means a state party to this compact to which a mentally disordered offender is sent for care, after-care, treatment or rehabilitation, or within the meaning of Article V of this compact, the state in which a petition in connection with an untried indictment, information or complaint has been filed.

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 care and treatment of mentally disordered offenders on behalf of a sending state in facilities situated in receiving states, or for the participation of such mentally disordered offenders in programs of after-care on conditional release administered by the receiving state. Any such contract shall provide for:

1. Its duration.
2. Payments to be made to the receiving state by the sending state for patient care, treatment, and extraordinary services, if any.

3. Determination of responsibility for ordering or permitting the furnishing of extraordinary services, if any.

4. Participation in compensated activities, if any, available to patients; the disposition or crediting of any payment received by patients on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

5. Delivery and retaking of mentally disordered offenders.

6. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any facility for mentally disordered offenders or addition to such facility by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the facility or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the facility to be kept available for use by patients of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) A party state may contract with any one or more other party states for the training of professional or other personnel whose services, by reason of such training, would become available for or be improved in respect of ability to participate in the care and treatment of mentally disordered offenders. Such contracts may provide for such training to take place at any facility being operated or to be operated for the care and treatment of mentally disordered offenders; at any institution or facility having resources suitable for the offering of such training; or may provide for the separate establishment of training facilities, provided that no such separate establishment shall be undertaken, unless it is determined that an appropriate existing facility or institution cannot be found at which to conduct the contemplated program. Any contract entered into pursuant to this paragraph shall provide for:

1. The administration, financing, and precise nature of the program.

2. The status and employment or other rights of the trainees.

3. All other necessary matters.

(d) No contract entered into pursuant to this compact shall be inconsistent with any provision thereof.

ARTICLE IV

Procedures and Rights

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that custody, care and treatment in, or transfer of a patient to, a facility within the territory of another party state, or conditional release for after-care in another party state is necessary in order to provide adequate care and treatment or is desirable in order to provide an appropriate program of therapy or other treatment, or is desirable for clinical reasons, said officials may direct that the custody, care and treatment be within a facility or in a program of after-care within the territory of said other party state, the 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 facility in which it has a contractual right to secure care or treatment of patients for the purpose of inspection and visiting such of its patients as may be in the facility or served by it.

(c) Except as otherwise provided in Article VI, patients in a facility 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 for transfer to a facility within the sending state, for transfer to another facility in which the sending state may have a contractual or other right to secure care and treatment of patients, for release on after-care or other conditional status, 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 patients of that sending state in facilities pursuant to this compact including a psychiatric and behavioral record of each patient and certify said record to the official designated by the sending state, in order that each patient may have the benefit of his or her record in determining and altering the disposition of said patient 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 patients who may be in a facility or receiving after-care from a facility pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for, treated and supervised in accordance with the standards pertaining to the program administered at the facility.

The fact of presence in a receiving state shall not deprive any patient of any legal rights which said patient would have had if in custody or receiving care, treatment or supervision as appropriate in the sending state.

(f) Any hearing or hearings to which a patient present in a receiving state pursuant to this compact may be entitled by the laws of the sending state shall 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 paragraph, 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. Costs of records made pursuant to this paragraph shall be borne by the sending state.

(g) Any patient confined pursuant to this compact shall be released within the territory of the sending state unless the patient, 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 patient pursuant to the terms of this compact shall be subject to civil process and shall have any and all rights to sue, be sued and 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 in any appropriate facility by the sending state or being supervised therefrom, as the case may be, 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 patient shall not be deprived of or restricted in his exercise of any power in respect of any patient pursuant to the terms of this compact.

ARTICLE V

Disposition of Charges

(a) Whenever the authorities responsible for the care and treatment of a mentally disordered offender, whether convicted or adjudicated in the state or subject to care, after-care, treatment or rehabilitation pursuant to a contract, are of the opinion that charges based on untried indictments, informations or complaints in another party state present obstacles to the proper care and treatment of a mentally disordered offender or to the planning or execution of a suitable program for him, such authorities may petition the appropriate court in the state where the untried indictment, information or complaint is pending for prompt disposition thereof. If the mentally disordered offender is a patient in a receiving state, the appropriate authorities of the sending state, upon recommendation of the appropriate authorities in the receiving state, shall, if they concur in the recommendation, file the petition contemplated by this paragraph.

(b) The court shall hold a hearing on the petition within thirty days of the filing thereof. Such hearing shall be only to determine whether the proper safeguarding and advancement of the public interest; the condition of the mentally disordered offender; and the prospects for more satisfactory care, treatment and the rehabilitation of him warrant disposition of the untried indictment, information or complaint prior to termination of the defendant's status as a mentally disordered offender in the sending state. The prosecuting officer of the jurisdiction from which the untried indictment, information or complaint is pending the petitioning authorities, and such other persons as the court may determine shall be entitled to be heard.

(c) Upon any hearing pursuant to this Article, the court may order such adjournments or continuances as may be necessary for the examination or observation of the mentally disordered offender or for the securing of necessary evidence. In granting or denying any such adjournment or continuance, the court shall give primary consideration to the purposes of this compact, and more particularly to the need for expeditious determination of the legal and mental status of a mentally disordered offender so that his care, treatment and discharge to the community only under conditions which will be consonant with the public safety may be implemented.

(d) The presence of a mentally disordered offender within a state wherein a petition is pending or being heard pursuant to this Article, or his presence within any other state through which he is being transported in connection with such petition or hearing, shall be only for the purposes of this compact, and no court, agency or person shall have or obtain jurisdiction over such mentally disordered offender for any other purpose by reason of his presence pursuant to this Article. The mentally disordered offender shall, at all times, remain in the custody of the sending state. Any acts of officers, employees, or agencies of the receiving state in providing or facilitating detention, housing or transportation for the mentally disordered offender shall be only as agents for the sending state.

(e) Promptly upon conclusion of the hearing the court shall dismiss the untried indictment, information or complaint, if it finds that the purposes enumerated in paragraph (b) of this Article would be served thereby. Otherwise, the court shall make

such order with respect to the petition and the untried indictment, information or complaint as may be appropriate in the circumstances and consistent with the status of the defendant as a mentally disordered offender in the custody of and subject to the jurisdiction of the sending state.

(f) No fact or other matter established or adjudicated at any hearing pursuant to this Article, or in connection therewith, shall be deemed established or adjudicated, nor shall the same be admissible in evidence, in any subsequent prosecution of the untried indictment, information or complaint concerned in a petition filed pursuant to this Article unless:

1. The defendant or his duly empowered legal representative requested or expressly acquiesced in the making of the petition, and was afforded an opportunity to participate in person in the hearing; or

2. The defendant himself offers or consents to the introduction of the determination or adjudication at such subsequent proceedings.

ARTICLE VI

Act not Reviewable in Receiving State; Return

(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 a patient from the receiving state there is pending against the patient within such state any criminal charge or if the patient is suspected of having committed within such state a criminal offense, the patient 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 patients pursuant to this compact through any and all states party to this compact without interference.

(b) A patient who escapes while receiving care and treatment or who violates provisions of after-care by leaving the jurisdiction, or while being detained or transported pursuant to this compact shall be deemed an escapee from the sending state and from the state in which the facility is situated or the after-care

was being provided. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for return 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 VII

Federal Aid

Any state party to this compact may accept federal aid for use in connection with any facility or program, the use of which is or may be affected by this compact or any contract pursuant thereto and any patient 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 regimen of the facility or program the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VIII

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 from among the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state upon similar action by such state.

ARTICLE IX

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 notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect

until two years 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 patients as it may have in other party states pursuant to the provisions of this compact.

ARTICLE X

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 nonparty state for the custody, care, treatment, rehabilitation or after-care of patients nor to repeal any other laws of a party state authorizing the making of cooperative arrangements.

ARTICLE XI

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.

§ 5202. Department of Health and Social Services; authority to contact

The Department of Health and Social Services may negotiate and enter into contracts on behalf of this State pursuant to Article III of the compact and may perform such contracts: provided that no funds, personnel, facilities, equipment, supplies, or ma-

terials shall be pledged for, committed or used on account of any such contract, unless legally available therefor.

Section 2. The provisions of the Act shall become effective upon the signature of the Governor.

Approved July 7, 1970.

CHAPTER 686

AN ACT TO AMEND TITLE 26, CHAPTER 9, DELAWARE CODE, WITH REFERENCE TO THE LOCATION OF TELEGRAPH, TELEPHONE AND ELECTRIC UTILITY LINES.

WHEREAS, the State of Delaware has a well-known reputation for its beauty and historical importance; and

WHEREAS, few things tend to mar the impact of the natural beauty of lands owned by the State and the housing areas within which live her citizens as the increasing jumble and tangle of poles and overhead telegraph, telephone and electric utility lines; and

WHEREAS, the public utility companies, the citizens and the government of the State have long noticed this growing problem and progressive utilities have been placing more and more new distribution lines underground; and

WHEREAS, although it is recognized that at present the costs of placing many existing lines underground are very expensive, it is the intention of all parties that in newer areas, especially in the construction of new housing developments, that new lines be undergrounded.

NOW, THEREFORE,

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

Section 1. Amend Title 26, Chapter 9, Delaware Code, by adding a new paragraph to Section 901, to be known and referred to as paragraph (c), which shall read as follows:

(c) All new extensions within a subdivision, of electric distribution, telephone, and telegraph lines applied for, after the effective date of this Bill, and necessary to furnish permanent service to new residential buildings in a subdivision having 5 or more building lots, or to new multi-occupancy buildings, shall be placed underground, except in situations where the Public

Service Commission of Delaware determines that the placing of such utility lines underground is not feasible from an economic, engineering or physical standpoint. Such extension of service shall be made by the Utility in accordance with its rules and regulations which must be approved by the Delaware Public Service Commission.

Approved July 7, 1970.

CHAPTER 687

AN ACT TO AMEND CHAPTER 237, VOLUME 46, LAWS OF DELAWARE, AS AMENDED, PERMITTING PAUL BROOKS, JR., A FORMER EMPLOYEE OF THE CITY OF WILMINGTON, TO HAVE BEEN DEEMED ELIGIBLE FOR DISABILITY PENSION BENEFITS AS PROVIDED FOR EMPLOYEES OF THE CITY OF WILMINGTON.

WHEREAS, Paul Brooks, Jr. first became employed by the City of Wilmington on April 27, 1940; and

WHEREAS, Paul Brooks, Jr. would have been eligible for retirement on April 27, 1960, but was disabled and neglected to file for disability benefits before his death; and

WHEREAS, Paul Brooks, Jr. died on February 23, 1960, after working for the City of Wilmington for nineteen years and ten months; and

WHEREAS, Paul Brooks, Jr., at the time of his death, was not eligible for a retirement pension according to the provisions of Chapter 237, Volume 46, Laws of Delaware, as amended, but was eligible for a disability pension; and

WHEREAS, Paul Brooks, Jr. is survived by a widow who is deserving of receiving said pension benefits.

NOW, THEREFORE,

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

Section 1. That Chapter 237, Volume 46, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof a new Section to read as follows:

Section 18A. The provisions of this Act relating to the requirements that an employee shall have served in covered employment for at least fifteen (15) years during the period that

ends on the inception of such disability shall not be applicable to Paul Brooks, Jr., a former employee of the City of Wilmington, Street and Sewer Department and the widow of said employee shall be deemed eligible for disability pension benefits as set forth in this Act.

Section 2. The Treasurer of the City of Wilmington is directed to accept the application of the widow of Paul Brooks, Jr. and provide pension benefits according to said Act.

Section 3. Pension payments under this Act shall not be retroactive but shall be applicable only after the date this Act becomes effective.

Approved July 7, 1970.

CHAPTER 688

AN ACT TO AMEND TITLE 17, DELAWARE CODE, RELATING TO HIGHWAYS BY PROVIDING THAT HIGHWAY CONSTRUCTION PAYMENTS RECEIVED BY A CONTRACTOR ARE TRUST FUNDS AND FURTHER PROVIDING FOR VIOLATIONS AND PENALTIES FOR THE USE OF APPROPRIATION OF SUCH FUNDS BY THE CONTRACTOR PRIOR TO PAYING PERSONS FURNISHING LABOR OR MATERIAL IN THE CONSTRUCTION OF THE HIGHWAY.

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

Section 1. Amend Title 17, Delaware Code, by adding a new chapter thereto to be designated as Chapter 8 and to read as follows:

**CHAPTER 8. HIGHWAY CONSTRUCTION
PAYMENTS**

§ 801. Definitions

As used in this chapter —

“Contractor” includes, but is not limited to, an architect, engineer, nurseryman, landscaper, subcontractor or any other person, who enters into any contract with the State Highway Department, its agents or authorized employees for the erection, construction, completion, authorization or repair of any highway, right-of-way, turnpike, toll express highway, including shoulders, median strips, parkways and islands by such contractor;

“Moneys or funds” includes, but is not limited to, the entire amount of all moneys or funds received by a contractor, as defined in this section, in connection with a contract with the State Highway Department for the erection, construction, completion, authorization or repair of any highway, right-of-way, turnpike, toll express highway, including shoulders, median strips, parkways and islands by such contractor, and moneys or funds by way of a loan or advance for the purpose of such erection, construction, completion, authorization or repair of any highway, right-of-way, turnpike, toll express highway, including shoulders, median strips, parkways and islands by such contractor.

§ 802. Payments to contractor impressed with trust

All moneys or funds received by a contractor in connection with the erection, construction, completion, authorization or repair of any highway, right-of-way, turnpike, toll express highway, including shoulders, median strips, parkways and islands by such contractor shall be trust funds in the hands of the contractor.

§ 803. Use or application of money received by contractor

No contractor, or agent of a contractor, shall pay out, use or appropriate any money or funds described in Section 802 of this Title until they have first been applied to the payment of the full amount of all moneys due and owing by the contractor to all persons furnishing labor or material for the erection, construction, completion, authorization or repair of any highway, right-of-way, turnpike, toll express highways, including shoulders, median strips, parkways and islands by such contractor whether or not the labor or material entered into or became a component part of any such highway right-of-way, turnpike, toll express highways, including shoulders, median strips, parkways and islands, and whether or not the same were furnished on the credit of such highway right-of-way, turnpike, toll express highways, including shoulders, median strips, parkways and islands or on the credit of such contractor.

§ 804. Contractor's failure to use or apply money in accordance with Section 803.

Failure of a contractor, or an agent of a contractor, to pay or cause to be paid, in full or pro-rata, the lawful claims of all persons, firms, association of person or corporations furnishing labor or material as required by Section 803 of this Title within 30 days after the receipt of any moneys or funds for the purposes of Section 802 of this Title shall be prima facie evidence of the payment, use or appropriation of such trust moneys or funds by the contractor in violation of the provisions of this chapter.

Prior to any payment made to any subcontractors for materials, workmanship and all other supplies furnished by said person, persons or corporations, an inspection shall be made by the

State Highway Department of all supplies and work furnished by the subcontractors, and their approval of the work shall be required before payment is made.

§ 805. Violations and penalties

Whoever, being a contractor, or any agent of a contractor, pays out, uses or appropriates, or consents to the paying out, use or appropriation of any moneys or funds received for any of the purposes specified in Section 802 of this Title, prior to paying in full or pro-rata to the extent of the moneys or funds so received, all the lawful claims of all persons furnishing labor or materials, as prescribed by Section 803 of this Title, shall be fined not more than \$1,000 or imprisoned not more than three years, or both.

Approved July 7, 1970.

CHAPTER 689

AN ACT TO AMEND TITLE 3, DELAWARE CODE, CHAPTER 71, SECTIONS 7103, 7104 AND 7108 RELATING TO ANIMAL HEALTH, HOG-CHOLERA VACCINE, CONTAGIOUS OR INFECTIOUS DISEASES AND UNCOOKED GARBAGE.

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

Section 1. Title 3, Delaware Code, Section 7103, is hereby amended by striking therefrom Section 7103 in its entirety and substituting in lieu thereof the following:

§ 7103. Administration of hog-cholera vaccine

It shall be unlawful for any person to buy, sell or administer any modified live virus hog-cholera vaccine in the State of Delaware.

Section 2. Title 3, Delaware Code, Section 7104, is hereby amended by striking therefrom the following:

"after 10 days notice to the proper person or persons concerned".

Section 3. §7108, Title 3, Delaware Code, is amended to read as follows:

(a) It shall be unlawful for any person who collects garbage within any county, city, town or political subdivision thereof to feed such garbage to hogs in this State until such garbage has been thoroughful cooked.

(b) For the purposes of this section, "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods including animal carcasses or parts thereof.

(c) This section shall not apply to any individual farmer who feeds only his own household garbage to hogs which are raised for such individual farmer's own use.

(d) All garbage, regardless of previous processing, shall before being fed to hogs, be thoroughly heated to at least 212° F. for at least thirty (30) minutes, unless treated in some other manner which shall be approved in writing by the State Board of Agriculture as being equally effective for the protection of animal and human health.

(e) Whoever willfully violates any of the provisions of this section shall be fined not less than Two Hundred Dollars (\$200), and not more than Five Hundred Dollars (\$500). Each day's violation shall be considered a separate offense.

Approved July 7, 1970.

CHAPTER 690

AN ACT TO AMEND CHAPTER 19, TITLE 3, DELAWARE CODE, RELATING TO LIMING MATERIALS.

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

Section 1. Chapter 19, Title 3, Delaware Code, is repealed and a new Chapter 19, Title 3, Delaware Code, is substituted therefor as follows:

CHAPTER 19. LIMING MATERIALS

§ 1901. Title

This Act shall be known as "The Delaware Agricultural Liming Materials Act."

§ 1902. Enforcing agency

This Act shall be administered by the State Board of Agriculture of the State of Delaware, hereinafter referred to as the "Board."

§ 1903. Definitions of words and terms

(a) "Agricultural liming materials" means all suitable materials containing calcium or magnesium in chemical form, physical condition and quantity capable of neutralizing soil acidity.

(b) "Limestone" means a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity.

(1) "Calclitic Limestone" shall derive a minimum of 36% calcium from calcium carbonate and the calcium carbonate equivalent shall not be less than 90%.

(2) "Dolomitic Limestone" shall derive a minimum of 10% of its neutralizing value from magnesium carbonate and a minimum of 20% calcium from calcium carbonate and calcium carbonate equivalent of 90%.

(c) "Burnt Lime" means a material, made from limestone which consists essentially of calcium oxide or combination of calcium oxide with magnesium oxide.

(d) "Hydrated Lime" means a material, made from lime, which consists essentially of calcium hydroxide or a combination of calcium hydroxide with magnesium oxide and/or magnesium hydroxide.

(e) "Brand" means the term, designation, trademark or other specific designation under which an individual agricultural liming material is offered for sale.

(f) "Fineness" means the percentage by weight of the material which will pass sieves of specified sizes. The fineness shall be measured in reference to 10 mesh and 60 mesh sieves of United States Standard designation.

(g) The fineness guarantee is defined as

(1) minimum percentage passing through a 10 mesh sieve.

(2) minimum percentage passing through a 60 mesh sieve.

Provided, however, that in lieu of (g) of this section, the Board may in its regulations set minimum standards for fineness for various grades of liming materials, and such grades, when stated, shall become the minimum guarantees of the liming materials so labeled.

(h) "Ton" means a net weight of 2,000 pounds avoirdupois.

(i) "Percent" or "percentage" means by weight.

(j) "Bulk" means in nonpackaged form.

(k) "Label" means any written or printed matter on or attached to the package or on the delivery ticket which accompanies bulk shipments.

(l) "Person" means individual, partnership, association, firm or corporation.

§ 1904. Labeling

(a) Agricultural liming materials sold, offered or exposed for sale in the State shall have affixed to each package in a conspicuous manner on the outside thereof, a plainly printed,

stamped or otherwise marked label, tag or statement, or in the case of bulk sales, a delivery slip, setting forth at least the following information:

(1) The name and principal office address of the manufacturer or distributor.

(2) The brand or trade name of the material.

(3) The identification of the product as to the type of the agricultural liming material.

(4) The net weight of the agricultural liming material.

(5) The minimum percentage of calcium and magnesium.

(b) No information or statement shall appear on any package, label or delivery slip which is false or misleading to the purchaser as to the quality, analysis, type or composition of the agricultural liming material.

(c) In the case of any material which has been adulterated subsequent to packaging, labeling or loading thereof and before delivery to the consumer, a plainly marked notice to that effect shall be affixed by the vendor to the package or delivery slip to identify the kind and degree of such adulteration therein.

(d) At every site from which agricultural liming materials delivered in bulk and at every place where consumer orders for bulk deliveries are placed, there shall be conspicuously posted a copy of the statement required by this section for each product.

(e) At any time after July 1, 1970, when the Board finds after public hearing following due notice that the requirements for expressing the guaranteed analysis of calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of liming materials by reason of conflicting labeling requirements among the States, the Board may require by regulation thereafter that the "guaranteed analysis" shall contain the following:

(1) The minimum percentages of calcium (Ca) and magnesium (Mg) in elemental form and calcium carbonate equivalent.

§ 1905. Prohibitions

(a) No agricultural liming material shall be sold or offered for sale in this State unless it contains the minimum of calcium and magnesium, as stated in § 1903 (b), (1) and (2).

(b) No agricultural liming material shall be sold or offered for sale in this State which contains toxic materials in quantities injurious to plants.

§ 1906. Registration

Before any person shall sell, offer or expose for sale in this State any agricultural liming material, he shall for each separately identified product file annually with the Board on forms supplied by the Board or his authorized agent an application for registration of each such product setting forth the information required by § 1904.

§ 1907. Registration fees

Each application filed pursuant to § 1906 shall be accompanied by an annual registration fee of \$10.00 per product. Upon compliance with the provisions of the Act, the registration shall be approved for the period ending on June 30 of the year next following that in which it was issued. No person shall be required to register any agricultural liming material for which a certificate of registration has been filed by the manufacturer or other person responsible for the material.

§ 1908. Inspection fees

Within the 30-day period following June 30 and December 31 of each year, each registrant shall submit on a form furnished by the Board or his authorized agent a semi-annual statement setting forth the number of net tons of each agricultural liming material sold by him for use in the State during the previous 6-month period. Such statement shall be accompanied by payment of the inspection fee at the rate of 5 cents per ton. Such reports shall be confidential and no information therein shall be disclosed or published in any matter that will reveal the operation of any registrant.

§ 1909. Sampling; analysis

The Board is hereby empowered and it shall be the duty of his agent to sample agricultural liming materials, to analyze them and to report to the registrant the results of its analysis. Results shall become official and public after 10 days. The Board or his authorized agent shall for the purpose of taking samples have full access during business hours to all places wherein agricultural liming materials are offered for sale. Methods of sampling and analysis shall be taken from among such sources as those recognized by the Association of Official Analytical Chemists. Upon written notice, the Board or his agent may remove from sale any lot of agricultural liming material until it has been determined that the material is in full compliance with this Act.

§ 1910. Penalties

Any person convicted of violating any provisions of this Act or the rules and regulations promulgated thereunder shall be subject to a penalty of not less than \$50 nor more than \$200 to be enforced by summary proceedings in a court of competent jurisdiction. Nothing in this Act shall be construed as requiring the Board or his authorized agent to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the Act when he believes that the public interest will best be served by a suitable written warning.

§ 1911. Assessment for deficiency

If the analysis of any agricultural liming material shall fall as much as or more than ten percent in value below the value of the manufacturer's guarantee, the State Board of Agriculture shall assess twice the value of such deficiency against the manufacturer, dealer or agent who sold such agricultural liming material. The assessment shall be based upon the selling price of such agricultural liming material, and the State Board of Agriculture shall require the manufacturer, dealer or agent to make good such assessment to all persons who purchased such lot of agricultural liming material from which such deficient sample or samples were drawn, take receipt therefor and forward same promptly to the State Board of Agriculture. If the purchaser or purchasers cannot be found, the amount of such assessment shall

be paid to the State Board of Agriculture who shall transfer such funds to the State Treasurer to be credited to the General Fund of this State.

The State Board of Agriculture may seize any agricultural liming material belonging to such manufacturer, dealer or agent, if the assessment shall not be paid within three months after notice to such manufacturer, dealer or agent has been given by the State Board of Agriculture.

§ 1912. Rules and regulations

The Board after reasonable notice and hearing is empowered to promulgate and enforce rules and regulations for the administration of this Act and to grant exemptions from specific requirements of this Act as, from time to time, may be deemed necessary. This Act shall take effect July 1, 1970. However, registrants shall be allowed not more than 1 year to use existing inventories of labeling materials.

§ 1913. Publications

The Board shall publish at least semi-annually, in such forms as he may deem proper, a report of the results of the analyses of official samples of liming materials sold within the State as compared with the analyses guaranteed in the registration and on the label.

§ 1914. 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.

§ 1915. Repeal

All laws and parts of law in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Approved July 7, 1970.

1970

CHAPTER 691

AN ACT TO AMEND SECTION 902 (a), TITLE 19, DELAWARE CODE, RELATING TO MINIMUM WAGES, BY INCREASING THE MINIMUM WAGE.

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

Section 1. Section 902(a), Title 19, Delaware Code, is amended to read as follows:

(a) Every employer shall pay wages at the rate of not less than One Dollar and Sixty Cents (\$1.60) an hour to every employee in any occupation except as may be otherwise provided under this Chapter.

Approved July 7, 1970.

CHAPTER 692

AN ACT TO AMEND TITLE 9, DELAWARE CODE, SECTIONS 309 (b), 8205 (2) AND (3), 8405 (2) AND (3), 9306, 9402 (2) AND (3), 9602 (2) AND (3), AND TITLE 10, DELAWARE CODE, SECTIONS 2101 (2) AND (3), 2302 (2) AND (3), AND 2502 (2) AND (3), AND TITLE 12, DELAWARE CODE, SECTION 2505 (2) AND (3), INCREASING THE SALARIES OF CERTAIN COUNTY OFFICIALS IN KENT AND SUSSEX COUNTIES.

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

Section 1. Title 9, Section 309 (b), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 2. Title 9, Section 8205 (2) and (3), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 3. Title 9, Section 8405 (2) and (3), Delaware Code, is hereby amended by striking out \$5,200 in Section 8405 (2) wheresoever it appears therein and inserting \$6,400 in lieu thereof, and by striking of \$5,000 in Section 8405 (3) wheresoever it appears therein and inserting \$6,200 in lieu thereof.

Section 4. Title 9, Section 9306, Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 5. Title 9, Section 9402 (2) and (3), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 6. Title 9, Section 9602 (2) and (3), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 7. Title 10, Section 2101 (2) and (3), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 8. Title 10, Section 2301 (2) and (3), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 9. Title 10, Section 2502 (2) and (3), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 10. Title 12, Section 2505 (2) and (3), Delaware Code, is hereby amended by striking out \$4,800 wheresoever it appears therein and inserting \$6,000 in lieu thereof.

Section 11. This Act shall become effective January 1, 1971.

Approved July 7, 1970.

CHAPTER 693

AN ACT TO AMEND TITLE 6, CHAPTER 25, DELAWARE CODE, RELATING TO PROHIBITED TRADE PRACTICES BY ADDING A NEW SUBCHAPTER THERETO TO PROTECT FRANCHISED DISTRIBUTORS FROM UNJUST TERMINATION OF, OR FAILURE OR REFUSAL TO RENEW THEIR FRANCHISES.

WHEREAS, the relationship between franchised distributors and their suppliers and licensors is marked by economic dependence of the franchised distributor; and

WHEREAS, the suppliers and licensors of franchised distributors have terminated franchises on short notice without just cause, and have threatened and continued to threaten such termination; and

WHEREAS, such unjustified terminations unfairly deprive franchised distributors of their equity and the fruits of their labor after they have created a favorable market for the products, trademarks and trade names of their suppliers and licensors; and

WHEREAS, such terminations eliminate jobs, eliminate the productivity of going concerns and otherwise adversely affect the economic stability of this state; and

WHEREAS, such terminations interrupt the free and continuous flow of communication and information to the people of this state when the franchised distributor is a wholesaler of publications, and thereby interfere with the ability of the people to keep informed on public issues; and

WHEREAS, these conditions are detrimental to the public interest and general welfare of this state; and

WHEREAS, these detrimental conditions cannot be remedied through bargaining because of the franchised distributors' lack of bargaining power.

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

Section 1. Title 6, Chapter 25 of the Delaware Code, is amended by adding thereto a new subchapter to be known as Subchapter IV to read as follows:

SUBCHAPTER IV. SECURITY FOR FRANCHISED DISTRIBUTORS

§ 2551. Definitions

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

(a) "Franchised distributor" means an individual, partnership, corporation, or unincorporated association with a place of business within the state, and engaged in the business of:

(1) purchasing or taking on consignment products which bear the trademark or trade name of the manufacturer, producer or publisher for the primary purpose of selling such products to retail outlets; or

(2) selling in or through retail outlets products which bear the trademark or trade name of no more than three manufacturers, producers, publishers, trademark licensors, or trade name licensors; or

(3) purchasing or taking on consignment, books, magazines, journals, newspapers, and/or other publications for the primary purpose of selling such publications to retail outlets.

(b) "Franchisor" means an individual, partnership, corporation or unincorporated association in the business of:

(1) distributing or selling to one or more franchised distributors, on its own behalf or on behalf of another, products which bear the trademark or trade name of the manufacturer, producer or publisher; or

(2) licensing the use of one or more trademarks or trade names to one or more franchised distributors; or

(3) distributing or selling to one or more franchised distributors, on its own behalf or on behalf of another, books, magazines, journals, newspapers, and/or other publications published by it or by another.

(c) "Franchise" means a contract or other arrangement governing the business relationship within this state between a franchised distributor and a franchisor where the franchised distributor is required to pay more than \$100 to enter into said contract or other arrangement.

(d) "Products" means any tangible items offered for sale irrespective of their nature, including, without limiting the generality of the term, all types of publications.

§ 2552. Unjust termination of, or failure to renew, a franchise

(a) Termination of a franchise by a franchisor shall be deemed to be "unjust" or to have been made "unjustly" if such termination is without good cause or in bad faith. Any termination of a franchise which is not unjust shall be deemed to be "just" or to have been made "justly."

(b) The failure of a franchisor to renew a franchise shall be deemed to be "unjust" or to have been made "unjustly" if such failure to renew is without good cause or in bad faith. Any failure to renew a franchise which is not unjust shall be deemed to be "just" or to have been made "justly."

(c) A provision of a franchise which permits a franchisor to terminate that franchise, which provision does not specify the grounds upon which such termination may be made, shall be construed to permit the franchisor to make only a just termination.

(d) A provision of a franchise which permits a franchisor to fail to renew that franchise, which provision does not specify the grounds upon which such failure to renew may be made, shall be construed to permit the franchisor only justly to fail or refuse to renew.

(e) A provision in a franchise permitting a franchisor to make an unjust termination of a franchise is against the public policy of this state and shall not be enforced in the courts of this state.

(f) A provision in a franchise permitting a franchisor unjustly to fail or refuse to renew a franchise is against the public policy of this state and shall not be enforced in the courts of this state.

(g) No franchisor may unjustly terminate a franchise.

(h) No franchisor may unjustly fail or refuse to renew a franchise.

(i) No franchisor may unjustly refuse to deal with a franchised distributor with whom said franchisor has been dealing for at least two (2) years.

§ 2552. Remedies

(a) If a franchisor (1) unjustly terminates a franchise, or (2) unjustly fails or refuses to renew a franchise, or (3) threatens, or attempts, or gives notice that it intends to attempt unjustly to terminate a franchise, or (4) threatens, or attempts, or gives notice that it intends to attempt unjustly to refuse to renew a franchise, then the franchised distributor whose franchise is threatened shall be entitled to recover damages from the franchisor and, in addition, shall be entitled to secure in the Court of Chancery of this state, subject to general equitable principles, an order enjoining such termination or, in case of a failure or refusal to renew, a mandatory order for renewal of the franchise. Pending the issuance of such an order, the franchised distributor shall be entitled to an order enjoining such termination *pendente lite*, or in case of a failure or refusal to renew, a mandatory order extending the franchise *pendente lite*. Any such order, whether final or *pendente lite*, shall contain provisions directing the franchisor to sell or consign to the franchised distributor the products covered by the franchise and/or to license to the franchised distributor the trademarks or trade names covered by the franchise, and otherwise to deal with the franchised distributor under the terms of the franchise so terminated.

(b) Without limiting any other provisions of this chapter, if a franchisor unjustly refuses to deal with a franchised distributor with whom the franchisor has been dealing for at least two (2) years, the franchised distributor shall be entitled to recover damages from the franchisor pursuant to subparagraph (a) of this section plus all other damages (including, without limitation, loss of profits) allowed under the law of this state, and, in addition, shall be entitled to secure in the Court of Chancery of this state an order directing the franchisor to deal with the franchised distributor on fair and competitive terms. Pend-

ing the issuance of such final order, the franchised distributor shall be entitled to secure such a mandatory order *pendente lite*.

(c) Except as otherwise provided in Subparagraph (b) of this section, damages recoverable pursuant to the provisions of this chapter shall include, but shall not be limited to, the following:

(1) a fractional portion of the franchised distributor's tangible assets (both real and personal) in this state used with respect to the terminated or unrenewed franchise, including, but not limited to, sales outlets and facilities, offices, warehouses, trucks and the furnishing, equipment and accessories therein; the numerator of the fraction shall consist of the franchised distributor's gross sales (in the most recently completed fiscal year) within this state attributable to the terminated or unrenewed franchise, and the denominator of the fraction shall consist of the franchised distributor's total gross sales (in the most recently completed fiscal year) in this state; and

(2) loss of good will; and

(3) loss of profits, which loss shall be presumed to be no less than five times the profit obtained by the franchised distributor, by virtue of the terminated franchise, in the most recently completed fiscal year; and

(d) all other damages allowed under the law of this state; and

(e) the reasonable counsel fees and expenses incurred in the action or actions brought pursuant to this chapter.

§ 2553. Notice required to terminate or elect not to renew a franchise

Notwithstanding any provision in a franchise agreement which provides otherwise, any termination of a franchise or election not to renew a franchise must be made on at least 90 days' notice.

§ 2554. Application

This law shall apply to franchises in existence at its effective date and the renewal of such franchises, as well as franchises subsequently executed.

§ 2555. Short title

This chapter may be cited as the Delaware Franchise Security Law.

§ 2556. Severability

If any clause, paragraph, section or part of this law is declared unconstitutional by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the whole or any other portion of this law.

Approved July 8, 1970.

CHAPTER 694

**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE
RELATING TO THE ARREST AND DISPOSITION OF
PERSONS INTOXICATED IN PUBLIC PLACES.**

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

Section 1. Subchapter XXXI, Chapter 6, Title 11 of the Delaware Code, is amended to read as follows:

SUBCHAPTER XXI. INTOXICATION IN PUBLIC PLACES.**§ 611. Definitions**

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them.

"Detoxification center" shall mean a medical facility, approved by the Department of Mental Health, or its successor, which shall provide appropriate medical services for intoxicated persons, including initial examination, diagnosis, and temporary treatment.

"Intoxicated person" shall mean a person whose powers of self-control have been substantially impaired because of the consumption of alcohol.

"Chronic alcoholic" shall mean a person who compulsively and habitually uses alcoholic beverages to the extent that they injure his health and interfere with his social and economic functioning.

"Sobriety" shall mean an individual's state of being when not under the influence of alcohol.

"Valid consent" shall mean the voluntary giving of assent to testing procedures by a legally competent person; in the case of a minor or incompetent, such assent shall be obtained from a parent or guardian of the individual or in the absence of either, a person in loco parentis, to undergo testing.

§ 612. Arrest and disposition; detoxification centers

(a) Any intoxicated person taken into custody for a violation of Section 471 of this Title shall immediately be taken to a detoxification center where he shall be admitted as a patient. At the time of such admission, the arresting officer shall leave a summons for such intoxicated person with the chief medical officer of the detoxification center ordering such intoxicated person to appear before a Justice of the Peace at a date not to exceed a period of five (5) days from the date of admission to the center.

(b) Upon regaining sobriety and being informed of his physical condition, the person in custody shall inform the chief medical officer of the detoxification center as to whether, until such time as he is to appear for trial, he wishes to remain a patient or be released from custody.

(c) Should the person in custody validly consent to remain as a patient and to undergo testing procedures, he shall be tested to determine if he is a chronic alcoholic. A diagnosis of chronic alcoholism shall serve as an affirmative defense to violations of Section 471 of this Title.

(d) Should it be shown to the satisfaction of the Court that the person accused of intoxication suffers from chronic alcoholism, he shall be acquitted of the charge of drunkenness and;

(1) released from custody; or

(2) temporarily released from custody under such conditions of treatment as the Court may prescribe; such period of temporary release shall not exceed one year after which defendant shall be unconditionally released.

§ 613. Payment of expenses

Any person treated under the provisions of this Chapter shall, any law to the contrary notwithstanding, be responsible for the incurred expenses, and shall be billed for same by the Department of Mental Health.

Section 2. §1910, Title 11 of the Delaware Code, is amended by striking out the words "or that the person was arrested for drunkenness."

Section 3. Any action, case, prosecution, trial or any other legal proceeding in progress under or pursuant to the previous wording of the sections amended by this Act, no matter what the stage of the proceeding, shall be preserved and shall not become illegal or terminated upon the effective date of this Act. For purposes of such proceedings in progress the prior law shall remain in full force and effect.

Section 4. If any section, subsection, phrase, sentence, words or word shall be declared unconstitutional by the Superior Court or the Supreme Court of the State of Delaware or any Court of the United States, any other sections, subsections, phrases, sentences or words shall remain in full force and effect.

Section 5. After enactment into law, this Act shall become effective as follows:

- (a) In New Castle County—fifteen (15) days later
- (b) In Kent County—fifteen (15) days after the Governor signs an executive order stating that a Detoxification Center is available for Kent County
- (c) In Sussex County—fifteen (15) days after the Governor signs an executive order stating that Detoxification Center is available for Sussex County.

Approved July 11, 1970.

CHAPTER 695

AN ACT TO AMEND TITLE 15, DELAWARE CODE, PROVIDING FOR WRITE-IN VOTING ON VOTING MACHINES AND ABSENTEE BALLOTS.

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

Section 1. Amend Title 15, Delaware Code, §101 by deleting the definition of "Ballot" and substituting in lieu thereof a new definition to read as follows:

"Ballot" means that portion of the cardboard or paper or other material to be placed within the ballot frames of a voting machine or to be used for absentee voting containing the names of the candidates and the designation of the party by which he was nominated, a space for the voter to write in the name of any candidate of his choice for any office, and the statement of any question submitted.

Section 2. Amend Title 15, Delaware Code, §4502(a), by deleting the first sentence therefrom in its entirety and substituting in lieu thereof a new sentence to read as follows:

For each general election, the Department of Elections in each county shall cause ballots to be printed on which the names of all candidates of a qualified political party to be voted for in its county and in the several districts therein and the space for the voter to write in the name of any candidate of his choice for any office shall be printed in parallel columns.

Section 3. Amend Title 15, Delaware Code, §4502(b), by deleting the last sentence therefrom in its entirety and substituting in lieu thereof a new sentence to read as follows:

The device named and chosen and the lists of candidates of the Democratic Party shall be placed in the first column on the left-hand side of the ballots, of the Republican Party in the second column, and of any other party and the space for the voter to write in the name of any candidate of his choice for any office in such order as the Department of Elections shall decide.

Section 4. Amend Title 15, Delaware Code, §4502(c), by altering the sample official ballot set forth therein so that the spaces for the voter to write in the name of any candidate of his choice for any office appear to the left-hand side of the offices.

Section 5. Amend Title 15, Delaware Code, §5002 (a) 3 by deleting the semi-colon at the end thereof and substituting in lieu thereof the following:

or to write in the name of any candidate of his choice for any office;

Section 6. Amend Title 15, Delaware Code, §5002(a)8, by deleting said section in its entirety and substituting in lieu thereof a new section to read as follows:

It shall correctly register or record and accurately count all votes cast for any and all candidates of a political party, and for or against any and all questions, and correctly register or record the names of all candidates written in by voters;

Section 7. Amend Title 15, Delaware Code, §5008(c), by deleting said section in its entirety and substituting in lieu thereof a new section to read as follows:

The machine shall be so adjusted that when one or more knobs or the slide mechanism for write-in voting, equalling the total number of persons to be elected to the offices shall have been operated, or other knobs or the slide mechanism for write-in voting used in connection with that office shall be thereby locked. After the last candidate's name at the right in any horizontal row, or below the last candidate's name in any vertical column, the knob or knobs, if there be any, under or opposite the title or titles of office or offices shall be locked; all knobs with the exception of the slide mechanism for write-in voting shall be locked in any row or column which contains no names of candidates and all knobs with the exception of the slide mechanism for write-in voting shall be locked in spaces, if any, which do not contain names of candidates even though the names of candidates appear in other spaces in the same row or column.

Approved July 14, 1970.

CHAPTER 696

AN ACT TO AMEND CHAPTER 9, TITLE 28, DELAWARE CODE, PERTAINING TO LIABILITY INSURANCE REQUIRED TO BE PURCHASED BY AUTOMOBILE RACE OPERATORS AND PROVIDING FOR 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 section:

§ 907. Automobile race operator

(a) Every person who is engaged in the business of conducting motor vehicle races or who is required to be licensed as an "Automobile Race Operator" pursuant to Section 2501(a), Title 30, Delaware Code, shall carry comprehensive general liability insurance to protect persons sustaining bodily injury or property damage while on the premises with the exception of participants and their employees and employees of agents of the track and/or said operator. The amount of coverage to be so provided shall not be less than \$100,000 per person or \$500,000 per occurrence. Property damage insurance shall be maintained in the amount of \$25,000 per occurrence. A current policy and certificate of insurance shall be kept at the office of the person in said business and on file with the State Insurance Commissioner.

(b) Whoever violates any provision of this section shall be fined not less than \$2,000 nor more than \$5,000, proceeds to go to the General Fund of this State.

(c) Nothing contained in subsection (b) of this section shall be construed to relieve any person from tort liability.

(d) The Superior Court of the State of Delaware shall have exclusive original jurisdiction of any violation of this Section, notwithstanding any provision of the Delaware Code to the contrary.

Approved July 14, 1970

CHAPTER 697

AN ACT TO AMEND SECTION 8105, CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO EXEMPTION OF REAL PROPERTY FROM TAXATION OWNED BY CERTAIN ORGANIZATIONS, BY ADDING CANNON GRANGE NO. 65 P. OF H., BROADCREEK GRANGE NO. 59 P. OF H., AND MIDLAND GRANGE NO. 27 P. OF H.

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

Section 1. Amend §8105, Chapter 81, Title 9, Delaware Code, by adding the following:

Cannon Grange No. 65 P. of H.

Broadcreek Grange No. 59 P. of H.

Midland Grange No. 27 P. of H.

Approved July 14, 1970.

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CHAPTER 698

AN ACT RELATING TO A PENSION FOR SAMUEL JOSEPH, A FORMER EMPLOYEE OF THE STATE OF DELAWARE.

WHEREAS, Samuel Joseph was employed by Sussex County (Roadwork) from January 23, 1923 to December 31, 1930, and from April 14, 1931 to April 2, 1935; and

WHEREAS, Samuel Joseph was also employed by the State Highway Department from October 28, 1941 to November 1, 1948; and

~~WHEREAS~~ WHEREAS, Samuel Joseph is not presently receiving a State Pension; and

WHEREAS, Samuel Joseph is in need of and deserving of a State Pension for his long and faithful service to Sussex County 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 Samuel Joseph for a pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Samuel Joseph to be eligible for such pension.

Approved July 14, 1970.

CHAPTER 699

AN ACT TO AMEND CHAPTER 149, VOLUME 29, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF CHESWOLD", AS AMENDED.

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 149, Volume 29, Laws of Delaware, is amended by adding thereto a new section 3A, to read as follows:

Section 3A. The Town Board of Commissioners shall appoint a Town Board of Elections, consisting of three (3) citizens. Thirty days prior to its annual election there will be a registration of eligible voters as set forth in Section 3. Only registered voters may vote in the annual elections. Reregistration, however will not be necessary if a voter voted in last annual election.

Section 2. Chapter 149, Volume 29, Laws of Delaware, is amended by adding thereto a new Section 25, to read as follows:

Section 25. That the Commissioners herein provide for the establishment of a Zoning Commission consisting of five (5) citizens who shall draw up rules and regulations concerning zoning in the Town of Cheswold.

Approved July 14, 1970.

CHAPTER 700

AN ACT TO AMEND SUBCHAPTER II OF TITLE 13, DELAWARE CODE, CONCERNING EXAMINATIONS AND TESTS PURSUANT TO THIS SUBCHAPTER, WHICH ARE TAKEN IN ANOTHER STATE.

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

Section 1. Amend Subchapter II of Title 13, Delaware Code, by the addition of the following sentence to section 147 thereof, which sentence shall follow the word "license" and shall be the second sentence therein:

Residents of the State of Delaware who are unable to return to Delaware for said examinations and tests prior to their marriage may have the Delaware physician's certificate of premarital physical examination and serological test executed and notarized by a licensed physician and forwarded to the Department of Health and Social Services for acceptance.

Section 2. Further amend Section 147 by the addition of the following sentence at the end of said section:

The intended spouse still residing in Delaware must comply in full with Section 141 of this Subchapter; however, full disclosure of the out-of-state examination must be made to the spouse remaining in Delaware.

Approved July 14, 1970.

CHAPTER 701

AN ACT TO AMEND TITLE 3, DELAWARE CODE, BY ADDING CHAPTER 24, THERETO RELATING TO JOHNSONGRASS CONTROL, TO DECLARE THE EXISTENCE OF JOHNSONGRASS TO BE A PUBLIC AND COMMON NUISANCE, TO PROHIBIT THE CONTAMINATION OF UNINFESTED LAND WITH JOHNSONGRASS, TO REQUIRE LANDOWNERS TO PREVENT SEED SET ON LAND INFESTED WITH JOHNSONGRASS; TO INSTITUTE PROGRAMS FOR ITS CONTROL AND ERADICATION; TO PERMIT THE STATE BOARD OF AGRICULTURE TO ENTER INTO AGREEMENTS WITH ANY COUNTY, SUBDIVISION, ADJOINING STATE, AND AGENCY OF THE FEDERAL GOVERNMENT TO EFFECT A PROGRAM OF CONTROL AND ERADICATION; TO ACCEPT AND EXPEND GIFTS AND GRANTS FROM ANY SOURCE FOR THE PURPOSE OF CONTROL AND ERADICATION OF JOHNSONGRASS; AND TO PROVIDE FOR THE PROSECUTION OF VIOLATIONS, AND THAT VIOLATORS SHALL BE GUILTY OF A MISDEMEANOR, AND PROVIDING PENALTIES 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. Title 3, Delaware Code, is amended by adding thereto a new Chapter 24 to read as follows:

CHAPTER 24. JOHNSONGRASS CONTROL**§ 2401. Johnsongrass; common nuisance**

The existence of growth of a species of grass, *Sorghum halepense*, commonly known as "Johnsongrass," is hereby declared to be a public and common nuisance.

§ 2402. Board of Agriculture; empowered to investigate, make rules, etc.

The State Board of Agriculture is hereby empowered to make such investigations, studies and determinations as it may

deem advisable in order to ascertain the extent of growth and infestation of Johnsongrass in this State, and the effect of such species on agricultural production.

The Board is hereby empowered to promulgate such rules and regulations as in its judgment are necessary to carry into effect the provision of this Act and to alter or suspend such rules when necessary.

The Board is further empowered to institute programs of control and eradication.

The Board is authorized to enter into agreements with any county or subdivision of the State, with any adjoining state, and with agencies of the Federal or State government to effect a program of control and eradication.

The Board may accept, use, or expend such aid, gift, grant, or loan as may from time to time be made available from any source, public or private, for the purposes of carrying out the provisions of this Act.

§ 2403. Board of Agriculture; agreements relating to eradication

The State Board of Agriculture may enter into an agreement with any county in the State for the purpose of control and eradication of Johnsongrass within the county. When such an agreement is executed and certified in writing to the Secretary of State, the Board and the county may conduct surveys to determine the location and amount of infestations of Johnsongrass within the county, and may provide technical and financial assistance to landowners in a cooperative control or eradication program, and may effect a program of mowing, spraying, or other control or eradication practices on road rights-of-way, drainage ditch banks, parks, playgrounds, and other public or private lands. The agreement between the Board and county may be terminated by either party on thirty (30) day written notice.

§ 2404. Johnsongrass; unlawful to import

It shall be unlawful to import Johnsongrass into this State or to transport Johnsongrass within this State in any form capable of growth, except for purposes of research with the prior written

approval of the State Board of Agriculture. It shall be unlawful to knowingly contaminate any uninfested land or roadway with Johnsongrass through the movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or other medium.

It shall be unlawful to knowingly allow Johnsongrass to set seed on any idle or vacant land and it shall be the duty of each landowner to mow, to cultivate, or to treat with chemicals, or use such other practices as may be prescribed by the State Board of Agriculture as effective in preventing seed set on all Johnsongrass infestations on his property.

§ 2405. Attorney General; duty to prosecute

Failure to comply with the provisions of this Act shall be reported to the State's Attorney General and/or any other prosecuting officer of any county or city in which any violation of this Act may occur, and it shall be the duty of the State's Department of Justice to prosecute all violations and to bring an action to enjoin such nuisance.

§ 2406. Violation; misdemeanor

Any person who shall knowingly violate any of the provisions of this Act, or any rule or regulation made thereunder, or who interferes with the State Board of Agriculture in the enforcement of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$500 on each count.

If any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Act which can be given effect without the invalid provision or application, and to this end, all the provisions of the Act are hereby declared to be severable.

This Act shall take effect July 1, 1970.

Approved July 14, 1970.

CHAPTER 702

**AN ACT TO AMEND THE STATE PENSION LAW WITH
RESPECT TO JUSTICES OF THE PEACE.**

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

Section 1. Section 5522, Chapter 55, Title 29, Delaware Code, is amended by adding thereto a new paragraph to read as follows:

Any Justice of the Peace on the date of retirement shall receive credit for all years which he served as Justice of the Peace regardless of whether he was paid by salary or by fee.

Approved July 14, 1970.

CHAPTER 703

AN ACT RELATING TO THE DECLARATION OF ESTIMATED INCOME TAX.

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

Section 1. Title 30, Section 1207 (a) is amended by striking the figure "4%" as the same appears on line 4 thereof and substituting in lieu thereof the following:

1% per month or fraction thereof.

Section 2. The provisions of this Act shall become effective July 1, 1970.

Approved July 14, 1970.

CHAPTER 704

AN ACT TO AMEND SECTION 2521 (a), TITLE 12, DELAWARE CODE, RELATING TO CHARGES OF THE REGISTERS OF WILLS.

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

Section 1. Title 12, Subchapter II, Section 2521 (a), is hereby amended by striking in its entirety the paragraph beginning with the words "For adjusting, settling and certifying" and ending with the numbers "\$2,000,00010.00" and substituting in lieu thereof the following:

For adjusting, settling and certifying accounts, one per cent of the amount of net personal estate (disregarding all disbursements made, or to be made, for legacies, bequests or distributive shares due to legatees, heirs-at-law, or persons otherwise entitled).

Approved July 14, 1970.

CHAPTER 705

**AN ACT TO AMEND TITLE 12, SECTION 1904, DELAWARE
CODE, RELATING TO THE APPOINTMENT OF AP-
PRAISERS OF ESTATE ASSETS.**

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

Section 1. Amend Section 1904, Title 12, Delaware Code, by striking the portion thereof which reads as follows:

(a) Upon grant of letters, the Register shall appoint two, or if circumstances require it, three judicious and impartial citizens of the county as appraisers of the goods and chattels of the decedent, and he may fill vacancies.

and substituting in lieu thereof the following paragraph:

(a) Upon grant of letters, the Register shall appoint two, or if circumstances require it, three judicious and impartial persons as appraisers of the goods and chattels of the decedent, and he may fill vacancies.

Approved July 14, 1970.

CHAPTER 706

AN ACT TO AMEND CHAPTER 27, SUBCHAPTER I, TITLE 6, SECTION 2704 OF THE DELAWARE CODE, BY STRIKING CERTAIN LANGUAGE FROM SAID SECTION AND INSERTING IN LIEU THEREOF NEW LANGUAGE TO MAKE SUCH SECTION APPLICABLE TO CONTRACTS AND AGREEMENTS RELATIVE TO THE CONSTRUCTION, ALTERATION, REPAIR OR MAINTENANCE OF ROADS, HIGHWAYS, DRIVEWAYS, STREETS, BRIDGES AND ENTRANCES OR WALKWAYS OF ANY TYPE CONSTRUCTED THEREON.

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

Section 1. Section 2704, Chapter 27, Subchapter I, Title 6, of the Delaware Code is hereby amended by striking the first twenty-eight (28) words only thereof (said 28 words ending with the words "of a") and inserting in lieu of said 28 words the following new language:

"A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement (including but not limited to a contract or agreement with the State, any County, municipality or political subdivision of the State, or with any agency, commission, department, body or board of any of them, as well as any contract or agreement with a private party or entity) relative to the construction, alteration, repair or maintenance of a road, highway, driveway, street, bridge or entrance or walkway of any type constructed thereon, and".

Approved July 14, 1970.

CHAPTER 707

AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO INTEREST RATES ON UNPAID TAXES AND REFUNDS.

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

Section 1. Title 30, Section 1171 (e), Delaware Code, is hereby amended by striking the words "6% per annum," and substituting in lieu thereof the words "1% for each month or fraction of a month,".

Section 2. Title 30, Section 1183, Delaware Code, is hereby amended by striking subsection (b) thereof in its entirety, and substituting in lieu thereof the following:

"(b) In the case of a refund, interest shall be allowed at the rate of 1% for each month or fraction of a month to the date the refund is paid, commencing ninety days after the latest of the following dates: the due date of the return, the date the return was filed or the date the tax was paid.

(1) If the refund is paid within ninety days of the last date prescribed for filing the return, or paid within ninety days of the date the return was filed if filed after the last date prescribed for filing the return, or if paid within ninety days after the tax was paid, whichever date is latest, no interest shall be paid on such refund.

(2) If a delay in making the refund is caused by any action or inaction by the taxable no interest shall be allowed during such period of delay."

Section 3. Title 30, Section 1183 (c), Delaware Code, is amended by striking the phrase "½ of 1% per month" as the same appears immediately after the words "at the rate of", and substituting in lieu thereof the phrase "1% per month".

Section 4. Title 30, Section 1353, Delaware Code, is hereby amended by striking the last sentence thereof in its entirety, and inserting in lieu thereof the following:

Interest on such refunds shall be allowed at the rate of 1% per month or fraction thereof from the date the application was received by the Tax Department, except that no interest shall be allowed if refund is made within ninety days after the date the application is received by the State Tax Department.

Section 5. Title 30, Section 1509, Delaware Code, is hereby amended by striking the last sentence thereof in its entirety, and inserting in lieu thereof the following:

Interest on such refunds shall be allowed at the rate of 1% per month or fraction thereof from the date the application was received by the Tax Department except that no interest shall be allowed if refund is made within ninety days after the date the application is received by the Tax Department.

Section 6. Title 30, Section 1705, Delaware Code, is hereby amended by striking the words "4% per annum" as the same appear in line 4 thereof and substituting in lieu thereof the following:

"1% per month or fraction thereof".

Section 7. Title 30, Section 1904, Delaware Code, is hereby amended by striking the phrase "6% 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 "1% per month or fraction thereof".

Section 8. Title 30, Section 1912 (d), Delaware Code, is hereby amended by striking the words "one-half of one percent" as the same appear on line 2 of said subsection, and inserting in lieu thereof the words "one percent".

Section 9. Title 30, Section 5411, Delaware Code, is hereby amended by adding to the catchline thereof the following:

"; interest".

Section 10. Title 30, Section 5411, Delaware Code, is further amended by adding thereto a new subsection to be designated as "(d)" and to read as follows:

(d) Interest added to any determination of additional tax shall be computed at the rate of 1% per month or fraction thereof from the date any realty transfer tax should have been paid to the date paid.

Section 11. Title 30, Section 5413, Delaware Code, is hereby amended by adding the letter "(a)" before the word "Upon" as the same appears in line 1 of said section.

Section 12. Title 30, Section 5413, Delaware Code, is further amended by adding thereto a new subsection to be designated as "(b)" and to read as follows:

(b) Interest on such refund shall be allowed at the rate of 1% per month or fraction thereof from the date the tax was paid to the date the refund is made.

Approved July 14, 1970.

Interest on such refunds shall be allowed at the rate of 1% per month or fraction thereof from the date the application was received by the Tax Department, except that no interest shall be allowed if refund is made within ninety days after the date the application is received by the State Tax Department.

Section 5. Title 30, Section 1509, Delaware Code, is hereby amended by striking the last sentence thereof in its entirety, and inserting in lieu thereof the following:

Interest on such refunds shall be allowed at the rate of 1% per month or fraction thereof from the date the application was received by the Tax Department except that no interest shall be allowed if refund is made within ninety days after the date the application is received by the Tax Department.

Section 6. Title 30, Section 1705, Delaware Code, is hereby amended by striking the words "4% per annum" as the same appear in line 4 thereof and substituting in lieu thereof the following:

"1% per month or fraction thereof".

Section 7. Title 30, Section 1904, Delaware Code, is hereby amended by striking the phrase "6% 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 "1% per month or fraction thereof".

Section 8. Title 30, Section 1912 (d), Delaware Code, is hereby amended by striking the words "one-half of one percent" as the same appear on line 2 of said subsection, and inserting in lieu thereof the words "one percent".

Section 9. Title 30, Section 5411, Delaware Code, is hereby amended by adding to the catchline thereof the following:

"; interest".

Section 10. Title 30, Section 5411, Delaware Code, is further amended by adding thereto a new subsection to be designated as "(d)" and to read as follows:

(d) Interest added to any determination of additional tax shall be computed at the rate of 1% per month or fraction thereof from the date any realty transfer tax should have been paid to the date paid.

Section 11. Title 30, Section 5413, Delaware Code, is hereby amended by adding the letter "(a)" before the word "Upon" as the same appears in line 1 of said section.

Section 12. Title 30, Section 5413, Delaware Code, is further amended by adding thereto a new subsection to be designated as "(b)" and to read as follows:

(b) Interest on such refund shall be allowed at the rate of 1% per month or fraction thereof from the date the tax was paid to the date the refund is made.

Approved July 14, 1970.

CHAPTER 708

**AN ACT TO AMEND TITLE 4, CHAPTER 5, DELAWARE
CODE, RELATING TO GROUNDS FOR REFUSAL OF
LICENSE.**

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

Section 1. Title 4, Chapter 5, Section 543 (f) (3) is hereby amended by striking the words "in any unincorporated or rural area" as the same appear in lines 1 and 2 thereof and by striking the number "300" as the same appears in line 3 thereof and substituting in lieu thereof the number "500".

Approved July 14, 1970.

CHAPTER 709

AN ACT RELATING TO A PENSION FOR HARRINGTON SAVAGE, A FORMER EMPLOYEE OF THE STATE HIGHWAY DEPARTMENT.

WHEREAS, Harrington Savage was an employee of the Delaware State Highway Department; and

WHEREAS, Harrington Savage will be sixty-five (65) years of age on July 3, 1970; and

WHEREAS, Harrington Savage was employed by the State Highway Department for fifteen (15) years, five (5) months and twenty-three (23) days; and

WHEREAS, under provisions of Title 29, Section 5501, Delaware Code, it is stated that applicant shall be in covered employment on date of retirement; and

WHEREAS, Harrington Savage being of 65 years of age at present, consequently finding it difficult to find gainful employment with a state agency to qualify under the provisions of "covered employee"; and

WHEREAS, Harrington Savage is deserving of a pension for his years of service to the State,

NOW, THEREFORE,

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

Section 1. That Title 29, Section 5501, Delaware Code, is hereby waved for the sole purpose of permitting the State of Delaware to pay a pension to Harrington Savage, a former employee of the State Highway Department; and that the State Treasurer of the State of Delaware is hereby instructed to pay a pension to Harrington Savage, computed as state pensions are computed.

Approved July 14, 1970.

CHAPTER 710

AN ACT TO AMEND CHAPTER 48 OF TITLE 9, DELAWARE CODE, WITH REFERENCE TO APPEALS FROM LEVY COURT DECISIONS MADE PURSUANT TO CHAPTER 48.

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

Section 1. Amend Chapter 48 of Title 9, Delaware Code, by adding thereto a new section to be known as Section 4818, which section is to read as follows:

§ 4818. Appeals from Levy Court decisions

All decisions of the Levy Court pursuant to applications made under this chapter are appealable to the Superior Court of Kent County; and when such appeal has been filed with the Prothonotary of Kent County, the Prothonotary shall give notice to the Clerk of the Peace of Kent County who shall transmit to the said Prothonotary within ten (10) days the written decision of the Levy Court which decision shall set forth the legal and factual basis for the refusal of the Levy Court to permit the recording of the plat in the manner requested.

Approved July 14, 1970.

CHAPTER 711

AN ACT TO AMEND TITLE 7, DELAWARE CODE, SECTIONS 3902 AND 3909, RELATING TO SOIL CONSERVATION DISTRICTS BY PROVIDING FOR THE DEFINITION OF A "COOPERATOR" AND MAKING SERVICES, MATERIALS AND EQUIPMENT AVAILABLE ON REQUEST TO A COOPERATOR.

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

Section 1. Amend Title 7, Delaware Code, Section 3902, by adding at the end thereof a new definition as a last paragraph which shall read as follows:

"Cooperator means a landowner for whom a district provides or has agreed to provide in accordance with this Chapter, services, material and equipment with respect to the landowner's land within the district.

Section 2. Amend Title 7, Delaware Code, Section 3909 (a) (4), by designating the present paragraph (4) as paragraph (4) (i), and by adding a new paragraph to be designated as (4) (ii) which shall read as follows:

(4) (ii) To make available on request and on such terms as the Board shall prescribe to any cooperator who is a resident of the State and who owns land in a neighboring state, services, materials and equipment for the benefit of such cooperator's land in the neighboring state.

Approved July 14, 1970.

CHAPTER 712

**AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE
RELATING TO CORPORATIONS BY MAKING CER-
TAIN CHANGES IN SECTIONS 505, 509, 510, 511 AND
514.**

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 505, Title 8, Delaware Code, is amended by deleting the last sentence of subsection (b) and by substituting in lieu thereof the following:

In the case of any corporation which is not required to pay an annual tax under Section 501 of this title, the Secretary of State may remit all or part of the penalties and interest provided in this chapter.

Section 2. Section 509, Title 8, Delaware Code, is amended by deleting the words "of 2 consecutive years" in subsection (a) and by substituting in lieu thereof the words "of one year".

Section 3. Section 510, Title 8, Delaware Code, is amended by deleting the words "for two years" in the title and by substituting in lieu thereof the words "for one year".

Section 4. Section 510, Title 8, Delaware Code, is amended by deleting the words "for 2 consecutive years" and by substituting in lieu thereof the words "for one year".

Section 5. Section 510, Title 8, Delaware Code, is amended by adding the following sentence:

On or before the last day of February in each year, the Secretary of State shall notify each corporation which has neglected or refused to pay the franchise tax or taxes assessed against it or becoming due during the preceding year that the charter of the corporation shall become void unless such taxes are paid on or before the fifteenth day of April of the current year.

Section 6. Section 511, Title 8, Delaware Code, is amended by deleting the words "for 2 years" and by substituting in lieu thereof the words "for one year".

Section 7. Section 514, Title 8, Delaware Code, is amended by deleting the words "within 2 consecutive years" and by substituting in lieu thereof the words "within one year".

Section 8. The provisions of this Act with respect to franchise taxes shall apply to all such taxes which become due and payable on and after April 15, 1971 but shall not apply to franchise taxes due and payable on or before April 15, 1970. Sections 509, 510, 511 and 514 of Title 8, Delaware Code, as said sections shall exist immediately prior to the effective date of this Act shall continue in effect after such date with respect to, but only with respect to, franchise taxes due and payable on or before April 15, 1970.

Approved July 15, 1970.

CHAPTER 712

**AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE
RELATING TO CORPORATIONS BY MAKING CER-
TAIN CHANGES IN SECTIONS 505, 509, 510, 511 AND
514.**

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 505, Title 8, Delaware Code, is amended by deleting the last sentence of subsection (b) and by substituting in lieu thereof the following:

In the case of any corporation which is not required to pay an annual tax under Section 501 of this title, the Secretary of State may remit all or part of the penalties and interest provided in this chapter.

Section 2. Section 509, Title 8, Delaware Code, is amended by deleting the words "of 2 consecutive years" in subsection (a) and by substituting in lieu thereof the words "of one year".

Section 3. Section 510, Title 8, Delaware Code, is amended by deleting the words "for two years" in the title and by substituting in lieu thereof the words "for one year".

Section 4. Section 510, Title 8, Delaware Code, is amended by deleting the words "for 2 consecutive years" and by substituting in lieu thereof the words "for one year".

Section 5. Section 510, Title 8, Delaware Code, is amended by adding the following sentence:

On or before the last day of February in each year, the Secretary of State shall notify each corporation which has neglected or refused to pay the franchise tax or taxes assessed against it or becoming due during the preceding year that the charter of the corporation shall become void unless such taxes are paid on or before the fifteenth day of April of the current year.

Section 6. Section 511, Title 8, Delaware Code, is amended by deleting the words "for 2 years" and by substituting in lieu thereof the words "for one year".

Section 7. Section 514, Title 8, Delaware Code, is amended by deleting the words "within 2 consecutive years" and by substituting in lieu thereof the words "within one year".

Section 8. The provisions of this Act with respect to franchise taxes shall apply to all such taxes which become due and payable on and after April 15, 1971 but shall not apply to franchise taxes due and payable on or before April 15, 1970. Sections 509, 510, 511 and 514 of Title 8, Delaware Code, as said sections shall exist immediately prior to the effective date of this Act shall continue in effect after such date with respect to, but only with respect to, franchise taxes due and payable on or before April 15, 1970.

Approved July 15, 1970.

CHAPTER 713

AN ACT TO AMEND CHAPTER 44, TITLE 21, DELAWARE CODE, RELATING TO ABANDONED VEHICLES.

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

Section 1. Chapter 44, Title 21, Delaware Code, is amended by striking Section 4401 in its entirety and inserting in lieu thereof a new Section 4401 as follows:

§ 4401. Purpose; abandoned vehicles on private property or public highways; definition

(a) The purpose of this Chapter is to eliminate abandoned vehicles which tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety and health hazards to children as well as to adults; interfere with the comfort and well being of the public; and create, extend, and aggravate urban blight.

(b) Any vehicle that is either (1) inoperable, dismantled, wrecked, or from which major components have been removed and is in such a state of disrepair as to be incapable of being operated in the manner for which it is designed and is situated on private property appearing to have been abandoned or (2) which is inoperable, dismantled, wrecked or from which the major components have been removed and which shall have been placed upon any State or public highway or property or the property or roads of any political subdivision or the State or public highways within a municipality for a period in excess of 24 hours without being removed, shall be considered to be abandoned for the purpose of this Chapter, except:

(1) That vehicles and equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this Chapter.

(2) Those vehicles whose owners have properly parked and locked them and have notified the State Police, County Police, or municipal police, as the case may be, as designated in Section 4402 of this Title, that the owner desires to leave the vehicle so parked and secured for a period not to exceed 30 days, except that if during such period the vehicle is no longer secured, or, in the opinion of the State Police, County Police or municipal police has become a danger to the public, then the vehicle shall be subject to the provisions of this Chapter.

(c) As used in this Chapter, the term "State Highway" or "public highway" shall include any portion of the highway located within the right-of-way lines or in the case of limited access highway, the denial of access lines, including shoulders and medium strip.

Section 2. Amend Section 4402, Chapter 44, Title 21, Delaware Code, by inserting in the first sentence of subsection (a) thereof after the word "highways" and before the word "within" the following words: "or property".

Section 3. Amend Section 4402, Chapter 44, Title 21, Delaware Code, by striking subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Upon the discovery of a vehicle on any State or public highway or property or the property or roads of any political subdivision or State or public highways within a municipality concerning which there is reasonable grounds to believe it to be an abandoned vehicle, the State Police, County Police, or municipal police, as the case may be, shall post a notice, at some conspicuous place on said vehicle, which shall direct that such vehicle be removed by a stated time and date (such time and date to be not less than 24 hours following the posting of such notice). In the event the vehicle is not removed within 24 hours, the abandoned vehicle shall be removed to a storage area maintained by the State Highway Department, or its successor.

Section 4. Amend Section 4402 (c), Chapter 44, Title 21, Delaware Code, by striking the words "appropriate police authority" and substituting in lieu thereof the words "State Police, County Police or municipal police, as the case may be".

Section 5. Amend Section 4402, Chapter 44, Title 21, Delaware Code, by striking subsection (d) in its entirety and inserting new sections (d), (e), and (f) as follows:

(d) In the event of an abandoned vehicle on private property with the consent of the owner or occupant thereof or in the event of an abandoned vehicle which is the property of the owner or occupant of the private property where such a vehicle is located, the State Highway Department or its successor, as the case may be, shall notify the owner of the abandoned vehicle by a written notice to be mailed at the owner's last-known address, which notice shall direct that such a vehicle must be removed within a stated period of time being not less than 30 days from the date of this mailing. In the event the vehicle is not removed within the 30 days, then, after the expiration of said 30 days, a sticker or tag shall be conspicuously affixed thereto showing the time and date of its affixing, advising the owner that if the vehicle is not removed within 24 hours from the affixing of the sticker, the vehicle shall be removed to a storage area maintained by the State Highway Department or its successor. The provisions of this subsection shall not be applicable to automobile graveyards as defined in Section 1202 (b) (2), Title 17, Delaware Code, and shall not be applicable to any vehicles on private property which are not visible from the street or road and are not otherwise a nuisance or create a health or fire hazard.

(e) The notice required by subsection (b) and (d) shall state that if such vehicle is not so removed, it will be removed and stored at a storage area maintained by the State Highway Department at the owner's expense and thereafter will be subject to disposal in accordance with law. Such notice shall also set forth verbatim Section 4410 of this Title. If the vehicle shall not have been removed by the time and date specified in said notice, the police officer shall take such vehicle into custody and shall cause it to be removed and stored in the storage area maintained by the Department for safe keeping. He shall promptly notify the Motor Vehicle Commissioner, upon a form to be supplied by him for that purpose, of the action which has been taken with respect to such vehicle.

(f) The provisions of this Chapter shall not apply to any removal of a vehicle unless the removal is directed by the appro-

priate police authority, or the State Highway Department or its successor.

Section 6. Amend Section 4404, Chapter 44, Title 21, Delaware Code, by striking the first sentence of (a) thereof and substituting in lieu thereof the following new sentences to read as follows:

The Department shall cause to be published in the local newspaper the serial numbers of abandoned vehicles held by the Department in storage and in the case of a vehicle abandoned on public property the owner thereof shall have 30 days within which to claim the vehicle and pay all costs for its removal, storage and advertising and the owner of vehicles abandoned on private property shall have 15 days within which to claim the vehicle and pay all costs for its removal, storage and advertising. If the costs are not paid within the time limits specified herein, then the vehicle may be, after the expiration of the respective time limits, sold at public sale by the authority having possession of the vehicle.

Section 7. Amend Section 4410, Chapter 44, Title 21, Delaware Code, by renumbering said Section 4410 as Section 4414.

Section 8. Amend Chapter 44, Title 21, Delaware Code, by adding a new Section 4410 to read as follows:

§ 4410. Wreckers; removal; licenses; records; contract

(a) Wreckers, licensed by the State Highway Department or its successor and upon the procurement from the Department of the license with the appropriate decal affixed thereto, shall be the responsible party for implementing the removal provisions of this Act. The owner of the wrecker shall be responsible for removing only those vehicles as are specifically designated by complete description and serial number. The owner shall keep adequate records and furnish the Department with a monthly report.

(b) The Department and wrecker owner shall enter into a contract providing for the removal of vehicles, but the Department shall make the determination of the number of cars to be removed by the wrecker within an eight-hour work day, with no removal permitted on Sunday.

Section 9. Amend Chapter 44, Title 21, Delaware Code, by adding a new Section 4411 to read as follows:

§ 4411. Storage area for abandoned vehicles

The State Highway Department, or its successor, shall furnish the areas designated for storage, which areas shall be those used for sanitary landfills, each area capable of storing up to 500 abandoned vehicles, to be stored not more than two (2) vehicles high.

Section 10. Amend Chapter 44, Title 21, Delaware Code, by adding a new Section 4412 to read as follows:

§ 4412. Vehicles left in possession of garage and/or service station; limitations

Any vehicle left in the possession of a garage or service station which is in operation as a going business shall not be considered, for purposes of this Act, an abandoned vehicle, even though the vehicle left in possession of the garage or service station is inoperable or partially or fully dismantled. No garage or service station owner shall maintain more than five (5) such vehicles within a six (6) month period unless he complies with Title 17, Chapter 12, Section 1206, Delaware Code, relating to screening of junkyards.

Section 11. Amend Chapter 44, Title 21, Delaware Code, by adding a new Section 4413 to read as follows:

§ 4413. Antique cars or parts thereof; exception

Anyone maintaining an inventory of antique cars, or parts thereof, shall not be subject to the provisions of this Act, provided the antique cars or parts thereof are housed in a building consisting of four sides and a roof and are not visible from the highway or road from any location.

Approved July 15, 1970.

CHAPTER 714

AN ACT TO AMEND CHAPTER 183, VOLUME 22, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD" TO PROVIDE QUALIFICATIONS TO REGISTER AND A REGISTRATION SYSTEM FOR VOTERS AND TO PRESCRIBE THE QUALIFICATIONS FOR CANDIDATES.

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 second Paragraph of Section 2, Chapter 183, Volume 22, Laws of Delaware, as amended, is hereby amended by striking out all of said second Paragraph of Section 2 and substituting in lieu thereof a new second Paragraph of Section 2 to read as follows:

The said Commissioners shall give at least twenty (20) days notice by advertising the particulars concerning the annual election in a paper of general circulation in the Town of Greenwood or by posting notices of the annual election in at least five (5) public places in said town, or both. Each candidate for any office shall notify the Secretary in writing of his candidacy for office; or five (5) or more persons qualified to vote in the annual election may file the name of the candidate for office with the Secretary provided the candidate endorses his written consent thereon. All such notifications must be filed with the Secretary before eight o'clock in the evening, prevailing time, on the tenth day before the date of the annual election. In order to hold any office, a person shall possess the following qualifications:

1. A bona fide citizen of the United States and of the State of Delaware and a resident freeholder of the town for at least two (2) years next preceding the date of the annual election; and
2. At least twenty-one (21) years of age; and
3. A non-delinquent taxpayer of the town for at least one (1) year next preceding the date of the annual election.

At the annual election, every person, male or female, who shall have attained the age of twenty-one (21) years on the date of the annual election and who shall have been a bona fide resident of the State of Delaware for a period of one (1) year and of said town for a period of six (6) months on the date of the annual election and also every person, male or female, who shall have attained the age of twenty-one (21) years and who shall have been a freeholder in the Town of Greenwood for a period of at least six (6) months immediately preceding the date of the annual election, whether or not a resident of the State of Delaware or of the Town of Greenwood, shall have one (1) vote provided he or she has registered on the "Books of Registered Voters" of the Town of Greenwood. The Town Council shall provide two registers to be known as the "Books of Registered Voters" which shall be kept by the Secretary and shall be conclusive evidence of the right of any person to vote at the annual election. The Books of Registered Voters shall contain the names of those persons who have registered in alphabetical order and the following information for each registrant: The name and permanent address of the registrant, the local address of the registrant, the birthdate of the registrant, the date the registrant became a resident of the State of Delaware and the date the registrant became a resident of the Town of Greenwood, the date the registrant became a freeholder of the Town of Greenwood, and 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 one time; provided, however, that if a registered voter fails to vote in two consecutive annual elections in which there is a contest, his name shall be removed from the Books of Registered Voters and notice shall be 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. A person may register at the office of the Secretary during the regular office hours by completing such forms as may be provided by the Town; provided, however, that no person shall be registered after the close of business on the tenth day prior to the date of the annual election. For the purposes of this Section, 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.

Approved July 15, 1970.

CHAPTER 715

**AN ACT TO AMEND SECTION 8105, TITLE 9, DELAWARE
CODE, BY ADDING B'NAI B'RITH LODGE 470 TO THE
LIST OF ORGANIZATIONS EXEMPT FROM REAL
PROPERTY TAXATION.**

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

Section 1. Section 8105, Title 9, Delaware Code, is amended
by adding to the list of organizations set forth therein, the fol-
lowing:

"B'nai B'rith Lodge 470".

Approved July 15, 1970.

CHAPTER 716

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HEALTH AND SOCIAL
SERVICES TO ESTABLISH AN ALCOHOLIC SERV-
ICES PROGRAM.**

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

Section 1. The sum of \$270,000 is appropriated to the Department of Health and Social Services for the fiscal year ending June 30, 1971, to establish an alcoholic service program, the money appropriated herein to be expended in the following manner:

Salaries and Wages of Employees (28)	\$201,100
Personal Services	10,700
Travel	4,600
Contractual Services	16,300
Supplies and Materials	26,300
Capital Outlay	11,000
TOTAL	\$270,000

Section 2. The funds appropriated in Section 1 of this Act shall be used to establish the alcoholic service program in New Castle County.

Section 3. 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 as of June 30, 1971, shall revert to the General Fund of the State Treasury.

Approved July 17, 1970.

CHAPTER 717

AN ACT TO AMEND TITLE 22, DELAWARE CODE, RELATING TO MUNICIPAL ZONING REGULATIONS.

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

Section 1. Title 22, Delaware Code, is amended by deleting therefrom Section 322 in its entirety and substituting in lieu thereof the following:

§ 322. Board of Adjustment; members; terms

(a) In cities or incorporated towns not having heretofore adopted a Home Rule Charter pursuant to Chapter 8, Title 22, Delaware Code, the Board of Adjustment shall consist of the Chief Engineer of the Street and Sewer Department, the City Solicitor and the Mayor. If the city or incorporated town has no City Engineer or City Solicitor, then the Mayor or Chief Executive of such city or town shall appoint two (2) members, each to be appointed for a term of three (3) years and removable for cause by the appointing authority, upon written charges and after public hearing, who, with the presiding officer of the Zoning Commission, shall constitute the Board of Adjustment for such city or town. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(b) In cities or incorporated towns having heretofore or hereafter adopted a Home Rule Charter pursuant to Chapter 8, Title 22, Delaware Code, the legislative body thereof may within ninety (90) days of the effective date hereof or within ninety (90) days after the effective date of a Home Rule Charter hereafter adopted establish a Board of Adjustment consisting of five (5) members who shall be residents of the city or incorporated town, and who shall have knowledge of, and experience in, the problems of urban and rural development, and who, at the time of appointment, shall not be candidates or candidate-elect for, or incumbent of, an elective public office. The Mayor or Chief Executive Officer of such city or incorporated town with consent of the legislative body thereof, shall appoint four (4) members for terms of four (4) years, provided that the terms of the

original members shall be established in a manner that one (1) shall expire each year. The Mayor or Chief Executive Officer of such city or incorporated town, with the consent of the Legislative Body thereof, shall appoint one (1) member who shall be chairman, and who shall serve at the pleasure of said appointing official. The members shall be entitled to compensation as determined by the city or incorporated town.

(c) In the event that a city or incorporated town qualifying under Paragraph (b) of this Section fails to establish a Board of Adjustment as permitted in said paragraph, the Board of Adjustment shall consist of those persons designated in Paragraph (a) of this Section.

Section 2. This Act shall be effective upon signature by the Governor.

Approved July 17, 1970.

CHAPTER 718

AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO STATE TAX BOARD AND STATE TAX COMMISSIONER AND TITLE 12, DELAWARE CODE, AS RELATED TO STATE TAX BOARD.

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

Section 1. Sections 321, 322, 323, 323A, 324, 325, 326, 327 and 328, Subchapter II, Chapter 3, Title 30, Delaware Code, are hereby repealed and the following new Subchapter II, Chapter 3, Title 30, is enacted in lieu thereof:

SUBCHAPTER II. TAX APPEAL BOARD

§ 321. Composition; appointment; term and qualifications

The Tax Appeal Board shall consist of five members who shall be appointed by the Governor for terms of three years. In order to stagger the terms of members of the Tax Appeal Board, one member shall serve for an initial term of one year; two members shall serve for an initial term of two years, and the other two members shall serve for an initial term of three years. As the initial terms terminate, subsequent members shall be appointed for terms of three years or until their successors shall have been appointed and qualified. If any member of the Tax Appeal Board shall cease to serve for any reason prior to the end of his term, the Governor shall appoint a successor to serve for the remainder of the unexpired term. At least two of the members shall be attorneys at law, one of whom shall be appointed Chairman by the Governor. At least one member of the Board shall be affiliated with one of the major political parties, and at least one member shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Board.

§ 322. Salary

Each member of the Tax Appeal Board shall be paid a salary at the rate of \$2,500 per year. The Chairman shall be paid an additional \$500 per year.

§ 323. Secretary; quorum

(a) The Tax Appeal Board shall appoint a secretary who need not be a member of the Tax Appeal Board. The Secretary shall maintain a record of all proceedings before the Tax Appeal Board.

(b) A quorum for the transaction of business of the Tax Appeal Board shall be any three members, one of whom shall be an attorney.

§ 324. Alternate attorney member

(a) Whenever a request in writing shall be addressed to the Governor by any attorney member of the Tax Appeal Board stating that he has disqualified himself from participating in a particular matter or matters coming before the Tax Appeal Board or that he is unable because of illness, disability, or other good reason to take part in such matter or matters, the Governor shall designate an attorney at law as a special attorney member of the Tax Appeal Board for such matter or matters only, and such designee shall be deemed to be an attorney member of the Tax Appeal Board for all purposes concerning such matter or matters.

(b) Any attorney so designated who renders service as such special member of the Tax Appeal Board shall be paid at the rate of \$100 per diem for his services.

(c) The provisions of this section shall be applicable to any matter or matters over which the Tax Appeal Board has jurisdiction, whether pending at or prior to the effective date of this section or at any time subsequent thereto.

§ 325. Tax Appeal Board rules

The Tax Appeal Board may by proper rules prescribe the procedures to be followed in hearings and appeals before it.

§ 326. Facilities and services

The State Tax Commissioner shall provide office space, supplies, services and such other assistance as the Tax Appeal Board may require.

§ 327. Record of decisions; rules and rulings of the Tax Appeal Board

The State Tax Commissioner shall maintain at the main office of the State Tax Department and open to the inspection of the public, all decisions, rules and rulings of the Tax Appeal Board. These records shall be deemed published as required by this title. The record for good cause shown may be sealed by the Tax Appeal Board so as not to disclose the identity of the taxable.

§ 328. Reimbursement of expenses

Members of the Tax Appeal Board shall be entitled to receive their actual and necessary expenses while engaged in the performance of their duties.

§ 329. Hearings and appeals

The Tax Appeal Board shall hear all appeals from the decisions or rulings of the State Tax Commissioner, and affirm, modify or reverse such decisions or rulings.

§ 330. Subpoenas and attendance of witnesses

The Tax Appeal Board for the purpose of its hearings may issue subpoenas, compel the attendance of witnesses, administer oaths, take testimony and compel the production of pertinent books, payrolls, accounts, papers, records and documents, and in case any person summoned to testify or to produce any relevant or material evidence refuses, without reasonable cause, the Tax Appeal Board may certify the fact of any such refusal to the Superior Court of the county in which such hearing is held and such Superior Court may proceed against the person so refusing for contempt and may punish such person, if found guilty, in such manner as persons are punished for contempt of court.

§ 331. Appeals from Tax Appeal Board decisions

From any decision of the Tax Appeal Board, the taxable shall have the right of appeal to the Superior Court of the State of Delaware in the county in which the hearing has been held; provided, however, that no appeal from such decision shall be received or entertained in the Superior Court unless notice of appeal is duly filed in the Office of the Prothonotary thereof within 30 days after the date of the Order entered upon such decision. The Tax Appeal Board may, upon good cause shown, extend the foregoing time (1) for an additional 30 days or (2) until disposition of any motion for a rehearing or to revise its decision.

Section 2. Section 301, Subchapter I, Chapter 3, Title 30, Delaware Code, is amended by striking the words "the State Tax Board,".

Section 3. Section 305, Subchapter I, Chapter 3, Title 30, Delaware Code, is amended by striking the words "State Tax Board", and inserting in lieu thereof the words "State Tax Commissioner".

Section 4. Section 342, Subchapter III, Chapter 3, Title 30, Delaware Code, is repealed.

Section 5. Section 351, Subchapter IV, Chapter 3, Title 30, Delaware Code, is amended by striking the words "in the Tax Board by any other law" and inserting in lieu thereof the word "otherwise".

Section 6. Section 358, Subchapter IV, Chapter 3, Title 30, Delaware Code, is repealed.

Section 7. Section 359, Subchapter IV, Chapter 3, Title 30, Delaware Code, is repealed.

Section 8. Section 1171 (d), Subchapter V, Chapter 11, Title 30, Delaware Code, is amended by striking the words "The Tax Board" and inserting in lieu thereof "The Tax Commissioner" and by striking the words "in the minutes of the Board".

Section 9. Section 1182 (c), Subchapter VI, Chapter 11, Title 30, Delaware Code, is amended by striking the reference "Section 328", and inserting in lieu thereof "Section 329".

Section 10. Section 1183, Subchapter VI, Chapter 11, Title 30, Delaware Code, is amended by striking paragraph (d) in its entirety.

Section 11. Section 1187 (i), Subchapter VI, Chapter 11, Title 30, Delaware Code, is amended by striking the sentence "The Tax Board may in its discretion allow further time for filing of a return in such cases."

Section 12. Section 1333 (b), Subchapter II, Chapter 13, Title 30, Delaware Code, is amended by striking paragraph (b) in its entirety and inserting in lieu thereof a new paragraph (b) to read as follows:

(b) Hearings before the Tax Appeal Board shall be in accordance with Section 329 of this title. If the decision of the Tax Appeal Board is unsatisfactory to the complainant or the Tax Commissioner, such complainant or the Tax Commissioner may, within 30 days after notice of the decision, appeal to the Superior Court from the determination of the Tax Appeal Board as to the amount of taxes to be paid under the provisions of this chapter.

Section 13. Section 1343, Subchapter III, Chapter 13, Title 30, Delaware Code, is amended by striking the words "The Tax Board", and inserting in lieu thereof the words "The Tax Commissioner", and by striking the words "in the minutes of the Tax Board".

Section 14. Section 1704 (1), Chapter 17, Title 30, Delaware Code, is amended by striking the words "with the approval of the Tax Board".

Section 15. Section 1908 (b), Chapter 19, Title 30, Delaware Code, is amended by striking the reference to "Section 328", and inserting in lieu thereof "Section 331".

Section 16. Section 1912 (c), Chapter 19, Title 30, Delaware Code, is amended by striking the reference to "Section 328", and inserting in lieu thereof "Section 331".

Section 17. Section 5323, Subchapter III, Chapter 53, Title 30, Delaware Code, is amended by striking the reference to "Section 326", and inserting in lieu thereof "Section 329".

Section 18. Section 1146 (b), Article 2, Subchapter II, Chapter 11, Title 12, Delaware Code, is amended by striking the references to "Section 326 (a) and (b)", and inserting in lieu thereof "Section 329", and by striking the reference to "Section 326 (c)", and inserting in lieu thereof "Section 330".

Section 19. Section 1189, Subchapter 111, Chapter 11, Title 12, Delaware Code, is amended by striking the references to "Section 326 (a) and (b)", and inserting in lieu thereof "Section 329", and by striking the reference to "Section 326" and inserting in lieu thereof "Section 330".

Section 20. This Act shall become effective 60 days after signature by the Governor.

Approved July 17, 1970.

CHAPTER 719

**AN ACT RELATING TO A PENSION FOR EDWARD KIRBY,
A FORMER EMPLOYEE OF THE STATE OF DELA-
WARE.**

WHEREAS, Edward Kirby was employed by the Kent County Levy Court from January, 1957 through December, 1960; and

WHEREAS, Edward Kirby was employed by the Bingo Commission from May 16, 1962 down to the present time; and

WHEREAS, Edward Kirby is not presently receiving a State Pension; and

WHEREAS, Edward Kirby is in need of and deserving of a State Pension for his long and faithful service to Kent County 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 Edward Kirby for a pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Edward Kirby to be eligible for such pension.

Approved July 19, 1970.

CHAPTER 720

AN ACT TO AMEND SECTION 2714, CHAPTER 27, TITLE 21, DELAWARE CODE RELATING TO FEES FOR PERMANENT DRIVERS LICENSE, BY INCREASING THE FEE TO TWENTY-FIVE DOLLARS AND IMPOSING A FEE OF ONE DOLLAR EVERY FOUR YEARS FOR IDENTIFICATION PHOTOGRAPHS.

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

Section 1. Chapter 27, Title 21, Delaware Code, is hereby amended by striking §2714 and inserting in lieu thereof a new §2714 as follows:

§ 2714. Permanent license; fees; expiration

(a) Upon the receipt of the application and a fee of \$25 and upon proof that such applicant is a person 21 years of age or over and who has been licensed by the Department for a period of three consecutive years and that such applicant is qualified under the provisions of this chapter, the Commissioner may issue at his discretion, a permanent drivers license, which shall not expire or become ineffective until or unless otherwise revoked, cancelled or suspended as provided by law.

(b) Each holder of a permanent drivers license shall pay an additional fee of \$1 every four years to the Department in payment of the cost of a photograph which shall be taken by the Department and placed on file as an identification of the licensee. Nonpayment of this fee shall subject the licensee to suspension of his license as provided in subchapter II of Chapter 27 herein.

Approved July 19, 1970.

CHAPTER 721

AN ACT TO AMEND CHAPTER 7, TITLE 17, DELAWARE CODE, BY PROHIBITING EVERY RAILROAD COMPANY IN THIS STATE FROM ERECTING, PLANTING, AND/OR MAINTAINING CERTAIN HEDGES, SHRUBS, TREES, SOLID FENCES AND OTHER LARGE SOLID OBJECTS FROM ITS PROPERTY OR RIGHT-OF-WAY AND PROVIDING PROCEDURES WHERE RAILROAD COMPANY FAILS TO COMPLY.

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

Section 1. Chapter 7, Title 17, Delaware Code, is amended by adding thereto a new section as follows:

§ 710. Regulation of maintenance of railroad property

(a) No hedge, shrub, tree or solid fence shall be erected, planted or maintained within the railroad property or right-of-way and for a distance of twenty-five (25) yards from the point where said property or right-of-way crosses any public or private road at which grade crossing protection is not provided by gates, warning lights or watchman.

(b) If any railroad company, at any time, fails to comply with the provisions of paragraph (a) of this section, then the Department shall notify the President or other executive officer of the company, in writing, stating the nature of the obstruction; if the company does not within 30 days thereafter, comply with the provisions of paragraph (a) of this section, it shall be fined for the first offense \$100, for the second offense \$200, and for every subsequent offense not less than \$500 nor more than \$1,000.

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

Approved July 19, 1970.

CHAPTER 722

AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON, AND THE AMENDMENTS THERETO, BY PERMITTING ANTHONY L. AUGUSTYNOWICZ, A MEMBER OF THE WILMINGTON BUREAU OF FIRE, TO BECOME ELIGIBLE FOR PENSION BENEFITS AS PROVIDED FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON."

WHEREAS, Anthony L. Augustynowicz joined the Wilmington Bureau of Fire on August 16, 1945, but failed to agree voluntarily to accept the provisions of Volume 33, Chapter 118, Laws of Delaware, as amended, prior to July 1, 1951, thus losing his eligibility for pension benefits thereunder as a member of the Wilmington Bureau of Fire; and

WHEREAS, it is the wish and desire of said Anthony L. Augustynowicz to be permitted to come within the provisions of the aforesaid statute, as amended, in order to provide for pension benefits to him as a member of the Wilmington Bureau of Fire;

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. That Chapter 118, Volume 33, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof a new Section 9A to read as follows:

"Section 9A. The provisions of this Act relating to the necessity of members of the Bureau of Fire of the Department of Public Safety of the City of Wilmington to agree voluntarily to accept the provisions of the pension statutes herein provided

between April 16, 1945, and July 1, 1951, shall not be applicable to Anthony L. Augustynowicz, member of the Wilmington Bureau of Fire, and said member shall be eligible for pension benefits as set forth in this Act upon his giving proper notice to persons charged with the administration of the pension fund of his desire to be included therein and upon his applying and qualifying therefor.

To qualify under this Act, Anthony L. Augustynowicz must pay to the firemen's pension fund referred to in this section a sum equal to four percent (4%) of the salary received by the said Anthony L. Augustynowicz in each year since August 16, 1945."

Section 2. The pension benefits conferred hereby shall become effective on July 1, 1970, and shall not be awarded retroactively.

Approved July 19, 1970.

CHAPTER 723

**AN ACT RELATING TO A PENSION FOR HOMER WRIGHT,
A FORMER EMPLOYEE OF THE MAGNOLIA SCHOOL
DISTRICT.**

WHEREAS, Homer Wright was employed by the Magnolia School District as a faithful public servant for many years; and

WHEREAS, the present law does not provide for pension benefits for Homer Wright; and

WHEREAS, Homer Wright is deserving of consideration of a state pension because of unusual circumstances; and

WHEREAS, Homer Wright should receive pension benefits for the long service rendered to the Magnolia School District.

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 Homer Wright for a Service Pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Homer Wright to be eligible for said pension.

Approved July 19, 1970.

CHAPTER 724

**AN ACT TO AMEND SECTION 5505(c), CHAPTER 55, TITLE
29, DELAWARE CODE, RELATING TO STATE EM-
PLOYEES' PENSION PLAN.**

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

Section 1. Amend paragraph (c), Section 5505, Chapter 55, Title 29, of the Delaware Code, by striking the phrase "less than 5" and substituting in lieu thereof the phrase "five (5) or more".

Approved July 19, 1970.

CHAPTER 725

AN ACT TO AMEND TITLE 3, DELAWARE CODE, ADDING A NEW CHAPTER 74 THERETO, RELATING TO CONTROL AND ERADICATION OF EQUINES INFECTED WITH EQUINE INFECTIOUS ANEMIA.

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

Section 1. Title 3, Delaware Code, is hereby amended by adding a new chapter thereto to be designated as Chapter 74, to read as follows:

CHAPTER 74. EQUINE INFECTIOUS ANEMIA

§ 7401. Definitions

For the purpose of this Chapter, unless the context otherwise requires:

“Department” means the Department of Agriculture.

“Person” includes veterinary practitioner, racetrack official, racing commission official, private horse owner, trainer, jockey or private person.

“Equine” includes all horses of every type and description.

§ 7402. Equine suspected; notification

Any person who knows or suspects that a case of Equine Infectious Anemia may exist in an equine shall immediately notify the Department and shall supply the Department with (1) the name of the equine, if known, (2) its present location and (3) the name of the owner, if known.

§ 7403. Rules and regulations; quarantine orders

(a) For the proper enforcement of the provisions of this chapter, the Department may make and enforce orders, rules and regulations for the control and eradication of Equine Infectious Anemia.

(b) Any equine suspected of having Equine Infectious Anemia shall be, by order of the Department, removed from the barns or other facilities used by healthy equines and quarantined in such place on the premises on which it is being kept so as to insure its isolation and it shall remain under quarantine in isolation for such period as the Department deems appropriate to insure that it is free of Equine Infectious Anemia.

§ 7404. Diagnosis and testing; expense

The testing, diagnosis and cure of any equine suspected of having Equine Infectious Anemia shall be by the standard "pony inoculation procedure" or by such other procedures as prescribed by the Department, and the cost thereof borne by the Department.

§ 7405. Destruction of condemned equines

Any equine determined incurable and condemned for Equine Infectious Anemia shall be destroyed upon the direction of the Department or its duly appointed agent.

§ 7406. Payment for equines condemned

The Department may pay out of the funds appropriated by the Legislature of the State of Delaware a sum up to the sum of \$1,000 for any equine, whose owner is a resident of the State of Delaware, ordered destroyed, provided that the owner has submitted a claim for indemnity on forms prescribed by the Department and has complied with all quarantine regulations. The Department shall make the final determination as to the amount to be paid under this section.

§ 7407. Violations and penalties

Whoever fails to report an equine, knowing or suspecting the same to be infected with Equine Infectious Anemia, or who knowingly moves a suspected or positively diagnosed equine from one premise to another, or who fails to keep such equine under quarantine in accordance with Section 7403, shall be penalized as the Delaware Harness Racing Commission or Delaware Racing Commission sees fit.

Section 2. The sum of \$25,000 is hereby appropriated to the Department of Agriculture for the purpose of indemnifying owners of horses destroyed pursuant to Section 7405 since July 1, 1969. A further appropriation of \$10,000 is hereby appropriated to the Department of Agriculture for fiscal 1971 for the purposes of implementing the provisions of this Act.

Approved July 19, 1970.

CHAPTER 726

AN ACT TO REINCORPORATE THE CITY OF MILFORD.

WHEREAS, it is deemed advisable that the Charter of the City of Milford, contained in Chapter 162, Volume 37, Laws of Delaware, entitled "An Act Changing the Name of the Town of Milford to 'the City of Milford' and establishing a Charter therefor" as thereafter amended, be consolidated into one complete act and in certain respects be amended and revised.

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):

NAME AND TERRITORIAL LIMITS

Section 1. The inhabitants of the City of Milford within the corporate limits hereinafter defined in this Charter or as hereafter extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as "the City of Milford".

The boundaries and limits of the City of Milford are hereby established and declared to be as heretofore, that is to say:

BEGINNING at Bowen Landing on the Bowen (Dorsey) farm in Kent County; thence in a direct line in a Northerly direction to the DuPont Boulevard at the intersection with it and the concrete highway leading into the City of Milford; thence continuing the same line in a northwesterly direction across the said DuPont Boulevard a distance of Five Hundred Feet beyond the Western boundary line of said Boulevard; thence in a southerly direction and parallel with and Five Hundred Feet from the Western boundary of said DuPont Boulevard to the Haven Lake; thence across said lake and following the shores of said lake to the north side of Evergreen Lane; thence along the north side of Evergreen Lane to the intersection of the north side of Evergreen Lane and a line parallel with and Five Hundred Feet from the western boundary of the said DuPont Boulevard; and thence con-

tinuing with said line to the Southern or Southeastern line of what is known as the William I. Simpson property; thence in a Northerly direction in a direct line to the bridge over the stream of water known as the Deep Branch (which bridge crosses said stream on the County Road leading to the Town of Lincoln); thence following the course of the aforesaid Deep Branch to the Lake known as Marshall Mill Pond; thence down the course of the water or stream running from said Marshall Mill Pond to the Mispillion River; thence following the course of said River to Bowen Landing aforesaid.

The Council may, at any time hereafter, cause a survey and plot to be made of said City, and the said plot, when made and approved by said Council, shall be recorded in the offices of the Recorders of Deeds in and for both Kent and Sussex Counties, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this State.

WARDS

Section 2. The City of Milford shall be divided into four wards. The first ward shall consist of all the territory within the City limits and bounded as follows: Beginning at a point in the Center of the intersection of Deep Branch and Route 36 leading to Cedar Beach; thence along the center line of said Route 36 and Southeast Front Street in a westerly direction to the point of intersection of said Southeast Front Street and McColley Street; thence southerly by the centerline of McColley Street to the point of its intersection with Southeast Second Street; thence by the centerline of Southeast Second Street, in a westerly direction to the point of its intersection with South Walnut Street; thence by the centerline of South Walnut Street in a southerly direction to the point of its intersection with the main track of the Penn Central Transportation Company; thence by the centerline of said main track of the Pennsylvania Railroad, in a southerly direction to a point where it crosses Deep Branch; thence along the center of the meanderings of Deep Branch in a northeasterly direction, through the run of Marshall Mill Pond and continuing to its intersection with Route 36, aforesaid, leading to Cedar Beach.

The second ward shall consist of all the territory within the City limits bounded as follows: Beginning at the point where the

main track of the Penn Central Transportation Company crosses over the Mispillion River; thence following along the run of the waters flowing through Silver Lake and Haven Lake to a point Five Hundred Feet west of the westerly boundary of DuPont Boulevard; thence southerly in a line parallel to and Five Hundred Feet from the Westerly boundary of DuPont Boulevard to the shore of Haven Lake; thence westerly following along the shoreline of said Lake to the north side of Evergreen Lane; thence along the north side of Evergreen Lane the intersection of the north side of Evergreen Lane and a line parallel with and Five Hundred Feet west of the western boundary of DuPont Boulevard; thence continuing with said line parallel to DuPont Boulevard in a southerly direction to the southern or southeasterly line of what is known as the William I. Simpson property; thence in a northeasterly direction in a direct line to the center of the bridge over the stream of water known as Deep Branch (which bridge crosses said stream on the County Road leading to the town of Lincoln); thence following the course of Deep Branch to the point where it is crossed by the main track of Penn Central Transportation Company; thence following along the said main track to the Mispillion River.

The third ward shall consist of all the territory within the City Limits bounded as follows: Beginning at a point in the center of the intersection of Deep Branch and Route 36 leading to Cedar Beach; thence along the centerline of said Route 36 and Southeast Front Street in a westerly direction to the point of intersection of said Southeast Front Street and McColley Street; thence southerly by the centerline of McColley Street to the point of its intersection with Southeast Second Street; thence by the centerline of Southeast Second Street in a westerly direction to the point of its intersection with South Walnut Street; thence by the centerline of Walnut Street in a northerly direction to the point where it intersects the centerline of DuPont Boulevard; thence in a direct line southeasterly to Bowen Landing on the Bowen (Dorsey) farm; thence along the course of Mispillion River to the point where Deep Branch, aforesaid, empties into the said River; thence southerly by the course of waters in Deep Branch to Route 36 leading to Cedar Beach.

The fourth ward shall consist of all the territory within the city limits bounded as follows: Beginning at the point where the

centerline of Walnut Street intersects the centerline of the main track of Penn Central Transportation Company; thence following along said main track to the railroad bridge over the Mispillion River; thence following the course of the waters of said River flowing through Silver Lake and Haven Lake to a point Five Hundred Feet west of the westerly boundary of DuPont Boulevard; thence by a line parallel to and Five Hundred Feet west of the western boundary of DuPont Boulevard in a northerly direction to a point where said parallel line would intersect the northerly boundary of the third ward, if extended, and as described herein; thence southeasterly along the aforesaid line of the third ward, if extended, to the point of intersection of the centerlines of North Walnut Street and DuPont Boulevard; thence by the centerline of Walnut Street south to its intersection with the main track of Penn Central Transportation Company, aforesaid.

GENERAL POWERS

Section 3. (A) The Inhabitants of the City of Milford, within the boundaries defined herein, or as hereafter established, shall continue to be a body politic and corporate, by the name of "The City of Milford", hereinafter called The City, and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require; but no property owned by the City, the value of which in the opinion of the City Council equals or exceeds \$15,000, shall be sold or leased without the approval of a majority of the voters and taxables of the City at any general or special election called for that purpose;

PROVIDED, however, that where the value of the property involved, in the opinion of the City Council, has a value of \$7,500 or more but less than \$15,000, no action with respect thereto, as authorized herein, shall be taken until such action has been considered and approved by the Council at two consecutive meetings of the Council.

As hereinafter provided in Section 22 of this Charter relating to power to issue Bonds, the City shall have all other powers and functions requisite to or appropriate for the government of the City, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort and well being of its population and protection and preservation of property public and private; and all actions, suits and proceedings shall be brought on the name of "The City of Milford".

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the City of Milford 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 City of Milford whether expressed or implied, shall be exercised as prescribed by this Charter, or, if not prescribed herein, by ordinances or resolution of the City Council.

(C) The City of Milford may transmit electric, gas, and/or water from the plant or plants owned and operated by said City to places or properties beyond the limits of said City and upon such terms, charges and conditions as the Council shall determine and approve.

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 a Mayor and a City Council. The City Council shall consist of eight members. Two of the members of the Council shall reside in that portion of the City known and described as the first ward, two in that portion known as the second ward, two in that portion known as the third ward and two in that portion known as the fourth ward. Each member of the Council shall receive as total compensation for his services the sum of Fifty Dollars (\$50.00) per month, and the Mayor shall receive as total compensation for his services the sum of One Hundred Dollars (\$100.00) per month. The salaries of members of Council and the Mayor shall be payable monthly.

ELECTIONS IN GENERAL

Section 5. (A) At the annual election held in the year 1971, there shall be elected from the Second Ward one member of Council, by the qualified voters of said ward, for a term of two years, and one member of Council shall be elected from the third ward by the qualified voters of said ward, for a term of two years.

At the annual election held in the year 1972, there shall be elected from the First Ward, one member of Council, by the qualified voters of said ward, for a term of two years, and one member of Council shall be elected from the fourth ward by the qualified voters of said ward, for a term of two years.

At the annual election held in the year 1973, and in each year thereafter, there shall be elected to the Council one member from each of the wards of the city, by the qualified voters residing severally in the respective wards, for a term of two years.

At the annual election held in the year 1972, the Mayor shall be elected by the qualified voters of the City for a term of two years, and his successor shall be elected in a similar manner in the even numbered years thereafter, for a term of two years.

All persons duly elected to the Council or the duly elected Mayor shall serve until their successors are duly elected and qualified.

This section shall be so construed and interpreted as to permit the members of the Council serving at the time this Charter becomes effective to complete the full terms to which they were severally elected.

(B) No person shall be eligible for election as Mayor as a member of Council unless he shall be a resident of the State of Delaware; shall have resided in the City for the twelve months next preceding the day of election; shall be a freeholder of the City; and, shall be over the age of twenty-one years prior to the day of election.

Neither shall the Mayor or any member of Council be eligible to serve in such office unless they shall continue to be residents and freeholders of the City during their respective terms of office.

MANNER OF HOLDING ELECTIONS AND MAKING NOMINATIONS

Section 6. (A) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of twelve (12) o'clock noon and eight (8:00) o'clock in the evening, at such places as shall be determined by the Council due notice of which shall be given by, an advertisement printed in a newspaper published in the City and posted in three public places in each ward of the City not less than ten days before the day of the annual Election.

(B) The election shall be held under the supervision of an Election Board, consisting of three citizens of the said City to be appointed by the Council at the last regular meeting preceding the annual election. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.

(C) Every person, resident in the City of Milford, who is over the age of twenty-one years and who has resided in the City for at least six (6) month next preceding the day of the election, shall be entitled to vote at said election; provided, however, that the Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the Annual Election.

(D) Upon the close of the Election, the votes shall be read and counted publicly, and the persons having the highest number of votes, for each office, shall be declared duly elected, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(E) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chose, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the Election Board for a period of ten (10) days following said election.

(F) Any vacancy in the Election Board shall be filled by the electors present at the time of the annual election, by naming from the electors present such person or persons as shall be necessary to fill such vacancy.

(G) In the event of a tie vote for any office, the Election Board shall resolve the tie and determine the person elected, by lot.

(H) Not less than ten (10) days prior to the Annual Election, the Mayor and City Manager shall prepare a report of the business of the City during the preceding year, and shall cause the same to be published in a newspaper published within the City.

(I) Not less than ten (10) days prior to the Annual Election, all candidates for the office of City Councilman shall file with the City Manager a nominating petition, stating the name of the candidate, the office for which he is nominated, and shall be signed by not less than ten (10) qualified voters resident in the Ward in which the candidate resides. Nominations for the office of Mayor shall be filed with the City Manager not less than ten (10) days prior to the Annual Election and shall contain the name of the candidate, the office for which he is nominated, and shall be signed by not less than ten (10) qualified voters resident in the City.

Only such persons shall be voted upon for any office at the Annual Election who have been nominated as herein provided.

The City Manager shall cause to be printed ballots and envelopes for use by the voters at the annual election or, upon the direction of the Council, shall arrange for the use of voting machines at such election.

The Council shall be empowered to make and promulgate rules and regulations governing the voting, not inconsistent with the provisions of this Charter.

ANNUAL ORGANIZATION MEETING OF COUNCIL

Section 7. At 7:30 o'clock P.M., on the Tuesday following the annual election, the Mayor and Council shall meet at the Council Chamber and shall assume the duties of their offices

after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City. At said meeting, the Council shall organize by electing by a majority vote, a Vice-Mayor, who shall be a member of the Council, and a Secretary and a Treasurer.

Following the Annual Organization Meeting, the Council shall thereafter hold meetings at such times as may be prescribed by ordinance or statute, but not less frequently than once each month. Special meetings of the Council may be called by the Mayor, and shall be called by the Mayor upon written request of three members of Council; and all meetings, regular or special, shall be open to the public.

QUORUM

Section 8. A Council shall comprise the Mayor and eight Council members. Any five of the eight Council members shall constitute a quorum, 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 9. 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 10. Removal from a ward by a Councilman elected therefrom shall create a vacancy in the Council from said ward. In case of a vacancy in the Office of Mayor or Member of Council, created by death, resignation, loss of residence in the City or, in the case of a Councilman, by removal from the ward from which he was elected or appointed, or from other cause, the Council shall, by a majority vote of the remaining Councilmen, fill such vacancy for the residue of the whole term; PROVIDED, however, if a vacancy shall occur in the office of Councilman, the un-

expired term of which office shall be more than thirteen (13) months, the Council shall appoint some suitable person to serve until the next annual election, at which time there shall be elected a qualified person from said ward to fill the unexpired term. In no event shall any person be appointed to fill all or any part of an unexpired term in the office of Councilman, which person would not, at the time of such appointment, be qualified for election, as provided in Sections 4 and 5, above.

OFFICERS

Section 11.(A) At the next regular meeting following the Annual Organization Meeting, the Council shall appoint an Alderman, Acting Alderman, Health Officer, City Solicitor, and such other officers, employees and agents of the City which by it may be deemed necessary for the proper conduct and management of the City. Any officer, employee or agent so appointed may be removed at any time by the City Council.

(B) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the City containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of the service.

MAYOR

(C) The Mayor shall be the executive of the City. He shall preside at meetings of the Council, but shall have no vote except in case of tie. He shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. He shall countersign all orders, checks, or warrants authorized by Council and drawn on the Treasurer for the payment of money; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City.

VICE-MAYOR

(D) During a vacancy in the office of Mayor, or during the absence or disability of the Mayor, the Vice-Mayor shall have and exercise all the powers and duties of the Mayor.

CITY MANAGER

(E) The Council shall appoint a City Manager who shall be neither the Mayor nor member of Council. He may or may not be a resident of the City of Milford. He shall be appointed for an indefinite term at such compensation as Council may determine and shall be removable for cause and after a hearing before Council. He shall have control and the management of all and every public utility and of the plant equipment, lines and mains appertaining thereto, owned or operated by the City; of the care and upkeep of sewers; of the opening, closing, and keeping in proper condition and repair all highways, streets and lanes of the City, and the curbing and gutters along the same. He shall be responsible for the collection of any and all taxes, assessments, service charges and liens which may be levied, imposed or assessed by Council, and the collection of all bills due the City for water, light, power, gas and heat furnished by the City, whether by electricity, gas or any other manner.

He shall recommend to Council the employment of such employees and agents of the City as in his judgment may be necessary for the proper and diligent performance by him of all of the above duties; and shall render to Council a monthly report of the condition of City affairs under his management together with such recommendations as he may deem proper, including budget or probable expenditures.

He shall render to Council on the first day of each and every month a true, accurate and detailed account of all moneys collected by the City and shall promptly turn over the same to the Treasurer of the City, or deposit the same in the appropriate accounts of the City maintained at banking institutions designated by the Council. He shall file with the City Council a bond with corporate surety in the sum of \$100,000 approved by the Council and paid for by the City, for the faithful performance of his duties.

SECRETARY

(F) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for the purpose; and shall file and keep in a safe place the seal of the City and all papers, and documents, relative to the affairs of the City; and deliver the same to his succes-

sor in office. The Secretary shall attest the seal of the City when Authorized by Council and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers, and documents in the custody of the Secretary shall be always open for inspection of Council and the public under such regulations as council may prescribe.

TREASURER

(G) The Treasurer shall be Custodian of all the City funds and shall deposit them to the credit of the City in such banking institutions as shall be designated by the Council.

He shall pay out no money except, after careful inspection thereof, upon checks or warrants counter-signed by the Mayor and authorized by the City Manager. He shall file with the City Council, a bond with corporate surety in the sum of \$25,000, said bond to be approved by Council and the premium thereon to be paid by the City, for the faithful performance of his duties.

ALDERMAN

(H) The alderman shall be a resident of the City of Milford and shall have his office at some convenient place within the limits of the City. He shall be sworn or affirmed to perform the duties of his office with fidelity. In the event of his absence from the City or, if for any cause he shall be unable to perform the duties of his office, the Council is authorized to appoint an acting alderman with the same powers, jurisdiction and authority.

He shall have jurisdiction over and cognizance of all breaches of the peace and other violations of the ordinances of the City of Milford; shall have the authority to arrest and hold to bail; to imprison offenders, and to impose and enforce fines, forfeitures and penalties as may be prescribed by the ordinances of the City.

The jail of either Kent or Sussex County may be used for the imprisonment of offenders under the provisions of this Charter, provided that the Council shall pay the expense of imprisonment of offenders committed for violations of ordinances which are not violations of the general law of the State.

The Alderman also shall have jurisdiction in suits of civil nature, for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements,

expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the City under the provisions of this Charter; and within the limits of his jurisdiction, he shall have all the powers and authority, and shall be subject to the same limitations, as a Justice of the Peace of the State of Delaware, except as herein otherwise provided; and, his fees or other compensation for his services shall be as fixed, from time to time, by the City Council.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisonment for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceeding month belonging to the City. He shall pay all such moneys to the City within ten (10) days after making report to the Council, or for failure to make payment to the City for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times.

The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

AUDITORS

(I) The City Auditors shall be Certified Public Accountants and it shall be their duty to audit the accounts of the City and all of its officers whose duties involve the collection, custody and

payment of the moneys of the City. They shall audit the books of the Alderman and Acting Alderman and the records of all fines, penalties and costs imposed or collected by either of them pursuant to any verdict, judgment, order or decree made. The Auditors shall prepare a detailed report of all and every of the accounts, records and books by them examined and audited, as well as any recommendations they may have for improvement of the record keeping procedures of the City, and shall deliver said report to the City Council on or before October first of each year. The City Manager shall then cause a copy of the report of the Auditors, excluding their recommendations, to be printed in a newspaper published in the City. In the performance of their duties, the Auditors shall have access to all the records of the City and of the Officers of the City.

CITY SOLICITOR

(J) At the first regular meeting following the annual organizational meeting, the Council shall appoint a City Solicitor for the term of one year, or until his successor shall have been duly appointed. The City Solicitor shall be a member of the Bar of Delaware and resident in either Kent or Sussex County. It shall be his duty to render legal opinions to the Council or the Officers of the City, and to perform such other legal services as the City, acting through the Council, may require.

POLICE

(K) It shall be the duty of the Council to appoint a Chief of the City Police and such number of subordinates as the Council may deem wise; and the 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 members of the Force shall be subject to the direction of the Council, and may be removed by the Council at any time. They shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits, with all the powers and authority of a Constable of Kent or Sussex County,

and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

Every person sentenced to imprisonment by the Alderman shall be delivered by a member of the Police Force to the County Jail of Kent or Sussex County, or lock-up of the City, to be there imprisoned for the term of the sentence. In case of an arrest at a time when the Alderman shall not be available to hear and determine the charge, the person arrested may be delivered to either of the above-named County jails, or in the City lock-up, for imprisonment until such reasonable time thereafter as shall enable the Alderman or Acting Alderman to hear and determine the charge against such person.

It shall be the duty of the police to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the City, or the noisy conduct of any person in the same, and upon view of the above, or 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 Alderman or Acting Alderman, or Justice of the Peace for hearing.

CITY BUDGET

Section 12. Not later than the first day of June in each year, the Council shall prepare and adopt a budget containing the financial plan for conducting the affairs of the City for the ensuing year. The fiscal year of the City shall begin on the First day of July and shall end with the next succeeding thirtieth day of June.

The budget shall contain the following information :

1. A detailed estimate showing the expenses 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 any 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. A statement of the amount required for interest on the bonded debt, the amount necessary to pay and bond maturing during the year, and the amount required for the sinking fund.

5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the City from any source or sources.

The Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

ASSESSORS AND ASSESSMENT OF TAXES

Section 13. (1) Not less frequently than every ten years there shall be made a general assessment which shall be a true, just and impartial valuation and assessment of all the real property within the limits of the City and of all personal property subject to County taxation within the City (except farm lands to the extent that they are exempted by the provisions of this Charter), locating each parcel of real property by street and number, or other rescription, and also an assessment of all the male and female residents in the City above the age of twenty-one (21) years, whether owners or not owners of either real or personal property within its limits.

(2) It shall be the duty of the City Manager to prepare a scrap assessment which shall value and assess all taxable real property and personal property in the City not already valued and assessed by the General Assessment then in force, and all improvements made upon said real property since said General Assessment and all male and female residents of the City above the age of twenty-one (21) years and not already assessed, and said assessment shall omit the names of those who have removed from the City or who have died. In the year that scrap assessment is made, the General Assessment then in force as supplemented or modified by the scrap assessment, shall constitute the assessment for the year.

(3) The City Manager shall make and deliver to the Council, as soon as the assessments are made, such number of copies thereof as the Council shall direct.

(4) The property of the City Assessors shall be assessed by the Council.

(5) The Council shall, prior to the fifteenth day of March in each year, cause a copy of the General Assessment as supplemented by the scrap assessment as made in said year, to be hung up in two public places in the City, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notice of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour, and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of a newspaper published in the City.

(6) At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

(7) The assessment, as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City.

(8) The Council shall also have the right to levy and collect taxes on all underground cables and utility installations, and upon all telephone, telegraph or power poles or other erections of like character erected or installed within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same be included in or added to the City Assessment. In case the owner or lessee of such poles, erections, installations or appliances shall neglect or refuse to pay the taxes that may be levied thereon, the said taxes may be collected by the City in the same manner as other taxes, and upon continued non-payment, the Council shall have the authority to cause the same to be removed.

(9) No farm lands hereby included within the limits of the City of Milford shall be subject to any City tax unless the same shall be laid out as building lots or unless the same shall front upon some public street of the City of Milford which shall be

laid out and improved; and all farm lands within the aforesaid limits which shall be laid out as building lots or which shall front upon some public street of the City of Milford laid out and improved shall be subject to be taxed to the depth of one hundred and fifty (150) feet from said street line for City purposes. Nor shall the farm buildings and personal property located on any such farm lands included within the limits of the City of Milford, be subject to any City tax.

(10) The Council shall be sole judges of what lands are, and what lands are not "farm lands" within the meaning of the Charter.

(11) The Council shall determine and fix a rate of taxation which with other anticipated revenue will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

(12) The limit of taxation for current expenses shall be that rate which, by estimation, will produce a sum not exceeding One Hundred Fifty Thousand Dollars (\$150,000), but added thereto there shall also be a rate fixed which will produce an amount sufficient to provide for interest on bonds, the redemption thereof at their several maturities, and to cover the sinking fund requirements of such bond issues.

COLLECTION OF TAXES

Section 14. In the month of June in each year, the Council shall deliver to the City Manager a list containing the names of the taxables of the City, and, opposite the name of each, the amount of his real property assessment, the amount of his property assessment, and his capitation tax, as well as the tax upon the whole of his assessment, and the rate per hundred dollars of assessed valuation. Attached to said tax list shall be a warrant, under the seal of the City of Milford, signed by the Mayor and attested by the Secretary, commanding the City Manager to make collection, when due, of the taxes as stated and set forth in the tax list.

All taxes, when and as collected by the City Manager, shall be paid to or deposited to the credit of the City in banking institutions approved by Council.

All such taxes shall be due and payable on the First day of July in each year. To every tax paid after the Thirty-First day of July in each year there shall be added and collected one per cent of the tax due, for each month or fraction of a month after the Thirty-First day of July that the said tax remains unpaid. Before exercising any of the powers herein given for the collection of taxes, written notice of the amount due shall be given to the taxable.

The City Manager shall have the following powers, which may be exercised concurrently or consecutively, in such sequence as, in his judgement will best serve the interests of the City, for the collection of delinquent taxes:

(1) By distraint of the goods and chattels of the taxable.

(2) By instituting an action in debt against the taxable in the Alderman's Court or in a Court of a Justice of the Peace of the State of Delaware, for the recovery of the unpaid tax, and upon judgment obtained, may sue out writs of execution as in the case of other judgments obtained before the Alderman or a Justice of the Peace.

Such executions shall constitute a lien upon all the personal property of the taxable which, by virtue of the execution, shall be levied upon within thirty (30) days of the issuance thereof and shall have priority over all other liens, except those created in respect of county taxes, although such other liens may have been created at a date prior to the time of the said levy.

(3) At any time after the delivery of the tax list and warrant, the City Manager may notify in writing the person, firm, or corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall be signed by the City Mayor and shall contain the correct name of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and 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 due and owing from the employee, and charge the same against him, and to pay the same

to the City Manager 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 the taxable. If any employer, being 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 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 Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(4) City taxes properly levied as provided herein shall, from and after the due date thereof, be and constitute a lien upon the real property of the taxable and shall continue so to be until the date of payment. Upon the non-payment of said taxes when due, the City Manager shall be empowered to proceed to sell the real property of the taxable owned by him at the time when the taxes fell due, and may present to the Superior Court in the County wherein the said real property are situated, or if the lands and tenements of the taxable are situated partly in one County and partly in another County, then to the Superior Court in either County, a petition in which shall be stated:

- (a) The name of the taxable.
- (b) The year for which the tax was levied.
- (c) The rate of tax.
- (d) The total amount due.
- (e) The date from which the penalty for non-payment, if any, shall commence, and the rate of such penalty.
- (f) A short description of the lands and tenements proposed to be sold sufficient to identify the same.
- (g) A statement that a written notice of the taxes due, and penalty, if any, has been mailed to the taxable at his last known address and that the same remain unpaid.

The petition shall be signed by the City Manager and shall be verified before a Notary Public.

The Court thereupon shall make an order for the sale of said lands and tenements returnable at the next succeeding term of said Court. Sales of lands and tenements shall be advertised by posting hand bills in at least five public places in the City of Milford and by publishing the notice of said sale in a newspaper published in the City. The notices shall contain the day, hour, place of sale, and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Mayor shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his heirs or assigns of the costs, the amount of the purchase money and twenty per centum interest thereon, and the expense of the deed.

After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Milford either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes, the following costs shall be allowed, to be deducted from the proceed of sale, or chargeable against the owner:

TO THE PROTHONOTARY

For filing and recording petition\$1.00

For filing and recording return of sale \$1.50

In addition, the costs of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

If any person is assessed for several parcels of lands and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and be sold until other property of the taxable shall have been disposed of.

Section 15. During the month of December in each year the Council shall meet with the City Manager and Treasurer, at a time and place designated by the Council, for the purpose of reviewing the records of the City Manager relating to the collection of city taxes. At said meeting the tax list shall be reviewed and the City Manager shall make a full and comprehensive report of the taxes collected, the taxes remaining unpaid and the procedures employed by the City Manager in attempting the collection of the unpaid taxes. The Council shall determine which taxes remaining unpaid are to be deemed uncollectible and the reasons therefor, and which of them remain uncollected due to the unreasonable neglect or default of the City Manager. In the event a majority of the members elected to the Council determine that delinquent taxes of specific taxables are collectible but remain uncollected by virtue of the unreasonable default or neglect of the City Manager, the Council may proceed to collect the same from the City Manager and/or his surety; provided, however, that such action by Council may be deferred, in the discretion of the Council, for a period not exceeding six (6) months to permit the City Manager to accomplish the collection thereof in the manner herein provided.

Section 16. The provisions of Title 25, sections 2901 through 2905 inclusive of the Delaware Code of 1953, in effect at the adoption of this Charter, shall be deemed and held to apply to all taxes laid and imposed under this Charter, anything herein contained to the contrary notwithstanding.

LAYING OUT, OPENING, WIDENING AND VACATING STREETS

Section 17. The Council shall have the power and authority to lay out, open, and locate new streets, and to widen or alter existing streets or parts thereof, or to vacate or abandon streets or parts thereof, whenever they shall deem it to be in the best interests of the city. The procedure shall be as follows:

The Council shall, by a majority vote, adopt a first resolution for the opening of the new street, or the widening or altering of a street, or the vacating or abandoning a street, or any part thereof, as the case may be. Said first resolution shall contain a general description of the street, or part thereof, that is proposed to be opened, widened, altered, vacated or abandoned, and shall also state the day, hour, and place where and when the Council will sit to hear objections thereto, and if a street is to be vacated or abandoned, to hear evidence of damages to be sustained by the owners of property affected thereby. A copy of such resolution shall be posted in five or more public places in the City at least five days prior to the date set for the hearing, aforesaid, and shall be published in a newspaper published in the City at least five days prior to the hearing date. At the time and place fixed in the resolution, the Council shall hear such residents of the City or owners of the property to be affected, as may attend, and shall at said hearing or at a subsequent day as they shall deem proper, adopt a second resolution by a majority vote to proceed with or abandon the proposed opening, widening, altering or abandoning, as set out in the first resolution. In the event the Council determines to proceed with the vacating or abandoning of a street or part thereof, they shall, by a third resolution adopted by a majority vote, determine the amount of the damages, if any, to be sustained by the properties affected thereby, and direct the payment thereof by the City Manager.

In the event the Council, by a second resolution duly adopted, elects to proceed with the opening, widening or altering of a

street, they shall direct the City Manager to negotiate with the owners of the properties to be affected thereby and reach agreement with the said owner or owners, subject to the approval of Council, as to the just compensation payable to said owner or owners as a result of the proposed improvement. Should the Council and the owner or owners, aforesaid, be unable to agree upon just compensation, the Council may proceed to exercise the right of eminent domain and condemn the same as herein-after provided.

POWER TO CONDEMN

Section 18. The City shall have the power to acquire lands, tenements, real property or interests therein, by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewage disposal or electric plants or the erection or construction of lines or conduits for the transmission of electricity, water, gas or sewerage, or for any other municipal purpose, whether within or without the limits of the City, and the procedure therefor shall be as contained in Title 10, Chapter 61 of the Revised Code of Delaware, 1953, as amended.

CHANGE OF GRADE AND CURB LINES

Section 19. The Council shall have power to establish, change or alter the grade of streets, lands, alleys, bridges and gutters as from time to time may be deemed necessary and proper, and to establish curb lines in the same and the kind and character of gutters, and to change, alter or amend the same, but nothing in this Charter shall affect the duty of the Levy Courts of Kent and Sussex Counties with respect to the maintenance and repair of bridges over Mispillion River within the City limits.

The Council shall also have the power to name and change the name of any street, avenue, alley or other public place in said City.

PAVING, CURBING, AND GUTTERING

Section 20. The Council shall have power to cause the streets and sidewalks of the City to be paved, re-paved, curbed, and guttered under such plan and with such materials as it shall determine.

With respect to the paving or re-paving of sidewalks and the installing of curbs and gutters, the procedure shall be as follows:

Whenever a written petition of five (5) or more freeholders of the City shall be presented to the Council praying for the improvements, or any of them, the Council shall set upon said petition either at the meeting at which such petition is presented, or at the next subsequent meeting, and shall determine, in respect of curbing and guttering what part, if any, of the cost thereof shall be paid by the City, and the Council may thereupon direct in writing the owner or proprietor of any land in the City before or in front of which the improvement is to be made, to lay a pavement or install a curb and gutter, or either of them, of the kind and character, and of the width and thickness, and of the material and in the manner as may be directed by the Council.

The Council shall notify in writing the owner or proprietor of any land affected to make the improvement as determined by order of the Council within sixty (60) days after the date of the notice. The notice shall be served upon such owner or proprietor personally if he resides in the City, or it may be left at the usual place of abode of such owner or proprietor in the presence of some adult person; or, if the owner or proprietor does not reside in the City, it may be lawful to deposit said notice in the mails directed to him at the last known post office address; if the owner or proprietor is unknown, it shall be a compliance with this section regarding notices to post a notice on the property.

The Council shall establish the curb and grade lines, which shall be available to all owners and proprietors of lands affected.

The notice shall inform the persons affected thereby with full information as to the materials to be used, the width of the pavement, curb, or gutter, and the thickness or depth thereof, and the time within which the improvement shall be completed.

If the owner or proprietor shall neglect or refuse to make the improvement within the time stated in the notice, the Council shall cause the improvement to be made at the expense of the owner or proprietor, and may recover the expense thereof, together with costs and any penalty which may be by ordinances established for failure or neglect to make the improvement, by an action of debt brought before the Alderman, or any Justice of the Peace residing in the City. In any action brought for the

recovery of money due the City under the provisions hereof, the City shall have the right to a forthwith summons as in like cases within the jurisdiction of a Justice of the Peace, and the jurisdiction of the Alderman or of the notice shall be proved and shall be stated in the judgment. Writs of execution may issue upon any judgment recovered as in like cases of civil nature, and upon a return of nulla bona, a certified abstract of the judgment and return shall be filed in the office of the Prothonotary in Kent or Sussex County, dependent upon the location of the property affected, and said judgment shall thereupon become a lien upon the premises affected and shall have all the force and effect of any other judgment entered in the Superior Court of the State of Delaware, the said lien relating back to the date of the notice given as aforesaid and taking precedence over any other lien against the property which shall or may have been entered after the date of the notice.

If any property affected by the provisions hereof shall be held or owned by a widow in right of dower, the expense incurred shall be paid by the owner in reversion in fee simple; and if such owner be a minor, the expense shall be paid by the guardian or agent acting for such minor out of any money or effects held by such guardian or agent, or suit may be brought against said minor or the guardian of such as hereinabove provided, and the amount due the City recovered by sale of the goods and chattels, lands and tenements of the minor.

If the improvements desired is paving of any street, or part or portion thereof, upon written petition of five (5) or more freeholders as aforesaid, the Council shall by resolution fix a time and place for discussion of the proposed improvement. The resolution shall be published at least one week prior to the meeting for discussion aforesaid, in at least one issue of a newspaper published in the City and at said meeting the Council shall hear the owners or proprietors of the property affected and other citizens of the City. After such hearing, the Council either at said meeting, or at a subsequent meeting shall decide whether or not to proceed with the improvement, and if the decision shall be to proceed with the improvement, then the part or portion of the cost, if any, which shall be assessed against the owner or proprietor of the property affected shall be determined. The part or share to be paid by the

owner or proprietor of the property affected shall be determined on the basis of the lineal frontage of the parcel on the street to be improved.

The Council shall thereupon proceed to cause the improvement to be made and shall assess the owner or proprietor of the land affected with the whole, or such part and expense of the improvement according to the lineal frontage as aforesaid as may have been determined; shall present to such owner or proprietor a bill or statement of the costs and expense as allocated to the land of said owner or proprietor, and if the same shall not be paid within six (6) months thereafter, shall proceed to collect the said cost and expense from such owner or proprietor in the manner and under the same power and authority and by the same processes, with necessary change as to detail as hereinabove provided in this section. The lien of any judgment rendered shall relate back to the date of the decision of the Council to proceed with the improvement, and said date shall be proved and stated in the judgment.

CONTRACTS

Section 21. The Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City; provided;

(A) No contract shall be made by Council for any purpose, the contract price of which is in excess of \$5,000, without public competitive bidding; and

(B) The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the City; and

(C) All formal contracts shall be signed by the Mayor with the Seal of the City attached attested by the Secretary.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 22. (A) The 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 Milford to provide funds for the erection, the extension, the enlargement or the

repair of any plant, machinery, appliances or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvement of highway, 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 improvement; 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:

1. Council by resolution shall propose to the electors of the City that a stated amount of money be borrowed by the sale and issuance of bonds or Certificates of Indebtedness. The resolution shall state the amount of money proposed to be borrowed, the purpose for which it is to be used, the manner of securing the same, and all other pertinent facts relating to the loan, including the method of repayment, and the resolution shall also fix a time and place for a public hearing to be held on the proposed borrowing.

2. Notice of the time and place of the aforesaid hearing to be held on the resolution authorizing the loan shall be given by printing a copy of said resolution in a newspaper published in the City at least one week prior to the date fixed for the hearing.

3. Before the loan may be authorized, the Council, following the aforesaid public hearing, shall adopt a second resolution ordering a special election or referendum to be held at a time and on a date specified in the resolution, which date shall not be less than thirty (30) days nor more than sixty (60) days following the adoption of said second resolution, and at such special election or referendum, votes shall be cast for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be printed in a newspaper in the City once a week for three (3) successive weeks prior to the election, and the special election shall be conducted by a Board of Electors as herein provided in the case of an annual election.

5. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots, not less than five (5) days prior to the day of the special election, which shall be substantially in the following form:

**FORM OF PRESCRIBED BALLOT
FOR SPECIAL ELECTION**

(OUTSIDE)

BALLOT	
Number of Votes	Bond Referendum

(INSIDE)

For	Against
-----	---------

(Fold on Dotted Line)

6. At the special election or referendum, every person residing in the City, who would be qualified to vote at an annual City election, if it were held on the same day, shall be entitled to one vote which shall be cast in person and deposited in a separate ballot box provided for that purpose, and every owner of real property, within the City, whether an individual, partnership, association or corporation shall be entitled to one vote for each one hundred dollars of the assessed valuation thereof for City tax purposes, and said votes shall be deposited in a separate ballot box provided for that purpose; Provided, however, that the owners of real property exempt from City taxes shall not be entitled to vote based upon the value thereof whether assessed or not assessed. Every ballot cast, to be valid, shall be marked either in the space designated "For" or "Against" in a manner clearly indicating the intent of the voter. No vote shall be cast by a partnership except by a partner, and no vote shall be cast by an association or corporation except by a person holding a certified copy of a resolution of said association or corporation authorizing the person named therein to cast the votes of said association or corporation, which certified copy of the resolution shall be filed with the Board of Elections at the time said ballot is cast.

7. The Board of Elections shall count separately the votes cast for and against the bond issue in each of the ballot boxes and

shall announce separately the result thereof, shall make a certificate under their hands of the number of votes cast for and against the bond issue by the qualified electors of the City, and the number of votes cast for and against the bond issue by the owners of property based upon assessed valuation, and shall deliver the same to the Council, and the original shall be filed with the records of the Council.

In order for the bond issue to be deemed to be authorized, the majority of the votes cast by the electors of the City, and the majority of the votes cast by the owners of property based upon assessed valuation, must be cast "For" the proposed bond issue.

(B) The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the times of maturity, and provisions as to the registration shall be determined by the Council. The bonds shall be offered for sale to the best and most responsible bidder therefor after advertising in a newspaper of the City or one of general circulation within the State of Delaware or otherwise for at least once a week for two weeks immediately preceding the offering of the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bond at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the City of Milford 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.

(C) The bonded indebtedness shall not at any one time in the aggregate exceed the total sum of 15 per centum 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.

ORDINANCES

Section 23. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix, impose and

enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

All ordinances or resolutions of general character relating to the government of the City shall not be effective until ten (10) days after a copy of the same shall have been posted in four (4) public places within the City of Milford.

It shall be the duty of the Council to compile the ordinances of the City, to have a reasonable number of copies printed for the use of the officials of the City and for public information; and from time to time, upon the enactment of new ordinances, or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined; and also to furnish the Alderman with copies thereof as they are enacted and published.

NUISANCES

Section 24. The Council 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. The Council may upon their own view, or upon information, determine that a nuisance does in fact exist, upon which determination they shall have the right to remove or abate the same in a summary manner; and the operation of any instrument, device, or machine that shall cause electrical interference with radio or television reception within the limits of the City, shall at the option of the Council, be deemed to be a nuisance. Encroachments and obstructions in and to streets by porches, bay windows, awnings and poles, or the accumulation of snow or ice on sidewalks may be deemed to be nuisances and may be abated or removed at the expense of the persons responsible therefor, as by ordinances provided.

HEALTH

Section 25. The Council shall have the power to adopt ordinances relating to the health of the population of the City, or to

prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the City, shall extend to the area outside of the City limits and within one mile from said limits.

FIRE

Section 26. The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the City or by a volunteer fire company.

For protection against Fire, the Council may adopt ordinances to zone or district the City and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn 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 fire; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof.

PLANNING AND ZONING

Section 27. (A) The Council may adopt a comprehensive zoning ordinance as authorized by Chapter 3, Title 22, Delaware Code of 1953, as amended.

(B) The Council may, if it deems it to be in the best interests of the City, appoint a Planning Commission, adopt a comprehensive development plan, and otherwise exercise the powers granted to municipalities by the provisions of Chapter 7, Title 22, Delaware Code of 1953, as amended.

BUILDING PERMITS

Section 28. In order to promote the health, safety and general welfare of the inhabitants of the City, the Council may, by ordinance, adopt a comprehensive building code regulating the construction of new buildings or the alteration of existing buildings, require the issuance of building permits and provide reasonable rules and regulations governing the issuance thereof.

LOCATION OF POLES AND WIRES

Section 29. The Council shall have full power to fix and determine the placing or replacing of poles or other structures within the City limits for the carrying of telegraph, telephone, power, cable television or other wires, and the attachments thereto, and to cause existing poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the City, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to the location as the relocation of such poles and to time as occasion shall arise.

FRANCHISES

Section 30. The Council shall have the power by a vote of three-fourths of the members thereof to grant franchises or licenses to public utilities, common carriers or any responsible person, firm or corporation, for such period of time, upon such terms, restrictions, limitations and conditions and for such considerations as the Council may deem proper, to use the present and future streets, highways, lanes or alleys, or other public places in the City for the purpose of transmitting light, heat, power, gas, water, electric current, telephone, telegraph or cable television reception, or for the transportation or carriage of persons or property, within or through the City; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation.

LICENSES

Section 31. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers; to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by the license, interference with any place of business or with the convenience of

public travel; to provide, by ordinance, a reasonable charge for the issuance thereof, and for fines or penalties for the violation thereof.

TREES

Section 32. Trees being among the chief beauties of the City, and their preservation requiring that they be treated with special care and intelligence, the Council is empowered to create a Tree Commission for the trees in the streets, and other public places of the City, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary, to employ tree experts, provided that they do not exceed the appropriation made by the Council.

SEWERS AND SEWAGE DISPOSAL

Section 33. The Council shall have the oversight, management and control of the sewers, sewer systems, and sewage disposal of the City, together with the authority to install additional sewers, and to change, alter or repair existing sewers. The Council also shall have the power to enact ordinances, rules and regulations in relation to the sewers and sewer systems, and the use thereof; to require any property in the City to be connected with the water and sewer mains and the manner of such connection, and to compel the owner of any property to pay the cost of such connection, and the tapping fee or charge therefor, and to fix fines and penalties for the violation or nonobservance of such ordinances, rules or regulations, and otherwise to provide for the collection of the costs of making such connections, the tapping fee and charges.

The Council is hereby authorized to levy a sewer service charge on each person, firm or corporation owning property connected to the municipal sewerage system, which charge may, in the discretion of Council, be a fixed rate for all users of the sewerage system, or may be related to the volume of water consumed on the premises, or upon the volume of sewerage discharged from the premises into the municipal sewerage system or by a fixed formula reasonably related to the nature of the sewer-

age so discharged, by chemical composition, pH, Biochemical Oxygen Demand or suspended solids, and the said sewer service charge shall be collectible quarterly and in the same manner as municipal taxes upon real estate, provided that the money raised by the City through such sewer service charge shall be expended for no other purpose than the maintenance, improvement, repair, extension or enlargement of the City's sewerage system, including any treatment or disposal plants maintained in connection therewith, or in payment of obligations incurred by the City as a result of combining its sewerage disposal system with that of any County sewer district created under the provisions of Chapter 46, Title 9 of the Delaware Code of 1953, as amended.

The City of Milford shall have complete charge and supervision over all the sewers on all streets within the limits of the City, including all sewer lines leading from the street to the property line. All stoppages or damage to sewer lines leading to the property line shall be repaired by the City, without any cost whatsoever to the owner or owners thereof, within 48 hours after the report thereof has been received at the City Office; otherwise the property owner or owners are hereby authorized and empowered to have the work necessary for the repair of said damage or stoppages performed and shall be permitted to deduct the costs thereof from the sewer taxes which may be levied against said property.

PENALTIES

Section 34. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations thereof, relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

CITY JAIL

Section 35. The Council may build and maintain a jail for the City, which shall be used as a place of detention for persons convicted of violation of law or ordinances, or for the detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial. Nothing in this Section shall prevent the sentencing of offenders,

or the detention of accused persons in either of the county jails of Kent or Sussex County, as may be otherwise provided in this Charter.

MAXIMUM FINES

Section 36. No ordinance shall be adopted or enacted by the Council authorizing the imposition of any fine or penalty in excess of Five Hundred Dollars (\$500.00) nor for a term of imprisonment exceeding thirty (30) days; provided, however, that for violation of any ordinance which, if it had occurred outside the limits of the City, would constitute a violation of a Law of the State of Delaware, the fine, forfeiture, penalty or term of imprisonment imposable by the State for such offense shall be the maximum which may be prescribed by the City Ordinance.

ANTICIPATION OF REVENUE

Section 37. The Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford, a sum or sums not exceeding in the aggregate One Hundred Thousand Dollars (\$100,000.00) whenever, in the opinion of a majority of the Council, the current receipts are insufficient to provide for the needs of the City, and the sums borrowed shall be repaid from current revenue received thereafter. The indebtedness created hereunder may be secured by a promissory note duly authorized by resolution of the Council and signed by the Mayor and City Manager, or attested by the Secretary, and no officer or member of Council shall be personally liable for the payment of said note or notes because their signatures appear thereon or because authorized by a resolution of the Council; provided, however, that no promissory note executed pursuant to the provisions of this section shall provide for payment over a term in excess of five (5) years.

PENSIONS

Section 38. The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees of the City of Milford, former employees, or widows of former employees, in such amounts, at such times, and in accordance with such rules and regulations as the City Council shall from time to time by ordi-

nance decree; provided, however, that the City Council shall not have the power to establish any plan for the payment of pensions which cannot be increased, decreased, otherwise amended, or repealed altogether, as the respective individuals comprising the City Council shall from time to time deem to be for the best interest of the City of Milford.

INVESTIGATIONS BY COUNCIL

Section 39. The Council shall have power to inquire into the conduct of any office, officer, or employee of the City, and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.

ANNEXATION OF TERRITORY

Section 40. The City shall have the power and authority to extend its boundaries by the annexation of territory contiguous to its then existing city limits, provided such annexation shall be approved at a special election or referendum held for that purpose and conducted in the same manner as provided herein for a special election on the proposed issuance of bonds by the City.

At the special election or referendum, every person residing in the City who would be qualified to vote at an annual City election, if it were held on the same day, shall be entitled to one vote which shall be cast in person and deposited in a separate ballot box provided for that purpose, and every owner of real property within the City, whether an individual, partnership, association or corporation shall be entitled to one vote for each one hundred dollars of the assessed valuation thereof for City tax purposes, and said votes shall be deposited in a separate ballot box provided for that purpose; and in like manner every person residing in the territory to be annexed who has resided therein for more than six (6) months preceding the election or referendum and who shall be over the age of twenty-one (21) years is entitled to one vote which shall be cast in person and deposited in a separate ballot box provided for that purpose, and every owner of real property within the territory to be annexed whether an individual, partnership, association or corporation shall be entitled to one vote

for each one hundred dollars of the assessed valuation thereof for County tax purposes, and said votes shall be deposited in a separate ballot box provided for that purpose;

Provided, however, that the owners of real property exempt from City or County taxes shall not be entitled to vote based upon the value thereof whether assessed or not assessed. Every ballot cast, to be valid, shall be marked either in the space designated "For" or "Against" in a manner clearly indicating the intent of the voter. No vote shall be cast by a partnership except by a partner, and no vote shall be cast by an association or corporation except by a person holding a certified copy of a resolution of said association or corporation authorizing the person named therein to cast the votes of said association or corporation, which certified copy of the resolution shall be filed with the Board of Elections at the time said ballot is cast.

The Board of Elections shall count separately the votes cast for and against the bond issue in each of the ballot boxes and shall announce separately the result thereof, shall make a certificate under their hands separately stating the number of votes cast for and against the bond issue by the qualified electors of the City; by the residents of the territory to be annexed; and the number of votes cast for and against the bond issue by the owners of property both within the City and the territory to be annexed based upon assessed valuation, and shall deliver the same to the Council, and the original shall be filed with the records of the Council.

In order for the bond issue to be deemed to be authorized, the majority of the votes cast by the electors of the City, by the residents of the territory to be annexed, and the majority of the votes cast by the owners of property both within the City and the territory to be annexed, based upon assessed valuation, must be cast "For" the proposed bond issue.

SURVIVAL OF POWERS AND VALIDATION SECTIONS

Section 41. All powers conferred upon or vested in the City of Milford by any Act or 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 Milford as though herein fully set out.

Section 42. All ordinances adopted by the City Council of the City of Milford, or which are in force for the government of the City of Milford at the time of the approval of this Charter, are continued in force and effect as ordinances of the City of Milford until repealed, altered or amended under the provisions of this Charter, and the acts of the Council of the City of Milford and of the officials thereof lawfully done or performed under the provisions of the Charter of the City of Milford or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

Section 43. All taxes, fines, penalties, forfeitures, assessments or debts due the City of Milford and all debts due from the City of Milford, at the effective date of this Charter shall, respectively, be deemed due to or from the City of Milford and said obligations shall severally remain unimpaired until paid, and the power, right and authority to collect taxes imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the Charter of the City of Milford immediately preceding the adoption of this Charter.

Section 44. The bonds heretofore given by or on account of any official of the City of Milford shall not be affected or impaired by the provisions of this Act but shall continue in full force for the benefit of the City of Milford.

PUBLICATION

Section 45. Printed copies of this Charter, ordinances, and resolutions of the Council and published or distributed by authority thereof shall be evidence in any court of law or equity.

REPEALER

Section 46. This Act shall operate to amend, revise and consolidate "An Act Changing the Name of 'The Town of Milford' to 'The City of Milford' and Establishing a Charter Therefor", being Chapter 162, Volume 37, Laws of Delaware, and the several amendments and supplements thereto, and to repeal such parts thereof as may be inconsistent herewith. The Act shall be

deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of this Act.

EFFECTIVE DATE

Section 47. This Charter of the City of Milford shall take effect at 12:01 o'clock, A.M., Eastern Daylight Saving Time on the First day of October 1970.

Approved July 19, 1970.

CHAPTER 727

AN ACT TO AMEND TITLE 16, DELAWARE CODE, SECTION 6603, RELATING TO THE POWERS OF THE FIRE PREVENTION COMMISSION BY AUTHORIZING THE COMMISSION TO CHARGE FEES FOR LICENSES AND PERMITS.

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

Section 1. Title 16, Delaware Code, Section 6603, is amended by inserting after the second sentence thereof which ends with the word "State" the following new sentence:

Wherever such regulations and amendments require the issuance of permits or licenses, the Commission is authorized to issue such permits or licenses and to charge a fee not to exceed \$2.00 for each permit and a fee not to exceed \$5.00 for each license.

Approved July 19, 1970.

CHAPTER 728

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT FOR AD-
MINISTRATION OF THE MOTOR CARRIER FUEL PUR-
CHASE LAW.**

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

Section 1. The sum of \$25,830 is appropriated to the State Highway Department for use in the administration of the Motor Carrier Fuel Purchase Law, to be expended as follows:

Salary of the Administrator	\$	276	
Salaries and Wages of Employees (3) 6		22,404	
Total Salaries	\$	22,680	\$ 22,680
Supplies	\$	2,650	
Contractual services		500	
Total	\$	3,150	3,150
GRAND TOTAL			\$ 25,830

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 July 19, 1970.

CHAPTER 729

AN ACT TO AMEND TITLE 30, SECTION 1101, DELAWARE CODE, RELATING TO DEFINITIONS.

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

Section 1. Section 1101, Title 30, Delaware Code, is amended by striking the "." as the same appears after the words "trade or commerce conducted in this State" in subparagraph 7 (b) of said section defining "Taxable" and inserting the following:

" , including capital gains on the sale or other disposition of real estate or tangible personal property located in the State of Delaware."

Section 2. The provisions of this Act shall apply to all property sold after the date this Act becomes effective.

Approved July 19, 1970.

CHAPTER 730

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HEALTH AND SOCIAL
SERVICES.**

WHEREAS, there is a critical shortage of professional and sub-professional health personnel to administer the health needs of our rapidly expanding population; and

WHEREAS, the development of comprehensive health services require adequate health trained personnel both professional and sub-professional; and

WHEREAS, conditions as now existing will menace the health and welfare of the people of our State unless corrected;

NOW, THEREFORE,

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

Section 1. There is appropriated to the Department of Health and Social Services the sum of Thirty Thousand Dollars (\$30,000) which shall be used for the following purposes:

(a) To establish a plan for the development of professional and sub-professional health personnel to assure adequate care for the people of Delaware and to assist both the governmental, non-profit agency and private segments of our health professions to recruit, train and adequately prepare sufficient numbers of health personnel to take care of the State's needs by coordinated planning with the institutions of higher learning, the secondary schools, the hospitals of the State, non-profit agencies engaged in health service delivery systems, and professional groups such as physicians, dentists, nurses and others.

Section 2. This Act is an appropriation and the money appropriated shall be paid by the State Treasurer out of funds of the general fund of the State not otherwise appropriated.

Section 3. Any of the said appropriated funds may be utilized from the time of the passage of this Act until the end of the fiscal year ending June 30, 1971, and any funds remaining shall revert at that time to the General Fund.

Approved July 19, 1970.

CHAPTER 731

AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE RELATING TO THE SPECIAL TAX ON GROSS PREMIUMS FOR BENEFIT OF FIREMEN AND FIRE COMPANIES.

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. Section 705, Title 18, Delaware Code, is amended by deleting in their entirety Sections 705 and 706 thereof and inserting in lieu thereof a new Section 705 as follows:

§ 705. Reporting by insurers of gross premiums and payments to fire companies based thereon

(a) Every insurance company receiving premiums for covering risks of loss on any real or personal property within the limits of this State from fire, extended coverage, other allied lines, homeowner (package policy), commercial multiple peril, growing crops, ocean marine, inland marine, automobile physical damage, and aircraft physical damage, 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 such business done by such a company in the City of Wilmington; in the County of New Castle, outside the City of Wilmington; in Kent County; and in Sussex County; less return and reinsurance premiums received from other companies or by any agent or agents of such company, in cash or otherwise, for the year ending on the previous thirty-first day of December, including therein an allocation of the portion of the said gross premiums coverage allocable to each of the above areas. This statement shall be verified by the oath or affirmation of the insurance Company's president or vice-president and secretary or other officer and the statement shall be on a form prepared and furnished by the Insurance Commissioner for that purpose. The Insurance Commissioner shall have the power and authority to request and receive any additional information regarding any insurance company's business of cov-

ering the hereinabove stated types of risk of loss. Failure to give the Insurance Commissioner the requested information shall be good cause under Section 520 of this Title for revocation of any certificate of authority of any insurance company so ignoring the request.

(b) The Insurance Commissioner shall ascertain and report to the State Treasurer on or before the first day of April of each year, the information contained in the statements and such other information as the Insurance Commissioner has obtained from the insurance companies pursuant to subsection (a) and after receipt of such report, the State Treasurer shall pay a total sum equivalent to three and three-quarters per cent ($3\frac{3}{4}\%$) of all such premiums obtained for writing in Delaware the types of coverage stated in subsection (a), from a special fund which shall consist of a sum equivalent to three and three-quarters per cent ($3\frac{3}{4}\%$) of all such premiums obtained for writing in Delaware the types of coverage stated in subsection (a), to the Treasurer of the City of Wilmington and to the fire companies registering as provided in section (c), in the proportions stated in subsection (d). Such payment shall be made by the State Treasurer from this special fund on or before the first day of May of each year. Payments to the special fund shall be made out of fees and taxes deposited with the State Treasurer by the Insurance Commissioner, not including those funds per section 708 of this Chapter.

(c) All active fire companies or departments in this State outside the limits of the City of Wilmington, shall register with the Insurance Commissioner on or before the first day of March in each year, on a form provided by the Insurance Commissioner, giving their location, apparatus and equipment maintained.

(d) The Insurance Commissioner shall then ascertain the proportions of the above described three and three-quarters per cent ($3\frac{3}{4}\%$) sum and the actual amount thereby due to be paid to the Treasurer of the City of Wilmington and to the other fire departments registering with the Insurance Commissioner pursuant to subsection (c) and the State Treasurer shall then make payments in the such amounts, which funds shall be used for assisting and maintaining the fire departments or companies of this State. The payment to the City of Wilmington shall be used only for its Firemen's Pension Fund of the Bureau of Fire in the City of Wilmington.

(e) All insurance companies writing the hereinabove described types of coverage within the State of Delaware, shall be required to reduce their premiums on all such coverage written in Delaware, under the rate filing in effect on the effective date of this act, by the sum of three and one-half per cent ($3\frac{1}{2}\%$) of all such premiums, unless such rate filing then in effect shall have made allowance for no more than a two per cent (2%) premium tax. All future rate filings covering the hereinabove described types of coverage within the State of Delaware shall make allowance for no more than two per cent (2%) premium tax unless the premium tax shall be changed after the effective date of this Act; in which case they may make allowance therein for no more than the then effective premium tax.

(f) This Act shall take effect on January 1, 1972.

Approved July 20, 1970.

CHAPTER 732

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR LOCAL PARK DEVELOPMENT AND PARK LAND ACQUISITION ASSISTANCE AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

WHEREAS, the land area of the State of Delaware is limited and its continuing population growth now demands and will in the future increasingly demand that suitable portions of that area be set aside and preserved for public use as parks and open spaces for recreation and conservation; and

WHEREAS, the acquisition cost of such lands is likely to increase substantially in the future; and

WHEREAS, there is a need to financially assist communities in the development of existing local park and recreation areas;

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. There is appropriated to the Department of Natural Resources and Environmental Control the sum of \$500,000 or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized which shall be allocated to county and local governments for local park land acquisition, park land development, and related planning to said development.

Section 2. The funds appropriated in Section 1 of this Act shall be allocated amongst the county and local governments of this State according to the population ratio and as follows:

(1) Sixteen per cent (16%) of the appropriated funds shall be set aside for allocation to Kent County and local governments within Kent County (\$80,000);

(2) Fourteen per cent (14%) of the appropriation funds shall be set aside for allocation to Sussex County and local governments within Sussex County (\$70,000);

(3) Seventy per cent (70%) of the appropriated funds shall be set aside for allocation to New Castle County and local governments within New Castle County (\$350,000).

Section 3. The county governments in expending any of the funds appropriated herein shall give a first preference to the acquisition and development of neighborhood and community type parks and recreational areas in unincorporated towns and communities where parks and recreational areas are non-existent, inadequate, or in need of proper development.

Section 4. The said sum of \$500,000 shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code. For 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 hereby appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any 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 such subsequent fiscal year or biennium, shall contain under the Debt Serv-

ice 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 appropriation made by Section 1 of this Act shall be employed on a matching basis in the acquisition, development, and related planning thereto of lands and waters, for use as, or in connection with, county, municipal, and local parks and open spaces for public use. Not more than 50 per cent of the total project cost shall be paid from the monies appropriated by this Act.

Section 8. The county or local government requesting monies from the appropriation authorized by Section 1 of this Act must provide evidence to the Department of Natural Resources and Environmental Control that local funds have been earmarked and will be expended for the cost of land acquisition or development of the proposed park or open space project. Any park lands or improvements already held by a county or a local government shall not be used as part of that county's or local government's matching share. Any monies received from the State or Federal governments under any other program may be used in a program of a county or local government, along with the funds appropriated by this Act, but in no case shall the local share be less than 25% of the total project cost.

Section 9. Before any sum is encumbered for a county or a local government project, a request shall be made by the county or local unit of government to the Department of Natural Resources and Environmental Control, and that Department shall report its findings and recommendations to the State Planning Office. The State Planning Office will be responsible for final review and concurrent approval or disapproval.

Section 10. The Department of Natural Resources and Environmental Control and the State Planning Office shall develop procedures for the application for funds. The Department

of Natural Resources and Environmental Control shall be responsible for determining that approved projects are implemented in accordance with these procedures.

Section 11. No funds may be made available to a county or local government for park improvements which have a public-use expectancy of less than twenty (20) year duration. Documentation must be provided by the applicant that it has means in which to sufficiently operate and maintain such park improvements once completed.

Section 12. All applications for funding must be specific. The burden shall be upon the applicant to clearly define the proposed acquisition or development project(s) and should the application be approved, the burden shall be upon the recipient to complete successfully the proposed project(s).

Section 13. Any monies acquired by the county or local government, through admission charges, or facility usage related to the acquisition or development of such approved projects, shall be retained by the county or local government for operation and/or maintenance of public park or recreational facilities.

Section 14. No land or improvements acquired in whole or in part with the use of monies appropriated by this Act may be converted to uses other than those originally intended without the approval of the Department of Natural Resources and Environmental Control and the State Planning Office. The State Planning Office shall not approve the conversion of land or improvements unless the Office finds that such conversion is essential to orderly development and growth of the area involved as in accord with the applicable comprehensive plan and the Delaware Development Plan. The State Planning Office shall approve any such conversions only upon such conditions as the Office deems necessary to assure the substitution of other land or facilities of at least equal fair market value and equivalent usefulness and location.

Section 15. Any monies appropriated by this Act that are encumbered for any county or local government projects which

are not liquidated within twenty-four (24) months shall be deposited in a special account known as "State Treasurer's Bond Account".

Section 16. This Act shall be in force and effect until June 30, 1973. Any funds appropriated herein that have not been encumbered on or before such date shall revert to the State Treasurer's Bond Account.

Approved July 20, 1970.

CHAPTER 733

AN ACT AMENDING TITLE 7, DELAWARE CODE, PROVIDING FOR CONTROL OF EMISSIONS FROM ANY MOTOR VEHICLE AS PROVIDED BY TITLE 7, DELAWARE CODE, CHAPTER 67.

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

Section 1. Title 7, Delaware Code, is hereby amended by inserting a new Chapter to read as follows:

Chapter 67**MOTOR VEHICLE EMISSIONS****§ 6701. Emission standards required for inspection**

Any motor vehicle which is subject to inspection by the Division of Motor Vehicles or any other duly authorized body shall, as a condition of compliance with said inspection, pass such tests as may be required to demonstrate that the motor vehicle complies with any standards and requirements, rules or regulations for the control of air contaminants established by the Department of Natural Resources and Environmental Control which are applicable to such motor vehicle.

§ 6702. Violations

Any person who operates a motor vehicle or owns a motor vehicle which he permits to be operated, upon the public highways of the State which emits smoke and other air contaminants in excess of standards, rules or regulations adopted by the Department shall be liable to a penalty of not less than \$50.00 nor more than \$100.00 which may be enforced in accordance with the provisions of Title 21, Delaware Code.

§ 6703. Standards for vehicle emissions

The Department shall have the power to formulate and promulgate, amend and repeal codes, rules and regulations estab-

lishing standards and requirements for the control of air contaminants from motor vehicles.

§ 6704. Applications of standards

Any code, rule or regulation establishing standards and requirements for the control of air contaminants from motor vehicles shall be applicable to such classification of motor vehicles as the Department shall determine to be necessary to carry out the purpose of this Act and shall apply to such motor vehicles not earlier than 180 days from the date of adoption.

§ 6705. Application consistent with federal law

Such codes, rules and regulations shall establish standards and requirements for the control of air contaminants from motor vehicles manufactured with air pollution control devices, systems or engine modifications consistent with the requirements of the "Motor Vehicle Air Pollution Control Act" (77 Stat. 392, 42 U.S.C. 1857) and any amendments and supplements thereto.

§ 6706. Standards attainable by properly functioning vehicles

Such codes, rules and regulations shall establish standards and requirements for the control of air contaminants which can reasonably be attained by properly functioning motor vehicles without the addition of any pollution control devices, systems, or engine modifications provided such vehicles were not manufactured with pollution control devices, systems, or engine modifications in accordance with the "Motor Vehicle Air Pollution Control Act" (77 Stat. 392, 42 U.S.C. 1857).

§ 6707. Formulation of rules and regulations

All codes, rules and regulations shall be formulated and promulgated in the manner provided for in Title 7, Delaware Code, Chapter 60.

§ 6708. Implementation; department's standards

The Division of Motor Vehicles, after consultation with the Department of Natural Resources and Environmental Control

shall institute such testing procedures recommended by Department of Natural Resources and Environmental Control to effectively demonstrate that the emissions from motor vehicles passing through the inspection lanes are in accordance with the standards, codes, rules or regulations of the Department of Natural Resources and Environmental Control.

§ 6709. Applicability

This Chapter shall become applicable for motor vehicle inspection beginning January 1, 1971 and continuing thereafter.

Approved July 20, 1970.

CHAPTER 734

AN ACT TO AMEND TITLE 7, DELAWARE CODE, SECTION 4703 RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AS RELATED TO THE STATE PARK COMMISSION.

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

Section 1. Amend Title 7, Section 4703 (a) (5) of Delaware Code, by striking said § 4703 (a) (5) in its entirety and inserting in lieu thereof the following:

(5) Establish and collect such fees as it deems reasonable for the use of such facilities as may be provided in the areas it administers; the Division of Parks, Recreation and Forestry may charge an entrance fee of not less than \$1.00 per day per motor vehicle. Residents of the State of Delaware may pay an annual fee of \$5.00, which shall permit the state resident to enter any state park or recreational area during the calendar year for which the fee was paid. All said fees collected under the authority of this Section shall be deposited in the General Fund of the State of Delaware, and designated solely for park operations and maintenance.

Approved July 21, 1970.

CHAPTER 735

AN ACT TO AMEND SECTION 122, SUBCHAPTER 11, CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO JURISDICTION OF PUBLIC SERVICE COMMISSION OVER MUNICIPALLY OWNED PUBLIC UTILITIES, BY AUTHORIZING THE PUBLIC SERVICE COMMISSION TO SUPERVISE OR REGULATE RATES AND CHARGES FOR WATER AND ELECTRICITY SUPPLIED NON-RESIDENTS.

WHEREAS, many county residents obtain water and electricity from nearby municipalities; and

WHEREAS, certain municipally owned companies are permitted to sell water and electricity to county residents unregulated by statute; and

WHEREAS, unregulated municipally owned water and electric companies are now permitted to unilaterally impose charges for water and electricity; and

WHEREAS, county residents have no recourse or protection against the unfettered authority of municipally owned water and electric companies to charge unreasonable water and electric rates; and

WHEREAS, the Public Service Commission is authorized to supervise and regulate public utilities except for those which are owned by a municipality; and

WHEREAS, the Public Service Commission's authority is designed to protect the public against the unreasonable imposition of utility charges; and

WHEREAS, no substantial reason exists to maintain the exception of municipally owned utilities from the supervision or regulation of the Public Service Commission.

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

Section 1. Amend §122, Subchapter II, Chapter 1, Title 26, Delaware Code, to read as follows:

The Commission shall have no supervision or regulation over any public utility or over the property, property rights, equipment, facilities or franchises of any public utility that is municipally owned, except that in the case where a municipally owned public utility supplies water or electricity to non-residents outside the boundaries of the municipality the rates and charges imposed on non-resident users of municipally owned water and electricity, as well as the service and the service territory of same, shall be subject to the supervision and regulation of the Commission, if the rates exceed 150% of the published rates for residents inside the municipal boundaries.

Approved July 22, 1970.

CHAPTER 736

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEYS TO VARIOUS AGENCIES OF THE STATE.

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

Section 1. There is appropriated to the agencies of this State set forth in Section 7 hereof the sum of \$63,399,000 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 monies appropriated by this Act shall be expended before July, 1970. None of the monies appropriated by this Act shall be expended after June 30, 1973, on any of the individual projects authorized in the 1971 Annual Capital Projects Schedule, as amended, unless such projects have progressed into any or all of the following phases prior to July 1, 1973:

Initial Engineering, Planning, Procurement, Construction.

Section 4. The said sum of \$63,399,000 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 1971."

Section 5. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year, and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any monies received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 6. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 7. The moneys appropriated herein, or so much thereof as is necessary to carry out the purposes of this Act, shall be expended by the following state agencies or their successors in the following amounts:

- (a) Department of Health and Social Services . \$ 5,078,000
- (b) Department of Housing 500,000

(c) Department of Natural Resources and Environmental Control	9,379,000
(d) Archaeological Board	100,000
(e) National Guard	367,000
(f) Custodian	600,000
(g) Motor Vehicles Division	100,000
(h) University of Delaware	5,738,000
(i) Technical and Community College	6,371,000
(j) Office of the Governor-Kent County Family Court	240,000
(k) State Board of Education	21,526,000
(l) State Highway Department	13,400,000
TOTAL	\$63,399,000

Section 8. The sum of \$13,400,000 appropriated by Section 7 (I) 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) Non-Corridor Route Improvement Program \$	7,000,000
(b) Highway & Railway Crossing Safety Improvement	250,000
(c) Topics Program	250,000
(d) Intersection Improvements Program	200,000
(e) Traffic Signal Improvements Program	250,000
(f) Small Bridge Replacement Program	750,000
(g) Miscellaneous Small Projects	200,000
(h) Dirt Road Improvement Program	500,000
(i) Suburban Development Street Improvement and Reconstruction Program	1,000,000
(j) Advance Planning and Engineering Program	300,000
(k) Buildings	50,000
(l) Engineering and Contingencies	1,500,000
(m) Advance Right-of-Way Acquisition	1,150,000
TOTAL	\$13,400,000

Section 9. The monies 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.

The monies authorized in Section 8 of this Act and termed (l) Engineering and Contingencies shall be accounted for by project.

The monies authorized in Section 8 of this Act and termed (h) Dirt Road Improvement Program shall be used only for the reconstruction and improvement of presently existing dirt roads and not for the maintenance or reconstruction of hard surface roads.

Section 10. The sum of \$21,526,000 appropriated by Section 7 (k) of this Act to the State Board of Education for school construction purposes, or so much thereof as shall be necessary to carry out the purposes of this Act, shall be allocated by the State Board of Education to the following named school districts according to the following tabulation of maximum totals and shares, or in the proportions represented by said maximum totals and shares:

<i>Name of School District</i>	<i>Total Cost</i>	<i>Local Share</i>	<i>State Share</i>
(a) Alfred I. DuPont	\$ 216,000	\$ 86,000	\$ 130,000
(b) Alexis I. DuPont	847,000	339,000	508,000
(c) Cape Henlopen	261,000	—0—	261,000
(d) Capital	250,000	100,000	150,000
(e) Conrad	410,000	164,000	246,000
(f) Lake Forest	1,143,000	457,000	686,000
(g) Marshallton-McKean . . .	1,845,000	738,000	1,107,000
(h) Mount Pleasant	4,143,000	1,657,000	2,486,000
(i) Newark	11,487,000	4,229,000	7,258,000
(j) New Castle-Gunning . . .			
Bedford	4,176,000	1,670,000	2,506,000
(k) New Castle Vo-Tech . . .			
School	324,000	—0—	324,000
(l) Stanton	712,000	161,000	551,000
(m) Wilmington	8,466,000	3,386,000	5,080,000
(n) Woodbridge	233,000	—0—	233,000
TOTAL	\$34,513,000	\$12,987,000	\$21,526,000

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. (a) In compliance with Section 7526 of Title 29, Delaware Code, the State Board of Education and the local 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 Section 2906 and Section 2907 of Title 29, Delaware Code.

(b) In compliance with Section 7526 of Title 29, Delaware Code, the State Board of Education and the local 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 13 (b) hereinabove, the State Board of Education shall give first preference to an experienced 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 14. 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 15. No fund appropriated by this Act to the Department of Natural Resources and Environmental Control for land acquisition can be expended without prior approval by the State Planning Office with respect to compliance with the Delaware Development Plan.

Section 16. All monies appropriated by this Act shall be considered to be in compliance with and shall be expended in accordance with the intent of the 1971 Annual Capital Projects Schedule as prepared by the State Planning Office and approved by the Governor, and as further amended hereby.

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 19. This Act may be known, styled or referred to rowed on behalf of this State, pursuant to this Act, after June 30, 1976, except as provided in Chapter 75, Title 29, Delaware Code.

Section 18. No bonds or notes shall be issued or monies borrowed as the "Annual Capital Improvement Act of 1971."

Approved July 22, 1970.

CHAPTER 737

AN ACT TO REVISE THE INCOME TAX LAW RELATING TO INDIVIDUALS, TRUSTS, ESTATES AND CERTAIN CORPORATIONS; TO INCORPORATE BY REFERENCE CERTAIN OF THE FEDERAL INCOME TAX STATUTES, RULES AND REGULATIONS; AND TO PROVIDE FOR IMPROVED ADMINISTRATION AND ENFORCEMENT.

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

Section 1. Chapter 11, Title 30, Delaware Code, is hereby amended by striking said Chapter and substituting a new Chapter 11 as follows:

**CHAPTER 11. PERSONAL INCOME TAX
SUBCHAPTER I. GENERAL PROVISIONS**

§ 1101. Meaning of terms

Any terms used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States referring to federal income taxes, unless a different meaning is clearly required. Any reference to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective, at any time or from time to time, for the taxable year.

§ 1102. Imposition and rate of tax

A tax is hereby imposed for each taxable year on the entire taxable income of every resident of this State and on the taxable income of every nonresident which is derived from sources within this State. The amount of the tax shall be determined as follows:

1 $\frac{1}{2}$ % of the amount of taxable income not in excess of \$1,000; 2% of the amount of taxable income in excess of \$1,000 but not in excess of \$2,000; 3% of the amount of taxable income

in excess of \$2,000 but not in excess of \$3,000; 4% of the amount of taxable income in excess of \$3,000 but not in excess of \$4,000; 5% of the amount of taxable income in excess of \$4,000 but not in excess of \$5,000; 6% of the amount of taxable income in excess of \$5,000 but not in excess of \$6,000; 7% of the amount of taxable income in excess of \$6,000 but not in excess of \$8,000; 8% of the amount of taxable income in excess of \$8,000 but not in excess of \$30,000; 9% of the amount in excess of \$30,000 but not in excess of \$50,000; 10% of the amount in excess of \$50,000 but not in excess of \$100,000; 11% of the amount in excess of \$100,000.

§ 1103. Resident individual defined

A resident individual of this State means an individual who either:

(1) is domiciled in this State for any part of the taxable year to the extent of the period of such domicile; or

(2) maintains a place of abode in this State and spends an aggregate of more than 183 days of the taxable year in this State.

§ 1104. Nonresident individual defined

A nonresident individual of this State means an individual who is not a resident individual of this State.

SUBCHAPTER II. RESIDENT INDIVIDUALS

§ 1105. Taxable income

The entire taxable income of a resident of this State shall be his federal adjusted gross income as defined in the laws of the United States with the modifications and less the deductions and personal exemptions provided in this subchapter.

§ 1106. Modifications

(a) Additions. There shall be added to federal adjusted gross income:

(1) Interest or dividends on obligations or securities of any state or of a political subdivision or authority thereof (other than this State and its political subdivision and authorities) ;

(2) The amount of any long-term capital gains deduction allowable under the laws of the United States attributable to long-term capital gains realized before January 1, 1972.

(b) Subtractions. There shall be subtracted from federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(2) Amounts received as pensions from employers, the United States, this State or any subdivision thereof, not to exceed \$2,000; and

(3) The amount of income taxes paid to the United States, but not in excess of \$300 for a separate return nor \$600 for a joint return.

(c) Fiduciary adjustment. There shall be added to or subtracted from Federal adjusted gross income, as the case may be, the taxpayer's share of the fiduciary adjustment determined under section 1134 of this title.

§ 1107. Deduction

The deduction of a resident individual shall be his standard deduction unless he elects to itemize his deductions as provided in section 1109 of this title.

§ 1108. Standard deduction

The standard deduction of a resident individual or of a resident husband and wife who file a joint return shall be 10% of his or their adjusted gross income as modified by Subchapter I, or \$1,000, whichever is less. The standard deduction of a married person who files a separate return shall not exceed \$500.

§ 1109. Itemized deductions

(a) General. If a resident individual has itemized his deductions from adjusted gross income in determining his federal taxable income, he may elect, in determining his taxable income under this chapter to deduct the sum of such itemized deductions (other than deductions for personal exemptions) :

(1) Reduced by the amount thereof representing income taxes imposed by this State; and

(2) Reduced by the amount of any charitable contributions in excess of twenty per cent (20%) of federal adjusted gross income as modified by section 1106 of this title.

(3) Reduced by the amount of any income tax imposed on him for the taxable year by another state of the United States or a political subdivision thereof or the District of Columbia on income derived from sources therein if he elects to take such amount as a credit in accordance with Section 1111 (a) of this Chapter.

(b) Husband and wife. A husband and wife both of whom are required to file returns under this chapter shall be allowed to itemize their deductions only if both elect to do so.

§ 1110. Personal exemptions

A resident shall be allowed an exemption of \$600 for each exemption to which he is entitled for the taxable year for federal income tax purposes.

§ 1111. Credit for income tax paid to another state

(a) Allowance of credit. A resident individual shall be allowed a credit against the tax otherwise due under this chapter for the amount of any income tax imposed on him for the taxable year by another state of the United States or a political subdivision thereof or the District of Columbia on income derived from sources therein and which is also subject to tax under this chapter.

(b) Limitation on credit. The credit allowable under this section with respect to the income tax imposed upon the taxpayer for the taxable year by each other taxing jurisdiction shall not

exceed the amount computed by multiplying the tax otherwise due under this chapter by a fraction, the numerator of which is the amount of the taxpayer's taxable income derived from sources in the other taxing jurisdiction (applying the rules of section 1122 of this title), and the denominator of which is his entire taxable income.

SUBCHAPTER III. NONRESIDENT INDIVIDUALS

§ 1121. Taxable income

The taxable income of a nonresident individual shall be that part of his federal adjusted gross income derived from sources within the State determined by reference to section 1122 of this title, less the deductions and personal exemptions provided in this subchapter.

§ 1122. Taxable income derived from sources within this State

(a) General. The adjusted gross income of a nonresident which is derived from sources within this State shall be the sum of the following:

(1) The amount of items of income, gain, loss, and deduction entering into his federal taxable income which are derived from or connected with sources in this State, including (i) his distributive share of partnership income and deductions determined under the provisions of section 1145 of this title, and (ii) his share of estate or trust income and deductions determined under the provisions of section 1139 of this title; and

(2) the portion of the modifications described in subsections (a), (b) and (c) of section 1106 of this title which relate to income derived from sources in this State, including any modifications attributable to him as a partner.

(b) Income and deductions having source within this State. Items of income, gain, loss and deduction derived from or connected with sources within this State are those items attributable to:

(1) compensation, other than pensions, as an employee in the conduct of the business of an employer, for personal services

(i) rendered in this State, or (ii) attributable to employment in this State and not required to be performed elsewhere;

(2) the ownership or disposition of any interest in real or tangible personal property in this State; and

(3) a business, trade, commerce, profession or vocation carried on in this State.

(c) Intangibles. Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, shall constitute income derived from sources within this State only to the extent that such income is from property employed by the taxpayer in a business, trade, commerce, profession or vocation carried on in this State.

(d) Deduction for losses. Deductions for capital losses, net long-term capital gains, and net operating losses shall be based solely on income, gains, losses, and deductions derived from or connected with sources in this State, but otherwise shall be determined in the same manner as the corresponding federal deductions.

(e) Small business corporation shareholder. For a nonresident individual who is a shareholder of a corporation which is an electing small business corporation for federal income tax purposes, the undistributed taxable income of such corporation shall not constitute income derived from sources within this State, and a net operating loss of such corporation shall not constitute a loss or deduction connected with sources in this State.

(f) Apportionment and allocation. If a business, trade, commerce, profession or vocation is carried on partly within this State and partly without this State, the items of income and deduction derived from or connected with sources within this State shall be determined by apportionment and allocation under rules prescribed by the State Tax Commissioner.

(g) Service in armed forces. Compensation paid by the United States for service in the armed forces of the United States performed by a nonresident shall not constitute income derived from sources within this state.

§ 1123. Standard deduction

The standard deduction of a nonresident individual or husband and wife who file a joint return shall be 10 per cent of his or their adjusted gross income from sources within this State or \$1,000, whichever is less. The standard deduction of a nonresident married person who files a separate return shall not exceed \$500.

§ 1124. Itemized deductions

If the federal taxable income of a nonresident individual is determined by itemizing deductions from his federal adjusted gross income, he may elect to deduct his itemized deductions connected with income derived from sources within this State in lieu of taking the standard deduction. Subject to the limitation in section 1126, the itemized deductions of a nonresident individual shall be the same as for a resident individual determined under section 1109. A husband and wife both of whom are required to file returns under this chapter shall be allowed to itemize deductions connected with income derived from sources within this State only if both elect to itemize their deductions.

§ 1125. Personal exemptions

A nonresident individual shall be allowed the same personal exemptions allowed to resident individuals under section 1110, subject to the limitations in section 1126.

§ 1126. Limitation on itemized deductions and personal exemptions

If the amount of adjusted gross income a nonresident individual would be required to report under section 1105 if he were a resident exceeds by more than \$100 the amount of adjusted gross income he receives from sources within this State, his itemized deductions shall be limited by the percentage which his adjusted gross income from sources within this State is to the adjusted gross income he would be required to report if he were a resident. For purposes of this apportionment, a nonresident individual may elect to treat his federal adjusted gross income as adjusted

gross income from sources within this State unless the amount of the modifications increasing federal adjusted gross income under section 1106 would exceed \$100.

SUBCHAPTER IV. ESTATES, TRUSTS AND BENEFICIARIES

§ 1131. Imposition of tax

The tax imposed by this Act on individuals shall apply to the taxable income of estates and trusts.

§ 1132. Computation and payment

The taxable income of an estate or trust shall be computed in the same manner as in the case of an individual except as otherwise provided by this subchapter. The tax shall be computed on such taxable income and shall be paid by the fiduciary.

§ 1133. Tax not applicable

(a) Association taxable as corporations. An association, trust or other unincorporated organization which is taxable as a corporation for federal income tax purposes shall not be subject to tax under this chapter.

(b) Exempt associations, trusts and organizations. An association, trust, or other unincorporated organization which by reason of its purpose or activities is exempt from federal income tax shall be exempt from the tax imposed by this chapter except with respect to its unrelated business taxable income.

§ 1134. Fiduciary adjustment

(a) Fiduciary adjustment defined. The fiduciary adjustment shall be the net amount of the modifications described in section 1106 of this title (including subsection (c) if the estate or trust is a beneficiary of another estate or trust) which relates to items of income or deduction of an estate or trust.

(b) Shares of fiduciary adjustment. The respective shares of an estate or trust and its beneficiaries (including solely for the purpose of this allocation, nonresident beneficiaries) in the fi-

duciary adjustment shall be in proportion to their respective shares of federal distributable net income of the estate or trust. If the estate or trust has no federal distributable net income for the taxable year, the share of each beneficiary in the fiduciary adjustment shall be in proportion to his share of the estate or trust income for such year, under local law or the terms of the instrument, which is required to be distributed currently and any other amounts of such income distributed in such year. Any balance of the fiduciary adjustment shall be allocated to the estate or trust.

§ 1135. Resident and nonresident estate defined

(a) Resident estate. A resident estate of this State means the estate of a decedent who at his death was domiciled in this State.

(b) Nonresident estate. A nonresident estate of this State means every estate which is not a resident estate of this State.

§ 1136. Resident and nonresident trust defined

(a) Resident trust. A resident trust of this State means: a trust created by the will of a decedent who at his death was domiciled in this State; or a trust created by, or consisting of property of, a person domiciled in this State; or a trust with respect to which the conditions of one of the following paragraphs are met during more than one-half of any taxable year —

(1) The trust has only one trustee who or which is (i) a resident individual of this State, or (ii) a corporation, partnership, or other organization having an office for the conduct of trust business in this State.

(2) The trust has more than one trustee, and one of such trustees is a corporation, partnership, or other organization having an office for the conduct of trust business in this State, or

(3) The trust has more than one trustee, all of whom are individuals and one-half or more of whom are resident individuals of this State.

(b) Nonresident trust. A nonresident trust of this State means every trust which is not a resident trust of this State.

§ 1137. Taxable income of resident estate or trust

The taxable income of a resident estate or trust means its federal taxable income modified by the addition or subtraction, as the case may be, of its share of the fiduciary adjustment determined under section 1134.

§ 1138. Nonresident beneficiary deduction for resident estates or trusts

(a) Allowance of deduction. A resident estate or trust shall be allowed a deduction against the taxable income otherwise computed under this chapter, for any taxable year for the amount of its federal taxable income as modified by section 1106 of this title which is, under the terms of the governing instrument, set aside for future distribution to nonresident beneficiaries.

(b) Rules of application. The following rules shall apply in determining whether or to what extent income is set aside for future distribution to nonresident beneficiaries:

(1) If all or part of the federal taxable income of the estate or trust as modified by section 1106 of this title is distributable in future taxable years (whether or not added in the meantime to estate or trust corpus for estate or trust accounting purposes), to or for the benefit of a class of beneficiaries, and if on the last day of the taxable year if the estate or trust one or more members of such class was living, then the portion of the federal taxable income of the estate or trust as modified by section 1106 of this title considered set aside for future distribution to nonresident beneficiaries shall be computed by first determining who the members of the class would be and the share of each beneficiary in such income if the estate or trust terminated on the last day of the taxable year, and then determining the portion of such income of each such share realized by the estate or trust during the taxable year while the beneficiary thereof was a nonresident of this State.

(2) If all or part of the federal taxable income of the estate or trust as modified by section 1106 of this title is distributable in future taxable years (whether or not added in the meantime to estate or trust corpus for estate or trust accounting purposes),

to or for the benefit of a class of beneficiaries, and if on the last day of the taxable year of the estate or trust none of the members of such class was living, then the portion of the federal taxable income of the estate or trust as modified by section 1106 of this title considered set aside for future distribution to nonresident beneficiaries shall be determined in the manner provided in paragraph (1) of this subsection, except that it will be presumed that members of the class were living and residing with the person, relationship to whom determines or defines the membership in the class.

(3) For purposes of determining under paragraphs (1) and (2) of this subsection the share of each beneficiary of an estate or trust in the federal taxable income as modified by section 1106 of this title, the discretion in any person over the distribution of such income (whether or not acting in a fiduciary capacity and whether or not subject to a standard) shall be presumed not to have been exercised, unless such discretion was irrevocably exercised as of the last day of the taxable year.

(4) For purposes of determining under paragraphs (1) and (2) of this subsection when federal taxable income as modified by section 1106 of this title was realized, the following rules shall apply:

(i) interest income shall be considered realized when payable;

(ii) dividend income shall be considered realized on the day the dividend is payable;

(iii) gains and losses from the sale or exchange of property shall be considered realized or deductible, as the case may be, on the settlement date of the sale or the effective date of the exchange; and

(iv) commissions on income or principal shall be deemed deductible on the date charged.

(5) The State Tax Commissioner is authorized to establish more detailed rules to apply the foregoing paragraphs (1), (2), (3) and (4) in any manner not inconsistent with the provisions of such paragraphs.

§ 1139. Credit for income tax of another state

A resident estate or trust shall be allowed the credit provided under section 1111 of this title for resident individuals, except that references in that section to resident individuals shall for purposes of this section be deemed to refer to a resident estate or trust.

§ 1140. Accumulation distribution credit for resident beneficiary of trust

(a) Allowance of credit. A resident beneficiary of a trust whose taxable income includes all or part of an accumulation distribution by such trust as defined in section 665 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due under this chapter for all or a proportionate part of any tax paid by the trust for any preceding taxable year which would not have been payable if the trust had in fact made distribution to its beneficiaries at the times and in the amounts specified in section 666 of the Internal Revenue Code.

(b) Limitation on credit. The credit under this section shall not reduce the tax otherwise due from the beneficiary to an amount less than would have been due if the accumulation distribution or his part thereof were excluded from his taxable income as modified by section 1106 of this title.

§ 1141. Taxable income of a nonresident estate or trust

(a) General Rules. For purposes of this subchapter:

(1) Items of income, gain, loss, and deduction mean those derived from or connected with sources in this State.

(2) Items of income, gain, loss, and deduction entering into the definition of federal distributable net income includes such items from another estate or trust of which the first estate or trust is a beneficiary.

(3) The source of items of income, gain, loss, or deduction shall be determined under rules or regulations prescribed by the State Tax Commissioner in accordance with the general rules in section 1122 of this title as if the estate or trust were a nonresident individual.

(b) **Determination of taxable income.** The taxable income of a nonresident estate or trust consists of (i) its share of items of income, gain, loss, and deduction which enter into the federal definition of distributable net income; (ii) increased or reduced by the amount of any items of income, gain, loss, or deduction which are recognized for federal income tax purposes but excluded from the federal definition of distributable net income of the estate or trust; (iii) less the amount of the deduction for its federal exemption.

§ 1142. Share of a nonresident estate, trust, or its beneficiaries in income from sources within this State

The share of a nonresident estate or trust, and the share of a nonresident beneficiary of any estate or trust, of items of estate or trust income, gain, loss and deduction for purposes of section 1124 of this title shall be determined as follows:

(a) To the amount of items of income, gain, loss and deduction which enter into the definition of distributable net income there shall be added or subtracted, as the case may be, the modifications described in section 1102 of this title to the extent they relate to items of income, gain, loss and deduction which also enter into the definition of distributable net income. No modification shall be made under this section which has the effect of duplicating an item already reflected in the definition of distributable net income;

(b) The amount determined under subsection (a) of this section shall be allocated among the estate or trust and its beneficiaries, (including, solely for the purposes of this allocation, resident beneficiaries), in proportion to their respective shares of federal distributable net income. The amounts so allocated shall have the same character as for federal income tax purposes. Where an item entering into the computation of such amounts is not characterized for federal income tax purposes, it shall have the same character as if realized directly from the source from which realized by the estate or trust, or incurred in the same manner as if incurred by the estate or trust; and

(c) If the estate or trust has no federal distributable net income for the taxable year, the share of each beneficiary in the net amount determined under subsection (a) of this section shall

be in proportion to his share of the estate or trust income distributed in such year. Any balance of such net amount shall be allocated to the estate or trust.

SUBCHAPTER V. PARTNERS AND PARTNERSHIPS

§ 1143. Partnership entity not taxable

A partnership as such shall not be subject to the tax imposed by this chapter. Persons or their authorized representatives carrying on business as partners shall be liable for the tax imposed by this chapter only in their separate or individual capacities.

§ 1144. Character of items

Each item of partnership income, gain, loss or deduction shall have the same character for a partner under this chapter as it has for federal income tax purposes. Where an item is not characterized for federal income tax purposes, it shall have the same character for a partner as if realized directly from the sources from which realized by the partnership or incurred in the same manner as incurred by the partnership.

§ 1145. Special rules for nonresident partners

(a) Taxable income from sources within this State. In determining the tax liability of a nonresident partner of any partnership under this chapter attributable to his partnership interest, there shall be included only that part of the partner's distributive share of items of partnership, income, gain, loss and deduction entering into his federal taxable income as modified by section 1106 of this title derived from or connected with sources within this State as such part is determined in accordance with the general rules of section 1122 of this title.

(b) Tax avoidance rules. In determining the sources of a nonresident partner's income, no effect shall be given to a provision in the partnership agreement which —

(1) Characterizes payments to the partner as being for services or for the use of capital, or allocates to the partner, as income or gain from sources outside this State, a greater proportion of his distributive share of partnership income or gain than

the ratio of partnership income or gain from sources outside this State to partnership income or gain from all sources; or

(2) Allocates to the partner a greater proportion of a partnership item of loss or deduction connected with sources in this State than his proportionate share, for federal income tax purposes, of partnership loss or deduction generally.

(c) Partner's modifications. Any modification described in subsections (a), (b) and (c) of section 1106 of this title which relates to an item of partnership income, gain, loss or deduction, shall be made in accordance with the partner's distributive share, for federal income tax purposes, of the item to which the modification relates, but limited to the portion of such item derived from or connected with sources in this State.

SUBCHAPTER VI. ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

§ 1146. Taxable year

A taxpayer's taxable year for purposes of this chapter shall be the same as his taxable year for federal income tax purposes. If a taxpayer's taxable year is changed for federal income tax purposes, his taxable year for purposes of this chapter shall be similarly changed.

§ 1147. Method of accounting

A taxpayer's method of accounting for purposes of this chapter shall be the same as his method of accounting for federal income tax purposes. If a taxpayer's method of accounting is changed for federal income tax purposes, his method of accounting for purposes of this chapter shall be similarly changed.

§ 1148. Adjustments

In computing taxpayer's taxable income for any taxable year under a method of accounting different from the method under which the taxpayer's taxable income for the previous year was computed, there shall be taken into account those adjustments which are determined under rules or regulations pre-

scribed by the State Tax Commissioner to be necessary solely by reason of the change in order to prevent amounts from being duplicated or omitted.

§ 1149. Basis adjustments

In computing a taxpayer's taxable income for any taxable year under this chapter involving the basis of assets which on the effective date of this chapter was different from the taxpayer's basis in such assets under the laws of this State in effect immediately prior to the effective date of this chapter (prior basis), the State Tax Commissioner by rules or regulations shall provide that the taxpayer shall compute his taxable income under this chapter with reference to such prior basis, adjusted from the effective date of this chapter to the date of the taxable event with respect to which his taxable income is being determined under this chapter.

SUBCHAPTER VII. WITHHOLDING OF TAX

§ 1151. Employer to withhold tax from wages

(a) General. Every employer maintaining an office or transacting business within this State and making payment of any wages taxable under this chapter to a resident or non-resident individual whose wages are subject to withholding under the Internal Revenue Code shall deduct and withhold from such wages for each payroll period a tax computed in such manner as to result, insofar as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under this chapter with respect to the amount of such wages included in his taxable income during the calendar year. The method of determining the amount to be withheld shall be prescribed by rules or forms of the State Tax Department. The State Tax Department is authorized to promulgate withholding tables for this purpose. This section shall not apply to payments by the United States for service in the armed forces of the United States.

(b) Withholding exemptions. For purposes of this section :

(1) An employee shall be entitled to the same number of withholding exemptions as the number of withholding exemptions to which he is entitled for federal income tax withholding purposes. An employer may rely upon the number of federal withholding exemptions claimed by the employee.

(c) Withholding agreements. The State Tax Commissioner may enter into agreements with the tax departments of other states (which require income tax to be withheld from the payment of wages and salaries) so as to govern the amounts to be withheld from the wages and salaries of residents of such states under provisions of this chapter. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under rules prescribed by the State Tax Commissioner, may relieve employers in this State from withholding income tax on wages and salaries paid to nonresident employee. The agreements authorized by this subsection are subject to the condition that the tax department of such other states grant similar treatment to residents of this State.

§ 1152. Information statement for employee

Every employer required to deduct and withhold tax under this chapter from the wages of an employee shall furnish to each such employee in respect to the wages paid by such employer to such employee during the calendar year on or before February 15 of the succeeding year, or, if his employment is terminated before the close of such calendar year, within thirty days from the date on which the last payment of wages is made, a written statement as prescribed by the State Tax Commissioner showing the amount of wages paid by the employer to the employee, the amount deducted and withheld as tax, and such other information as the State Tax Commissioner shall prescribe.

§ 1153. Credit for tax withheld

Wages upon which tax is required to be withheld shall be taxable under this chapter as if no withholding were required, but any amount of tax actually deducted and withheld under this chapter in any calendar year shall be deemed to have been paid to the State Tax Department on behalf of the person from whom

withheld, and such person shall be credited with having paid that amount of tax for the taxable year beginning in such calendar year.

§ 1154. Employer's return and payment of tax withheld

(a) General. Every employer required to deduct and withhold tax under this Chapter shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, file a withholding return as prescribed by the State Tax Department and pay over to the State Tax Department or to a depository designated by the State Tax Commissioner, the taxes so required to be deducted and withheld. The State Tax Commissioner may, if he believes such action necessary for the protection of the revenue, require any employer to make such return and pay the tax deducted and withheld at any time, or from time to time. Where the amount of wages paid by an employer is not sufficient under this chapter to require the withholding of tax from the wages of any of his employees, the State Tax Commissioner may permit such employer to file an annual return on or before January 31 of the succeeding calendar year.

(b) Deposit in trust for State Tax Commissioner. Whenever any employer fails to collect, truthfully account for, pay over the tax, or make returns of the tax as required by this section, the State Tax Commissioner may serve a notice requiring such employer to collect the taxes which became collectible after service of such notice, to deposit such taxes in a bank approved by the State Tax Commissioner, in a separate account, in trust for and payable to the State Tax Department, and to keep the amount of such tax in such account until paid over to the State Tax Department. Such notice shall remain in effect until a notice of cancellation is served by the State Tax Commissioner.

§ 1155. Employer's liability for withheld taxes

Every employer required to deduct and withhold tax under this chapter is hereby made liable for such tax. For purposes of assessment and collection, any amount required to be withheld and paid over to the State Tax Department, and any additions to tax, penalties and interest with respect thereto, shall be con-

sidered the tax of the employer. Any amount of tax actually deducted and withheld under this chapter shall be held to be a special fund in trust for the State Tax Department. No employee shall have any right of action against his employer in respect to any money deducted and withheld from his wages and paid over to the State Tax Commissioner in compliance or in intended compliance with this chapter.

§ 1156. Employer's failure to withhold

If an employer fails to deduct and withhold tax as required, and thereafter the tax against which such tax may be credited is paid, the tax so required to be deducted and withheld shall not be collected from the employer, but the employer shall not be relieved from liability for any additions to tax penalties or interest otherwise applicable in respect to such failure to deduct and withhold.

SUBCHAPTER VIII. RETURNS AND PAYMENTS OF TAX

§ 1161. Persons required to make returns of income

An income tax return with respect to the tax imposed by this chapter shall be made by the following:

(a) Every resident individual who —

(1) is required to file a federal income tax return for the taxable year, or

(2) Would be required to file a federal income tax return for the taxable year if the additions provided under section 1102 of this title were included in his federal gross income;

(b) Every nonresident individual who has income from sources in this State;

(c) Every resident estate or trust which —

(1) is required to file a federal income tax return for the taxable year or would be required to file a federal income tax return for the taxable year if the additions provided under section 1106 of this title were included in its federal gross income, and

(2) which has not distributed, or set aside for distribution, to nonresident beneficiaries, its entire federal taxable income as modified by section 1106 of this title;

(d) Every nonresident estate or trust which has income from sources within this State.

§ 1162. Joint or separate returns of husband and wife

(a) Separate federal returns. If for any taxable year the federal income tax liability of husband and wife, either both residents of this State or both nonresidents of this State, is determined on separate federal income tax returns, then their tax liabilities under this chapter for such taxable year shall be separately determined, and they shall file separate returns.

(b) Joint federal returns. If for any taxable year the federal income tax liability of husband and wife, either both residents of this State or both nonresidents of this State, is determined on a joint federal income tax return, then they may file either a joint return or separate returns under this chapter, whichever they elect.

(c) No federal returns required. If for any taxable year neither spouse is required to file a federal income tax return and either or both are required to file a return under this chapter, they may elect to file separate or joint returns, and, pursuant to such election, their tax liabilities under this chapter for such taxable year shall be either separately or jointly determined, as the case may be.

(d) One spouse a nonresident. If either husband or wife is a nonresident and the other a resident for any taxable year, they shall file separate returns on such forms as the State Tax Commissioner shall prescribe and their tax liabilities under this chapter shall be separately determined, unless both elect to file a joint tax return in this State as if both were residents.

§ 1163. Returns by fiduciaries

(a) Decedents. An income tax return for any deceased individual shall be made and filed by his executor, administrator

or other person charged with the care of his property. A joint or separate final return of a decedent shall be due when it would have been due if the decedent had not died.

(b) Individuals under a disability. An income tax return for an individual who is unable to make a return by reason of minority or other disability shall be made and filed by his duly authorized agent, guardian, fiduciary, or other person charged with the care of his person or property other than a receiver in possession of only a part of the individual's property.

(c) Estates and trusts. The income tax return of an estate or trust shall be made and filed by the fiduciary thereof.

(d) Joint fiduciaries. If two or more fiduciaries are acting jointly, the return may be made by any one of them.

§ 1164. Notice of qualification as receiver

Every receiver, personal representative, trustee in bankruptcy, assignee for the benefit of creditors, or other like fiduciary, shall give notice of his qualification as such to the State Tax Commissioner as may be required by the State Tax Commissioner.

§ 1165. Change of status as resident or nonresident during the year

If an individual changes his status during the taxable year from resident to nonresident or from nonresident to resident, he shall file a return for that portion of the year during which he is a resident and the State Tax Commissioner may by forms or instructions require him to file a return for that portion of the year during which he is a nonresident.

§ 1166. Computation of tax as resident and nonresident

If an individual for any taxable year is required to file returns as a resident and/or as a nonresident under section 1165 of this title, then his tax under this chapter shall be computed as provided in subchapter II of this chapter for that portion of the year during which he is a resident and as provided in subchapter III of this chapter for that portion of the year during which he

is a nonresident, as if the individual's taxable year for federal income tax purposes were limited to the period of his resident and nonresident status respectively.

§ 1167. Minimum tax and prorating of exemptions

If an individual for any taxable year is required to file returns both as a resident and/or as a nonresident under section 1165 of this title —

(a) Personal exemptions and the standard deduction shall be prorated between the two returns, to reflect the proportions of the taxable year during which the individual was a resident and a nonresident; and

(b) Notwithstanding the provisions of section 1166, the total of the taxes due thereon shall not be less than would be due if the total of the taxable incomes reported on the two returns were includable in one return.

§ 1168. Time and place for filing returns and paying tax

The income tax returns required by this chapter shall be filed on or before the fifteenth day of the fourth month following the close of the taxpayer's taxable year. A person required to make and file a return under this chapter shall, without assessment, notice or demand, pay and tax due thereon to the State Tax Department on or before the date fixed for filing such return (determined without regard to any extension of time for filing the return). The State Tax Commissioner shall prescribe the place for filing any return, declaration, statement or other document required pursuant to this chapter and for the payment of any tax.

§ 1169. Declarations of estimated tax

(a) Requirement of declaration. Every resident and nonresident individual shall make a declaration of his estimated tax for the taxable year, in such form as the State Tax Commissioner may prescribe, in the case of a resident, if he is required to file a declaration of estimated tax for federal income tax purposes for the taxable year, or, in the case of a nonresident, if the estimated tax can reasonably be expected to exceed forty dollars.

(b) **Estimated tax defined.** The term "estimated tax" means the amount which the individual estimates to be his income tax under this chapter for the taxable year, less the amount which he estimates to be the sum of any credits allowable for tax withheld.

(c) **Joint declaration of husband and wife.** If they are eligible to do so for federal tax purposes, a husband and wife may make a joint declaration of estimated tax as if they were one taxpayer, in which case the liability with respect to the estimated tax shall be joint and several. If a joint declaration is made but husband and wife determine their taxes under the chapter separately, the estimated tax for such year may be treated as the estimated tax of either husband or wife, or may be divided between them, as they may elect.

(d) **Amendment of declaration.** An individual may amend a declaration as prescribed by the State Tax Commissioner.

§ 1170. Filing of estimated tax returns and payment of estimated tax

(a) **General.** The declaration and payment of estimated tax shall be filed or paid, as the case may be, on or before the dates prescribed by the laws of the United States for filing declarations and payment of estimated federal income tax, except that the State Tax Commissioner may establish other dates for filing declarations and payment of estimated tax.

(b) **Short taxable years.** The application of the provisions of this section to taxable years of less than twelve months shall be in accordance with rules prescribed by the State Tax Commissioner.

(c) **Payment of account.** Payment of the estimated income tax or any installment thereof, shall be considered payment on account of the income tax imposed under the provisions of this chapter for the taxable year.

§ 1171. Extension of time for filing and payment

(a) **General.** The State Tax Commissioner may grant a reasonable extension of time for payment of income tax or estimated tax or any installment thereof, or for filing any return, declara-

tion, statement, or other document required, on such terms and conditions as he may require; provided that an extension of time for filing any such return, declaration, statement, or other document granted by the Internal Revenue Service shall operate as an extension hereunder.

(b) Security. If any extension of time is granted for payment of any amount of tax, the State Tax Commissioner may require the taxpayer to furnish a bond or other security in an amount not exceeding twice the amount of the tax for which the extension of time for payment is granted, on such terms and conditions as the State Tax Commissioner may require.

§ 1172. Signing of returns and other documents

(a) General. Any return, declaration, statement or other document required to be made pursuant to this chapter shall be signed in accordance with rules or instructions prescribed by the State Tax Commissioner. The fact that an individual's name is signed to a return, declaration, statement or other document, shall be prima facie evidence for all purposes that the return, declaration, statement or other document was actually signed by him.

(b) Partnerships. Any return, statement or other document required of a partnership shall be signed by one or more partners. The fact that a partner's name is signed to a return, statement or other document, shall be prima facie evidence for all purposes that such partner is authorized to sign on behalf of the partnership.

(c) Certifications. The making or filing of any return, declaration, statement or other document or copy thereof required to be made or filed pursuant to this chapter, including a copy of a federal return, shall constitute a certification by the person making or filing such return, declaration, statement or other document or copy thereof that the statements contained therein are true and that any copy filed is a true copy.

§ 1173. General requirements concerning returns; notices; records and statements

The State Tax Commissioner may prescribe rules or regulations as to the keeping of records, the content and form of re-

turns and statements and the filing of copies of federal income returns and determinations. The State Tax Commissioner may require any person, by regulation or notice served on such person, to make such returns, render such statements, or keep such records, as the State Tax Commissioner may deem sufficient to show whether or not such person is liable under this chapter for tax or for the collection of tax.

§ 1174. Partnership return

Every partnership having a resident partner or having any income derived from sources in this State, determined in accordance with the applicable rules of section 1124 of this title as in the case of a nonresident individual, shall make a return for the taxable year setting forth all items of income, gain, loss and deduction, and the names and addresses of the individuals whether residents or nonresidents who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual, and such other pertinent information as the State Tax Commissioner may prescribe by rules or instructions. Such return shall be filed on or before the date prescribed for filing a federal partnership return. For purposes of this section, "taxable year" means a year or period which would be a taxable year of the partnership if it were subject to tax under this chapter.

§ 1175. Information returns

The State Tax Commissioner may prescribe rules and instructions requiring returns of information to be made and filed not inconsistent with the information returns required by the laws of the United States.

§ 1176. Report of change in federal tax liability

If the amount of a taxpayer's federal tax liability reported on his federal income tax return for any taxable year is changed or corrected by the Internal Revenue Service or other competent authority, the taxpayer shall report to the State Tax Department such change or correction in federal tax liability within ninety days after the final determination of such change, cor-

rection, or renegotiation and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended federal income tax return shall also file within ninety days thereafter an amended income tax return under the provisions of this chapter, and shall give such information as the State Tax Commissioner may require.

SUBCHAPTER IX. PROCEDURE AND ADMINISTRATION

§ 1181. Examination of return

(a) Deficiency or overpayment. As soon as practical after the return is filed, the State Tax Commissioner shall examine it to determine the correct amount of tax. If the State Tax Commissioner finds that the amount of tax shown on the return is less than the correct amount, he shall notify the taxpayer of the amount of the deficiency proposed to be assessed. If the State Tax Commissioner finds that the tax paid is more than the correct amount, he shall credit the overpayment against any taxes due to the State of Delaware by the taxpayer and refund the difference.

(b) No return filed. If the taxpayer fails to file an income tax return, the State Tax Commissioner shall estimate the taxpayer's taxable income and the tax thereon on from any available information and notify the taxpayer of the amount proposed to be assessed as in the case of a deficiency.

(c) Notice of deficiency. A notice of deficiency shall set forth the reason for the proposed assessment. The notice may be mailed by ordinary certified or registered mail to the taxpayer at his last known address. In the case of a joint return, the notice of deficiency may be a single joint notice, except that if the State Tax Commissioner is notified by either spouse that separate residences have been established, he shall mail joint notices to each spouse. If the taxpayer is deceased or under a legal disability, a notice of deficiency may be mailed to his last known address unless the State Tax Commissioner has received notice of the existence of a fiduciary relationship with respect to such taxpayer.

§ 1182. Assessment final if no protest

Ninety days after the date on which it was mailed (150 days if the taxpayer is outside the United States), a notice of proposed assessment of a deficiency shall constitute a final assessment of the amount of tax specified together with interest, additions to tax and penalties except only for such amounts as to which the taxpayer has filed a protest with the State Tax Commissioner.

§ 1183. Protest by taxpayer

Within 90 days (150 days if the taxpayer is outside the United States) after the mailing of a deficiency notice, or any extension of such period granted by the State Tax Commissioner, the taxpayer may file with the State Tax Commissioner a written protest against the proposed assessment in which he shall set forth the grounds on which the protest is based. If a protest is filed, the State Tax Commissioner shall reconsider the assessment of the deficiency and, if the taxpayer has so requested, shall grant the taxpayer or his authorized representatives an oral hearing.

§ 1184. Notice of determination after protest

Notice of the State Tax Commissioner's determination shall be mailed to the taxpayer by certified or registered mail and such notice shall set forth briefly the State Tax Commissioner's findings of fact and the basis of decision in each case decided in whole or in part adversely to the taxpayer.

§ 1185. Action of State Tax Commissioner final

The action of the State Tax Commissioner on the taxpayer's protest is final upon the expiration of 90 days from the date when he mails notice of his action to the taxpayer unless within this period the taxpayer seeks review of the State Tax Commissioner's determination.

§ 1186. Burden of proof in proceedings before the State Tax Commissioner

In any proceeding before the State Tax Commissioner under this chapter the burden of proof shall be on the taxpayer except

for the following issues, as to which the burden of proof shall be on the State Tax Commissioner:

(a) Whether the taxpayer has been guilty of fraud with attempt to evade tax;

(b) Whether the petitioner is liable as the transferee of property of a taxpayer (but not to show that the taxpayer was liable for the tax); or

(c) Whether the taxpayer is liable for any increase in a deficiency where such increase is asserted initially after the notice of deficiency was mailed and a protest under section 1183 of this title filed, unless such increase in deficiency is the result of a change or correction of federal taxable income required to be reported under section 1176 of this title, and of which change or correction the State Tax Commissioner had no notice at the time he mailed the notice of deficiency.

§ 1187. Evidence of related federal determination

Evidence of a federal determination relating to issues raised in a proceeding under section 1183 of this title shall be admissible, under rules established by the State Tax Commissioner.

§ 1188. Mathematical error

In the event that the amount of tax is understated on the taxpayer's return due to a mathematical error, the State Tax Commissioner shall notify the taxpayer that an amount of tax in excess of that shown on the return is due and has been assessed. Such a notice of additional tax due shall not be considered a notice of a deficiency assessment nor shall the taxpayer have any right of protest of appeal as in the case of a deficiency assessment based on such notice, and the assessment and collection of the amount of tax erroneously omitted in the return is not prohibited by any provision of this chapter.

§ 1189. Waiver of restriction

The taxpayer at any time, whether or not a notice of deficiency has been issued, shall have the right to waive the restric-

tions on assessment and collection of the whole or any part of the deficiency by a signed notice in writing filed with the State Tax Commissioner.

§ 1190. Assessment of tax

(a) Date of assessment. The amount of tax which is shown to be due on the return (including revisions for mathematical errors) shall be deemed to be assessed on the date of filing of the return including any amended returns showing an increase of tax. In the case of a return properly filed without the computation of the tax, the tax computed by the State Tax Commissioner shall be deemed to be assessed on the date when payment is due. If a notice of deficiency has been mailed, the amount of the deficiency shall be deemed to be assessed on the date provided in section 1182 of this title if no protest is filed; or, if a protest is filed then upon the date when the determination of the State Tax Commissioner becomes final. If an amended return or report filed pursuant to section 1176 of this title concedes the accuracy of a federal change or correction, any deficiency in tax under this chapter resulting therefrom shall be deemed to be assessed on the date of filing such report or amended return and such assessment shall be timely notwithstanding any other provisions of this chapter. Any amount paid as a tax or in respect of a tax, other than amounts withheld at the source or paid as estimated income tax, shall be deemed to be assessed upon the date of receipt of payment, notwithstanding any other provision of this chapter.

(b) Other assessment powers. If the mode or time for the assessment of any tax under this chapter, including interest, additions to tax and penalties is not otherwise provided for, the State Tax Commissioner may establish the same.

(c) Supplemental assessment. The State Tax Commissioner may, at any time within the period prescribed for assessment, make a supplemental assessment, subject to the provisions of section 1181 of this title where applicable, whenever it is found that any assessment is imperfect or incomplete in any material aspect.

§ 1191. Limitations on assessment

(a) General. Except as otherwise provided in this chapter, a notice of a proposed deficiency assessment shall be mailed to the taxpayer within three years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which the return was filed unless the notice is mailed within the three year period or the period otherwise fixed.

(b) No return filed or fraudulent return. If no return is filed or a false and fraudulent return is filed with intent to evade the tax imposed by this chapter, a notice of deficiency may be mailed to the taxpayer at any time.

(c) Failure to report federal change. If a taxpayer fails to comply with the requirement of section 1176 of this chapter by not reporting a change or correction increasing his federal taxable income, or in not reporting a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, or in not filing an amended return, a notice of deficiency may be mailed to the taxpayer at any time.

(d) Report of federal change or correction. If the taxpayer shall, pursuant to section 1176 of this title, report a change or correction or file an amended return increasing his federal taxable income or report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, the assessment (if not deemed to have been made upon the filing of the report or amended return) may be made at any time within two years after such report or amended return was filed.

(e) Extension by agreement. Where, before the expiration of the time prescribed in this section for the assessment of a deficiency, both the State Tax Commissioner and the taxpayer shall have consented in writing to its assessment after such time, the deficiency may be assessed at any time prior to the expiration of period agreed upon. The period so agreed may be extended by subsequent agreement in writing made before the expiration of the period previously agreed upon. An agreement between the taxpayer and the Internal Revenue Service providing for the extension of the period for assessment of federal income taxes shall constitute an agreement with the State Tax Commis-

tions on assessment and collection of the whole or any part of the deficiency by a signed notice in writing filed with the State Tax Commissioner.

§ 1190. Assessment of tax

(a) Date of assessment. The amount of tax which is shown to be due on the return (including revisions for mathematical errors) shall be deemed to be assessed on the date of filing of the return including any amended returns showing an increase of tax. In the case of a return properly filed without the computation of the tax, the tax computed by the State Tax Commissioner shall be deemed to be assessed on the date when payment is due. If a notice of deficiency has been mailed, the amount of the deficiency shall be deemed to be assessed on the date provided in section 1182 of this title if no protest is filed; or, if a protest is filed then upon the date when the determination of the State Tax Commissioner becomes final. If an amended return or report filed pursuant to section 1176 of this title concedes the accuracy of a federal change or correction, any deficiency in tax under this chapter resulting therefrom shall be deemed to be assessed on the date of filing such report or amended return and such assessment shall be timely notwithstanding any other provisions of this chapter. Any amount paid as a tax or in respect of a tax, other than amounts withheld at the source or paid as estimated income tax, shall be deemed to be assessed upon the date of receipt of payment, notwithstanding any other provision of this chapter.

(b) Other assessment powers. If the mode or time for the assessment of any tax under this chapter, including interest, additions to tax and penalties is not otherwise provided for, the State Tax Commissioner may establish the same.

(c) Supplemental assessment. The State Tax Commissioner may, at any time within the period prescribed for assessment, make a supplemental assessment, subject to the provisions of section 1181 of this title where applicable, whenever it is found that any assessment is imperfect or incomplete in any material aspect.

§ 1191. Limitations on assessment

(a) General. Except as otherwise provided in this chapter, a notice of a proposed deficiency assessment shall be mailed to the taxpayer within three years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which the return was filed unless the notice is mailed within the three year period or the period otherwise fixed.

(b) No return filed or fraudulent return. If no return is filed or a false and fraudulent return is filed with intent to evade the tax imposed by this chapter, a notice of deficiency may be mailed to the taxpayer at any time.

(c) Failure to report federal change. If a taxpayer fails to comply with the requirement of section 1176 of this chapter by not reporting a change or correction increasing his federal taxable income, or in not reporting a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, or in not filing an amended return, a notice of deficiency may be mailed to the taxpayer at any time.

(d) Report of federal change or correction. If the taxpayer shall, pursuant to section 1176 of this title, report a change or correction or file an amended return increasing his federal taxable income or report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, the assessment (if not deemed to have been made upon the filing of the report or amended return) may be made at any time within two years after such report or amended return was filed.

(e) Extension by agreement. Where, before the expiration of the time prescribed in this section for the assessment of a deficiency, both the State Tax Commissioner and the taxpayer shall have consented in writing to its assessment after such time, the deficiency may be assessed at any time prior to the expiration of period agreed upon. The period so agreed may be extended by subsequent agreement in writing made before the expiration of the period previously agreed upon. An agreement between the taxpayer and the Internal Revenue Service providing for the extension of the period for assessment of federal income taxes shall constitute an agreement with the State Tax Commis-

sioner to extend the period for assessment of income taxes under the provisions of this chapter. A copy of all such agreements and extensions thereof shall be filed with the State Tax Commissioner within thirty days after their execution.

(f) Time return deemed filed. For purposes of this section, an income tax return filed before the last day prescribed by law or by regulation promulgated pursuant to law for the filing thereof, shall be deemed to be filed on such last day. If a return or withholding tax for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be deemed to be filed on April 15 of such succeeding calendar year.

§ 1192. Recovery of erroneous refund

An erroneous refund shall be considered an underpayment of tax on the date made, and an assessment of a deficiency arising out of an erroneous refund may be made at any time within two years from the making of the refund, except that the assessment may be made within five years from the making of the refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

§ 1193. Interest on underpayments

(a) General. If any amount of tax imposed by this chapter, including tax withheld by an employer, is not paid on or before the last date prescribed for payment, interest on such amount at the rate of one percent per month or fraction thereof shall be paid for the period from such last date to date paid. No interest shall be imposed if the amount due is less than one dollar nor shall this section apply to any failure to pay estimated income tax under section 1170 of this title.

(b) Last date prescribed for payment. For purposes of this section, the last date prescribed for the payment of tax shall be determined without regard to any extension of time.

(c) Suspension of waiver of restrictions. If the taxpayer has filed a waiver of restrictions on the assessment of a deficiency and if notice and demand by the State Tax Commissioner for payment of such deficiency is not made within 30 days after

the filing of such waiver, interest shall not be imposed on such deficiency for the period beginning immediately after such 30th day and ending with the date of notice and demand.

(d) Interest treated as tax. Interest prescribed under this section on any tax including tax withheld by an employer shall be paid on notice and demand and shall be assessed, collected and paid in the same manner as taxes. Any reference in this chapter to the tax imposed by this chapter shall be deemed also to refer to interest imposed by this section on such tax.

(e) Interest on penalties, or additions to tax. Interest shall be imposed under this section in respect to any penalty, or addition to tax only if such penalty or addition to tax is not paid within 10 days of the notice and demand therefor, and in such case interest shall be imposed only for the period from the date of the notice and demand to the date of payment.

(f) Payments made within 10 days after notice and demand. If notice and demand is made for the payment of any amount due under this chapter and if such amount is paid within 10 days after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.

(g) Satisfaction by credits. If any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed under this section on the portion of the tax so satisfied for any period during which if the credit had not been made, interest would have been allowable with respect to such overpayment.

(h) Interest on erroneous refund. Any portion of the tax imposed by this chapter or any interest, penalty, or addition to tax which has been erroneously refunded and which is recoverable by the State Tax Commissioner shall bear interest at the rate of one percent per month or fraction thereof from the date of payment of the refund.

(i) Limitation on assessment and collection. Interest prescribed under this section may be assessed and collected at any time during the period within which the tax, penalty, or addition to tax to which such interest relates may be assessed and collected respectively.

§ 1194. Failure to file tax returns

(a) Failure to file tax return. In case of failure to file any return required under 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 willful neglect, there shall be added to the amount required to be shown as tax on such return 5 percent of the amount of such tax if the failure is not for more than one month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. For purposes of this section, 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 the tax and by the amount of any credit against the tax which may be claimed upon the return.

(b) Failure to file certain information returns. In case of each failure to file a statement of payment to another person required under the authority of this chapter including the duplicate statement of tax withheld on wages 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 a reasonable cause and not to willful neglect, there shall be paid upon notice and demand by the State Tax Commissioner and in the same manner as by the person so failing to file the statement, a penalty of \$2.00 for each statement not so filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed \$2,000.

§ 1195. Failure to pay tax

(a) Deficiency due to negligence. If any part of a deficiency is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax an amount equal to 5 percent of the deficiency.

(b) Fraud. If any part of a deficiency is due to fraud, there shall be added to the tax an amount equal to 50 percent of the deficiency. This amount shall be in lieu of any amount determined under subsection (a).

(c) Failure by individual to file declaration or underpayment of estimated tax. If any taxpayer fails to file a declaration of estimated tax or fails to pay all or any part of an installment of any tax, he shall be deemed to have made an underpayment of estimated tax. The State Tax Commissioner shall assess and collect in the same manner as the estimated tax a penalty computed at the rate of one percent per month or fraction thereof on the amount of the underpayment during the period of the underpayment. The State Tax Commissioner shall determine the amount of underpayment of estimated tax in accordance with the laws of the United States.

(d) Nonwillful failuer to pay withholding tax. If any employer, without intent to evade or defeat any tax imposed by this chapter or the payment thereof, shall fail to make a return and pay a tax withheld by him at the time required by or under the provisions of this chapter, such employer shall be liable for such taxes and shall pay the same together with interest thereon and the addition to tax provided in subsection (a), and such interest and addition to tax shall not be charged to or collected from the employee by the employer. The State Tax Commissioner shall have the same rights and powers for the collection of such tax, interest, and addition to tax against such employer as are now prescribed by this chapter for the collection of tax against an individual taxpayer.

(e) Willful failure to collect and pay over tax. Any person required to collect, truthfully account for, and pay over the tax imposed by this chapter who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law be liable to a penalty equal to the total amount of the tax evaded, or not collected; or not accounted for and paid over. No addition to tax under subsections (a) or (b) of this section shall be imposed for any offense to which this subsection applies.

(f) Additional penalty. Any person who with fraudulent intent shall fail to pay, or to deduct or withhold and pay, any tax, or to make, vender, sign, or certify any return or declaration of estimated tax, or to supply any information within the time required by or under this act, shall be liable to a penalty of not more than

\$1,000, in addition to any other amounts required under this chapter, to be imposed, assessed and collected by the State Tax Commissioner.

(g) Additions treated as tax. The additions to tax and penalties provided by this chapter shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes and any reference in this chapter to income tax or the tax imposed by this chapter shall be deemed also to refer to additions to the tax, and penalties provided by this section. For purposes of the deficiency procedures provided in section 1181 of this title, this subsection shall not apply to:

(1) Any addition to tax under subsection (a) of section 1194 of this title except as to that portion attributable to a deficiency;

(2) any addition to tax for failure to file a declaration or underpayment of estimated tax as provided in subsection (c) of this section;

(3) any additional penalty under subsection (f) of this section.

(h) Determination of deficiency. For purposes of subsections (a) and (b) (relating to deficiencies due to negligence or fraud) the amount shown as the tax by the taxpayer upon his return shall be taken into account in determining the amount of the deficiency only if such return was filed on or before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing.

(i) Person defined. For purposes of subsections (e) and (f), the term "person" includes an individual, corporation or partnership, or an officer or employee of any corporation (including a dissolved corporation), or a member or employee of any partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs.

§ 1196. Authority to make credits or refunds

(a) General. The State Tax Commissioner, within the applicable period of limitations, may credit an overpayment of income tax and apply such overpayment against any liability in re-

spect of any tax imposed by the tax laws of this State on the person who made the overpayment, and the balance shall be refunded by the State Treasurer out of the proceeds of the tax retained by him for such general purposes.

(b) **Excessive withholding.** If the amount allowable as a credit for tax withheld from the taxpayer exceeds his tax to which the credit relates, the excess shall be considered an overpayment.

(c) **Overpayment by employer.** If there has been an overpayment of tax required to be deducted and withheld under section 1151 of this title, refund shall be made to the employer only to the extent that the amount of the overpayment was not deducted and withheld by the employer.

(d) **Assessment and collection after limitation period.** If any amount of income tax is assessed or collected after the expiration of the period of limitations properly applicable thereto, such amount shall be considered an overpayment.

§ 1197. Abatements

(a) **General.** The State Tax Commissioner is authorized to abate the unpaid portion of the assessment of any tax or any liability in respect thereof, which (1) is excessive in amount, or (2) is assessed after the expiration of the period of limitations properly applicable thereto, or (3) is erroneously or illegally assessed.

(b) **Small tax balances.** The State Tax Commissioner is authorized to abate the unpaid portion of the assessment of any tax, or any liability in respect thereof, if he determines under uniform rules prescribed by him, that the administration and collection costs involved would not warrant collection of the amount due.

§ 1198. Limitations on credit or refund

(a) **General.** A claim for credit or refund of an overpayment of any tax imposed by this chapter shall be filed by the taxpayer within three years from the time the return was filed or two years from the time the tax was paid, whichever of such periods expires the later; or if no return was filed by the tax-

payer, within two years from the time the tax was paid. No credit or refund shall be allowed or made after the expiration of the period of limitations prescribed in this subsection for the filing of a claim for credit or refund, unless a claim for credit or refund is filed by the taxpayer within such period.

(b) Limit on amount of claim or refund. If the claim is filed by the taxpayer during the three-year period prescribed in subsection (a), the amount of the credit or refund shall not exceed the portion of the tax paid within the three years immediately preceding the filing of the claim plus the period of any extension of time for filing the return. If the claim is not filed within such three-year period, but is filed within the two-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim. If no claim is filed, the credit or refund shall not exceed the amount which would be allowable under either of the preceding sentences, as the case may be, if a claim was filed on the date the credit or refund is allowed.

(c) Extension of time by agreement. If an agreement for an extension of the period for assessment of income taxes is made within the period prescribed in subsection (a) for the filing of a claim for credit or refund, the period for filing claim for credit or for making credit or refund if no claim is filed, shall not expire prior to six months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof. The amount of such credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection (a) if a claim had been filed on the date the agreement was executed.

(d) Notice of change or correction of federal income. If a taxpayer is required by section 1176 of this title to report a change or correction in federal taxable income reported on his federal income tax return, or to report a change or correction which is treated in the same manner as if it were an overpayment for federal income tax purposes, or to file an amended return with the State Tax Commissioner, claim for credit or refund of any resulting over-payment of tax shall be filed by the

taxpayer within two years from the time the notice was required to be filed with the State Tax Commissioner. If the report or amended return required by section 1176 of this title is not filed within the 90-day period therein specified, interest on any resulting refund or credit shall cease to accrue after such 90th day. The amount of such credit or refund shall not exceed the amount of the reduction in tax attributable to such federal change, correction, or items amended on the taxpayer's amended federal income tax return. This subsection shall not affect the time within which or the amount for which a claim for credit or refund may be filed apart from this subsection.

(e) Special rule for net operating loss carryback. If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback, the claim may be made within the period which ends with the expiration of the 15th day of the 40th month following the end of the taxable year of the net operating loss which resulted in such carryback or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later.

§ 1199. Interest on overpayment

(a) General. Interest shall be allowed and paid at the rate of one percent per month or fraction thereof upon any overpayment in respect of the tax imposed by this chapter. No interest shall be allowed or paid if the amount thereof is less than \$1.00.

(b) Date of return or payment. For purposes of this section and section 1198:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;

(2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him on the fifteenth day of the fourth month following the close of his taxable year to which such amount constitutes a credit or payment.

(c) Refund within three months. If any overpayment of tax imposed by this chapter is refunded within three months after the last date prescribed (or permitted by extension of time) for filing the return of such tax or within three months after the return was filed, whichever is later, no interest shall be allowed under this section on overpayment.

(d) No interest shall be allowed during the period of delay on a refund delayed by the action or by the inaction of the taxpayer.

§ 1200. Refund claim

Every claim for refund shall be filed with the State Tax Commissioner in writing and shall state the specific grounds upon which it is founded. The State Tax Commissioner may grant the taxpayer or his authorized representatives an opportunity for an oral hearing if the taxpayer so requests.

§ 1201. Notice of denial

If the State Tax Commissioner disallows a claim for refund, he shall notify the taxpayer accordingly. The action of the State Tax Commissioner denying a claim for refund is final upon the expiration of 90 days from the date when he mails notice of his action to the taxpayer unless within this period the taxpayer seeks review of the State Tax Commissioner's determination.

§ 1202. Refund claim deemed disallowed

If the State Tax Commissioner fails to mail a notice of action on any refund claim within six months after the claim is filed, the taxpayer may, prior to notice of action on the refund claim, consider the claim disallowed.

§ 1203. Review of determinations of State Tax Commissioner

A determination by the State Tax Commissioner on a taxpayer's protest against the proposed assessment of a deficiency or on a taxpayer's claim for refund shall be subject to review at the instance of the taxpayer by filing a petition with the State Tax Board, in such form as the State Tax Board may prescribe,

within the times specified in section 1185 or section 1201 of this title, as the case may be. The determination of the State Tax Board shall be subject to judicial review as provided in section 328 of this title.

SUBCHAPTER X. ENFORCEMENT

§ 1211. Timely mailing

If any claim, statement, notice, petition, or other document including, to the extent authorized by the State Tax Commissioner a return or declaration of estimated tax, required to be filed within a prescribed period or on or before a prescribed date under the authority of any provision of this chapter is, after such period or such date, delivered by United States mail to the State Tax Commissioner, or the officer or person therein with which or with whom such document is required to be filed, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This section shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document, determined with regard to any extension granted for such filing, and only if such document was deposited in the mail, postage prepaid, properly addressed to the State Tax Commissioner, office, officer or person therein with which or with whom the document is required to be filed. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the State Tax Commissioner, or the office, officer or person to which or to whom it is addressed. To the extent that the State Tax Commissioner shall prescribe, certified mail may be used in lieu of registered mail under this section. When the last day prescribed under the authority of this chapter including any extension of time, for performing any act falls on Saturday, Sunday, or a legal holiday in this State, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

§ 1212. Collection procedures

(a) General. The tax imposed by this chapter shall be collected by the State Tax Commissioner, and he may establish the mode or time for the collection of any amount due under this

chapter if not otherwise specified. The State Tax Commissioner shall, on request, give a receipt for any amount collected under this chapter. The State Tax Commissioner may authorize incorporated banks or trust companies which are depositaries or fiscal agents of this State to receive and give a receipt for any tax imposed under this chapter, in such manner, at such times, and under such conditions as he may prescribe; and the State Tax Commissioner shall prescribe the manner, times and conditions under which the receipt of tax by such banks and trust companies is to be treated as payment of tax to the State Tax Commissioner.

(b) Notice and demand. The State Tax Commissioner shall as soon as practicable give notice to each person liable for any amount of tax, addition to tax, additional amount, penalty or interest, which has been assessed but remains unpaid, stating the amount and demanding within 10 days of the date of the notice and demand payment thereof. Such notice shall be left at the dwelling place or usual place of business of such person or shall be sent by mail to such person's last known address. Except where the State Tax Commissioner determines that collection would be jeopardized by delay, if any tax is assessed prior to the last date, including any date fixed by extension, prescribed for payment of such tax, payment of such tax shall not be demanded until after such date.

(c) Cross-reference. For requirements of payment without assessment, notice or demand of amount shown to be due on return, see section 1168 of this title.

§ 1213. Issuance of warrant

If any person liable to pay any tax, addition to tax, penalty, or interest imposed under this chapter neglects or refuses to pay the same within ten days after notice and demand, the State Tax Commissioner after obtaining a judgment pursuant to section 1214 of this chapter or otherwise, may issue a warrant directed to the sheriff of any County of this State or to his own representative commanding him to levy upon and sell such person's real and personal property for the payment of the amount assessed, with the cost of executing the warrant, and to return such warrant to the State Tax Commissioner and to pay him the

money collected by virtue thereof within 60 days after receipt of the warrant. A copy of the warrant shall be filed with the Prothonotary and noticed on the regular judgment docket. If the State Tax Commissioner finds that the collection of the tax is in jeopardy, the State Tax Commissioner may issue a warrant without regard to the ten days waiting period provided in the foregoing provisions of this Section. All sales of real and personal property shall be made pursuant to Title 10 of the Delaware Code.

§ 1214. Lien of tax

If any tax imposed by this chapter is not paid when due, the State Tax Commissioner may file in the office of the Prothonotary as Clerk of the Superior Court of the County in which the taxpayer resides or owns real or personal property a certificate specifying the amount of the tax, addition to tax, penalty and interest due, the name and last-known address of the taxpayer liable for the amount and the fact that the State Tax Commissioner has complied with all the provisions of this chapter in the assessment of the tax. From the time of the filing, the amount set forth in the certificate shall thereupon be and constitute a judgment of record in such court with like force and effect as any other judgment in the court. The Prothonotary shall enter the certificates in the regular judgment docket and index them as soon as they are filed. It is expressly provided that no property, legal or equitable, wages, salaries, deposits, or monies in banks, savings institutions, or loan associations, or other property or income of any taxpayer shall be exempt from execution or attachment process issued upon or for collection of any judgment.

§ 1215. Extension; release of lien

The State Tax Commissioner may, at any time release all or any portion of the property subject to any lien arising under this chapter or subordinate the lien to other judgments, liens or security interests if he determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

§ 1216. Taxpayer not a resident

When notice and demand for the payment of a tax is given to a nonresident and it appears to the State Tax Commissioner that it is not practicable to locate property of the taxpayer sufficient in amount to cover the amount of tax due, he shall send a copy of the certificate provided for in section 1214 to the taxpayer at his last-known address together with a notice that such certificate has been filed with the Prothonotary, as Clerk of the Superior Court of New Castle County. Thereafter, the State Tax Commissioner may authorize the institution of any action or proceeding to collect or enforce such judgment in any place and by any procedure that a civil judgment of a court of record of this State could be collected or enforced. The State Tax Commissioner may also in his discretion, designate agents or retain counsel outside this State for the purpose of collecting outside this State any taxes due under this chapter from taxpayers who are not residents of this State; and he may fix the compensation of such agents and counsel to be paid out of money appropriated or otherwise lawfully available for payment thereof and he may require of them bonds or other security for the faithful performance of their duties. The State Tax Commissioner is authorized to enter into agreements with the tax departments of other states and the District of Columbia for the collection of taxes from persons found in this State who are delinquent in the payment of income taxes imposed by those states or the District of Columbia on condition that the agreeing states and the District of Columbia afford similar assistance in the collection of taxes from persons found in this jurisdictions who are delinquent in the payment of taxes imposed under this chapter.

§ 1217. Action for recovery of taxes

The State Tax Commissioner within six years after the assessment of any tax may bring an action in any court of competent jurisdiction within or without this State in the name of the people of this State to recover the amount of any taxes, additions to tax, penalties and interest due and unpaid under this chapter. In such action, the certificate of the State Tax Commissioner showing the amount of the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency, and of the compliance by the State Tax Commissioner with all the provisions of this chapter in relation to the assessment of the tax.

§ 1218. Income tax claims of other states

The courts of this State shall recognize and enforce liabilities for personal income taxes lawfully imposed by any other state which extends a like comity to this State, and the duly authorized officer of any such state may sue for the collection of such a tax in the courts of this State. A certificate by the secretary of state of such other state that an officer suing for the collection of such a tax is duly authorized to collect the tax shall be conclusive proof of such authority. For the purposes of this section, the word "taxes" shall include additions to tax, interest and penalties, and liability for such taxes, additions to tax, interest and penalties shall be recognized and enforced by the courts of this State to the same extent that the laws of such other state permit the enforcement in its courts of liability for such taxes, additions to tax, interest and penalties due this State under this Chapter. Nothing in this section shall be construed as giving the courts of this State jurisdiction to enforce taxes of any other State except by an action against an individual who is a resident of this State or by an action against a corporation which is maintaining its principal office in this State at the time of the commencement of the action.

§ 1219. Order to compel compliance

(a) Failure to file tax return. If any person willfully refuses to file an income tax return required by this chapter, the State Tax Commissioner may apply to a judge of the Superior Court for the county in which the taxpayer (or other person required to file an income tax return) resides, for an order directing such person to file the required return. If a person fails or refuses to obey such order, he shall be guilty of contempt of court.

(b) Failure to furnish records or testimony. If any person willfully refuses to make available any books, papers, records or memoranda for examination by the State Tax Commissioner or his representative or willfully refuses to attend and testify, pursuant to the powers conferred on the State Tax Commissioner by section 1223 (c) of this chapter, the State Tax Commissioner may apply to a judge of the Superior Court for the County where such person resides, for an order directing that person to comply

with the State Tax Commissioner's request for books, papers, records or memoranda or for his attendance and testimony. If the books, papers, records or memoranda required by the State Tax Commissioner are in the custody of a corporation, the order of the Court may be directed to any principal officer of such corporation. If a person fails or refuses to obey such order, he shall be guilty of contempt of court.

§ 1220. Transferees

(a) General. The liability, at law or in equity, of a transferee of property of a taxpayer for any tax, addition to tax, penalty or interest due the State Tax Commissioner under this chapter, shall be assessed, paid and collected in the same manner and subject to the same provisions and limitations as in the case of the tax to which the liability relates except as hereinafter provided in this section. The term transferee includes, donee, heir, legatee, devisee, and distributee.

(b) Period of limitation. In the case of the liability of an initial transferee, the period of limitation for assessment of any liability is within one year after the expiration of period of limitation against the transferor; in the case of the liability of a transferee of a transferee, within one year after the expiration of the period of limitation against the preceding transferee, but not more than three years after the expiration of the period of limitation for assessment against the original transferor; except that if before the expiration of the period of limitation for the assessment of the liability of the transferee, a proceeding for the collection of the liability has been begun against the initial transferor or the last preceding transferee, respectively, then the period of limitation for assessment of the liability of the transferee shall expire one year after the proceeding is terminated.

(c) Extension by agreement. If, before the expiration of the time provided in this section for the assessment of the liability the State Tax Commissioner and the transferee have both consented in writing to its assessment after such time, the liability may be assessed at any time prior to the expiration of the period agreed upon or an extension thereof. For the purpose of determining the period of limitation on credit or refund to the transferee of overpayments of tax made by such transferee or of over-

payments of tax made by the transferor of which the transferee is legally entitled to credit or refund, such agreement and any extension thereof shall be deemed an agreement or extension referred to in subsection (c) of section 1198. If the agreement is executed after the expiration of the period of limitation for assessment against the taxpayer with reference to whom the liability of such transferee arises, then in applying the limitations under subsection (b) of section 1198 on the amount of the credit or refund, the periods specified in subsection (a) of section 1198 shall be increased by the period from the date of such expiration to the date of the agreement.

(d) Transferor deceased. If any person is deceased, the period of limitation for assessment against such person shall be the period that would be in effect had death not occurred.

§ 1221. Jeopardy assessments

(a) Filing and notice. If the State Tax Commissioner finds that the assessment or the collection of a tax or a deficiency for any year, current or past, will be jeopardized in whole or in part by delay, he may mail or issue notice of his finding to the taxpayer, together with a demand for immediate payment of the tax or the deficiency declared to be in jeopardy, including additions to tax, interest and penalties.

(b) Termination of taxable year. In the case of a tax for a current period, the State Tax Commissioner shall declare the taxable period of the taxpayer immediately terminated and his notice and demand for a return and immediate payment of the tax shall relate to the period declared terminated, including therein income accrued and deductions incurred up to the date of termination if not otherwise properly includable or deductible in respect of the period.

(c) Collection. A jeopardy assessment is immediately due and payable, and proceedings for collection may be commenced at once, subject to the provisions of section 1213 of this chapter. The taxpayer, however, may stay collection and prevent the jeopardy assessment from becoming final by filing, within ten days after the date of mailing or issuing the notice of jeopardy assessment, a request for reassessment, accompanied by a bond or other security in the amount of the assessment including addi-

tions to tax, penalties, and interest as to which the stay of collection is sought. If a request for reassessment, accompanied by a bond or other security on the appropriate amount, is not filed within the ten-day period, the assessment becomes final.

(d) Proceeding on reassessment. If a request for reassessment accompanied by a bond or other security is filed within the ten-day period, the State Tax Commissioner shall reconsider the assessment and, if the taxpayer has so requested in his petition, the State Tax Commissioner shall grant him or his authorized representatives an oral hearing. The State Tax Commissioner's action on the request for reassessment becomes final upon the expiration of thirty days from the date when he mails notice of his action to the taxpayer, unless within that thirty-day period, the taxpayer files an application to seek review of the State Tax Commissioner's determination by the State Tax Board.

(e) Presumptive evidence of jeopardy. In any proceeding brought to enforce payment of taxes made due and payable by this section, the finding of the State Tax Commissioner under subsection (a) of this section is for all purposes presumptive evidence that the assessment or collection of the tax or deficiency was in jeopardy.

(f) Abatement if jeopardy does not exist. The State Tax Commissioner may abate the jeopardy assessment if he finds that jeopardy does not exist.

§ 1222. Bankruptcy or receivership

(a) Immediate assessment. Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or any state or territory or of the District of Columbia, any deficiency (together with additions to tax and interest provided by law) determined by the State Tax Commissioner may be immediately assessed.

(b) Adjudication of claims. Claims for the deficiency and such additions to tax and interest may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of a protest before the State Tax Commissioner under

section 1183. No protest against a proposed assessment shall be filed with the State Tax Commissioner after the adjudication of bankruptcy or appointment of the receiver.

(c) Cross reference. For the requirement of notice to the State Tax Commissioner of the qualification of a trustee in bankruptcy, receiver, assignee for the benefit of creditors, or other like judiciary, see section 1164 of this title.

§ 1223. General powers of State Tax Commissioner

(a) General. The State Tax Commissioner shall administer and enforce the tax imposed by this chapter and he is authorized to make such rules and regulations and to require such facts and information to be reported, as he may deem necessary to enforce the provisions of this chapter.

(b) Returns and forms. The State Tax Commissioner may prescribe the form and contents of any return or other document required to be filed under the provisions of this chapter.

(c) Examination of books and witnesses. The State Tax Commissioner for the purpose of ascertaining the correctness of any return, or for the purpose of making an estimate of taxable income of any person, shall have power to examine or to cause to have examined, by any agent or representative designated by him for that purpose, any books, papers, records or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take testimony and require proof material for his information, with power to administer oaths to such person or persons.

§ 1224. Closing agreements

The State Tax Commissioner, or any person authorized in writing by him, is authorized to enter into an agreement with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect to the tax imposed by this chapter for any taxable period. Such agreement shall be final and conclusive and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

(a) the case shall not be reopened as to matters agreed upon or the agreement modified by any officer, employee or agent of this State, and

(b) in any suit, action or proceeding under such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded.

SUBCHAPTER XI. CRIMINAL OFFENSES

§ 1231. Attempt to evade or defeat tax

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof shall, in addition to other penalties provided by law, be fined not more than \$500, or imprisoned not more than 6 months, or both.

§ 1232. Failure to collect or pay over

Any person required under this chapter to collect, truthfully account for, and pay over any tax imposed by this chapter who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be fined not more than \$500, or imprisoned not more than 6 months, or both.

§ 1233. Failure to file return; supply information; pay tax

Any person required under this chapter to pay any tax or estimated tax, or required by this chapter to make a return (other than a return of estimated tax), keep any records, or supply any information, who willfully fails to pay such tax or estimated tax, make such return, keep such records, or supply such information, at the time or times required by law, shall, in addition to other penalties provided by law, be fined not more than \$500, or imprisoned not more than 6 months, or both.

§ 1234. False statements

Any person who willfully makes and subscribes any return, statement or other document, which contains or is verified by a written declaration that it is made under the penalties of per-

jury, and which he does not believe to be true and correct as to every material matter; or willfully aids or procures the preparation or presentation in a matter arising under the provisions of this chapter of a return, affidavit, claim or other document which is fraudulent or is false as to any material matter shall be fined not more than \$500, or imprisoned not more than 6 months, or both.

§ 1235. Limitations

Any prosecution under this chapter shall be instituted within three years after the commission of the offense, provided that if such offense is the failure to do an act required by or under the provisions of this chapter to be done before a certain date, a prosecution for such offense may be commenced not later than 3 years after such date. The failure to do any act required by or under the provisions of this chapter shall be deemed an act committed in part at the principal office of the State Tax Commissioner. Any prosecution under this chapter may be conducted in any county where the person or corporation to whose liability the proceeding relates resides, or has a place of business or in any county in which such crime is committed.

SUBCHAPTER XII. MISCELLANEOUS

§ 1241. Secrecy of returns and information

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the State Tax Commissioner or any officer or employee of the State Tax Department, any officer or employee of the State Data Processing Division, or any person engaged or retained by the State Tax Department on an independent contract basis to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this chapter to any person other than the taxpayer or his authorized agent. Any person who violates the provisions of this section shall be fined not more than \$500 or imprisoned not more than 6 months, or both.

§ 1242. Inspection of returns by Commissioner of Internal Revenue, officials of other states, and municipalities of this State

Notwithstanding the provisions of Section 1241 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 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 officer shall be permitted to examine a taxable's return unless the taxable shall have contact 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.

§ 1243. Constitutionality

If any provision or provisions of this chapter are held invalid, such invalidity shall not affect the validity of the remaining provisions of this chapter.

§ 1244. Short title

This chapter shall be entitled "Delaware Personal Income Tax Law of 1970".

§ 1245. Effective date

The provisions of this chapter shall take effect with respect to taxable years beginning on and after January 1, 1971.

Section 2. Chapter 19, Title 30, Delaware Code, is amended by adding the following new paragraph to section 1902 (b) :

9. A small business corporation having a valid election under subchapter S of the Internal Revenue Code of 1954 in effect for any entire income year beginning on or after January 1, 1971; provided that if on the last day of such income year any of the stockholders of such corporation are nonresident individuals (as defined in section 1103 (b) of this title), such corporation shall be subject to the tax imposed by this chapter on that percentage of its taxable income equal to the percentage of its stock owned by nonresident individuals on such day.

Section 3. The provisions of Chapter 11, Title 30, Delaware Code, in effect as of the date of enactment of this Act shall remain in effect until the amendments provided by Section 1 of this Act take effect, and such provisions shall thereupon be repealed. The repeal of any provision of Chapter 11, Title 30, Delaware Code, in effect as of the date of enactment of this Act shall not affect any act done or any right accruing or accrued before such repeal. If any provision or provisions of this Act, or the application thereof to any person or circumstances, is held invalid, then to such extent the provisions of Chapter 11, Title 30, Delaware Code, in effect as of the date of enactment of this Act shall remain in effect.

Approved July 22, 1970.

CHAPTER 738

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSIONS FROM INCOME.

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

Section 1. Amend Title 30, Section 1116, by adding a new paragraph (17) as follows:

Section (17) Amounts received after retirement from regular gainful employment, not specifically excluded by other paragraphs of this section, limited as follows:

(a) This exclusion shall be limited to \$1,000 for the taxable year ending December 31, 1970, and shall be limited to \$2,000 for the taxable year ending December 31, 1971.

(b) This exclusion shall be allowed only to retired taxables over 60 years of age or to taxables regardless of age who are totally and permanently disabled and unable to be gainfully employed, except that in either case casual employment earnings not to exceed \$2,000 during any taxable year shall not be construed as being gainfully employed.

(c) This exclusion shall not be allowed to any taxable for any taxable year during which the taxable's gross income exceeds \$10,000.

Section 2. Commencing with taxable years ending December 31, 1972, paragraphs (13) and (17) of Section 1116, Title 30, shall be stricken in their entirety and a new paragraph (13) shall be inserted in lieu thereof as follows:

Section (13) Amounts received after retirement from regular gainful employment, not specifically excluded by other paragraphs of this section, limited as follows:

(a) This exclusion shall be limited to \$2,000.

(b) This exclusion shall be allowed only to retired taxables over 60 years of age or to taxables regardless of age who are

totally and permanently disabled and unable to be gainfully employed, except that in either case casual employment earnings not to exceed \$2,000 during any taxable year shall not be construed as being gainfully employed.

(c) This exclusion shall not be allowed to any taxable for any taxable year during which the taxable's gross income exceeds \$10,000.

Approved July 22, 1970.

CHAPTER 739

AN ACT AMENDING TITLES 7, 16, 23, AND 29, DELAWARE CODE, PROVIDING FOR OMNIBUS AMENDMENTS AND CORRECTIONS RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AS PROVIDED IN TITLE 29, DELAWARE CODE, CHAPTER 80.

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

Section 1. Title 7, Delaware Code, § 101, is hereby amended by striking therefrom the words "Board" means the Board of Game and Fish Commissioners of the State of Delaware; and inserting in lieu thereof the words "Department" means the Department of Natural Resources and Environmental Control;

Section 2. Title 7, Delaware Code, § 101, is hereby amended by adding thereto the following:

"Secretary" means the Secretary of the Department of Natural Resources and Environmental Control or his duly authorized designee provided any such delegation of authority is consistent with the provisions of Title 29, Delaware Code, Chapter 80.

Section 3. Title 7, Delaware Code, § 102, is hereby amended by striking said section in its entirety.

Section 4. Title 7, Delaware Code, § 103, is hereby amended by striking said section in its entirety.

Section 5. Title 7, Delaware Code, § 104, is hereby amended by striking said section in its entirety.

Section 6. Title 7, Delaware Code, § 105, is hereby amended by striking said section in its entirety.

Section 7. Title 7, Delaware Code, § 106(a), is hereby amended by striking therefrom the word "Board" wherever it may appear and inserting in lieu thereof the word "Department".

Section 8. Title 7, Delaware Code, § 106 (b), is hereby amended by striking therefrom the word "Board" wherever it may appear and inserting in lieu thereof the word "Secretary".

Section 9. Title 7, Delaware Code, § 106 (c), is hereby amended by striking § 106 (c) in its entirety.

Section 10. Title 7, Delaware Code, § 106 (d), is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 11. Title 7, Delaware Code, § 106 (e), is hereby amended by striking therefrom the word "Board" wherever it may appear and inserting in lieu thereof the word "Department".

Section 12. Title 7, Delaware Code, § 106 (f), is hereby amended by striking § 106 (f) in its entirety.

Section 13. Title 7, Delaware Code, § 107, is hereby amended by striking said section in its entirety.

Section 14. Title 7, Delaware Code, § 108, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 15. Title 7, Delaware Code, § 109, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 16. Title 7, Delaware Code, § 110, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 17. Title 7, Delaware Code, § 111, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 18. Title 7, Delaware Code, § 112, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 19. Title 7, Delaware Code, § 113, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 20. Title 7, Delaware Code, § 113, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the words "Department".

Section 21. Title 7, Delaware Code, § 114, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 22. Title 7, Delaware Code, § 115, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 23. Title 7, Delaware Code, § 116, is hereby amended by striking said section in its entirety.

Section 24. Title 7, Delaware Code, § 117, is hereby amended by striking therefrom the words "Each member of the Board" and inserting in lieu thereof the words "The Secretary".

Section 25. Title 7, Delaware Code, § 118, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 26. Title 7, Delaware Code, § 119, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 27. Title 7, Delaware Code, § 120, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 28. Title 7, Delaware Code, § 121, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 29. Title 7, Delaware Code, § 301, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Secretary".

Section 30. Title 7, Delaware Code, § 302, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 31. Title 7, Delaware Code, § 305, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 32. Title 7, Delaware Code, § 503, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 33. Title 7, Delaware Code, § 504, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 34. Title 7, Delaware Code, §508, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 35. Title 7, Delaware Code, §509, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 36. Title 7, Delaware Code, §511, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 37. Title 7, Delaware Code, §512, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 38. Title 7, Delaware Code, §513, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 39. Title 7, Delaware Code, §514, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 40. Title 7, Delaware Code, §515, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 41. Title 7, Delaware Code, §516, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 42. Title 7, Delaware Code, §518, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 43. Title 7, Delaware Code, §519, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 44. Title 7, Delaware Code, §552, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 45. Title 7, Delaware Code, §561, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 46. Title 7, Delaware Code, §562, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 47. Title 7, Delaware Code, §563, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 48. Title 7, Delaware Code, §571, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 49. Title 7, Delaware Code, §572, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 50. Title 7, Delaware Code, §582, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 51. Title 7, Delaware Code, §583, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 52. Title 7, Delaware Code, §584, is hereby amended by striking therefrom the words "BOARD OF GAME AND FISH COMMISSIONERS" and inserting in lieu thereof the words "DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL".

Section 53. Title 7, Delaware Code, §585, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 54. Title 7, Delaware Code, §586, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 55. Title 7, Delaware Code, §704, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 56. Title 7, Delaware Code, §715 (b), is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 57. Title 7, Delaware Code, §721 (c), is hereby amended by striking therefrom the word "Board" wherever it appears and the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 58. Title 7, Delaware Code, §722, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 59. Title 7, Delaware Code, §741, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 60. Title 7, Delaware Code, §743, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 61. Title 7, Delaware Code, §916, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 62. Title 7, Delaware Code, §952, is hereby amended by striking from the first paragraph thereof the words "by any member of the Board of Game and Fish Commissioners" and inserting in lieu thereof the words "the Secretary".

Section 63. Title 7, Delaware Code, §952, is hereby amended by striking from the second paragraph thereof the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 64. Title 7, Delaware Code, §955, is hereby amended by striking therefrom the words "any member of the Board of Game and Fish Commissioners", and inserting in lieu thereof the words "The Secretary, any".

Section 65. Title 7, Delaware Code, §1109, is hereby amended by striking therefrom the words "The Board of Game and Fish Commissioners" and inserting in lieu thereof the words "The Department".

Section 66. Title 7, Delaware Code, §1109, is hereby amended by striking therefrom wherever it appears the word "Board" and inserting in lieu thereof the word "Department".

Section 67. Title 7, Delaware Code, §1111, is hereby amended by striking therefrom, wherever they appear the words "Board of Game and Fish Commissioners" and "Board" and inserting in lieu thereof the word "Department".

Section 68. Title 7, Delaware Code, §1125, is hereby amended by striking therefrom the words "The Board of Game and Fish Commissioners" and inserting in lieu thereof the words "The Department".

Section 69. Title 7, Delaware Code, §1126, is hereby amended by striking therefrom wherever it appears the word "Board" and inserting in lieu thereof the word "Department".

Section 70. Title 7, Delaware Code, §1127, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 71. Title 7, Delaware Code, §1129, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and "Board" and inserting in lieu thereof the word "Department".

Section 72. Title 7, Delaware Code, §1130, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 73. Title 7, Delaware Code, §1303, is hereby amended by striking therefrom the word "Board" and inserting in lieu thereof the word "Department".

Section 74. Title 7, Delaware Code, §1307, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 75. Title 7, Delaware Code, §1701, is hereby amended by striking therefrom wherever they appear the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 76. Title 7, Delaware Code, §1701, is hereby amended by striking therefrom the words "Commission" and "Board" and inserting in lieu thereof the word "Department".

Section 77. Title 7, Delaware Code, §1704 (c), is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 78. Title 7, Delaware Code, §1705 (c), is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 79. Title 7, Delaware Code, §1709, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and "Board" and inserting in lieu thereof the word "Department".

Section 80. Title 7, Delaware Code, §1710, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 81. Title 7, Delaware Code, §1711, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and "Board", wherever they may appear, and inserting in lieu thereof the word "Department".

Section 82. Title 7, Delaware Code, §1721, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 83. Title 7, Delaware Code, §1722, is hereby amended by striking therefrom the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 84. Title 7, Delaware Code, §1725, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners", "Division", and "Board" and inserting in lieu thereof the word "Department".

Section 85. Title 7, Delaware Code, §5801 (b), is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 86. Title 7, Delaware Code, §5803, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and "Board", wherever they appear, and inserting in lieu thereof the word "Department".

Section 87. Title 7, Delaware Code, §5806, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners" and inserting in lieu thereof the word "Department".

Section 88. Title 7, Delaware Code, §1901, §1902, §1903, and §1904, are hereby amended by striking said sections in their entirety.

Section 89. Title 7, Delaware Code, §1905, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the word "Secretary".

Section 90. Title 7, Delaware Code, §1906, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the word "Department".

Section 91. Title 7, Delaware Code, §1907 (a), is hereby amended by striking the following:

"(a) The Commission shall have full control and direction of the shellfish industry and of the protection of shellfish throughout this State. The Commission may, by affirmative vote of a majority of the Commission, adopt, promulgate, amend, and repeal regulations consistent with the law, which shall be enforced by members of the Commission, the Captain or Masters of guard boats, guards, special inspectors employed by the Commission, and any police officer or constable, for the following purposes —"

and inserting in lieu thereof the following:

(a) The Department shall have control and direction of the shellfish industry and of the protection of shellfish throughout this State. The Secretary may adopt, promulgate, amend, and repeal regulations consistent with the law, which shall be en-

forced by the Department, the Captain or Masters of guard boats, guards, special inspectors employed by the Department and any police officer or constable, for the following purposes—.

Section 92. Title 7, Delaware Code, §1907 (b), is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the word "Secretary".

Section 93. Title 7, Delaware Code, §1908, is hereby amended by striking therefrom the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

Section 94. Title 7, Delaware Code, §1909, is hereby amended by striking therefrom the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

Section 95. Title 7, Delaware Code, §1910, is hereby amended by striking said section in its entirety and inserting in lieu thereof the following new section :

§ 1910. Examination of witnesses; perjury; subpoenas

The Secretary may administer oaths and examine witnesses under oath in any part of this State, in any matter relating to the Shellfish industry. Whoever, having been sworn, willfully gives false testimony, is guilty of perjury. For the purpose of this section, the Secretary may issue subpoenas requiring the attendance of witnesses and the production of books and papers in any part of the State.

Section 96. Title 7, Delaware Code, §2101, is hereby amended by striking therefrom the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

Section 97. Title 7, Delaware Code, §2106, is hereby amended by striking therefrom the word "Commission", wherever it appears, and inserting in lieu thereof the word "Department".

Section 98. Title 7, Delaware Code, §2107, is hereby amended by striking therefrom the words "Commission" and "Commissioner" and inserting in lieu thereof the word "Department".

Section 99. Title 7, Delaware Code, §2305, is hereby amended by striking therefrom the word "Commission", wherever it appears and inserting in lieu thereof the word "Department".

Section 100. Title 7, Delaware Code, §2701, is hereby amended by striking therefrom the word "Commission" wherever it appears, and inserting in lieu thereof the word "Department".

Section 101. Title 7, Delaware Code, §2706 (a), is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the word "Department".

Section 102. Title 7, Delaware Code, §2706 (b), is hereby amended by striking therefrom the words "President and Executive Secretary of the Commission" and inserting in lieu thereof the word "Secretary".

Section 103. Title 7, Delaware Code, §2711, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the word "Department".

Section 104. Title 7, Delaware Code, §2713, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the word "Department".

Section 105. Title 7, Delaware Code, §2716 (c), is hereby amended by striking therefrom the word "Commission", wherever it appears, and inserting in lieu thereof the word "Department".

Section 106. Title 7, Delaware Code, §2717, is hereby amended by striking therefrom the word "Commission", wherever it appears, and inserting in lieu thereof the word "Department".

Section 107. Title 23, Delaware Code, §2113, is hereby amended by striking therefrom the word "Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 108. Title 23, Delaware Code, §2114, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 109. Title 23, Delaware Code, §2115, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 110. Title 23, Delaware Code, §2116, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries, Small Boat Division" and inserting in lieu thereof the word "Department".

Section 111. Title 23, Delaware Code, §2117, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries", wherever they appear, and inserting in lieu thereof the word "Department".

Section 112. Title 23, Delaware Code, §2118, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries", wherever they appear, and inserting in lieu thereof the word "Department".

Section 113. Title 23, Delaware Code, §2120, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries", wherever they appear, and inserting in lieu thereof the word "Department".

Section 114. Title 23, Delaware Code, §2122, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries", wherever they appear, and inserting in lieu thereof the word "Department".

Section 115. Title 23, Delaware Code, §2123, is hereby amended by striking therefrom the words "Game and Fish Commission and the Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 116. Title 23, Delaware Code, §2124, is hereby amended by striking therefrom the words "Small Boat Safety Division of the Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 117. Title 23, Delaware Code, §2125, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 118. Title 23, Delaware Code, §2126, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries", wherever they appear, and inserting in lieu thereof the word "Department".

Section 119. Title 23, Delaware Code, §2128, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries", wherever they appear, and inserting in lieu thereof the word "Department".

Section 120. Title 23, Delaware Code, §2129, is hereby amended by striking therefrom the words "Game and Fish Commission" and "Delaware Commission of Shell Fisheries" and inserting in lieu thereof the word "Department".

Section 121. Title 7, Delaware Code, §4519, is hereby amended by striking therefrom the words "State Park Commission of Delaware" and "State Park Commission" wherever they appear and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 122. Title 7, Delaware Code, §4701, is hereby amended by striking said section in its entirety.

Section 123. Title 7, Delaware Code, §4702, is hereby amended by striking said section in its entirety.

Section 124. Title 7, Delaware Code, §4703, is hereby amended by striking therefrom the words "Commission", "Commission's" and "State Park Commission of Delaware" wherever they appear and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 125. Title 7, Delaware Code, §4705, is hereby amended by striking therefrom the words "State Park Commission" and "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 126. Title 7, Delaware Code, §4721, is hereby amended by striking therefrom the words "State Park Commission" wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 127. Title 7, Delaware Code, §4723, is hereby amended by striking therefrom the words "State Park Commission" and "Commission" wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 128. Title 7, Delaware Code, §4724, is hereby amended by striking therefrom the words "State Park Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 129. Title 7, Delaware Code, §4730, is hereby amended by striking therefrom the words "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 130. Title 7, Delaware Code, §4731, is hereby amended by striking therefrom the word "Commission" wherever it appears, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 131. Title 7, Delaware Code, §4732, is hereby amended by striking therefrom the word "Commission" wherever it appears, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 132. Title 7, Delaware Code, §5801, is hereby amended by striking therefrom the words "State Park Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 133. Title 7, Delaware Code, §5802, is hereby amended by striking therefrom the words "State Park Commission", "Commission" and "State Park Commissioners" wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 134. Title 7, Delaware Code, §5804, is hereby amended by striking therefrom the words "State Park Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 135. Title 7, Delaware Code, §5806, is hereby amended by striking therefrom the words "State Park Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental control".

Section 136. Title 7, Delaware Code, §2901, is hereby amended by striking §2901 in its entirety.

Section 137. Title 7, Delaware Code, §§2902, 2903 and 2904, are hereby amended by striking said sections in their entirety.

Section 138. Title 7, Delaware Code, §2905, is hereby amended by striking therefrom the words "State Forestry Department" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 139. Title 7, Delaware Code, §2906, is hereby amended by striking therefrom the words "Department" and "State Forestry Department", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 140. Title 7, Delaware Code, §2907, is hereby amended by striking therefrom the word "Department", wherever it appears, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 141. Title 7, Delaware Code, §2908, is hereby amended by striking therefrom the word "Department" in the first line thereof and the words "State Forester", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control" and "Secretary of the Department of Natural Resources and Environmental Control" respectively.

Section 142. Title 7, Delaware Code, §2908, is hereby amended by striking therefrom the words "Department in monthly statements, in form and manner prescribed by the Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control in monthly statements, in form and manner prescribed by the Department".

Section 143. Title 7, Delaware Code, §2909, is hereby amended by striking therefrom the word "Department" wherever it appears, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 144. Title 7, Delaware Code, §2910, is hereby amended by striking therefrom the word "Department", wherever it appears, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 145. Title 7, Delaware Code, §2911, is hereby amended by striking the word "Department" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 146. Title 7, Delaware Code, §2912, is hereby amended by striking the words "Department" and "Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 147. Title 7, Delaware Code, §2913, is hereby amended by striking the words "Department" and "Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 148. Title 7, Delaware Code, §2913, is hereby amended by striking therefrom the words "State Forestry Department" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 149. Title 7, Delaware Code, §2931, is hereby amended by striking the section in its entirety and inserting in lieu thereof a new section as follows:

§ 2931. Qualifications; appointment

The Department of Natural Resources and Environmental Control shall employ a State Forester, who shall be a technically trained forester of not less than two years experience in professional forestry work.

Section 150. Title 7, Delaware Code, §2932, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 2932. Powers and duties

The Department of Natural Resources and Environmental Control shall have direction of all forest interests and all matters pertaining to forestry and woodlands within the State. The Department of Natural Resources and Environmental Control shall execute all matters pertaining to forestry within the jurisdiction of the State; devise and promulgate rules and regulations for the enforcement of the State forestry laws and for the protection of forest lands; direct the improvement of State forest lands; collect data relative to forest conditions and become familiar with and inquire into the locations of all timber land and cut-over lands and prepare maps showing the locations and

areas of State forests and privately owned forests, so far as available funds will permit; take such action as is authorized by law to prevent and suppress forest, brush and grass fires; enforce all laws pertaining to forest and brush covered lands and assist in the prosecution, in the name of the State, of violations of said laws; cooperate with the land owners, counties and others in forest production and reforestation; and publish such information on forestry as he deems conducive to promoting the objects of Part III of this title.

Section 151. Title 7, Delaware Code, §2941, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 2941. Appointment; certificate; badge

The Department of Natural Resources and Environmental Control may appoint suitable persons to serve under its direction either voluntarily or under compensation as State Forest officers. Each officer so appointed shall be issued a certificate of appointment under the hand of the Secretary and shall be issued a badge as his insignia of authority. The appointee shall hold office until he resigns or his appointment is revoked by the Secretary. Upon termination of appointment, service, or authority the appointee shall surrender and deliver to the Department the certificate, badge and other Department property in its possession."

Section 152. Title 7, Delaware Code, § 2942, is hereby amended by striking therefrom the words "State Forestry Department" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 153. Title 7, Delaware Code, § 2942, is hereby amended by striking therefrom the last sentence in its entirety and inserting in lieu thereof the following new sentence:

Each person appointed and sworn as aforesaid shall be officially known as a State Forest officer.

Section 154. Title 7, Delaware Code, § 2943, is hereby amended by striking therefrom the words "State Forestry".

Section 155. Title 7, Delaware Code, § 2951, is hereby amended by striking therefrom, wherever they appear, the words "State Forester" and inserting in lieu thereof the word "Secretary".

Section 156. Title 7, Delaware Code, § 2951, is hereby amended by striking therefrom the words "State Forestry".

Section 157. Title 7, Delaware Code, § 2952, is hereby amended by striking therefrom the words "State Forester" and inserting in lieu thereof the word "Secretary".

Section 158. Title 7, Delaware Code, §2963, is hereby amended by striking therefrom the words "State Forester" and inserting in lieu thereof the words "Secretary of the Department of Natural Resources and Environmental Control".

Section 159. Title 7, Delaware Code, § 3303, is hereby amended by striking therefrom the words "State Forestry Commission of the State Forester" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 160. Title 7, Delaware Code, § 3503, is hereby amended by striking therefrom the words "State Forestry Commission" and "Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 161. Title 7, Delaware Code, § 3504, is hereby amended by striking therefrom the word "Commission", wherever it appears, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 162. Title 7, Delaware Code, §3505, is hereby amended by striking therefrom the words "State Forestry Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 163. Title 7, Delaware Code, § 3506, is hereby amended by striking therefrom the words "State Forestry Department" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 164. Title 7, Delaware Code, §3507, is hereby amended by striking therefrom the words "State Forestry Commission" and "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 165. Title 7, Delaware Code, § 3508, is hereby amended by striking therefrom the words "State Forester" and "Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 166. Title 7, Delaware Code, § 3902, is hereby amended by striking therefrom in the fifth paragraph thereof the words " "Delaware Soil and Water Conservation Commission" or "Commission" " and inserting in lieu thereof the words " "Department of Natural Resources and Environmental Control" or "Department" ".

Section 167. Title 7, Delaware Code, §3903, is hereby amended by striking therefrom subsection (a) in its entirety and by striking therefrom "(b)".

Section 168. Title 7, Delaware Code, §3904 (a) and (b) and §3905, are hereby amended by striking said sections in their entirety, §3904 (c) is hereby amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

Section 169. Title 7, Delaware Code, §3906, is hereby amended by striking therefrom the words "Commission", "Soil and Water Conservation Commission" and "Delaware Soil and Water Conservation Commission", wherever they appear, and inserting in lieu thereof the words "Department".

Section 170. Title 7, Delaware Code, §3906, is hereby amended by inserting in subsection (a) (12) after the words "Delaware Water and Air Resources Commission" and before the word "to" the words "The Department of Natural Resources and Environmental Control".

Section 171. Title 7, Delaware Code, §3907, is hereby amended by striking therefrom the word "Commission", wherever it appears, and inserting in lieu thereof the words "Secretary of the Department of Natural Resources and Environmental Control".

Section 172. Title 7, Delaware Code, §3908, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 173. Title 7, Delaware Code, §3909, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 174. Title 7, Delaware Code, §3911, is hereby amended by inserting in the heading thereof and in the body thereof after the word "Commission" the words "and the Department of Natural Resources and Environmental Control".

Section 175. Title 7, Delaware Code, § 3912, is hereby amended by striking therefrom the words "Commission's" and "Commission", wherever they appear, and inserting in lieu thereof the words "Department".

Section 176. Title 7, Delaware Code, § 3921, is hereby amended by striking therefrom the words "Delaware Soil and Water Conservation Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 177. Title 7, Delaware Code, § 3922, is hereby amended by striking therefrom the words "Delaware Soil and Water Conservation Commission" and "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 178. Title 7, Delaware Code, § 3923, is hereby amended by striking therefrom the words "Delaware Soil and Water Conservation Commission" and "Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 179. Title 7, Delaware Code, § 3924, is hereby amended by striking therefrom the words "Delaware Soil and Water Conservation Commission" and "Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 180. Title 7, Delaware Code, § 4102, is hereby amended by striking therefrom the words "State Soil Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 181. Title 7, Delaware Code, § 4109, is hereby amended by striking therefrom the words "State Soil Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 182. Title 7, Delaware Code, § 4110, is hereby amended by striking therefrom the words "State Soil Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 183. Title 7, Delaware Code, § 4121, is hereby amended by striking therefrom the words "State Soil Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 184. Title 7, Delaware Code, § 4123, is hereby amended by striking therefrom the words "State Soil Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 185. Title 7, Delaware Code, § 4161 (10), is hereby amended by striking therefrom the words "Delaware Soil and Water Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 186. Title 7, Delaware Code, § 4161 (10) (a), is hereby amended by striking therefrom the words "said Commission" and inserting in lieu thereof the words "the Department of Natural Resources and Environmental Control".

Section 187. Title 7, Delaware Code, § 4161 (10) (b), is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 188. Title 7, Delaware Code, § 4187, is hereby amended by striking therefrom the words "State Soil Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 189. Title 7, Delaware Code, § 4189, is hereby amended by striking therefrom the words "State Soil Conservation Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 190. Title 7, Delaware Code, § 4194, is hereby amended by striking therefrom the words "State Soil Conservation Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 191. Title 7, Delaware Code, §6001 (a) (2), is hereby amended by inserting after the word "Chapter" and before the word "should" the words "and the Department of Natural Resources and Environmental Control".

Section 191A. Title 7, Delaware Code, Chapter 60, is hereby amended by striking §6003 in its entirety.

Section 191B. Title 7, Delaware Code, §6002, is hereby amended by striking subsection (d) in its entirety and inserting in lieu thereof the following new subsection:

(d) The Secretary of Natural Resources and Environmental Control or his duly authorized designee in regulating water and air pollution or any other matters over which he has jurisdiction pursuant to this Title, may enter at reasonable times upon any private or public property for the purposes of investigating conditions within his jurisdiction conferred by this Title upon giving verbal notice and after presenting official identification to the owner, occupant, custodian, or agent of said property.

Section 192. Title 7, Delaware Code, §6004, is hereby amended by striking therefrom the first sentence in its entirety.

Section 193. Title 7, Delaware Code, §6006, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 6006. Violations; orders; public hearings before Director; findings

(a) Whenever the Secretary of Natural Resources and Environmental Control determines that a person has violated any of the provisions of this Part, or any rule or regulation duly promulgated thereunder, or any order of the Department, he shall endeavor by conference, conciliation or persuasion to obtain compliance with all requirements of this Part. If such compliance cannot be obtained, he shall give written notice to such person specifying the complaint. Such notice shall require that the matters of complaint be corrected within a reasonable period of time specified therein or that the person complained against

appear before the Secretary, or his duly authorized designee, for a public hearing at a time and place specified in the notice and answer the charges. The notice shall be served on such person as summonses are served or by certified mail not less than 20 days before the time set for the hearing.

(b) The person complained against may appear personally or by counsel at the hearing and produce any competent evidence in his behalf in answer to the alleged violation. The Secretary, or his duly authorized designee, shall be authorized to administer oaths, examine witnesses and issue, in the name of the Department, notices of hearings or subpoenas requiring the testimony of witnesses and the production of books, records, or other documents relevant to any matter involved in such hearing; and subpoenas shall also be issued at the request of the applicant or person complained against. In case of contumacy or refusal to obey a notice of hearing or subpoena under this section, the Superior Court in the county in which the hearing is held shall have jurisdiction, upon application of the Secretary, to issue an order requiring such person to appear and testify or produce evidence as the case may require.

(c) A verbatim transcript and record of the proceedings in all hearings so conducted shall be taken and filed with the Secretary, together with findings and conclusions. On the basis of the evidence presented, the Secretary shall enter such order as, in his opinion, will best further the purposes of the Part and shall promptly give written notice to the persons affected by such order. If the hearing is held before a representative designated by the Secretary, such representative shall transmit the transcript and record of the hearing together with his findings and conclusions, to the Secretary, who shall thereupon review the transcript and record and enter his order. Any affected party shall, upon request, be permitted to appear before the Secretary and present his views prior to issuance of such order where the initial hearing was conducted by a representative of the Secretary.

Section 194. Title 7, Delaware Code, §6007, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 6007. Permits; leases; variances and grants; public hearings before Secretary; notice; and waiver

The Secretary or his duly authorized designee 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 Secretary or his duly authorized designee 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 Secretary may, notwithstanding any other provisions of this section, in his discretion act without a public hearing.

Section 195. Title 7, Delaware Code, §6008, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 6008. Appeals from Secretary to Commission; conduct of hearings; records

(a) Any person whose interest is substantially affected by any action or order of the Secretary may appeal to the Water and Air Resources Commission by filing with the Secretary a notice of appeal. The notice shall be filed within 20 days from the date

of mailing of the notice of the action or order of the Secretary and shall be signed by the applicant or his attorney. Except when immediate action is required to protect the public health, the action, order or decision of the Secretary shall be stayed pending disposition of the appeal.

(b) Within 20 days from the receipt of the notice of appeal, the Secretary shall prepare and forward to the appellant or his attorney a copy of the transcript and record of the proceedings together with a copy of the order of the Secretary and a copy of the notice of appeal. The Secretary shall also forward a copy of the order of the Secretary and a copy of the notice of appeal to those parties whose names appear on the record of the hearing before the Secretary. All documents shall be certified by the Secretary or his duly authorized designee.

(c) Within 30 days from the filing of the notice of appeal with the Secretary, the appellant shall file the certified transcript and record of the proceedings and the other documents enumerated in subsection (b) of this section with the Commission.

(d) The appellant may appear personally or by counsel at the hearing before the Commission and produce any competent evidence in his behalf. Any member of the Commission, or a representative designated by the Commission, shall be authorized to administer oaths, examine witnesses, and issue in the name of the Commission, notice of hearings or subpoenas requiring the testimony of witnesses and the production of books, records, and other documents relevant to any matter involved in such hearing; and subpoenas shall also be issued at the request of the appellant. In case of contumacy or refusal to obey a notice of hearing or subpoena under this section, the Superior Court in the county in which the hearing is held shall have jurisdiction, upon application of the Commission, to issue an order requiring such person to appear and testify or produce evidence as the case may require.

(e) A verbatim transcript and record of the proceedings in the hearing so conducted shall be taken and filed with the Commission.

Section 196. Title 7, Delaware Code, § 6009, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 6009. Commission findings and order; notice of order

On the basis of the record of the hearing before the Secretary and the evidence if any presented to the Commission, the Commission shall make written findings and conclusions and shall enter such order as, in its opinion, will best further the purposes of this Part and shall promptly give written notice to the persons affected by such order. If the hearing is held before a representative designated by the Commission, such representative shall transmit the transcript and record of the hearing, together with his findings and conclusions to the Commission, which shall thereupon review the record and enter its order. Any affected party shall, upon request, be permitted to appear before the Commission and present his views prior to issuance of such order where the initial hearing was conducted by a representative of the Commission. No order or decision of the Commission shall take effect unless approved in writing by at least a majority of the members of the Commission.

Section 197. Title 7, Delaware Code, §6011, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 6011. Rules; regulations and orders; public hearings by Commission

(a) The Commission may adopt reasonable rules and regulations and issue general and specific orders after public hearing thereon following 20 days notice by publication in at least one newspaper of general circulation throughout the State and in each county of the State. No rule, regulation or general or specific order shall take effect unless approved in writing by at least five members of the Commission.

(b) Any affected party may appear personally or by counsel at the hearings and present any competent evidence in his behalf. Any member of the Commission or a representative designated by the Commission shall be authorized to administer oaths, examine witnesses, and issue, in the name of the Commission, notices of hearings of subpoenas requiring the testimony of witnesses and the production of books, records or other documents relevant to any matter involved in such hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Superior Court in the county in-

volved shall have jurisdiction, upon application of the Commission, to issue an order requiring such person to appear and testify or produce evidence, as the case may require. A verbatim transcript and record of the proceedings in all hearings so conducted shall be taken and filed with the Commission.

Section 198. Title 7, Delaware Code, § 6012, is hereby amended by striking the section in its entirety and inserting in lieu thereof the following:

§ 6012. Appeal from Commission to Superior Court

(a) Any person whose interest is substantially affected by any action, order or decision of the Commission may appeal from any such action, order or decision by filing with the secretary of the Commission a notice of appeal. The notice shall be filed within 20 days from the date of mailing of the notice of the action, order or decision of the Commission and shall be signed by the appellant or his attorney. Except when immediate action is required to protect the public health, the action, order or decision of the Commission shall be stayed pending disposition of the appeal.

(b) Within 20 days from the receipt of the notice of appeal, the Secretary shall prepare and forward to the appellant or his attorney a copy of the transcript and record in the proceedings together with a copy of the order or decision of the Commission and a copy of the notice of appeal. All documents shall be certified by the Secretary or his duly authorized designee.

(c) Within 30 days from the filing of the notice of appeal with the Secretary, the appellant shall file the certified transcript and record of the proceedings and the other documents enumerated in subsection (b) of this section with the Superior Court. The Court shall thereafter have complete jurisdiction of the matter.

(d) All appeals shall be taken to the Superior Court of the county in which the circumstances causing the appeal originated.

(e) The superior Court in which the appeal is perfected shall hear and determine the matter as a suit in law and equity.

(f) The provisions of this section shall not apply to proceedings pursuant to Chapter 64 of this title.

Section 199. Title 7, Delaware Code, § 6014, is hereby amended by inserting after the word "Commission", wherever it appears, the words "or the Department of Natural Resources and Environmental Control".

Section 200. Title 7, Delaware Code, §6016, is hereby amended by inserting after the word "Commission" and before the word "may" the words "and the Department of Natural Resources and Environmental Control".

Section 201. Title 7, Delaware Code, § 6104, is hereby amended by striking the section in its entirety and inserting in lieu thereof a new section as follows:

§ 6104. Duties and powers in regulation of water resources

(a) The Commission:

(1) Shall formulate and adopt a statewide comprehensive master water plan for the immediate and long-range development and use of the water resources of the State, after holding public hearings with respect thereto and after consulting with water users and interested public bodies;

(2) shall adopt reasonable rules and regulations for surface and underground water resources and uses in the State, issue general and special orders and do all other things necessary and convenient to carry out the foregoing powers and duties; and

(3) shall make its rules and regulations conform to the rules and regulations promulgated under the Delaware River Basin Compact within any area of this State which is subject to regulation under the Compact, notwithstanding any other provision of this chapter.

(b) The Department of Natural Resources and Environmental Control:

(1) shall advise the Delaware member of the Delaware River Basin Commission and his alternate as to the best interests of the State in the overall development of water resources of the Basin and to coordinate the plans of the Commission with those of the Delaware River Basin Commission in such a manner as to insure the best interests of the people of the state;

(2) shall study and investigate matters connected with water uses within the State, cooperate with the State Geologist in the study and investigation of water resources, and make recommendations thereon;

(3) shall approve the allocation and use of water in the State on the basis of equitable apportionment;

(4) shall approve all new plans and designs of all impounding and water facilities of all water resources by any state, county, municipal, public or private water user within the State; and

(5) may require reports from all Delaware water users as to their water facilities and past and present records of water use.

Section 202. Title 7, Delaware Code, § 6105, is hereby amended by striking the word "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 203. Title 7, Delaware Code, § 6203, is hereby amended by striking the section in its entirety and inserting in lieu thereof a new section as follows:

§ 6203. Powers

(a) The Commission in regulating air pollution pursuant to this chapter:

(1) shall develop a comprehensive program for the prevention and control of all sources of pollution of the air of the State; and

(2) shall promulgate rules and regulations and issue orders consistent with the purposes of this chapter and in accordance with Section 6011 of this title, including regulation of the installation of new equipment which will emit air contaminants.

(3) In exercising the powers conferred by this section, the Commission shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the State, may cause less air pollution or not cause any air pollution in another area of the State and the Commission shall take into consideration in this connection such factors, among others found by it to be proper and just, as existing physical conditions, zoning classifications, topography and prevailing wind direction and speeds, and also the fact that a rule or regulation and the degree of conformance therewith which may be proper as to an essentially residential area of the State may not be proper as to a highly developed industrial area of the State.

(b) The Department of Natural Resources and Environmental Control in regulating air pollution pursuant to this chapter:

(1) shall advise, consult and cooperate with other agencies of the State, political subdivision, industries, other states, the Federal government and with affected groups in furtherance of the purposes of this chapter;

(2) shall encourage and conduct studies, investigations and research relating to air pollution and its causes, prevention, control and abatement, as it may deem advisable and necessary;

(3) may collect and disseminate information relating to air pollution, its prevention and control;

(4) shall consider complaints, make investigations and hold hearings;

(5) may require any person to submit plans for the removal of air contaminants;

(6) shall encourage voluntary cooperation by the people, municipalities, counties, industries and others in restoring and preserving the purity of air within the State;

(7) may employ personnel, including specialists and consultants, purchase materials and supplies, and enter into contracts necessary to carry out the purposes of this chapter;

(8) may enter at reasonable times upon any private or public property for the purpose of investigating conditions relating to air pollution;

(9) shall enforce compliance with the laws of this State relating to pollution of the air;

(10) may represent this State in any and all matters pertaining to plans, procedures or negotiations for interstate compacts in relation to air pollution control; and

(11) may select an advisory committee to study and advise upon specific problems which may arise from time to time.

Section 204. Title 7, Delaware Code, § 6204, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 204 A. Title 7, Delaware Code, § 6205, is hereby amended as follows:

(1) By adding after the words "Commission" and before the word "then" in the third line, the words "or the Department of Natural Resources and Environmental Control".

(2) By striking the word "Commission" which appears partly in the third line and partly in the fourth line, and inserting in lieu thereof the word "Department".

(3) By striking "6009" and inserting in lieu thereof "6013".

Section 205. Title 7, Delaware Code, §6206, is hereby amended by striking the word "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 206. Title 7, Delaware Code, § 6232, is hereby amended by striking therefrom the word "Commission" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 207. Title 7, Delaware Code, § 6233, is hereby amended by striking therefrom the word "Commission", wherever it appears, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 208. Title 7, Delaware Code, § 6303, is hereby amended by striking the section in its entirety and inserting in lieu thereof a new section as follows:

§ 6303. Duties and powers

(a) The Commission, in regulating water pollution pursuant to this chapter, may —

(1) issue general orders, and adopt rules and regulations applicable throughout the State for the installation, use and operation of systems, methods, and means for controlling the pollution of the waters of the State by sewage, industrial wastes, refuse, and other wastes, after notice and hearing as provided by Section 6006 of this title.

(b) The Department of Natural Resources and Environmental Control, in regulating water pollution pursuant to this chapter, may —

(1) exercise general supervision over the administration and enforcement of all laws relating to the pollution of the waters of the State;

(2) study and investigate all problems connected with the pollution of the waters of the State and its control and to make reports and recommendations thereon;

(3) conduct scientific experiments, investigations, and research to discover economical and practicable methods for the elimination, disposal, or treatment of sewage, industrial wastes, and other wastes to control pollution of the waters of the State, and to this end the Commission may cooperate with any public or private agency in the conduct of such experiments, investigations, and research and may receive on behalf of the State any moneys which any such agency may contribute as its share of the cost under such cooperative arrangements;

(4) issue special orders after appropriate notice and hearing, directing particular owners, municipalities, and other political entities, to secure, within a specific time, such operating results toward the control of pollution of the waters as may be reasonable and practicable of attainment;

(5) make investigations and inspections to insure compliance with any general or special orders, rules and regulations which the Commission may issue in the exercise of this power the Commission may require the submission and approval of plans for the installation of systems and devices for handling, treating, or disposing of sewage, industrial, and other wastes; and

(6) enter into arrangements with the responsible authorities of other States, or of the Federal government, subject to approval by the Governor, relative to methods, means, and measures to be employed to control pollution of any interstate streams and other waters and to carry out such agreement by appropriate general and special orders, but this power shall not extend to the modification of any agreement with any other State concluded by direct legislative act, and unless otherwise expressly provided, this Commission shall be the agency for the enforcement for any such legislative agreement.

Section 209. Title 7, Delaware Code, § 6304, is hereby amended by inserting after the word "Commission", wherever it appears, the words "or the Department of Natural Resources and Environmental Control".

Section 210. Title 7, Delaware Code, § 6306, is hereby amended by inserting after the words "Commission" and before the word "may" the words "or the Department of Natural Resources and Environmental Control".

Section 211. Title 7, Delaware Code, § 6307, is hereby amended by striking therefrom the words "Water and Air Resources Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 212. Title 7, Delaware Code, § 6402, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 213. Title 7, Delaware Code, § 604, is hereby amended by striking therefrom the words "Board of Game and Fish Commissioners and the Delaware Commission of Shell Fisheries" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 214. Title 7, Delaware Code, § 6407, is hereby amended by striking therefrom the following:

- (3) Board of Game and Fish Commissioners
- (4) Delaware Commission of Shell Fisheries
- (5) State Board of Health
- (6) State Park Commission
- (7) State Geologist
- (8) The applicant, if any, requesting the hearing
- (9) Prospective applicants or bidders, by publication in 2 or more publications of general circulation in the oil and gas industry; and
- (10) The public, by publication of the notice once each week for not less than 2 weeks in a newspaper of general circulation throughout the State and in addition in a newspaper of general circulation in the county in which the lands lie or the county or counties contiguous to the area under consideration for bidding.

and inserting in lieu thereof the following:

(3) Department of Natural Resources and Environmental Control

(4) Department of Health and Social Services

(5) State Geologist

(6) The applicant, if any, requesting the hearing

(7) Prospective applicants or bidders, by publication in 2 or more publications of general circulation in the oil and gas industry; and

(8) The public, by publication of the notice once each week for not less than 2 weeks in a newspaper of general circulation throughout the State and in addition in a newspaper of general circulation in the county in which the lands lie or the county or counties contiguous to the area under consideration for bidding.

Section 215. Title 7, Delaware Code, § 6430, is hereby amended by striking therefrom the words "State Treasurer" and inserting in lieu thereof the words "Secretary of Finance".

Section 216. Title 7, Delaware Code, § 6640, is hereby amended by inserting after the word "Geologist", wherever it appears, the words "or the Secretary of Natural Resources and Environmental Control".

Section 217. Title 7, Delaware Code, § 6457, is hereby amended by striking therefrom the words "Executive Director of the Commission" and inserting in lieu thereof the words "Secretary of Natural Resources and Environmental Control".

Section 218. Title 7, Delaware Code, § 6459, is hereby amended by striking therefrom the words "Delaware Commission of Shell Fisheries", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 219. Title 16, Delaware Code, § 1506, is hereby amended by striking therefrom the words "Water and Air Resources Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 220. Title 16, Delaware Code, § 1506, is hereby amended by striking therefrom the words "State Board of

Health", wherever they appear, and inserting in lieu thereof the words "Department of Health and Social Services".

Section 221. Title 16, Delaware Code, § 1706, is hereby amended by striking therefrom the words "Water and Air Resources Commission", wherever they appear, and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

Section 221. (A) Title 29, Delaware Code, Chapter 80, is hereby amended by striking § 8001 in its entirety and adding a new section in lieu thereof as follows:

§ 8001. Establishment of Department of Natural Resources and Environmental Control

(a) A Department of Natural Resources and Environmental Control is established. The Department of Natural Resources and Environmental Control shall have, in addition to the other powers, duties and functions vested in the Department by the provisions of this Chapter, the following powers, duties and functions:

(1) The Department of Natural Resources and Environmental Control shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions heretofore vested in the Highway Department pursuant to the provisions of Title 7, Delaware Code, Chapter 45.

Section 222. Title 29, Delaware Code, Chapter 80, §8003 (e), is hereby amended by adding after the first word "To" the following:

"make and enter into any and all contracts, agreements or stipulations, and to".

Section 223. Title 29, Delaware Code, Chapter 80, § 8007 (a) (1) (ii), is hereby amended by adding a new sentence thereto to read as follows:

§§2909, 2910 and 2911 of Chapter 29 shall, however, be vested in the Department of Agriculture.

Section 224. Title 29, Delaware Code, Chapter 80, § 8013 (a) (1), is hereby amended by adding a new subsection (ii) as follows:

(ii) The provisions of Title 7, Delaware Code, Chapter 64, shall remain vested in the Delaware Water and Air Resources Commission.

Section 225. Title 29, Delaware Code, Chapter 80, § 8013 (a) (2), is hereby amended by striking § 8013 (a) (2) in its entirety and inserting in lieu thereof a new section to read as follows:

(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 Department of Natural Resources and Environmental Control, and may reverse or affirm, wholly or partly, or may modify, the order or action of the Department as provided for in Title 7, Delaware Code, Chapter 60.

Section 226. Title 29, Delaware Code, Chapter 80, § 8013 (a) (3), is hereby amended by adding a new sentence at the beginning thereof as follows:

(3) The administrative, ministerial, fiscal and clerical functions of the Commission shall be performed by the Division of Environmental Control.

Section 227. Title 29, Delaware Code, Chapter 80, § 8013 (a), is hereby amended by adding a subsection (5) as follows:

(5) 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 Mosquito Control Commission and the State Highway Department pursuant to the provisions of Title 16, Delaware Code, Chapter 19.

Section 228. Title 16, Delaware Code, Chapter 19, § 1901, is hereby amended by striking from the heading and the text thereof the words "State Highway Department" and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control."

Section 229. Title 16, Delaware Code, Chapter 19, § 1901, is hereby amended by adding after the word "Delaware" and before the word "shall" the words "and the State Highway Department".

Section 230. Title 16, Delaware Code, Chapter 19, § 1901, is hereby amended by adding after the last word "Commission." the words "and the State Highway Department."

Section 231. Title 16, Delaware Code, Chapter 19, § 9102, is hereby amended by striking the words "State Highway Department may —" in the first line thereof and inserting in lieu thereof the words, "Department of Natural Resources and Environmental Control (hereinafter referred to as the Department) may:".

Section 232. Title 16, Delaware Code, Chapter 19, § 1904, is hereby amended by striking from the second line thereof the words "State Highway".

Section 233. Title 16, Delaware Code, Chapter 19, § 1905, is hereby amended by striking from the first line thereof the words "State Highway".

Section 234. Title 29, Delaware Code, Chapter 80, § 8015 (d), is hereby amended by striking the words "the Director,".

Section 235. Title 29, Delaware Code, Chapter 80, § 8015 (d), is hereby amended by striking the word "Division" and inserting in lieu thereof the word "Department".

Section 236. Title 29, Delaware Code, Chapter 80, § 8018, is hereby amended by striking therefrom the "." at the end thereof and inserting the following:

, excepting only those powers, duties and functions herein expressly vested in or retained by any such commission.

Section 237. Title 29, Delaware Code, Chapter 80, is hereby amended by adding a new § 8025 as follows:

§ 8025. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 238. Title 29, Section 8005 (d), Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties. At least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall be eligible for appointment as a member of the Council.

Section 239. Title 29, Section 8006 (d), Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 240. Title 29, Section 8008 (d), Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 241. Title 29, Section 8010 (d), Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 242. Title 29, Section 8012 (d), Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties. At least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall be eligible for appointment as a member of the Council.

Section 243. If any provision of this Act, 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 Act and the application of such provisions of the Act 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.

Approved July 23, 1970.

CHAPTER 740

**AN ACT AMENDING TITLES 4, 5, 19, 23, 24, 26, 28 AND 29
PROVIDING FOR OMNIBUS AMENDMENTS AND COR-
RECTIONS RELATING TO THE DEPARTMENT OF AD-
MINISTRATIVE SERVICES AS PROVIDED IN TITLE
29, DELAWARE CODE, CHAPTER 88.**

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

Section 1. Chapter 31, Title 29, Delaware Code, is amended as follows:

A. §§ 3101, 3102, 3103 and 3104 are repealed.

B. §§ 3105 (6), 3106, 3107, 3109 and 3110 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

C. § 3105 is further amended by striking the words "The Commission shall—" and inserting in lieu thereof the words "The Department of Administrative Services, hereinafter referred to in this chapter as the "Department", shall—".

D. § 3105 (5) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

(5) Consider and determine the effect landscaping and maintenance of lands might have on the appearance of building and grounds.

E. § 3106 (2) is amended by striking the words "they" and "their" and inserting in lieu thereof the words "it" and "its", respectively.

Section 2. Chapter 45, Title 29, Delaware Code, is amended as follows:

A. §§ 4501 and 4504 are repealed.

B. §4502 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 4502. Duties

The Secretary of Administrative Services shall have general charge of the State House and administration buildings and shall see that the same are properly cared for. He shall assign all rooms in the State House and administration buildings for such uses and purposes as he may designate.

C. § 4503 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 4503. Appointments; duties; police powers

(a) The Secretary of Administrative Services shall appoint persons who shall —

(1) Care for the property belonging to this State;

(2) Keep clean and in good order all the rooms, offices, apartments, library and furniture, halls, stairways and cellars in the buildings;

(3) Attend to the heating of the same;

(4) Look after the pavements and grounds attached thereto; and

(5) Perform the duties and do any all things directed to be done by the Secretary of Administrative Services.

(b) For the purpose of enforcing this section, the Secretary of Administrative Services and the persons appointed by the Secretary pursuant to subsection (a), above, shall be clothed with all the powers of a police officer of the City of Dover.

Section 3. Chapter 68, Title 29, Delaware Code, is amended as follows:

A. § 6801 is amended by striking the words " 'Distribution Agency' or 'Agency' means the State Distribution Agency." and inserting in lieu thereof the words " 'Department' means the Department of Administrative Services."

B. §§ 6802, 6803, 6804, 6805, 6806 and 6807 are repealed.

C. §§ 6808, 6809, 6810, 6811, 6812 and 6813 are amended by striking the words "Distribution Agency" and "State Distribution Agency" wherever they appear and inserting in lieu thereof the words "Department" and "Department of Administrative Services", respectively.

D. § 6808 (2) is amended by striking the words "through the Director".

E. § 6811 is further amended by striking the word "Director" and inserting in lieu thereof the words "Secretary of Administrative Services".

F. § 6813 is amended by striking the words "State Treasurer" and inserting in lieu thereof the words "Secretary of Finance".

Section 4. Chapter 66, Title 29, Delaware Code, is amended as follows:

A. § 6601 is amended by striking from the last sentence the words "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'." and inserting in lieu thereof the words "within the Department of Administrative Services, a division of state government to be known as the Division of Central Data Processing; and for the purposes of this chapter the term 'Department' shall be construed to mean the Department of Administrative Services."

B. §§ 6602, 6603, 6604 and 6605 are amended by striking the words "Budget Director" wherever they appear and inserting in lieu thereof the words "Secretary of Administrative Services."

C. § 6603 is amended by striking from the third paragraph the words "is authorized to purchase, lease or rent data processing equipment in the name of the division" and inserting in lieu thereof the words "is authorized to purchase, lease or rent data processing equipment in the name of the Department".

D. § 6606 is amended by striking the word "director" from the second sentence only and inserting in lieu thereof the words "Secretary of Administrative Services".

Section 5. Chapter 3, Title 4, Delaware Code, is amended as follows:

A. § 304 (9) is repealed.

B. § 304 is further amended by adding a new paragraph at the end of said section as follows:

"The Department of Administrative Services shall appoint, employ or dismiss every officer or employee necessary for carrying out the work of the Commission, fix their salaries or remunerations, and assign them their official titles and duties, and engage the services of experts and of persons engaged in the practice of a profession. All officers and employees appointed by the Department of Administrative Services shall have the police powers of constables and other police officers of the State, counties and other subdivisions of the State and they shall be conservators of the peace throughout the State and may suppress all acts of violence and enforce the provisions of this title."

C. § 305 is amended by striking the words "appointed by the Commission to any position," and inserting in lieu thereof the words "appointed by the Department of Administrative Services to work for the Commission".

D. § 306 is amended by striking the words "appointed to any position by the Commission" and inserting in lieu thereof the words "appointed to any position by the Department of Administrative Services", and by inserting after the words "directed by the Commission" the words "or the Department of Administrative Services".

E. § 307 (a) is amended by inserting after the words "nor any employee of" the words "the Department of Administrative Services who works for".

F. § 307 (b) is amended by inserting after the words "nor any employee of" the words "the Department of Administrative Services who works for".

Section 6. Chapter 1, Title 28, Delaware Code, is amended as follows:

A. § 116 (a) is amended by striking the word "Commission" and inserting in lieu thereof the words "Department of Administrative Services".

B. § 116 (b) is amended by striking the words "The Commission may appoint" and inserting in lieu thereof the words "The Department of Administrative Services may appoint".

C. § 116 (c) is amended by inserting after the words "Commission" wherever it appears the words "or the Department of Administrative Services".

D. § 117 (a) is amended by striking from the second paragraph the sentence, "All expenses of the Commission shall be paid by the State Treasurer out of funds appropriated by the General Assembly for such purpose upon warrants signed by the chairman and secretary of the Commission and approved by the State Auditor".

Section 7. § 1121 (b), Title 28, Delaware Code, is amended by striking the words "The Commission may engage" and inserting in lieu thereof the words "The Department of Administrative Services may engage".

Section 8. § 1407 (b), Title 24, Delaware Code, is amended by striking from the third paragraph only the word "Board" wherever it appears and inserting in lieu thereof the words "Department of Administrative Services".

Section 9. § 2707, Title 24, Delaware Code, is amended by striking from the fifth paragraph the words "The Board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board" and inserting in lieu thereof the words "The Department of Administrative Services may employ such clerical or other assistants as are necessary for the proper performance of the Board's work, and may make expenditures of this fund for any purpose which in the opinion of the Department of Administrative Services".

Section 10. § 507, Title 28, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 507. Employees

The Department of Administrative Services may appoint such officers, clerks, stenographers, inspectors and such other

employees as it deems necessary. No person shall be appointed to or hold any such office or position who holds any official relation to any association or corporation engaged in or conducting harness horse racing within this State".

Section 11. § 103, Title 23, Delaware Code, is amended by striking the words "Board of Pilot Commissioners" and inserting in lieu thereof the words "Department of Administrative Services".

Section 12. Chapter 1, Title 26, Delaware Code, is amended as follows:

A. § 102 (a) is amended as follows:

(1) By striking the words "shall consist of 5 members each of whom" and inserting in lieu thereof the words "shall consist of 6 members, 5 of whom".

(2) By adding a new sentence as follows:

"The sixth member shall be the Secretary of Highways and Transportation, who shall serve ex-officio on the Commission as a non-voting member."

B. § 107 is amended by striking the words "The Commission may appoint" and inserting in lieu thereof the words "The Department of Administrative Services may appoint".

Section 13. § 307, Title 28, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 307. Employees

The Department of Administrative Services may appoint such officers, clerks, stenographers, inspectors, experts and employees as it deems necessary. No person shall be appointed to or hold any such office or position who holds any official relation to any association or corporation engaged in or conducting racing within this State."

Section 14. § 2921, Title 24, Delaware Code, is amended by striking the words "State Tax Department" and "office of the State Tax Department" and inserting in lieu thereof the words "Department of Finance".

Section 15. § 568, Title 28, Delaware Code, is amended by striking the words "Budget Director" and inserting in lieu thereof the words "Department of Finance".

Section 16. Chapter 1, Title 5, Delaware Code, is amended as follows:

A. § 102 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 102. Bond

The State Bank Commissioner shall give bond to the State in the sum of \$50,000, for the faithful performance of his duties.

B. § 103 (a) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(a) The Secretary of Administrative Services may appoint not more than two deputies and may employ such personnel as shall be necessary for making examinations of and giving adequate supervision over the corporations under the jurisdiction of the State Bank Commissioner. The Commissioner shall lend such aid and counsel to the officers and directors of said corporations as the situation or the circumstances may require, and in general, properly conduct the affairs of his office and discharge in a proper manner the duties imposed upon him by law."

C. § 103 (b) is amended by striking the word "Commissioner." and inserting in lieu thereof the words "Secretary of Administrative Services as provided by law."

D. § 103 (d) is amended by striking the words "Commissioner." and inserting in lieu thereof the words "Secretary of Administrative Services."

E. §§ 104, 105, 124 and 125 (a) are amended by striking the words "his appointees" and "his deputies" wherever they appear and inserting in lieu thereof the words "the employees who work for the Commissioner".

F. § 104 is further amended by striking the words "and examiners" from the first sentence thereof. § 104 is further amended by striking from the second sentence thereof the word "Commissioner" and inserting in lieu thereof the words "Secretary of Administrative Services".

G. § 105 is further amended by striking the words "and other appointees" from the second sentence thereof.

H. § 105 is further amended by striking the words "presented to him by the Commissioner." and inserting in lieu thereof the words "presented to him by the Commissioner or the Secretary of Administrative Services."

I. § 105 is further amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

J. § 125 (c) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(c) If the Commissioner or any of the employees who work for the Commissioner disclose anything relative to the private accounts or transactions of any institution examined, or disclose any facts and information discovered in the course of the examination, or retain in their private possession, or remove from the office of the Commissioner, copies of any letters, papers, accounts, books or records disclosing such facts and information, except as provided in section 124 of this title and this section, whether during their term of office or employment or thereafter, they shall be subject to forfeiture of their office or employment, and may be fined not more than \$1,000, or imprisoned not more than two years, or both."

I. § 133 is amended as follows:

(1) By striking the words "The Commissioner may employ such persons outside the regular force in the State Banking Department as he deems necessary or proper to assist him" and inserting in lieu thereof the words "The Secretary of Administrative Services may employ such persons outside the regular force in the State Banking Department as the Secretary deems necessary or proper to assist the Commissioner."

(2) By striking from the second sentence the words "his agents and assistants" and inserting in lieu thereof the words "the persons".

J. § 134 is amended by striking the words "employed by the Commissioner in the performance of his duties as receiver" and "employed by the Commissioner for the purpose of such possession".

Section 17. Chapters 3 and 5 respectively of Title 5, Delaware Code, are repealed.

Section 18. § 3155, Title 19, Delaware Code, is amended by striking the word "Commission" where it appears in the second, sixth and seventh sentences only and inserting in lieu thereof the words "Department of Administrative Services".

Section 19. Chapter 7, Title 5, Delaware Code, is amended as follows:

A. §§ 724, 725, 726, 729, 730, 731, 733, 749, 750 and 770 are amended by striking the words "Board of Bank Incorporation" and "Board" wherever they appear and inserting in lieu thereof the words "State Bank Commissioner" and "Commissioner", respectively.

B. § 750 is amended by striking from the last sentence the words "by the Board and also shall have been approved".

C. §783 is amended by striking the words "by the Board of Bank Incorporation and".

D. §784 is amended as follows:

(1) By striking from subsection (a) (4) the words "the Board of Bank Incorporation,".

(2) By striking from subsection (a) (6) the words "the Board of Bank Incorporation and".

(3) By striking from subsection (a) (6) the words "them" and "their" and inserting in lieu thereof the words "him" and "his", respectively.

(4) By striking from subsection (b) the words "to the Board of Bank Incorporation with a copy thereof".

(5) By striking from subsection (c) the words "Board of Bank incorporation" and inserting in lieu thereof the words "State Bank Commissioner".

(6) By striking from subsection (c) the words "the Board and" and "Board and the" from the first and second sentences, respectively.

(7) By striking subsection (d) in its entirety and inserting in lieu thereof a new subsection as follows:

“(d) If the State Bank Commissioner disapproves an agreement, he shall state the objections thereto and give an opportunity to the merging banks to amend the merger agreement to obviate such objections.”.

E. §785 is amended by striking the words “by the Board of Bank incorporation and”.

F. §§786(a) and 790 are amended by striking the words “the Board of Bank Incorporation and “wherever they appear.

G. §786 (b) is amended by striking the words “the Board of Bank Incorporation and with”.

H. §789 is amended by striking the words “neither the Board of Bank Incorporation nor”.

Section 20. §933 (a), Title 5, Delaware Code, is amended by striking the words “Board of Bank Incorporation” and “Board” wherever they appear and inserting in lieu thereof the words “State Bank Commissioner” and “Commissioner”, respectively.

Section 21. §2006, Title 5, Delaware Code, is amended by striking from the last paragraph the words “within thirty days after the Secretary of State sends them notice of the disapproval of their articles of merger, consolidation or conversion, appeal from such disapproval to the Governor, who shall hear such appeal promptly, and shall, within thirty days thereafter, decide the matter and certify his decision to the State Bank Commissioner. The decision of the Governor shall be conclusive and not subject to review. The State Bank Commissioner shall act in accordance therewith.” and inserting in lieu thereof the words “appeal from such disapproval as provided by law in Title 29, Delaware Code, §8809.”.

Section 22. §2301 (b), Title 5, Delaware Code, is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

“(b) After any refusal by the Commissioner to approve an application for license, the person aggrieved may appeal from such refusal as provided by law in Title 29, Delaware Code, §8809.”.

Section 23. §2505, Title 5, Delaware Code, is amended by striking from the last sentence the words “and an opportunity for a hearing shall be afforded.” and inserting in lieu thereof the words “and an opportunity for appeal shall be afforded as provided by law in Title 29, Delaware Code, §8809.”.

Section 24. §2725 (a), Title 5, Delaware Code is amended by striking from the last sentence the words “public interest.” and inserting in lieu thereof the words “public interest, notwithstanding the provisions set forth in Title 29, Delaware Code, §8809 (g).”.

Section 25. Chapter 29, Title 5, Delaware Code, is amended as follows:

A. §2902 (f) is amended by striking the words “a review thereof in the same manner as under the provisions of section 2903 (d) of this title.” and inserting in lieu thereof the words “an appeal from such refusal as provided by law in Title 29, Delaware Code, §8809.”.

B. §2903 (d) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

“(d) Any person aggrieved by any suspension or revocation of a license may appeal from such suspension or revocation as provided in Title 29, Delaware Code, §8809. The 20 day time period referred to in Title 29, Delaware Code, §8809 (g) (1) shall not commence to run until the expiration of the 30 day time period referred to in subsection (c), above.”.

Section 26. Chapter 88, Title 29, Delaware Code, is amended by adding a new section as follows:

§ 8820. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 27. If any provision of this Act, 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 Act and the application of such provisions of this Act, 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.

Approved July 23, 1970.

CHAPTER 741

**AN ACT AMENDING TITLES 4, 11, 12, 14, 19, 20, 24, 29 AND
30 AND VOLUME 56, LAWS OF DELAWARE, CHAPTER
250 PROVIDING FOR OMNIBUS AMENDMENTS AND
CORRECTIONS RELATING TO THE DEPARTMENT OF
FINANCE AS PROVIDED IN TITLE 29, DELAWARE
CODE, CHAPTER 83.**

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

Section 1. Chapter 65, Title 29, Delaware Code, is amended as follows:

A. §6501 is amended by striking said section in its entirety and inserting in lieu thereof a new §6501 as follows:

§ 6501. Definitions

(a) As used in this chapter, the term "agency" shall have the same meaning as defined in section 6301 of this title.

(b) As used in this chapter, the term "Secretary of Finance" shall mean the Secretary of Finance or his duly authorized designee.

B. §6508 (a) is amended by inserting after the words "Auditor of Accounts," in the second sentence the words "one copy to the Secretary of Finance".

C. §6508 (b) is amended by inserting after the words "Budget Director," in the first sentence the words "Secretary of Finance,".

D. §§6511, 6512(b), 6512(c), 6512(e), 6515(a), 6515(b), 6515(c), 6516, 6517, 6518, 6520(b), 6520(c), 6521, 6522, 6523, 6524, 6525 and 6526 are amended by striking the words "Budget Director" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

E. §6513 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 6513. Statement of account

No account or statement of indebtedness for any personal service, work or labor or for property, materials or supplies performed for or furnished to any agency shall be valid unless made out on a form prescribed by the Budget Director and conforming to the provisions of section 6515 of this title.

F. §6515(d) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

(d) For the payment of salaries, pensions or any other appropriations for the expending of which bills or statements are not renderable, the Secretary of Finance shall present a voucher or warrant in duplicate, which shall be signed by him, directing and authorizing the payment of the amounts due and payable. This voucher or warrant shall be in whatever form desired by the Budget Director.

G. §6527 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 6527. Delinquencies to be reported by Secretary of Finance

Upon the discovery of any delinquency in any agency, the Secretary of Finance shall forthwith report the same to the General Assembly, the Budget Director and the Attorney General who shall thereupon take appropriate action.

H. §6529 is amended by striking the words ", and the Budget Director is empowered and directed to reject all bills, statements, accounts, and demands against the State which do not conform with such controls as are adopted by the Budget Director." and inserting in lieu thereof a ".".

Section 2. §101, Title 30, Delaware Code, is amended as follows:

A. By striking the sentence "'Tax Board' means the State Tax Board;" and inserting in lieu thereof a new sentence as follows:

" 'Board' means the Tax Appeal Board;".

B. By striking the sentence " 'Tax Commissioner' means the State Tax Commissioner;" and inserting in lieu thereof a new sentence as follows:

" 'Secretary' and 'Secretary of Finance' mean the Secretary of Finance or his duly authorized designee, provided, that any such delegation of authority is consistent with the provisions of Title 29, Delaware Code, Chapter 83."

C. By striking the sentence " 'Tax Department' means the State Tax Department." and inserting in lieu thereof a new sentence as follows:

" 'Department' means the Department of Finance."

Section 3. Chapter 3, Title 30, Delaware Code, is amended as follows:

A. §§301, 306, 341, 342, 344, 351, 352, 354 and 367 are repealed.

B. §§302, 303, 304, 305, 343, 353, 356, 358, 360, 361, 364, 368 and 375 are amended by striking the words "Tax Department" and "State Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

C. §§304 and 375(b) are amended by striking the words "State Treasurer" and "Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

D. §§305, 343, 353, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 368, 369, 370 and 375(a) are amended by striking the words "Commissioner", "Tax Commissioner" and "State Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary", "Secretary of Finance" and "Secretary of Finance", respectively.

E. §§305, 358 and 359 are amended by striking the words "Tax Board" and "State Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

F. §356 is further amended by striking the words "and submit for approval of the Tax Board".

Section 4. Chapter 11, Title 30, Delaware Code, is amended as follows:

A. §§1103, 1104, 1120, 1132, 1139, 1144, 1167, 1169, 1171, 1181, 1182, 1183, 1184, 1186, 1187, 1201, 1203, 1205 and 1209 are amended by striking the words "Commissioner" and "Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary" and "Secretary of Finance", respectively.

B. §§1115, 1161, 1162, 1165, 1166, 1168, 1170, 1171, 1172, 1181, 1182, 1183, 1185, 1187, 1191, 1192, 1194, 1196, 1201 and 1209 are amended by striking the words "Tax Department" and "State Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

C. §§1171, 1181, 1182, 1183 and 1187 are amended by striking the words "Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

D. §1187(g) is further amended by striking the words "State Treasurer" and inserting in lieu thereof the words "Secretary of Finance".

E. §1184(b) is further amended by striking the words "or Assistant Commissioner".

Section 5. Chapter 13, Title 30, Delaware Code, is amended as follows:

A. §§1324, 1325, 1327, 1328, 1329, 1330, 1331, 1332, 1344, 1345, 1346, 1351, 1352, 1353, 1354 and 1355 are amended by striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

B. §§1327 and 1353 are further amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

C. §§1328, 1332, 1333 and 1343 are amended by striking the words "Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

D. §§1332, 1333, 1346 and 1354 are further amended by striking the words "Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 6. Chapter 15, Title 30, Delaware Code, is amended as follows:

A. §§1503, 1505, 1507, 1508 and 1509 are amended by striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

B. §§1503, 1505 and 1509 are further amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

C. §1507 is further amended by striking the words "Tax Commissioner" and inserting in lieu thereof the words "Secretary of Finance".

Section 7. Chapter 17, Title 30, Delaware Code, is amended as follows:

A. §§1701, 1703 and 1704 are amended by striking the words "Tax Commissioner" and "State Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

B. §§1703 and 1704 are further amended by striking the words "Tax Board" and "State Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

Section 8. Chapter 19, Title 30, Delaware Code, is amended as follows:

A. §1901 is amended as follows:

(1) By striking the sentence "'Board' shall mean the State Tax Board;" and inserting in lieu thereof a new sentence as follows:

"'Board' shall mean the Tax Appeal Board;"

(2) By striking the sentence "'Commissioner' shall mean the State Tax Commissioner;" and inserting in lieu thereof a new sentence as follows:

" 'Secretary' and 'Secretary of Finance' shall mean the Secretary of Finance or his duly authorized designee, provided, that any such delegation of authority is consistent with the provisions of Title 29, Delaware Code, Chapter 83;".

B. §§1903(c), 1904, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916 and 1917 are amended by striking the words "Commissioner", "Tax Commissioner" and "State Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary", "Secretary of Finance" and "Secretary of Finance", respectively.

C. §§1908 and 1912 are amended by striking the words "Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

D. §1912 is further amended by striking the words "Tax Department" and "State Tax Department" and inserting in lieu thereof the words "Department of Finance".

Section 9. Chapter 20, Title 30, Delaware Code, is amended as follows:

A. §§2002 and 2004 are amended by striking the words "State Board of Welfare" and "State Tax Board" wherever they appear and inserting in lieu thereof the words "Department of Health and Social Services" and "Tax Appeal Board", respectively.

B. §§2005 and 2006 are amended by striking the words "State Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 10. Chapter 21, Title 30, Delaware Code, is amended as follows:

A. §§2101, 2103, 2104, 2111 and 2118 are amended by striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

B. §§2103, 2108, 2111 and 2114 are amended by striking the words "Tax Commissioner" and "State Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

C. §§2103 and 2108 are further amended by striking the words "Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

D. §2118(a) is further amended by striking the words "and/or the Collector of State Revenue" and "the Collector of State Revenue," where they appear in the first and second sentences, respectively.

Section 11. §§2302 and 2303, Title 30, Delaware Code, is amended by striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

Section 12. Chapter 25, Title 30, Delaware Code, is amended as follows:

A. §§2502 and 2503 are amended by striking the words "State Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

B. §2502 is further amended by striking the words "State Tax Commissioner" and inserting in lieu thereof the words "Secretary of Finance".

Section 13. Chapter 27, Title 30, Delaware Code, is amended as follows:

A. §2701 is amended by striking the words "State Tax Commissioner" and inserting in lieu thereof the words "Secretary of Finance".

B. §2702 is amended by striking the words "State Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

Section 14. §§2902, 2903, 2904, 2905, 2906 and 2907, Title 30, Delaware Code, are amended by striking the words "State Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

Section 15. §§3102, 3103, 3104, 3105 and 3110, Title 30, Delaware Code, are amended by striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

Section 16. Chapter 53, Title 30, Delaware Code, is amended as follows:

A. §5301(j) is amended by striking said subsection and inserting in lieu thereof a new subsection as follows:

(j) "Department of Finance" or "Department" means the Department of Finance.

B. §5301(k) is amended by striking said subsection and inserting in lieu thereof a new subsection as follows:

(k) "Secretary of Finance" or "Secretary" means the Secretary of Finance or his duly authorized designee, provided, that any such delegation of authority is consistent with the provisions of Title 29, Delaware Code, Chapter 83.

C. §§5301, 5302, 5308, 5309, 5312, 5313, 5316, 5329 and 5345 are amended by striking the words "Tax Department" and "State Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

D. §§5302, 5313, 5323, 5325, 5329, 5330 and 5353 are amended by striking the words "Commissioner" and "Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary" and "Secretary of Finance", respectively.

Section 17. Chapter 54, Title 30, Delaware Code, is amended as follows:

A. §§5405, 5406, 5407, 5410 and 5411 are amended by striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

B. §5411 is amended by striking the words "Tax Board" and inserting in lieu thereof the words "Tax Appeal Board".

C. §5413 is amended by striking the words "Certify to the State Treasurer that such tax has been improperly collected. Upon receipt of such certification the State Treasurer".

Section 18. Chapter 5, Title 30, Delaware Code, is amended as follows:

A. §§501, 502, 503 and 505 are repealed.

B. §504 is amended as follows:

(1) By striking the words "Collector of State Revenue" and "Collector" wherever they appear and inserting in lieu thereof the words "Secretary of Finance" and "Secretary", respectively.

(2) By striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

(3) By striking the words "Tax Commissioner" and inserting in lieu thereof the words "Secretary of Finance".

(4) By striking from the third paragraph the words ", which affidavit shall be turned over to the Collector,".

Section 19. §3301, Title 30, Delaware Code, is amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 20. §§3501, 3502, 3503, 3504, 3506 and 3507, Title 30, Delaware Code, are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 21. §§3701, 3702, 3703 and 3704, Title 30, Delaware Code, are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 22. §§3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908 and 3909, Title 30, Delaware Code, are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 23. §§4101, 4102, 4103 and 4104, Title 30, Delaware Code, are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 24. Chapter 51, Title 30, Delaware Code, is amended as follows:

A. §5101 is amended by striking the sentence "'Highway Department' means the State Highway Department."

B. §§5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5111, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5120, 5121, 5122, 5123, 5124, 5126, 5127, 5128, 5132, 5134, 5135, 5136, 5137, 5138, 5162, 5163 and 5164 are amended by striking the words "Highway Department" and "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

C. §§5120, 5137, 5162, 5164 and 5165 are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

D. §5131(b) is repealed.

E. §5134(c) is further amended by striking the word "Highway" where it appears in the second sentence and inserting in lieu thereof the word "Department".

F. §5165(b) 3. is amended by striking the words "State Highway Department" and inserting in lieu thereof the words "Department of highways and Transportation".

G. §5165(b) 4. is amended by striking the words "the State Highway Department and" wherever they appear.

Section 25. §3155, Title 19, Delaware Code, is amended by striking the word "Commission" where it appears in the first sentence only and inserting in lieu thereof the words "Department of Finance".

Section 26. §1304, Title 24, Delaware Code, is amended as follows:

A. §1304(a) (1) and (2) are amended by striking the word "superintendent" wherever it appears in those subsections and inserting in lieu thereof the words "Department of Finance".

B. §1304(b) is repealed.

Section 27. Chapter 5, Title 4, Delaware Code, is amended as follows:

A. §564 is amended by striking the word "Commission" where it appears in the first sentence only and inserting in lieu thereof the words "Department of Finance".

B. §572 is amended by striking the words "the Commission shall return to the legal representative of such deceased person a share of the license fee received" and inserting in lieu thereof the words "the Department of Finance shall return to the legal representative of such deceased person a share of the license fee received by the Department".

C. §581(a) is amended by striking the words "any alcoholic liquor without paying to the Commissioner a tax on the alcoholic liquor purchased at the following rates —" and inserting in lieu thereof the words "any alcoholic liquor without paying to the Department of Finance a tax on the alcoholic liquor purchased at the following rates—".

Section 28. Chapter 29, Title 24, Delaware Code, is amended as follows:

A. §2905 is amended as follows:

(1) By striking the words "State Treasurer" from the second paragraph and inserting in lieu thereof the words "Secretary of Finance".

(2) By striking the word "Commission" from the first paragraph and inserting in lieu thereof the words "Department of Finance".

(3) By striking from the first paragraph the words "paid to the State Treasurer to be by him".

(4) By striking from the second paragraph the words "on vouchers issued by the proper officer of the Commission and approved by the Auditor of Accounts."

B. §2908 is amended as follows:

(1) By striking the word "Commission" from the first paragraph only and inserting in lieu thereof the words "Department of Finance".

(2) By adding to the second paragraph a new sentence as follows:

"All fees shall be made payable to the Department of Finance".

Section 29. Chapter 23, Title 19, Delaware Code, is amended as follows:

A. §2391 is amended by striking the words "State Treasurer" in the last sentence and inserting in lieu thereof the words "Secretary of Finance".

B. §2392 is amended by striking the words "Insurance Commissioner" and "Insurance Commissioner of the State of Delaware" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

C. §2392(a) is further amended by striking the last sentence, "Upon receiving payments the Insurance Commissioner shall pay the same to the State Treasurer."

D. §2392(c) is further amended by striking the words ", and when so collected he shall pay the same to the State Treasurer." and inserting in lieu thereof a ".".

Section 30. Chapter 5, Title 28, Delaware Code, is amended as follows:

A. §523 is amended by striking the words "pay to the Commission" where they appear in the first and second paragraphs and inserting in lieu thereof the words "pay to the Secretary of Finance".

B. §§529, 530 and 546 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the words "Department of Finance".

C. §555(a) is amended by striking the words "Commission" in the second sentence and inserting in lieu thereof the words "Secretary of Finance", and by striking the last sentence, "If the Commission finds it correct, it shall transmit the check to the State Treasurer."

D. §555(b) is amended by striking the words "State Treasurer" and inserting in lieu thereof the words "Secretary of Finance".

E. §558 is amended by striking the word "Commission" in the first sentence and inserting in lieu thereof the words "Secre-

tary of Finance", and by striking the last sentence, "If the Commission finds such payment correct it shall transmit the check to the State Treasurer."

Section 31. Chapter 3, Title 28, Delaware Code, is amended as follows:

A. §323 is amended as follows:

(1) By striking from the first paragraph the words "pay to the Commission a fee of \$3,000." and inserting in lieu thereof the words "pay to the Secretary of Finance a fee of \$3,000."

(2) By striking from the second paragraph the words "pay to the Commission an additional fee of \$2,000." and inserting in lieu thereof the words "pay to the Secretary of Finance an additional fee of \$2,000."

B. §§330 and 347 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the words "Secretary of Finance".

C. §365 is amended by striking the word "Commission" in the second sentence and inserting in lieu thereof the words "Secretary of Finance", and by striking the last sentence, "If the Commission finds the payment to be correct, it shall forthwith transmit the check to the State Treasurer."

D. §368 is amended by striking the word "Commission" in the first sentence and inserting in lieu thereof the words "Secretary of Finance", and by striking the last sentence, "If the Commission finds such payment correct it shall transmit the check to the State Treasurer."

Section 32. Chapter 4, Title 28, Delaware Code, is amended as follows:

A. §404 is amended as follows:

(1) By striking from the first paragraph the words "pay to the Commission a fee of \$500." and inserting in lieu thereof the words "pay to the Secretary of Finance a fee of \$500."

(2) By striking from the second paragraph the words "pay to the Commission an additional fee of \$250." and inserting in lieu thereof the words "pay to the Secretary of Finance an additional fee of \$250."

B. §§411 and 426 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the words "Secretary of Finance".

C. §445 is amended by striking the word "Commission" in the second sentence and inserting in lieu thereof the words "Secretary of Finance", and by striking the last sentence, "If the Commission finds it correct, it shall transmit to the State Treasurer."

Section 33. Subchapter II, Chapter 3, Title 30, Delaware Code, is amended as follows:

A. §§321, 322, 323, 323A, 324, 326, 327 and 328 are amended by striking the words "Tax Board" and "State Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

B. §§324 and 326 are further amended by striking the words "Tax Commissioner" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

C. §325 is repealed.

D. §§326 and 327 are further amended by striking the words "Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

Section 34. Chapter 27, Title 29, Delaware Code, is amended as follows:

A. §2704 is repealed.

B. §§2702, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712 and 2714 are amended by striking the words "State Treasurer" and "Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance" and "Secretary", respectively.

C. §2707(a) is further amended by striking the words "or his deputy or both".

Section 35. §106, Title 14, Delaware Code, is amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 36. §§3133, 3162, 3163, 3164 and 3166, Title 19, Delaware Code, are amended by striking the words "State Treasurer" wherever it appears and inserting in lieu thereof the words "Secretary of Finance".

Section 37. Chapter 57, Title 29, Delaware Code, is amended as follows:

A. §5701 is amended by striking the words "State Tax Department" and inserting in lieu thereof the words "Department of Finance".

B. §5707(d) is amended by striking the words "Treasurer of the State" and inserting in lieu thereof the words "Secretary of Finance".

Section 38. Chapter 55, Title 29, Delaware Code, is amended as follows:

A. §§5501, 5502, 5503, 5504, 5505, 5507, 5510 and 5562 are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

B. §5506 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 5506. Controversies; hearings; powers

The Board of Pension Trustees shall have the power to settle any controversy that may arise out of the administration of this chapter. The Board of Pension Trustees shall hear and adjudicate such controversy at a time and place convenient to all the parties, after due notice in writing has been given to all interested parties at least 10 days before the date of hearing."

C. §§5544 and 5545 are repealed.

D. §5546 is amended by striking the words "Disability Commission" and "Commission" wherever they appear and inserting in lieu thereof the words "Board of Pension Trustees" and "Board", respectively.

Section 39. Chapter 56, Title 29, Delaware Code, is amended as follows:

A. §5601 is repealed.

B. §§5602, 5603 and 5607 are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

C. §§5602, 5603 and 5607 are further amended by striking the word "Trustees" wherever it appears and inserting in lieu thereof the words "Board of Pension Trustees".

Section 40. Chapter 39, Title 14, Delaware Code, is amended as follows:

A. §3904 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 3904. Application for benefits

Persons qualified to receive any non-disability retirement benefits under this chapter shall make application therefor to the Department of Finance.

Persons qualified to receive any disability pension benefits under this chapter shall make application therefor to the Board of Pension Trustees.

B. §3905 is amended by striking said section in its entirety and inserting in lieu thereof a new section as follows:

§ 3905. Investigation of application and eligibility

The Department of Finance and the Board of Pension Trustees shall make investigations in order to determine the eligibility of the applicants or persons entitled to receive benefits under the provisions of this chapter, as provided by law.

C. §3906 is amended as follows:

(1) By striking the words "State Treasurer" and inserting in lieu thereof the words "Secretary of Finance".

(2) By striking the words "State Board of Education" and inserting in lieu thereof the words "Department of Finance and Board of Pension Trustees".

(3) By striking the words ", upon and according to warrants drawn by the Secretary of the Board." and inserting in lieu thereof a ".".

Section 41. Subchapter II, Chapter 83, Title 11, Delaware Code, is amended as follows:

A. §8321 is repealed.

B. §8322 is amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance". §8322 is further amended by striking the words "State Highway Department" wherever they appear and inserting in lieu thereof the words "Department of Public Safety".

C. §§8322, 8323, 8324 and 8326 are amended by striking the word "Board" wherever it appears and inserting in lieu thereof the words "Board of Pension Trustees".

Section 42. §1001, Title 20, Delaware Code, is amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 43. Volume 56, Laws of Delaware, Chapter 250 is amended as follows:

A. Section 2(f) is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(f) 'Board' means the Board of Pension Trustees."

B. Section 4 is amended as follows:

(1) By repealing subsections (a), (c) and (d).

(2) By striking from subsection (b) the words "The Executive Director of the Commission shall be the State Archivist, who, with the advice and approval of the said Commission," and inserting in lieu thereof the words "The Secretary of Finance".

(3) By striking from subsection (b) the word "Commission" and inserting in lieu thereof the word "Board".

C. Sections 5, 6 and 8 are amended by striking the words "Executive Director", "State Archivist serving as Executive

Director" and "State Archivist" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

D. Section 8 is further amended by striking the sentence, "The Commission shall take office on July 1, 1968 and thereafter implement the intent of this Act."

E. Sections 7, 14 and 16 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Board".

F. Section 9 is amended by inserting after the words "created by this Act" the words "or its successor, the Board of Pension Trustees".

G. Section 14 is amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 44. Chapter 83, Title 29, Delaware Code, is amended by adding a new section as follows:

§ 8317. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 44 (A). Chapter 83, Title 29, Delaware Code, is amended by striking §8305 (b) (1) (iii) and inserting in lieu thereof a new Subsection (iii) as follows:

(iii) The Employment Security Commission pursuant to the provisions of Title 19, Delaware Code, §3155, except as otherwise vested in the Department of Administrative Services as set forth in Title 29, Delaware Code, Chapter 88.

Section 45. Chapter 83, Title 29, Delaware Code, is further amended as follows:

A. §8304(a) (5) is amended by adding the words "except the last sentence of subsection (d)," after the number "\$6515,".

B. §8304(a) (5) is amended by adding the number “§6517,” after the number “§6516,”.

C. §8305(a) (1) is amended by adding the number “43,” after the number “31,”.

D. §8305(b) (2) (iii) is amended by striking the number “§§2908,” and inserting in lieu thereof the numbers “§§2905, 2908,”.

E. §8305(b) (2) (v) is amended by adding the number “529,” after the number “§§523,”.

Section 45 (A). Section 8308 (d), Title 29, Delaware Code, is amended by adding a new paragraph (3) to said subsection (d), to read as follows:

(3) At least two of the appointed members shall be affiliated with one of the major political parties and at least two of the appointed members shall be affiliated with the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Board.

Section 46. §§4304, 4305, 4306 and 4307, Title 30, Delaware Code, are amended by striking the words “State Tax Department” wherever they appear and inserting in lieu thereof the words “Department of Finance”.

Section 47. Chapter 3, Title 30, Delaware Code, is further amended by striking the words “State Tax Department”, “State Tax Board” and “State Tax Commissioner” wherever they appear in Chapter and Subchapter headings and inserting in lieu thereof the words “Department of Finance”, “Tax Appeal Board” and “Secretary of Finance”, respectively.

Section 48. Chapter 11, Title 12, Delaware Code, is amended as follows:

A. §1102 is amended by striking the words “State Tax Commissioner” and “State Tax Department” wherever they appear and inserting in lieu thereof the words “Secretary of Finance” and “Department of Finance”, respectively.

Director" and "State Archivist" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

D. Section 8 is further amended by striking the sentence, "The Commission shall take office on July 1, 1968 and thereafter implement the intent of this Act."

E. Sections 7, 14 and 16 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Board".

F. Section 9 is amended by inserting after the words "created by this Act" the words "or its successor, the Board of Pension Trustees".

G. Section 14 is amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

Section 44. Chapter 83, Title 29, Delaware Code, is amended by adding a new section as follows:

§ 8317. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 44 (A). Chapter 83, Title 29, Delaware Code, is amended by striking §8305 (b) (1) (iii) and inserting in lieu thereof a new Subsection (iii) as follows:

(iii) The Employment Security Commission pursuant to the provisions of Title 19, Delaware Code, §3155, except as otherwise vested in the Department of Administrative Services as set forth in Title 29, Delaware Code, Chapter 88.

Section 45. Chapter 83, Title 29, Delaware Code, is further amended as follows:

A. §8304(a) (5) is amended by adding the words "except the last sentence of subsection (d)," after the number "§6515,".

B. §8304(a) (5) is amended by adding the number "§6517," after the number "§6516,".

C. §8305(a) (1) is amended by adding the number "43," after the number "31,".

D. §8305(b) (2) (iii) is amended by striking the number "§§2908," and inserting in lieu thereof the numbers "§§2905, 2908,".

E. §8305(b) (2) (v) is amended by adding the number "529," after the number "§§523,".

Section 45 (A). Section 8308 (d), Title 29, Delaware Code, is amended by adding a new paragraph (3) to said subsection (d), to read as follows:

(3) At least two of the appointed members shall be affiliated with one of the major political parties and at least two of the appointed members shall be affiliated with the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Board.

Section 46. §§4304, 4305, 4306 and 4307, Title 30, Delaware Code, are amended by striking the words "State Tax Department" wherever they appear and inserting in lieu thereof the words "Department of Finance".

Section 47. Chapter 3, Title 30, Delaware Code, is further amended by striking the words "State Tax Department", "State Tax Board" and "State Tax Commissioner" wherever they appear in Chapter and Subchapter headings and inserting in lieu thereof the words "Department of Finance", "Tax Appeal Board" and "Secretary of Finance", respectively.

Section 48. Chapter 11, Title 12, Delaware Code, is amended as follows:

A. §1102 is amended by striking the words "State Tax Commissioner" and "State Tax Department" wherever they appear and inserting in lieu thereof the words "Secretary of Finance" and "Department of Finance", respectively.

B. §§1107, 1115, 1117, 1120, 1131 and 1132 are amended by striking the words "State Treasurer" wherever they appear and inserting in lieu thereof the words "Secretary of Finance".

C. §§1146, 1147, 1189 and 1190 are amended by striking the words "State Tax Board" wherever they appear and inserting in lieu thereof the words "Tax Appeal Board".

Section 49. If any provision of this Act, 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 Act and the application of such provisions of this Act 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.

Approved July 23, 1970.

CHAPTER 742

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE DEVELOPMENT DEPARTMENT FOR
OPPORTUNITIES INDUSTRIALIZATION CENTER,
INC.**

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

Section 1. The sum of \$25,000 is appropriated to the State Development Department for Opportunities Industrialization Center, Inc. for the Fiscal Year ending June 30, 1971.

Section 2. This Act shall be considered a supplementary appropriation and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from monies not otherwise appropriated. Any such funds remaining unexpended as of June 30, 1971, shall revert to the General Fund of the State Treasury.

Approved July 23, 1970.

CHAPTER 743

AN ACT TO AMEND TITLE 16, SECTION 122, DELAWARE CODE, RELATING TO THE POWERS OF THE STATE BOARD OF HEALTH.

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

Section 1. Amend Title 16, Section 122, Delaware Code, by striking subsection (3) (c) of Section 122 in its entirety and inserting in lieu thereof a new subsection (3) (c) to read as follows:

(c) Provide for the sanitary protection of all water supplies which are furnished to and used by the public, including the establishment of standards for biological, physical and chemical quality which shall apply to all public water suppliers unless exempted by the Board as being a supplier on a seasonal basis only and not on a year-round basis; and further provide for the fluoridation of all water supplies which are furnished to and used by the public excepting, however, such water supplies sold by bottle or similar container.

Approved July 23, 1970.

CHAPTER 744

AN ACT TO AMEND TITLE 9, DELAWARE CODE, CHAPTER 81 RELATING TO LIMITATIONS UPON TAXING POWER IN THE STATE OF DELAWARE BY PROVIDING THAT ANY COUNTY, MUNICIPALITY OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE, MAY EXEMPT FROM TAXATION ANY STRUCTURE USED BY THE PUBLIC FOR THE PARKING OF AUTOMOBILES OFF THE STREETS UNDER CERTAIN CONDITIONS.

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

Section 1. Title 9, Delaware Code, Chapter 81, is hereby amended by adding a new section to be designated as Section 8109 and to read as follows:

§ 8109. Off-street parking facilities; exemptions

Any county, municipality or other political subdivision of this State, by resolution or ordinance duly passed and approved, may exempt from taxation and assessment for public purposes for a period up to ten (10) years, any structure above or under the ground which may hereafter be constructed and located within the county, municipality, or other political subdivisions of this State and used by the public for the parking of automobiles off the street or highway; provided further, that the exemption shall be limited to that portion of the structure exclusively used for or devoted to the parking of automobiles and vehicles of that nature.

Approved July 23, 1970.

CHAPTER 745

AN ACT TO AMEND CHAPTER 283, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF LITTLE CREEK" RELATING TO THE POWERS OF POLICE OFFICERS AND PERSONS SENTENCED TO PRISON BY THE JUSTICE 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. Amend Chapter 283, Volume 21, Laws of Delaware, by striking the words "Kent County Jail" as the same appear in Section 8 (a) and Section 9 thereof and insert in lieu thereof the words "State Correctional Institute".

Section 2. Amend Chapter 283, Volume 21, Laws of Delaware, by striking the words "of a constable of Kent County" as the same appear in paragraph 2 in Section 9 thereof and insert in lieu thereof the words "conferred by statute and ordinance upon constables, sheriffs, and State Police of the State of Delaware".

Approved July 23, 1970.

CHAPTER 746

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE FIRE PREVENTION COMMISSION — OFFICE
OF THE STATE FIRE MARSHAL AND THE FIRE PRE-
VENTION COMMISSION — STATE FIRE SCHOOL.**

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

Section 1. The sum of \$8,000 is appropriated to the Fire Prevention Commission — Office of the State Fire Marshal for the Fiscal Year ending June 30, 1971, to be expended in the following manner:

Salaries and Wages of Employees (1)\$8,000

Section 2. The sums appropriated in Section 1 of this Act shall be in addition to and not in lieu of the sums appropriated to the Fire Prevention Commission — Office of the State Fire Marshal by the "Act Making Appropriations For the Expense of the State Government for the fiscal year ending June 30, 1971".

Section 3. The sum of \$8,000 appropriated in Section 1 of this Act shall be used for the position of Fire Protection Engineer, effective on or about September 1, 1970.

Section 4. The sum of \$18,600 is appropriated to the Fire Prevention Commission — State Fire School for the fiscal year ending June 30, 1971, to be expended in the following manner:

Instructional Services\$15,500

Supplies and materials 3,100

TOTAL\$18,600

Section 5. The funds appropriated in Section 4 of this Act shall be in addition to and not in lieu of funds appropriated to the Fire Prevention Commission — State Fire School by the "Act Making Appropriation for the Expense of the State Government For the Fiscal Year Ending June 30, 1971."

Section 6. This Act shall be considered a supplementary appropriation and the monies thereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 7. If any funds in the above categories of Section 1 and Section 4 of this Act remain unexpended as of June 30, 1971, such funds shall thereupon revert to the General Fund.

Approved July 23, 1970.

CHAPTER 747

AN ACT TO AMEND TITLE 29, CHAPTER 66, SECTIONS 6601, 6602, 6603 AND 6604, DELAWARE CODE RELATING TO INDIGENT SICK.

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

Section 1. Chapter 66, Title 29, Delaware Code, enacted into law by House Bill No. 420 of the 125th General Assembly, which Bill appears as Chapter 228, Volume 57, Laws of Delaware, is amended by redesignating said Chapter 66 as Chapter 72 and by striking the present Sections 6601, 6602, 6603 and 6604 in their entirety and inserting in lieu thereof the following new sections:

§ 7201. 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 furnish any indigent person with proper medical or surgical care and attention, to be paid therefor in the manner provided in this chapter.

§ 7202. Records

Every hospital, qualifying under Section 7201 of this title, which furnishes medical or surgical care and attention to any indigent person 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.

§ 7203. Audit of records by Department of Health and Social Services

Every hospital which desires to be paid by the State Treasurer for medical or surgical care and attention for any indigent

Section 6. This Act shall be considered a supplementary appropriation and the monies thereby appropriated shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated.

Section 7. If any funds in the above categories of Section 1 and Section 4 of this Act remain unexpended as of June 30, 1971, such funds shall thereupon revert to the General Fund.

Approved July 23, 1970.

CHAPTER 747

AN ACT TO AMEND TITLE 29, CHAPTER 66, SECTIONS 6601, 6602, 6603 AND 6604, DELAWARE CODE RELATING TO INDIGENT SICK.

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

Section 1. Chapter 66, Title 29, Delaware Code, enacted into law by House Bill No. 420 of the 125th General Assembly, which Bill appears as Chapter 228, Voume 57, Laws of Delaware, is amended by redesignating said Chapter 66 as Chapter 72 and by striking the present Sections 6601, 6602, 6603 and 6604 in their entirety and inserting in lieu thereof the following new sections:

§ 7201. 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 furnish any indigent person with proper medical or surgical care and attention, to be paid therefor in the manner provided in this chapter.

§ 7202. Records

Every hospital, qualifying under Section 7201 of this title, which furnishes medical or surgical care and attention to any indigent person 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.

§ 7203. Audit of records by Department of Health and Social Services

Every hospital which desires to be paid by the State Treasurer for medical or surgical care and attention for any indigent

sick resident, shall on or before the fifteenth day of each month transmit to the Department of Health & Social Services a duly certified statement, as prescribed by the Budget Director, of the record required by Section 7202 of this title, for the preceding month, and the Department of Health & Social Services upon receipt thereof shall investigate the facts contained therein, and if they deem it proper or necessary in the making of their investigation, they may make an examination of the hospital's books, papers and account appertaining thereto. If, after such investigation, the Department of Health & Social Services is satisfied that the facts contained in the submitted record are true and correct, they shall approve for payment by the State Treasurer to the hospital of the amount shown to be due by the record; otherwise, the Department of Health & Social Services shall disapprove the same.

§ 7204. Payment by State Treasurer

The State Treasurer shall pay to each hospital qualified under section 7201 of this title, such amount shown to be due to it as shall be approved by the Department of Health & Social Services 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. No money shall be paid to any hospital for any month until the amount due to all the hospitals for the preceding month has been fully determined and paid.

Section 2. This Act shall not in any way affect or amend Chapter 66, Title 22, Delaware Code, as enacted into law by House Bill No. 370 of the 125th General Assembly, which bill appears as Chapter 207, Volume 57, Laws of Delaware.

Approved July 23, 1970.

CHAPTER 748

AN ACT TO AMEND TITLE 9, CHAPTER 41, DELAWARE CODE, BY ADDING THERETO A NEW SUBCHAPTER, RELATING TO THE APPOINTMENT OF A PARKS AND RECREATION COMMISSION, A DIRECTOR OF PARKS AND RECREATION AND THE ISSUANCE OF BONDS FOR THE PURCHASE OF LAND TO BE USED FOR PARKS AND RECREATION BY THE LEVY COURT OF KENT COUNTY.

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

Section 1. Title 9, Chapter 41, Delaware Code, is hereby amended by adding thereto a new subchapter to be known as Subchapter V, which shall read as follows:

**SUBCHAPTER V. PARKS AND RECREATION
COMMISSION**

§ 4152. Parks and Recreation Commission

The Levy Court of Kent County may appoint a Parks and Recreation Commission which shall consist of five members who shall serve without compensation and who shall be residents of Kent County for a period of three years immediately preceding appointment, three of whom shall live outside any incorporated city or town. No more than three of the members of the Commission shall be of the same political party. The term of each commissioner shall be for four years, but originally one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, and two members shall be appointed for four years. Any vacancies shall be filled for the unexpired term. The Levy Court shall furnish suitable office space, supplies, and equipment to the Commission.

§ 4153. Functions

The Parks and Recreation Commission shall perform the following functions:

(1) Plan, supervise and conduct a comprehensive and co-ordinated program of cultural and physical recreation for the County.

(2) Plan, supervise and conduct a program of Parks and Park related activities for all of the parks of the County including any suburban parks which may hereafter be established pursuant to Chapter 6 of this Title.

(3) Promote, and, to the extent feasible, execute a cooperative recreational program with the public schools, other public agencies, private agencies, and local citizen recreation councils.

(4) Develop plans for parks, recreation areas, and for the preservation of open space within the County and recommend to the Levy Court of the County appropriate courses of action in regard thereto.

(5) Employ by and with the consent of the Levy Court trained personnel in recreational programs and staff, including a Director of Parks and Recreation.

(6) Make and enforce rules and regulations relating to the protection, care, and use of the areas it administers. No rules and regulations shall become effective until such rules and regulations have been adopted by the Levy Court of Kent County after a public hearing thereon, the time and place of which at least 30 days notice shall have been given by one publication in a newspaper of general circulation in the county. Such notice should state the place at which copies of the rules and regulations may be obtained.

(7) Recommend to the Levy Court such fees as it deems reasonable for the use of such facilities as may be provided in the areas it administers, and the Levy Court may establish and collect such fees from the users of the said areas.

§ 4154. Acquisition of land

The Levy Court may acquire land or any interest therein by purchase or gift within the County that it deems advisable in furtherance of the purposes of this Subchapter, but in no event shall the Levy Court have the right to eminent domain for these purposes.

§ 4155. Power to borrow money and issue bonds

The Levy Court may borrow money upon the faith and credit of the County as provided in this Subchapter for the purpose of acquiring land and property in furtherance of the purposes of this Subchapter and for the purpose of securing the payment of such sum to issue bonds in such denominations and bearing such rate of interest and in such form as the Levy Court shall deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year after the date of issuance thereof.

§ 4156. Terms of bonds

The Levy Court shall decide upon and determine the form and time or times of maturity of the bonds provided that no bond shall be issued for a term exceeding 25 years. The bonds may or may not at the option of the Levy Court be made redeemable at such time or times before maturity, at such price or prices and under such terms and conditions as may be fixed by the Levy Court prior to the issuance of the bonds. The bonds shall contain such other provisions, not inconsistent with the requirements of this Subchapter, as the Levy Court may deem expedient.

§ 4157. Execution and record of bonds

The bonds shall be prepared under the supervision of the Levy Court and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, and shall be under the seal used by the Levy Court of Kent County. Such officers shall execute the bonds when directed by the Levy Court to do so. The Receiver of Taxes and County Treasurer and the Levy Court shall keep a record of the Bonds.

§ 4158. Sale of bonds

The bonds or any part thereof may be sold when and as the Levy Court by resolution determines and until sold shall remain in custody of the Receiver of Taxes and County Treasurer. Whenever in the judgment of the Levy Court it is deemed advisable that any part or all of the bonds shall be sold, the Levy Court may sell and dispose of the same at public sale after having advertised

the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any members of the Levy Court for effecting the sale or negotiation of such bonds.

§ 4159. Principal and interest payments; taxes

(a) The bonds, principal and interest, shall be payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, out of the money from time to time appropriated for that purpose by the Levy Court of Kent County as hereinafter provided in this section; and the Levy Court shall pay the interest on the bonds at the Farmers Bank when and as the same shall become due, and pay the bonds when and as they mature in accordance with the foregoing.

(b) The Levy Court in fixing the rate of taxation shall annually provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest upon the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer be set apart by him in a separate account to be opened for that purpose; and the Receiver of Taxes and County Treasurer shall apply the said sum annually to the payments of such part of said loan and interest thereon as may from time to time become due under the provisions of this Subchapter.

§ 4160. Deposit and use of proceeds of sale of bonds

All money received from the sale of any or all of such bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the Receiver of Taxes and County Treasurer in the Farmers Bank of the State of Delaware, at Dover, Delaware, to the Credit of the Levy Court of Kent County in a separate account and payments thereof shall be made in the same manner as other payments by the Levy Court. No part of the money thus obtained, except as in this section provided, shall be used for any other purpose than those stated in this Subchapter and the purchasers or holders of the bonds shall not be bound to see to or be affected by the application of the money realized from the sale of the bonds.

§ 4161. Violations of rules and regulations

(a) Whoever violates the rules and regulations promulgated by the Levy Court of Kent County shall be fined not less than \$10 nor more than \$50 and costs for each offense, or imprisoned not more than 30 days, or both.

(b) All rules and regulations of the Levy Court of Kent County shall have the effect of law and shall be published in at least 2 newspapers of general circulation in the territory to be affected, at least 30 days prior to the time the rule or regulation becomes effective, except in case of an emergency when the Levy Court of Kent County shall give such advance notice as it deems necessary or desirable.

(c) Justices of the Peace shall severally throughout the State have jurisdiction of violations of the rules and regulations of the Levy Court of Kent County with the condition that any person arrested for such violation shall be taken before the closest available magistrate in the County where such violation is alleged to have occurred.

Approved July 23, 1970.

CHAPTER 749

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO SOIL AND WATER CONSERVATION DISTRICTS BY CHANGING AMOUNT OF APPROPRIATIONS AND USE OF APPROPRIATED MONEY IN KENT COUNTY AND TO REFLECT CHANGES IN GOVERNMENTAL UNITS AFFECTED BY STATE REORGANIZATION.

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. Subchapter II, Chapter 39, Title 7, is hereby repealed in its entirety and a new "Subchapter II" is substituted in lieu thereof, to read as follows:

**SUBCHAPTER II. STATE AND COUNTY
APPROPRIATIONS TO DISTRICTS**

§ 3921. Annual appropriations to Soil and Water Conservation Division of Department of Natural Resources and Environmental Control

The General Assembly shall annually appropriate:

(a) to the Soil and Water Conservation Division for use in New Castle County, a sum not in excess of \$30,000;

(b) to the Soil and Water Conservation Division for use in Kent County, a sum not in excess of \$30,000;

(c) to the Soil and Water Conservation for use in Sussex County, a sum not in excess of \$22,500.

§ 3922. Appropriations by the several county governments

The government of each county shall annually appropriate to the Soil and Water Conservation Division a sum equal to the annual appropriation to the Division by the General Assembly, for use in the respective counties, pursuant to Section 3921 of this Title.

§ 3923. Use of appropriated monies in Kent and New Castle Counties

The monies appropriated pursuant to Section 3921 of this Title shall be used by the Soil and Water Conservation Division to pay or assist in paying all costs, including personnel required for the planning, construction and installation of tax ditches, public group ditches, highway ditches and resource conservation projects in Kent and New Castle Counties, which tax ditches shall be organized under the provisions of Chapter 41 of this Title, and which public group ditches shall be ditches providing water management and drainage for groups of landowners and for landowners and portions of state highways and for which necessary permanent easements or rights-of-way for construction and maintenance operations shall have been acquired by this State or by Kent or New Castle Counties, and which Highway ditches shall be ditches maintained by the public on State or county-owned easements or rights-of-way adjacent to the roads of Kent or New Castle Counties, and which resource conservation projects shall be defined in applications submitted to the Secretary of the United States Department of Agriculture for Watershed Planning or Resource Conservation and Development assistance. The monies appropriated shall be paid from time to time by the State Treasurer and the Governments of Kent and New Castle Counties to the Soil and Water Conservation Division, or to the Kent Soil and Water Conservation District, or to the New Castle Soil and Water Conservation District, or directly to contractors and suppliers furnishing work, labor, services and materials for such projects or to landowners for rights-of-way or easements, or shall be paid or otherwise made available to other State agencies for work, labor, services and materials for certain portions of such projects as shall be determined by the Division and upon certification by the Division that such payments are proper and for the purposes authorized by this section.

§ 3924. Use of appropriated monies in Sussex County; priorities

(a) The appropriations made pursuant to Section 3921 of this Title shall be used by the Soil and Water Conservation Division each fiscal year in Sussex County, first, as required for

those legal tax ditches of Sussex County when landowners or other non-Federal sources contribute specified sums of money for use on said tax ditches in accordance with subsections (b), (c) and (d) of this section, and second, when Federal funds are available in lieu of landowner funds to help pay the cost of construction and maintenance of tax ditches of Sussex County within the limits of watershed areas which are now, or may be established, in this State pursuant to the provisions of Watershed Protection and Flood Prevention Act (Public Law 566, 83rd Congress, 68 Stat. 666) with subsequent amendments thereto.

(b) For work on the tax ditches of Sussex County, when landowners or other non-Federal sources contribute specified sums of money for use on said tax ditches, the Board of Supervisors of the Sussex Soil and Water Conservation District shall make certification to the Soil and Water Conservation Division that the Board of Supervisors has on hand from landowners, or from any other sources, a specified sum of money for use on said tax ditches. Upon approval of the certification, the Division shall pay, from the State funds appropriated for this purpose, to the Sussex Soil and Water Conservation District, the sum of 50 cents for every dollar so certified.

(c) After approval of the certification from the Board of Supervisors the Division shall notify the Government of Sussex County of such action, and the Government shall then pay to the Sussex Soil and Water Conservation District the sum of 50 cents for every dollar so certified under subsection (b) above.

(d) The sums of money paid to the Board of Supervisors of the Sussex Soil and Water Conservation District by the Division and by the government of Sussex County shall be used by the Board of Supervisors for construction and maintenance of only those tax ditches for which appropriate matching funds from other sources have been made available.

(e) Any of the money appropriated pursuant to Section 3921 of this Title which is not needed for the work on tax ditches for which landowners or other non-Federal sources have contributed specified sums of money, may be used by the Division as the local share or as a contribution toward the local share to supplement Federal funds made available to pay the costs of planning, construction and maintenance of tax ditches of Sussex

County located within the limits of any watershed area or areas established under the Watershed Protection and Flood Prevention Act and as determined under such Act; and such monies may also be used by the Soil and Water Conservation Division to pay or assist in paying through the medium of contracts or agreements, for work, labor, services or materials used for construction operations supplementing or protecting tax ditch installations in the watersheds.

§ 3925. Transfer of funds prohibited

Funds appropriated for used by a particular District in a particular county shall only be used by that District in that county.

Approved July 23, 1970.

CHAPTER 750

AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO 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 11, Section 1183 (f), Title 30, Delaware Code, is hereby amended by adding the words "and Federal Social Security Number" after the words "which individual's name" and before the words "has been forwarded to the Tax Department".

Approved July 23, 1970.

CHAPTER 751

AN ACT TO AMEND CHAPTER 389, VOLUME 56, LAWS OF DELAWARE ENTITLED "AN ACT TO AMEND SECTION 122, TITLE 16, DELAWARE CODE, RELATING TO STATE BOARD OF HEALTH BY GRANTING THE POWER TO REGULATE MEDICAL EXAMINATIONS FOR FOOD HANDLERS."

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

Section 1. Chapter 389, Volume 56, Laws of Delaware, is hereby repealed.

Section 2. Section 122, Title 16, Delaware Code, is amended by adding new subparagraphs "(L)" and "(M)" to read as follows:

"(L) Provide the mechanism for yearly medical examination of all persons engaged in the preparation and service of food and drink for human consumption in commercial establishments or public and private educational institutions where such persons come in physical contact with the food or drink prepared or served, such examinations to include whatever tests the director of the Division of Physical Health of the State Department of Health and Social Services shall deem necessary.

(M) Provide the mechanism for medical examinations of all applicants for food handling employment if such employment involves preparation of food and drink for human consumption in commercial establishments or public and private educational institutions where such persons come in physical contact with the food or drink prepared or served, such examinations to include whatever tests the director of the Division of Physical Health of the State Department of Health and Social Services shall deem necessary."

Approved July 23, 1970.

CHAPTER 752

AN ACT TO AMEND SECTION 122 (b)(6), TITLE 14, DELAWARE CODE, RELATING TO THE CRITERIA FOR THE SELECTION OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS.

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

Section 1. Section 122 (b) (6), Title 14, Delaware Code, is hereby amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection to read as follows:

(6) Governing the choice of textbooks and other instructional materials to be used in all public elementary and secondary schools of the State by adopting a set of criteria, which the school districts of the State shall apply to the selection of all such material prior to the acquisition or development and use of those materials. The decision of the State Board shall be final as to whether any textbooks or other instructional materials do, in fact, abide by the prescribed criteria.

Approved July 23, 1970.

CHAPTER 753

AN ACT RELATING TO PENSION BENEFITS FOR ROBERT A. SAULSBURY.

WHEREAS, Robert A. Saulsbury was employed by the State of Delaware and Kent County for a period of sixteen years; and

WHEREAS, Robert A. Saulsbury is not presently receiving a State Pension; and

WHEREAS, Robert A. Saulsbury is in need of and deserving of a State Pension for his long and faithful service to the State of Delaware and to Kent County;

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 Robert A. Saulsbury for a pension in accordance with the Pension Act of the State of Delaware, and further directed to determine the said Robert A. Saulsbury to be eligible for such pension.

Section 2. The pension benefits conferred hereby shall become affective on July 1, 1970, and shall not be awarded retroactively.

Approved July 23, 1970.

CHAPTER 754

AN ACT TO AMEND TITLE 17, DELAWARE CODE, CHAPTER 1, RELATING TO THE PRESERVATION OF LAND FOR FUTURE HIGHWAY RIGHTS-OF-WAY REQUIREMENTS; TITLE 9, DELAWARE CODE, SECTIONS 1154, 4809 AND 6809 RELATING TO MAPS OF NEW CASTLE, KENT AND SUSSEX COUNTIES REQUIRING THE COUNTIES TO ADVISE THE STATE HIGHWAY DEPARTMENT OF THE LOCATION OF FUTURE HIGHWAY RIGHTS-OF-WAY; TITLE 9, DELAWARE CODE, SECTIONS 3005, 4816 AND 6302 RELATING TO THE ISSUANCE OF BUILDING PERMITS IN NEW CASTLE, KENT AND SUSSEX COUNTIES FOR CONSTRUCTION WITHIN THE LINES OF ANY FUTURE HIGHWAY RIGHTS-OF-WAY.

WHEREAS, the right-of-way requirements involved in the long range plans for highway construction or reconstruction cannot be determined precisely prior to the approval of alignment of such projects; and

WHEREAS, land development on prospective rights-of-way, prior to alignment determination, may adversely affect the procurement of needed land; and

WHEREAS, inability to secure required rights-of-way may result in excessive costs for the construction or reconstruction of certain highways throughout the State; and

WHEREAS, the public disclosure of limits preserved for future right-of-way requirements would provide for orderly planning and private development of land adjacent to highways of this State;

NOW, THEREFORE,

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

Section 1. Subchapter III, Chapter 1, Title 17, Delaware Code, is amended by adding a new Section 147, to read as follows:

§ 147. Corridor Routes

(1) The provisions of this section will be applicable only to highways classified as corridor routes; such classification shall be based upon a definition of "Corridor Routes" established jointly by the Highway Department and the State Planning Office.

(2) The Department may determine, and from time to time, redetermine, upon recommendations of the Director of Operations, the State's anticipated future needs for rights-of-way, based upon a long range comprehensive plan, for State highways not in existence at the time of such determination or redetermination.

(3) The Department shall, upon making any determination of future rights-of-way needs under subparagraph (2) above, refer such determination to the State Planning Office for review.

(3.a) The State Planning Office shall, within forty-five (45) days after referral of the future requirements to that office, indicate in writing to the Director of Operations, its position relative to the proposed rights-of-way requirements; the Department shall consider this position before making a final decision on the tentative determination.

(3.b) If after consideration of the position assumed by the State Planning Office the Department decides to proceed with the determination, it shall make through a public location hearing, disclosure of the same including the approximate location and route of any proposed future right-of-way upon a Department Map to be designated "Future Right-of-Way Map — Tentative", which shall be maintained currently and shall constitute a public record to which the public at large shall have access.

(4) The Department shall, after incorporating a determination of future rights-of-way requirements on a "Future Right-of-Way Map — Tentative", refer such determination for review to the local governing bodies of the several counties and municipalities in which such highway right-of-way shall be located or shall affect.

(4.a) The local governing bodies of the several counties and municipalities to whom referred shall have the right, within 90

days of such referral, to request a hearing before the members of the Department and/or submit statements of position relative to the tentative requirements. If a hearing, of which the public shall be given notice and which the public may attend, is requested the members of the Department shall conduct such hearing.

(4.b) After consideration of the proceedings of the hearing and/or statements submitted by the local governing bodies of the several counties and municipalities, the members of the Department shall render a written decision relative to the determination of future rights-of-way requirements and may thereafter adopt such determination and any amendment thereto as to future right-of-way needs and make public disclosure of the same, including location and route of said future Right-of-Way upon a Department map to be designated "Future Right-of-way Map — Final" which map shall be maintained currently with such modifications and adjustments as may, from time to time, be required as a result of design refinements and shall constitute a public record to which the public-at-large shall have access.

(4.c) Copies of the "Future Right-of-Way Map — Final" established by the Department shall be filed with the several local governing bodies and shall be utilized by them in determination of future land use, development, or improvement; such copies shall be maintained currently and shall constitute a public record to which the public-at-large shall have access.

(5) Land so designated under subparagraph (4.c) above upon the "Future Right-of-Way Map — Final" shall thereafter, and so long as it remains upon said map, be set aside for highway purposes, except that the Department may, at its discretion, authorize temporary use of such land for non-highway purposes which will not interfere with highway planning or construction. Department authorization for temporary use of land shall be required only in those instances in which such use, in the opinion of the Department, would increase the cost to the State in the future procurement of such land for highway purposes. Nothing in this section shall preclude the owner or owners of land set aside for highway purposes in accordance with the provisions of this section from utilizing said land as they may desire, prior to pro-

curement by the State, provided such utilization of the land does not increase the potential cost to the State at the future date of negotiations for procurement.

(6) The adoption of the map referred to under paragraph (5) and the inclusion and location thereon of any future highway right-of-way route or lines, shall not, in and of itself, constitute and be deemed to constitute the establishment of any highway and acceptance of any land for highway purposes, and shall not constitute the taking or application for public use. However, to the extent lands so designated under paragraph (5) above may be judicially determined to be taken or applied to public use under the Delaware Constitution, Article 1, Section 8, the Department may, in the exercise of its power of eminent domain, acquire the same by condemnation and in the manner prescribed in Chapter 61, Title 10, Delaware Code, if the Department cannot reach agreement with the owner as to the value thereof.

Section 2. Section 132 (c) (4) of Subchapter III, Chapter I, Title 17, Delaware Code, is amended by adding thereto the following immediately following the “;” at the end thereof:

further provided, that the provisions of Section 147 of this chapter shall not be deemed to be inconsistent with the provisions hereof.

Section 3. Section 3005, Title 9, Delaware Code, is amended by adding thereto a new subparagraph (aa) to read as follows:

(aa) Except in instances in which the State Highway Department, or its successor has indicated authorization for temporary use of land set aside for future right-of-way needs, as provided in Section 147, Title 17, Delaware Code, no building permit shall be issued for the erection of any building, or for the construction of any improvement, or structure on any part of any land which lies or is located within the lines of any land designated and set aside for future highway right-of-way needs as appears on the State Highway Department's Future Right-of-Way Map — Final except as hereinafter provided in subparagraph (c).

Section 4. Section 3005, Title 9, Delaware Code, is further amended by adding thereto a new subparagraph (c) to read as follows:

(c) A building permit, otherwise issuable except for subparagraph (aa) above, shall be issued notwithstanding the provisions of subparagraph (aa) unless the State Highway Department, after being given written notice thereof by the Commission shall (1) within 60 days of receipt of such notice, file with the Commission a declaration (i) that the issuance of said permit will be detrimental to future highway planning and construction; and (ii) that the land described in said permit application is needed for future highway purposes; and (2) within 180 days of the giving of such notice, institute condemnation proceedings under Chapter 61, Title 10, Delaware Code, to acquire all of the land described in said building permit application as may be located within said future highway right-of-way.

Section 5. Section 4816, Title 9, Delaware Code, is amended by adding a new subparagraph (aa) to read as follows:

(aa) Except in instances in which the Highway Department has indicated authorization for temporary use of land set aside for future right-of-way needs, as provided in Section 147, Title 17, Delaware Code, no building permit shall be issued by the County for the erection of any building or for the construction of any improvement, or structure on any part of any land which lies, or is located within the lines of any land designated and set aside for future highway right-of-way needs as appears on the Highway Department's Future Right-of-Way Map — Final except as hereinafter provided in subparagraph (c).

Section 6. Section 4816, Title 9, Delaware Code, is further amended by adding a new subparagraph (c) to read as follows:

(c) A building permit, otherwise issuable except for subparagraph (aa) above, shall be issued notwithstanding the provisions of subparagraph (aa) above unless the Highway Department, after being given written notice thereof by the Commission shall (1) within 60 days of receipt of such notice, file with the Commission a declaration (i) that the issuance of said permit will be detrimental to future highway planning and construction; and (ii) that the land described in said permit application

is needed for future highway purposes; and (2) within 180 days of the giving of such notice, institute condemnation proceedings under Chapter 61, Title 10, Delaware Code, to acquire all of the land described in said building permit application as may be located within said future highway right-of-way.

Section 7. Section 6302, Title 9, Delaware Code, is amended by adding thereto a new subparagraph (c), to read as follows:

(c) Except in instances in which the Highway Department has indicated authorization for temporary use of land set aside for future right-of-way needs, as provided in Section 147, Title 17, Delaware Code, no permit shall be issued for the erection of any building or for the construction of any improvement or structure on any part of any land which lies or is located within the lines of any land designated and set aside for future highway right-of-way needs as appears on the Highway Department's Future Right-of-Way Map — Final except as hereafter provided in subparagraph (d).

Section 8. Section 6302, Title 9, Delaware Code, is further amended by adding thereto a new subparagraph (d) to read as follows:

(d) A building permit, otherwise issuable except for subparagraph (c) above, shall be issued notwithstanding the provisions of (c) above unless the Highway Department, after being given written notice thereof by the Commission shall (1) within 60 days of receipt of such notice, file with the County a declaration (i) that the issuance of said permit will be detrimental to future highway planning and construction; and (ii) that the land described in said permit application is needed for future highway purposes; and (2) within 180 days of the giving of such notice, institute condemnation proceedings under Chapter 61, Title 10, Delaware Code, to acquire all of the land described in said building permit application as may be located within said future highway right-of-way.

Approved July 23, 1970.

CHAPTER 755

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO KENTON SCHOOL NO. 9.

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

Section 1. The sum of \$3,000 is appropriated to the following School District for the following named purposes:

Kenton No. 9:

Additional costs resulting from mergers \$3,000.00

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State 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, 1971.

Approved July 23, 1970.

CHAPTER 756

AN ACT TO AMEND CHAPTER 469, 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."

WHEREAS, it was recommended by the Governor's Economy Committee that the highway construction programs be accelerated; and

WHEREAS, the funding requirements for the Capital Improvements Program of the Highway Department for fiscal year 1971 could be reduced through judicious use of funds currently available to the Highway Department; and

WHEREAS, such acceleration of programs and reduction of funding requirements could be effected by adjusting certain limitations currently imposed on funds appropriated to the Highway Department for Capital Improvements Programs,

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 469, Volume 56, Laws of Delaware, is amended by deleting, in Section 7 (w), the words "as more particularly set forth in Section 11 of this Act".

Section 2. Chapter 469, Volume 56, Laws of Delaware, is amended by deleting in Section 11 thereof, the entire first sentence through the word "Programs" and substituting therefor "The sum of \$23,700,000 is appropriated by Section 7 (w) of this Act to the State Highway Department for highway construction and related construction purposes. The following Capital Improvements Program is authorized and shall be completed as ex-

peditionously as possible through the utilization of funds provided in this Act and in other Acts enacted to provide funds for currently active Capital Improvements Programs:".

Section 3. Chapter 469, Volume 56, Laws of Delaware, is amended by deleting, in Section 14 thereof, the word "all" where it appears in said section and substituting in lieu thereof "With the exception of funds required for the State Highway Department programs listed in Sections 11 (a), and 11 (c) in this Act, all".

Section 4. Chapter 469, Volume 56, Laws of Delaware, is amended by deleting, in Section 15, the word "any" where it first appears therein and inserting in lieu thereof "With the exception of funds required for the programs listed in Sections 11 (a) and 11 (c) in this Act, any".

Section 5. Chapter 469, Volume 56, Laws of Delaware, is amended by deleting, in Section 16, the word "none" where it appears in the second sentence of said section and substituting in lieu thereof "With the exception of funds appropriated to the State Highway Department in Section 7 (w) of this Act, none".

Section 6. Chapter 469, Volume 56, Laws of Delaware, is amended by adding a new Section 23 thereto, to read as follows:

Section 23. The funds listed in Section 11 (a) General Highway Construction Program; the funds listed in Section 11 (c), Non-Corridor Route Improvement Program may be used interchangeably to expedite the completion of these programs or similar programs authorized in active Capital Improvements Programs provided that such funds may be applied only to those projects in any of these categories which have been approved by the Governor in applicable Capital Projects Schedules or by the Highway Department insofar as non-corridor projects are concerned.

Approved July 23, 1970,

CHAPTER 757

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".

WHEREAS, it was recommended by the Governor's Economy Committee that the highway construction program be accelerated; and

WHEREAS, the funding requirements for the Capital Improvement Program of the Highway Department for fiscal year 1971 could be reduced through judicious use of funds currently available to the Highway Department; and

WHEREAS, such acceleration of programs and reduction of funding requirements could be effected by adjusting certain limitations currently imposed on funds appropriated to the Highway Department for Capital Improvements Programs,

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 167, Volume 55, Laws of Delaware, is amended by deleting, in Section 7 (h), the words "as more particularly set forth in Section 11 of this Act".

Section 2. Chapter 167, Volume 55, Laws of Delaware, is amended by deleting in Section 11 thereof the entire first sentence through the word "Program" and substituting therefor "The sum of \$15,900,000 is appropriated by Section 7 of this Act to the State Highway Department for highway construction and related construction purposes. The following Capital Improvements Program is authorized and shall be completed as expeditiously as possible through the utilization of funds provided in

this Act and in other acts enacted to provide funds for currently active Capital Improvements Program.

Section 3. Chapter 167, Volume 55, Laws of Delaware, is amended by striking out Section 12 thereof in its entirety.

Section 4. Chapter 167, Volume 55, Laws of Delaware, is amended by striking out Section 13 thereof in its entirety.

Section 5. Chapter 167, Volume 55, Laws of Delaware, is amended by deleting, in Section 14, the word "Any" where it first appears therein and inserting in lieu thereof "With the exception of funds appropriated to the State Highway Department, any".

Section 6. Chapter 167, Volume 55, Laws of Delaware, is amended by deleting, in Section 15, the word "No" where it first appears therein and inserting in lieu thereof "With the exception of State Highway Department Programs, no".

Section 7. Chapter 167, Volume 55, Laws of Delaware, is amended by redesignating Section 14, and Section 15 as Section 12, and Section 13 respectively.

Section 8. Chapter 167, Volume 55, Laws of Delaware, is amended by adding a new Section 14 thereto, to read as follows:

Section 14. The funds listed in Section 11 (a), General Highway Program; the funds listed in Section 11 (c), Widening, Resurfacing, Reconstruction and Construction of other than major corridor roads programs; the funds listed in Section 11 (i), Accelerated Major Corridor Highway Improvement Program may be used interchangeably to expedite the completion of these programs or any similar programs authorized in active Capital Improvements Programs provided that such funds may be applied only to those projects in any of these categories which have been approved by the Governor in applicable Capital Project Schedules or by the Highway Department insofar as non-corridor projects are concerned.

Section 9. Chapter 167, Volume 55, Laws of Delaware, is amended by redesignating Section 16 as Section 15.

Approved July 23, 1970.

CHAPTER 758

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".

WHEREAS, it was recommended by the Governor's Economy Committee that the highway construction programs be accelerated; and

WHEREAS, the funding requirements for the Capital Improvements Program of the Highway Department for fiscal year 1971 could be reduced through judicious use of funds currently available to the Highway Department; and

WHEREAS, such acceleration of programs and reduction of funding requirements could be effected by adjusting certain limitations currently imposed on funds appropriated to the Highway Department for Capital Improvements Programs.

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 121, Volume 56, Laws of Delaware, is amended by deleting, in Section 7 (n), the words "as more particularly set forth in Section 11 of this Act".

Section 2. Chapter 121, Volume 56, Laws of Delaware, is amended by deleting, in Section 11 thereof, the entire first sentence through the word "Program" and substituting therefor "The sum of \$14,450,000 is appropriated by Section 7 (n) of this Act to the State Highway Department for highways construction and related construction purposes. The following Capital Improvements Program is authorized and shall be completed as expeditiously as possible through the utilization of funds provided

in this Act and in other Acts enacted to provide funds for currently active 'Capital Improvements Programs.'"

Section 3. Chapter 121, Volume 56, Laws of Delaware, is amended by deleting in Section 14 thereof, the word "All" where it appears in said section and substituting in lieu thereof "With the exception of funds required for the State Highway Department programs listed in Sections 11 (a), 11 (c) and 11 (n), in this Act, all".

Section 4. Chapter 121, Volume 56, Laws of Delaware, is amended by deleting, in Section 15, the word "Any" where it first appears therein and inserting in lieu thereof "With the exception of funds required for the programs listed in Sections 11 (a), 11 (c), and 11 (n) in this Act, any".

Section 5. Chapter 121, Volume 56, Laws of Delaware, is amended by deleting, in Section 16, the word "None" where it appears in the second sentence of said section and substituting in lieu thereof "With the exception of funds appropriated to the State Highway Department in Section 7 (n) of this Act, none".

Section 6. Chapter 121, Volume 56, Laws of Delaware, is amended by adding a new Section 22 thereto, to read as follows:

Section 22. The funds listed in Section 11 (a) General Highway Construction Program; the funds listed in Section 11 (c) Non-Corridor Route Improvement Program; the funds listed in Section 11 (n), Accelerated Major Corridor Highway Improvement Program may be used interchangeably to expedite the completion of these programs or similar programs authorized in active Capital Improvements Programs provided that such funds may be applied only to those projects in any of these categories which have been approved by the Governor in applicable Capital Projects Schedules or by the Highway Department insofar as non-corridor projects are concerned.

Approved July 23, 1970.

CHAPTER 759

AN ACT TO AMEND CHAPTER 299, VOLUME 57, 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."

WHEREAS, it was recommended by the Governor's Economy Committee that the highway construction programs be accelerated; and

WHEREAS, the funding requirements for the Capital Improvements Program of the Highway Department for fiscal year 1971 could be reduced through judicious use of funds currently available to the Highway Department; and

WHEREAS, such acceleration of programs and reduction of funding requirements could be effected by adjusting certain limitations currently imposed on funds appropriated to the Highway Department for Capital Improvements Program,

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 299, Volume 57, Laws of Delaware, is amended by deleting, in Section 7 (q), the words "as more particularly set forth in Section 8 of this Act".

Section 2. Chapter 299, Volume 57, Laws of Delaware, is amended by deleting in Section 8 thereof, the entire first sentence through the word "Programs" and substituting therefor "The sum of \$19,000,000 is appropriated by Section 7 (q) of this Act to the State Highway Department for highway construction and related construction purposes. The following Capital Improve-

ments Program is authorized and shall be completed as expeditiously as possible through the utilization of funds provided in this Act and in other Acts enacted to provide funds for currently active "Capital Improvements Programs".

Section 3. Chapter 299, Volume 57, Laws of Delaware, is amended by deleting, in Section 9, the entire second paragraph.

Section 4. Chapter 299, Volume 57, Laws of Delaware, is amended by deleting, in Section 14 thereof, the word "All" where it appears in said section and substituting in lieu thereof "With the exception of funds required for the State Highway Department programs listed in Sections 8 (a), and 8 (b) in this Act, all".

Section 5. Chapter 299, Volume 57, Laws of Delaware, is amended by deleting, in Section 16, the word "Any" where it first appears therein and inserting in lieu thereof, "With the exception of funds required for the programs listed in Sections 8 (a), and 8 (b) in this Act, any".

Section 6. Chapter 299, Volume 57, Laws of Delaware, is amended by adding a new Section 21 thereto, to read as follows:

Section 21. The funds listed in Section 8 (a), General Highway Construction Program; the funds listed in Section 8 (b), Non-Corridor Route Improvement Program may be used interchangeably to expedite the completion of these programs or similar programs authorized in active Capital Improvements Programs provided that such funds may be applied only to those projects in any of these categories which have been approved by the Governor in applicable Capital Projects Schedules or by the Highway Department insofar as non-corridor projects are concerned.

Approved July 23, 1970.

CHAPTER 760

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 \$41,446,270.00 TO VARIOUS AGENCIES OF THE STATE.

WHEREAS, it was recommended by the Governor's Economy Committee that the highway construction programs be accelerated; and

WHEREAS, the funding requirements for the Capital Improvements Program of the Highway Department for fiscal year 1971 could be reduced through judicious use of funds currently available to the Highway Department; and

WHEREAS, such acceleration of programs and reduction of funding requirements could be effected by adjusting certain limitations currently imposed on funds appropriated to the Highway Department for Capital Improvements Programs,

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 amended by deleting in Section 7 (o), the words "as more particularly set forth in Section 11 of this Act."

Section 2. Chapter 429, Volume 55, Laws of Delaware, is amended by deleting, in Section 11 thereof, the entire first sentence through the word "Programs" and substituting therefor "The sum of \$15,811,000 is appropriated by Section 7 of this Act to the State Highway Department for highway construction and related construction purposes. The following Capital Improvements Program is authorized and shall be completed as ex-

peditionously as possible through the utilization of funds provided in this Act and in other Acts enacted to provide funds for currently active Capital Improvements Programs."

Section 3. Chapter 429, Volume 55, Laws of Delaware, is amended by adding to Section 13 an additional sentence at the end of said section which shall read as follows:

The provisions of this section will not be applicable to the requirements of the programs listed in Section 11 (a), 11 (c), and 11 (i) in this Act.

Section 4. Chapter 429, Volume 55, Laws of Delaware, is amended by deleting, in Section 14, the word "Any" where it first appears therein and inserting in lieu thereof "With the exception of funds required for the programs listed in Section 11 (a), 11 (c), and 11 (i) in this Act, any."

Section 5. Chapter 429, Volume 55, Laws of Delaware, is amended by deleting, in Section 15, the word "None" where it appears in the second sentence of said section and substituting in lieu thereof "With the exception of funds appropriated to the State Highway Department in Section 7 (o), none".

Section 6. Chapter 429, Volume 55, Laws of Delaware, is amended by adding a new Section 20 thereto, to read as follows:

Section 20. The funds listed in Section 11 (a), General Highway Construction Program; the funds listed in Section 11 (c), Widening, Resurfacing, Reconstruction of other than major corridor roads program; the funds listed in Section 11 (i), Accelerated Major Corridor Highway Improvement Program may be used interchangeably to expedite the completion of these programs or any similar programs authorized in active Capital Improvements programs provided that such funds may be applied only to those projects in any of these categories which have been approved by the Governor in applicable Capital Project Schedules or by the Highway Department insofar as non-corridor projects are concerned.

Approved July 23, 1970.

CHAPTER 761

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HEALTH AND SOCIAL
SERVICES — DIVISION OF ADULT CORRECTION AND
DIVISION OF JUVENILE CORRECTION.**

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

Section 1. The sum of \$103,710 is appropriated to the Department of Health and Social Services — Division of Adult Correction, formerly Department of Correction, for the Fiscal Year ending June 30, 1971 for the following purpose.

Salary and Wages of Employees (25)\$103,710

Section 2. The sum of \$210,000 is appropriated to the Department of Health and Social Services — Division of Juvenile Correction, formerly Youth Services Commission, for the Fiscal Year ending June 30, 1971, for the following purpose:

Salary and Wages of Employees (26)\$210,000

Section 3. This Act shall be considered as 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 as of June 30, 1971 shall revert to the General Fund of the State Treasury.

Approved July 23, 1970.

CHAPTER 762

AN ACT TO AMEND TITLE 9, DELAWARE CODE, BY PROVIDING FOR A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 70, RELATING TO THE REORGANIZATION OF THE GOVERNMENT OF SUSSEX COUNTY AND AMENDING AND REPEALING EXISTING LAWS PERTAINING THERETO.

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

Section 1. Title 9, Delaware Code, is hereby amended by adding a new chapter thereto to be designated as Chapter 70 to read as follows:

**CHAPTER 70. COUNTY COUNCIL
AND COUNTY ADMINISTRATORS**

§ 7001. Powers of the Government of Sussex County

a. General Powers

The Government of Sussex County, as established by this chapter, shall assume and have all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute; including, but not limited to, any powers conferred prior to the effective date of this act by the General Assembly upon Sussex County, or upon the Levy Court of Sussex County, or upon the Levy Court Commissioners of Sussex County, or upon the officers or employees of Sussex County, or upon counties generally, or upon Levy Court Commissioners generally, or upon County Councils generally. This grant of power includes the power to fix the tax rate upon the assessed valuation of all real property in Sussex County subject to assessment by the County. This grant of power does not include the power to enact private or civil law concerning civil relationships, except as incident to the exercise of an expressly granted power, and does not include the power to define and provide for the punishment of felonies.

b. Construction

The powers of Sussex County under this reorganization law shall be construed liberally in favor of the County, and specific mention of particular powers in the reorganization law shall not be construed as limiting in any way the general powers stated in a. above.

c. Intergovernmental Relations

The Government of Sussex County may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

d. Exercise of Powers

All powers of the government of Sussex County shall be carried into execution as provided by this title or by other law of this State or if this title or other law of this State makes no such provision, as provided by ordinance or resolution of the County Council of Sussex County.

§ 7002. County Council***a. Number and Term***

The County Council shall consist of five members. Unless otherwise provided by law, councilmen shall serve a term of four years, or until their successors have been elected and take office. A Councilman shall take office on the First Tuesday in January following his election.

b. Qualifications

Councilmen shall be citizens of the United States and qualified electors of the County. They shall be residents of the District from which they are elected or, in the event of redistricting of the district as adjusted, for at least one year prior to their election. The County Council shall be the judge of the qualifications of its members.

c. Prohibitions

Except where authorized by law, no councilman shall hold any other County or State office or employment by the County or

State government during the term for which he was elected to the County Council. No former councilman shall hold any compensated appointed county office or employment until one year after the expiration of the term for which he was elected to the County Council.

d. Salary

The annual salary of each Councilman shall be \$4,800 until changed by ordinance, except that no increase shall be effective during the current term of the members enacting such ordinance and no change shall be made during the final 6 month of the term of any member. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office.

e. Officers of County Council

The County Council shall elect annually at its first regular meeting in January, among its members, officers of the County Council who shall have the titles of President of the County Council and Vice-President of the County Council. The President of the County Council shall preside at meetings of the Council and shall be recognized as head of the County government for all necessary purposes. The Vice-President of the County Council shall act as the President of the County Council during the absence or disability of the President.

f. Powers of County Council

All powers of the County shall be vested in the County Council, except as otherwise provided by this title or other laws of this state, and the County Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the County by law.

g. Vacancies

The office of a Councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office in a manner set forth below.

The office of a Councilman shall be deemed to have been forfeited should the incumbent at any time during his term of office: (1) lack qualifications for the office prescribed by this

act or other law of the State; (2) remove his residence from the District from which he was elected; (3) violates any express prohibitions of this title; or (4) be convicted of a crime involving moral turpitude.

When a vacancy occurs in the office of Councilman, the County Council shall certify that a vacancy exists. The vacancy shall be filled for the unexpired term by a majority vote of all the remaining members of the County Council. They shall appoint a qualified person to fill the vacancy for the unexpired term from the District where the vacancy occurred; provided that every vacancy shall be filled by a person of the same political party as that of the person whose unexpired term is being filled.

If the County Council fails to fill a vacancy within thirty (30) days after the occurrence thereof, the Department of Elections shall call a special election in the District where the vacancy occurred; said election shall be for the unexpired term and shall be held within ninety (90) days from the commencement of the vacancy.

h. Clerk of County Council

The County Council shall appoint and fix the salary of a Clerk of County Council who shall keep the journal of its proceedings, and perform such other duties as are assigned to him by this title or by the County Council. The County Council may provide for employees to serve in the office of the Clerk of County Council.

i. Investigations

The County Council may make investigations into the affairs of the County and the conduct of any County department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of pertinent evidence of any kind. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the County Council shall be guilty of a misdemeanor and punishable in accordance with a schedule of fines and imprisonment established by the County Council.

j. Independent Audit

The Council shall provide for an independent annual audit of all County accounts and may provide for such more frequent

audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the county government or any of its officers. The council may, without requiring competitive bids designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after beginning of such fiscal year.

k. Procedure

The County Council shall meet regularly on a weekly basis. The place and dates of such meetings shall be established by the County Council as a part of the rules of procedure adopted for the conduct of its meetings. Special meetings may be held on the call of the President of the County Council or of a majority of the members of the County Council in accordance with rules adopted as a part of the rules of procedure of the County Council.

The County Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings which shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. A majority of all members of the County Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the County Council. No action of the County Council, except as otherwise provided in this title, shall be valid or binding unless adopted with the concurrence of a majority of all of the members of the County Council.

l. Actions Required by Ordinance

All actions of the County Council which shall have the force of law shall be by ordinance.

m. Ordinances Generally

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance, except those relating to the budget or appropriation of funds and those relating to the adoption or revisions of the County Code shall con-

tain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The County of Sussex hereby ordains". Any ordinance which repeals or amends an existing ordinance or part of the County Code shall set out in full that part of the ordinance, sections or subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring or by italics.

An ordinance may be introduced by any member at any regular or special meeting of the County Council. Upon introduction of any ordinance, the Clerk of County Council shall distribute a copy to each Councilman and to the County administrator; shall file a reasonable number of copies in the office of the Clerk of County Council and such other public places as the County Council may designate; shall, in all county newspapers, publish in bold type the ordinance or the title thereof together with a notice setting out the time and place for a public hearing thereon by the County Council; and shall produce a sufficient number of copies thereof to meet reasonable demands therefor by interested citizens and others who may be affected by such ordinance. The public hearing shall follow the publication by at least three (3) weeks, may be held separately or in connection with a regular or special County Council meeting and may be adjourned from time to time, and all persons interested shall have a reasonable opportunity to be heard. The County Council may make rules governing the holding of public hearings. After the public hearing the County Council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance which is not embraced within the title of the ordinance, the County Council may not adopt it until the ordinance or its amended sections have been subjected to all of the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the Clerk of County Council shall number the ordinance and have it, or its title, published again, together with a notice of its adoption.

Except as otherwise provided in this title, every adopted ordinance shall become effective immediately unless the ordinance itself stipulates a different date.

n. Consideration and Adoption of the Annual Operating Budget Ordinance

The County Council, upon receipt of the proposed operating budget from the County Administrator, shall immediately publish a notice in all newspapers of general circulation in the County, setting forth:

1. A summary of the estimated revenues and expenditures.
2. The details of recommended new sources of revenue or increased rates of existing taxes, licenses, fees, or other revenue.
3. That copies of the budget are available at the office of the Clerk of County Council.
4. The date, time, and place at which the County Council will commence its public hearings upon the proposed budget, which shall be not less than 21 days after the date of publication of such notice.

The County Council, upon conclusion of its public hearings but not later than the first day of June, shall adopt the operating budget ordinance in the form submitted by the County Administrator unless the County Council shall have established additional general classes of expenditures for purposes of appropriation. The County Council may increase, decrease, or delete any item of appropriation recommended by the County Administrator. Upon concurrence of its members, the County Council may add new items of appropriation.

Amendments to the annual operating budget ordinance shall be considered and approved by the County Council under the same procedures prescribed for its original adoption, but no amendment shall increase the aggregate of authorized expenditures to an amount greater than the total of the appropriation made at the time of the adoption of the original budget.

o. Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the County Council may adopt emergency ordinances, but such ordinances may not levy taxes, grant, review or extend a franchise, or authorize the borrowing of money except to issue emergency notes as provided by law. An emergency ordinance shall be introduced in the form and manner

prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective immediately upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

p. Budgets of Revenues

The County Council, at the meeting at which the annual operating budget ordinance is adopted and within the limits of its power and subject to other provisions of this title, shall ordain such taxes and other revenue measures as will yield sufficient revenue which, together with any available surplus, will balance the budget.

Revenues shall be estimated only upon the bases of the cash receipts anticipated for the fiscal year.

The estimated yield from each item of revenue and of the amounts of surplus to be used in the balancing of the budget shall be provided to the County Council by the County Administrator. However, nothing in this paragraph shall exempt these proposed revenue measures from being proposed in accordance with subsection m, herein, which is entitled *Ordinances Generally*.

q. Official Map of the County

There is established an official map of Sussex County. The County Administrator shall be the maker and custodian of such map. The map shall show the location and lines of the public roads, easements, water courses and public lands within the County presently existing or established by law at the time of the preparation and setting up of the map by the County Administrator, and which shall also show the location of the lines of the roads, easements, water courses and public lands on plots which have been approved by the County Council.

The Planning and Zoning Commission of Sussex County shall review the official map or any amendment, extension or addition thereto. After public hearing the Commission shall submit the official map or such amendment, extension or addition thereto along with its comments, to the County Council. The County Council shall not be bound by the report of the Commission and the County Council may add, change or delete any portions of the proposed map, amendments, extension or addition thereto as it sees fit. If the official map, or amendment, extension or addition thereto shall pertain to the road system of or any road in Sussex County, the official map and any amendment, extension or addition thereto shall also be submitted to the State Highway Department for its review and recommendation prior to adoption by the County Council. If adopted by the County Council, the map shall be recorded in the Recorder's office within thirty (30) days after such action.

The County Council may, from time to time, amend, extend, add to or remove from the official map all roads established or vacated by law, provided that the same review process of the proposed action for amendment, extension or addition of the official map indicated in this section shall be followed.

r. Authentication, Recording, Codification and Printing of Ordinances

The Clerk of County Council shall authenticate by his signature and record in full, in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the County Council.

Within five (5) years after the commencement of the system of government provided herein, and at least every five (5) years thereafter, the County Council shall provide for the preparation of the general codification of all County ordinances having the force and effect of continuing law. The general codification shall be adopted by the County Council by ordinance and shall be published promptly in bound or loose-leaf form, together with pertinent provisions of the Constitution and other laws of the State of Delaware applicable to Sussex County, and such codes of technical regulations and other rules and regulations as the County Council may specify. This compilation shall be known and cited officially as the Sussex County Code. Copies of the County Code shall be distributed as directed by the County Council.

The County Council shall cause each ordinance having the force and effect of law and each amendment to state law affecting the County to be reproduced promptly following its adoption; and the reproduced ordinances, and the amendments to State law shall be distributed or sold to any person at reasonable prices to be fixed by the County Council. Subsequent to the publication of the first Sussex County Code, the ordinances and the amendments to State law shall be printed or reproduced in substantially the same style as the County Code currently in effect and shall be suitable in form for integration therein. The County Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware or the codes of technical regulations included in the County Code.

s. Adoption of Pay Plans

All persons employed by the County or by any of its boards, whether as officers or otherwise, and paid either in part or in whole from appropriations made by the County Council, except those whose compensation is fixed by State law, shall be compensated only in accordance with pay plans adopted by the County Council.

Promptly upon receipt from the County Administrator of any recommendation of measures for the establishment or amendment of a pay plan or portions thereof for persons in the classified service, the President of the County Council may introduce an ordinance for the adoption of such recommendations. Not later than 60 days after receipt of such recommendations, the County Council shall adopt or reject them as submitted or adopt them in such amended form as the County Council may provide.

t. Creation of Debt

The County Council shall exercise all powers heretofore vested in the Levy Court of Sussex County in connection with the creation of debt; provided, however, that the County Council shall not have authority to create or to authorize the creation of any long-term debt for the following purposes:

1. The payment of any operating expense.

2. The payment of any judgment resulting from the failure of the County to pay any item of operating expenses.

3. The payment for any equipment or any public improvements of a normal life of less than ten years.

The foregoing limitations shall not apply should the County Council unanimously declare the existence of an emergency due to a public calamity.

Bond issues may be authorized by ordinance of the County Council approved by not less than a four-fifths vote of all the members thereof.

Each bond issue authorization ordinance shall include a statement of the purpose or purposes of the issue; if the purpose is to finance one or more capital projects, it shall describe each of them sufficiently for purposes of identification. The ordinance shall state the amounts to be used for each of the projects comprehended. The ordinance also shall include the amount of the proposed issue; a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County; the probable useful life of the project or average probable useful life of the projects to be financed; the date of issue; the dates of the first and last serial maturities; the dates on which the interest shall be paid; a declaration that the principal of and the interest on the proposed issue are to be paid by ad valorem taxes on real estate, tangible personal property and intangible property subject to taxation by the County without limitation of rate or amount; and in addition, upon such other intangible property as may be subject to taxation by the County within limitations prescribed by law, except for self-liquidating bonds; and that the full faith and credit of the County are pledged to such payment. The ordinances shall also recite the procedure for the public sale of the proposed issue and shall contain such other matters relating to the authorization, issuance, or sale of the issue as the County Council shall deem desirable.

The outstanding general obligation bonded indebtedness of Sussex County secured by the full faith and credit pledge of the County may not exceed 12 per centum of the assessed valuation of the property subject to taxation within the County. The out-

standing bonded indebtedness of the County secured solely by revenues arising from service charges or special assessments are without limitations as to amounts.

The County Council may, subject to such limitations as may be imposed by the Constitution or laws of the State of Delaware, borrow in any fiscal year in the anticipation of the collection of taxes or other revenue budgeted for.

u. Districts

There shall be five Councilmanic districts. Districts 1, 2, 3, 4, and 5 are established as follows:

1st Councilmanic District

The 1st Councilmanic District shall comprise: Beginning at the intersection of the westerly boundary of Delaware with Maryland at its intersection with the center line of State Route 404; thence southeasterly along the center line of State Route 404 to its intersection with the center line of County Road 582; thence northeasterly along the center line of County Road 582 to its intersection with the center line of County Road 583; thence southerly along the center line of County Road 583 to its intersection with the center line of County Road 584; thence southeasterly along the center line of County Road 584 to its intersection with the center line of County Road 600; thence northeasterly along the center line of County Road 600 to its intersection with the center line of Nanticoke Branch; thence generally southerly along the center line of Nanticoke Branch to its intersection with the center line of County Road 40; thence westerly along the center line of County Road 40 to its intersection with the corporate limits of the Town of Bridgeville, thence northerly, westerly and southerly along the corporate limits of the Town of Bridgeville to its intersection with the center line of State Route 18; thence southwesterly along the center line of State Route 18 to its intersection with the center line of County Road 18; thence southeasterly and northeasterly along the center line of County Road 18 to its intersection with the center line of U.S. 13; thence southerly along the center line of U.S. 13 to its intersection with the center line of County Road 64; thence westerly along the center line of County Road 64 to its intersection with the center line of State Route 13; thence northerly along the center line of State Route 13 to its intersection with the center line of County

Road 515; thence westerly and northerly along the center line of County Road 515 to its intersection with the center line of County Road 509; thence southwesterly along the center line of County Road 509 to its intersection with the center line of County Road 514; thence northerly along the center line of County Road 514 to its intersection with the center line of State Route 24; thence westerly along the center line of State Route 24 to its intersection with the center line of the Delaware-Maryland boundary; thence northerly along the center line of the Delaware-Maryland boundary to the point and place of beginning.

2nd Councilmanic District

The 2nd Councilmanic District shall comprise: Beginning at the intersection of the westerly boundary of Delaware with Maryland at its intersection with the center line of State Route 404; thence southeasterly along the center line of State Route 404 to its intersection with the center line of County Road 582; thence northeasterly along the center line of County Road 582 to its intersection with the center line of County Road 583; thence southerly along the center line of County Road 583 to its intersection with the center line of County Road 584; thence southeasterly along the center line of County Road 584 to its intersection with the center line of County Road 600; thence northeasterly along the center line of County Road 600 to its intersection with the center line of Nanticoke Branch; thence generally southerly along the center line of Nanticoke Branch to its intersection with the center line of County Road 40; thence westerly along the center line of County Road 40 to its intersection with the corporate limits of the Town of Bridgeville, thence northerly, westerly, and southerly along the corporate limits of the Town of Bridgeville to its intersection with the center line of State Route 18; thence southeasterly and northeasterly along the center line of State Route 18 to its intersection with the center line of State Route 404; thence southeasterly along the center line of State Route 404 and State Route 18 to its intersection with the westerly branch of Gravelly Fork; thence southerly along the center line of the westerly branch of Gravelly Fork to its intersection with the center line of Gravelly Fork; thence northeasterly along the center line of the easterly branch of Gravelly Fork to its intersection with the center line of State Route 18; thence southeasterly along the center line of State Route 18 to its intersection with

the center line of County Road 527; thence southerly along the center line of County Road 527 to its intersection with the center line of County Road 516; thence southerly along the center line of County Road 516 to its intersection with the center line of County Road 46; thence easterly along the center line of County Road 46 to its intersection with the center line of County Road 524; thence southeasterly along the center line of County Road 524 to its intersection with the center line of State Route 20; thence southeasterly, northeasterly and southeasterly along the center line of State Route 20 to its intersection with the center line of County Road 473; thence northeasterly, southeasterly and northeasterly along the center line of County Road 473 to its intersection with the center line of State Route 20; thence southeasterly along the center line of State Route 20 to its intersection with the boundary line between Nanticoke Hundred and Dagsboro Hundred; thence northerly along the center line of the boundary line of Nanticoke Hundred crossing County Road 62 to its intersection with the boundary line of Georgetown Hundred and Dagsboro Hundred; thence in an easterly direction along the boundary line between Nanticoke Hundred and Dagsboro Hundred to the point where Eli Walls' Ditch crosses County Road 318 which said point also marks a dividing line between Georgetown Hundred and Dagsboro Hundred; thence in a southeasterly direction along the center line of Eli Walls' Ditch to its intersection with the center line of Morris Mill Pond; thence northeasterly along the center line of Morris Mill Pond to its intersection with the center line of Deep Branch; thence northerly along the center line of Deep Branch to its intersection with the center line of State Route 30; thence northeasterly along the center line of Morris Mill Pond to its intersection with the center line of Deep Branch; thence northeasterly along the center line of Deep Branch to its intersection with the center line of State Route 30; thence northerly along the center line of State Route 30 to its intersection with the center line of County Road 47; thence northwesterly along the center line of County Road 47 to its intersection with the center line of County Road 321; thence northerly along the center line of County Road 321 to its intersection with the center line of State Route 18; thence easterly along the center line of State Route 18 to its intersection with the center line of County Road 249; thence northeasterly along the center line of County Road 249 to its intersection with the center line of County

Road 248; thence northerly along the center line of County Road 248 to its intersection with the center line of County Road 319; thence southwesterly along the center line of County Road 319 to its intersection with the center line of County Road 565; thence westerly along the center line of County Road 565 to its intersection with the center line of County Road 239; thence northerly along the center line of County Road 239 to its intersection with the center line of County Road 238; thence southwesterly along the center line of County Road 238 to its intersection with the center line of County Road 579; thence westerly along the center line of County Road 579 to its intersection with the center line of the western boundary of the Penn Central Railroad right-of-way; thence northerly along the center line of the western boundary of the Penn Central Railroad right-of-way to its intersection with the northern boundary of the Ellendale State Forest; thence in a westerly direction along the center line of the northern boundary of the Ellendale State Forest to its intersection with the center line of County Road 213; thence in a northerly direction along the center line of County Road 213 to its intersection with the center line of the boundary line between Kent and Sussex Counties; thence westerly and southerly along the boundary between Kent and Sussex Counties to its intersection with the center line of the boundary of Delaware and Maryland; thence southerly along the boundary between Delaware and Maryland to the point and place of beginning.

3rd Councilmanic District

The 3rd Councilmanic District shall comprise: Beginning at the intersection of the boundary line between Kent and Sussex Counties and the Delaware Bay; thence in a westerly direction along the center line of the boundary line between Kent and Sussex Counties to its intersection with the center line of County Road 213; thence in a southerly direction along the center line of County Road 213 to its intersection with the center line of the northwest corner of Ellendale State Forest; thence in an easterly direction along the center line of the northern boundary of the Ellendale State Forest to its intersection with the center line of the westerly right-of-way of the Penn Central Railroad; thence southerly along the center line of the western boundary of the Penn Central Railroad to its intersection with the center line of County Road 579; thence easterly along the center line of County Road 579 to its intersection with the center line of County

Road 238; thence northeasterly along the center line of County Road 238 to its intersection with the center line of County Road 239; thence southerly along the center line of County Road 239 to its intersection with the center line of County Road 565; thence easterly along the center line of County Road 565 to its intersection with the center line of County Road 319; thence northeasterly along the center line of County Road 319 to its intersection with the center line of County Road 248; thence southerly along the center line of County Road 248 to its intersection with the center line of County Road 249; thence southwesterly along the center line of County Road 249 to its intersection with the center line of State Route 18; thence westerly along the center line of State Route 18 to its intersection with the center line of County Road 321; thence southerly along the center line of County Road 321 to its intersection with the center line of County Road 47; thence southeasterly along the center line of County Road 47; to its intersection with the center line of State Road 30; thence northerly along the center line of State Road 30 to its intersection with the boundary line between Georgetown Hundred and Indian River Hundred; thence easterly along the center line of the boundary line between Georgetown Hundred and Indian River Hundred to its intersection with the center line of State Road 5 where it intersects the westerly branch of Love Creek; thence in an easterly and southerly direction along the center line of the westerly branch of Love Creek to its intersection with the center line of Love Creek; thence southerly along the center line of Love Creek to its intersection with the center line of State Road 24; thence northeasterly along the center line of State Road 24 to its intersection with the center line of State Road 14; thence northerly along the center line of State Road 14 to its intersection with the center line of County Road 268; thence northeasterly along the center line of County Road 268 to its intersection with the center line of County Road 269; thence in an easterly direction along the center line of County Road 269 (extended) to its intersection with the center line of the boundary between Delaware and New Jersey; thence in a northerly direction along the center of the boundary between Delaware and New Jersey to its intersection with the center line of the boundary between Kent and Sussex Counties (extended); thence in a westerly direction along the center line of the boundary between Kent and Sussex Counties (extended) to the point and place of beginning.

4th Councilmanic District

The 4th Councilmanic District shall comprise: Beginning at the intersection of the center line of the boundary between Delaware and New Jersey with the center line of County Road 269 (extended); thence westerly along the center line of County Road 269 (extended) to its intersection with the center line of County Road 268 and County Road 269; thence southwesterly along the center line of County Road 268 to its intersection with the center line of State Road 14; thence southerly along the center line of State Road 14 to its intersection with the center line of State Road 24; thence southwesterly along the center line of State Road 24 to its intersection with the center line of Love Creek; thence northerly along the center line of Love Creek to its intersection with the center line of the westerly branch of Love Creek; thence westerly and northerly along the center line of the westerly branch of Love Creek to its intersection with the center line of the boundary line between Georgetown Hundred and Indian River Hundred at State Route 5; thence southwesterly along the center line of the boundary line between Georgetown Hundred and Indian River Hundred to its intersection with the center line of State Route 30; thence southerly along the center line of State Route 30 to its intersection with the center line of Deep Branch; thence southwesterly along the center line of Deep Branch to its intersection with the center line of Morris Millpond; thence southerly along the center line of Morris Millpond to its intersection with the center line of Cow Bridge Branch; thence southerly along the center line of Cow Bridge Branch to its intersection with the center line of Morris Mill Pond; thence southerly along the center line of Morris Mill Pond to its intersection with the center line of Indian River; thence southeasterly along the center line of Indian River to its intersection with the center line of Indian River Bay at its mouth opposite Oak Orchard; thence southeasterly from said point to the intersection of the center line of Pepper Creek at its mouth; thence southwesterly along the center line of Pepper Creek to its intersection with the center line of Vines Creek at its mouth; thence southerly along the center line of Vines Creek to its intersection with the center line of State Route 26; thence westerly along the center line of State Route 26 to its intersection with the line of County Road 340; thence southerly along the center line of County Road 340 to its intersection with the center line of County Road 382; northwest-

erly along the center line of County Road 382 to its intersection with the center line of County Road 355; thence southwesterly along the center line of County Road 355 to its intersection with the center line of County Road 356; thence northwesterly along the center line of County Road 356 and County Road 356 (extended) to its intersection with the center line of County Road 406; thence southwesterly along the center line of County Road 406 to its intersection with the center line of County Road 402; thence westerly along the center line of County Road 402 to its intersection with the center line of State Route 26; thence westerly along the center line of State Route 26 to its intersection with the center line of County Road 413A; thence southerly along the center line of County Road 413A to its intersection with the center line of the easterly branch of Pocomoke River; thence easterly and southerly along the easterly branch of Pocomoke River to its intersection with the center line of the Pocomoke River; thence southerly along the center line of the Pocomoke River to its intersection with the center line of County Road 417; thence easterly along the center line of County Road 417 to its intersection with the center line of County Road 60; thence southwesterly along the center line of County Road 60 to its intersection with the center line of County Road 418; thence southeasterly and southerly along the center line of County Road 418 to its intersection with the Delaware-Maryland boundary; thence easterly along the center line of the Delaware-Maryland boundary to its intersection with the border between Delaware and New Jersey; thence northerly along the center line of the boundary between Delaware and New Jersey to the point and place of beginning.

5th Councilmanic District

The 5th Councilmanic District shall comprise: All those portions of Sussex County not included in Councilmanic Districts Nos. 1 to 4 inclusive.

v. Redistricting

In the event that by a redistricting of the senatorial or representative districts of Sussex County, the numbers of representative districts shall be reduced in number from six to five, then it shall be the mandatory duty of the County Council to redistrict Sussex County into five Councilmanic Districts for the

election of the County Council and the boundaries of each of said districts shall coincide with the boundaries of one of the said representative districts. To accomplish the redistricting, the County Council, within three months after the reapportionment of the Sussex County Representative Districts, shall appoint five qualified voters of the County who shall comprise the Redistricting Commissioners. The Commissioners shall be appointed, one from each of the five representative districts, as they would have been reapportioned, and, they shall not be employed by the County in any other capacity. No more than three of the members shall be affiliated with the same political party. It shall be the duty of the redistricting committee to submit to the County Council a report, which shall set forth the boundaries of each councilmanic district, which shall coincide with the boundaries of a respective representative district, and shall assign to each a number from one to five, and a map thereof. The report shall be in the form of a proposed ordinance. Once filed with the Clerk of the County Council, the report shall be treated as an ordinance introduced by a member of the County Council, to be considered by them as other proposed ordinances, provided that a map and a description of the proposed districts shall be published in addition to the other requirements publication connected with enacting ordinances.

The County Council shall adopt a redistricting ordinance at least 60 days after the report of the redistricting commission has been filed with the Clerk of the County Council.

w. Election of County Councilman

In order to stagger the terms of the County Councilmen, Councilmanic Districts shall be divided into two categories; one category shall consist of Districts 1, 2, and 3, and the second category shall consist of Districts 4 and 5.

County Councilmen from Districts 1, 2, and 3 shall be elected in the general election held the first Tuesday, in November, 1972, for terms of 4 years each. Subsequently, the Councilmen from these Districts shall be elected every 4 years to serve 4 year terms.

The County Councilmen from Districts 4 and 5 shall be elected in the general election held the first Tuesday in No-

vember, 1974, for terms of 4 years. Subsequently, the Councilmen from these districts shall be elected every 4 years to serve 4 years terms.

All citizens qualified by the Constitution and laws of the State of Delaware to vote in the County and who satisfy the requirements for registration prescribed by law shall be qualified to vote for members of the County Council.

Except as otherwise provided by this chapter, the provisions of the election laws of the State of Delaware shall apply to elections held under this chapter. All elections provided for by this chapter shall be conducted by the election authorities authorized to hold elections under the election laws of the State of Delaware.

The nomination of persons to be candidates in the general elections for County Councilmen shall be governed by the election laws of the State of Delaware.

x. Creation of Department and Agencies

The County Council may by ordinance establish County departments, offices or agencies in addition to those created by this title and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this title to a particular department, office or agency may be discontinued or, unless this title specifically so provides, assigned to any other.

§ 7003. County Administrator

a. Appointment, Qualifications, Compensation

The County Council shall appoint a County Administrator by the affirmative vote of a majority of the members of the County Council, for a term, not exceeding four (4) years and fix his compensation. The County Administrator shall be appointed solely on the basis of his executive and administrative qualifications. At the time of his appointment he shall be a resident of Sussex County, and during his tenure of office, he shall at all times reside within Sussex County.

b. Removal from Office

The County Council may remove the County Administrator from office before the expiration of his term, but only in accordance with the following procedures:

1. By affirmative vote of a majority of all the members of the County Council upon adoption of a preliminary resolution which shall state the reason for the removal. A copy of the resolution shall be delivered promptly to the County Administrator.

2. Within ten days after a copy of the resolution is delivered to the County Administrator, he may file with the County Council a written request for a public hearing. This hearing shall be held at a special County Council meeting not later than thirty days after the request is filed. The County Administrator may file with the County Council a written reply not later than five days prior to the hearing. The County Administrator shall be permitted to appear in person at the hearing in lieu of a full written reply to the charges made, and present his case with witnesses as the circumstances may require.

3. The County Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all the members at any time after ten days from the date when a copy of the preliminary resolution was delivered to the administrator, if he has not requested a hearing.

c. Acting County Administrator

The County Council may designate a qualified acting county administrative officer to exercise the powers and perform the duties of County Administrator during the latter's absence or disability.

d. Powers and Duties of the County Administrator

The County Administrator shall be the chief administrative officer of the county. He shall attend the meetings of the County Council, and be responsible to the County Council for the proper administration of all the affairs of the County which the County Council has authority to control.

Under the direction of the County Council the County Administrator shall have the following powers and duties, except as otherwise provided by this act, law or governing personnel regulations:

1. He shall appoint and, when he deems it necessary, suspend or remove any county employees and appointive adminis-

trative officers with the exception of the Director of Finance. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

2. He shall direct and supervise the administration of all departments, offices, and agencies of the county.

3. He shall have the right to take part in discussion at all County Council meetings but may not vote.

4. He shall see that all laws, provisions of this act, and acts of the County Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

5. He shall prepare and submit a proposed annual budget and capital program to the County Council, with his recommendations and shall execute the budget as finally adopted.

6. He shall make reports, at least once monthly, to the County Council in regard to matters of administration, and keep the County Council fully advised as to the financial condition of the county government.

7. He shall submit to the County Council and make available to, the public a complete report on the finances and administrative activities of the county within 60 days after the end of each fiscal year.

8. He shall familiarize himself in detail with the affairs of all officers, departments, board, and agencies and make recommendations and reports to the County Council at such times as the Council may direct. The County Administrator may order an audit of any office or agency at any time by the independent auditor engaged by the County Council.

9. He shall perform such other duties as are specified in this act or as may be required by the County Council.

§ 7004. Department of Finance

a. Department of Finance, General

There shall be a Department of Finance under the direction of the County Administrator which shall be responsible for the

administration of the budgeting, accounting, purchasing, treasury, and other financial affairs of Sussex County.

b. Director of Finance

The Director of Finance shall be the head of the Department of Finance. The County Council shall appoint the Director of Finance and fix his compensation.

c. Functions

The Department of Finance, headed by the Director of Finance shall perform the following functions:

1. Assess all property subject to taxation by the county and maintain appropriate records;

2. Prepare tax rolls and bills, including those required by any municipality or school district or special district lying within or partially within the county of taxes so authorized by law or such districts;

3. Collect all taxes, license and permit fees, and other moneys due to or receivable by the county, or any of its offices, departments, or boards; provided that the Director of Finance may, by rule, authorize the receipt of moneys directly by offices, departments, boards or agencies, or may assign employees of departments to make such collections;

4. Collect when directed by or authorized by law, all taxes, license and permit fees, and other moneys which may be receivable by the State, or by other public office, department, or board not subject to the provisions of this title;

5. Institute proceedings for the sale of taxable property upon which taxes are not paid within the period prescribed by law;

6. Prepare necessary assessment rolls for all assessable public improvements, issue appropriate bills, assist in the issuance and serving of indebtedness in connection with such assessable improvements, and be responsible for the collection, custody, and payment of all moneys in connection therewith;

7. Issue receipts for moneys collected by the Department:

8. Maintain the treasury of the County, and deposit all moneys belonging thereto or in the custody thereof in any depository banks to the credit of the County;

9. Invest idle funds not reasonably required to be maintained on a demand basis in obligations of the United States or such other obligations or in such manner as recommended by the County Administrator and authorized by the County Council. Investment of county funds shall be in accordance with the provisions of General State Law and of the ordinances of the County Council governing such investments.

All interest on investments and moneys so earned from these idle funds shall accrue only to the benefit of the County of Sussex.

10. Administer the retirement systems of the county, after having taken into account the advice of the County Retirement Advisory Board. An annual report with full accountability of all invested funds, if any, shall be made to members of such pension or retirement systems;

11. Assist in the issuance of all general and special bonds or other evidence of indebtedness of the county and service such debt in accordance with the law and terms of indenture relating thereto.

12. Make disbursements and payments of claims which it finds to be in the correct amount and justly due only in accordance with prior authorization adopted under the terms of this title or other State law.

13. Prepare payrolls and supervise the preparation of related documents.

14. Prepare and issue all checks signed by the President of, the County Council, or the County Administrator if so designated by the County Council, and countersigned by the Director of Finance.

15. Keep accurate and complete accounts of all receipts and disbursements.

16. Provide information pertaining to the financial affairs of the County.

17. Provide for the procurement of all materials, supplies, equipment, and contractual services, except that the Director of Finance with the approval of the County Administrator, may designate other offices or departments to perform such portions of these functions as the Director of Finance may from time to time deem proper.

In the procurement of services or supplies in excess of \$1,000 or as otherwise limited by the County Council by ordinance, award of contracts may be made only after public advertisement of proposals for bids in at least two newspapers, one of which must have a general circulation in the county, for at least once a week for a period of not less than two weeks. The Director of Finance shall receive and publicly open all bids at the time advertised, tabulate them, determine the lowest and best responsible bidder, or reject all bids if he deems it proper and necessary to protect the interest of the county, and recommend to the County Administrator what future action should be taken should all bids be refused. The Director of Finance may require of such bidder or bidders security for the faithful performance of the contract.

18. Have authority to make transfers of supplies, material, or equipment between offices and departments; sell any surplus supplies, materials, or equipment and to make such other sales as may be authorized by the County Council; establish suitable specifications or standards for all supplies, material, and equipment in accordance with approved purchasing procedures; inspect all deliveries to determine compliance with such specifications and standards; maintain and supervise warehouses and storehouses for equipment, material, and supplies; furnish supplies, materials, equipment, or contractual services to any department or office only upon receipt of a properly approved requisition.

19. The Director of Finance shall maintain a correct inventory of all fixed assets of the County.

20. The Director of Finance shall perform such other duties as may be imposed on him by the County Administrator, by State law or by direction of the County Council.

d. Sworn Information

The Director of Finance may require from any officer or employee of the County, or any claimant, such sworn information as may be necessary for the proper performance of the functions of the Department.

e. Board of Assessment Review

The Board of Assessment Review shall consist of five (5) freeholders of the County, not more than three of whom shall be from the same political party, who shall be appointed by the County Council for five year terms, provided that the terms of the original members shall be established in a manner that one shall expire each year. One member of the Board shall be appointed from each councilmanic district; however, he shall not forfeit his office by virtue of lack of continued residence in the district from which appointed if this potential disqualification shall arise solely from a change in the boundaries of a councilmanic district as a result of redistricting required by this title.

f. Duties of Board of Assessment Review

The Board shall:

1. Hear appeals from any property owner who alleges that his property has been improperly assessed for purposes of taxation.
2. Following the hearing of any property owner, and, in the light of the facts produced at such hearing, the Board shall determine whether the assessment is correct. Should the Board find that the assessment is incorrect, the Board shall order the Director of Finance to correct the assessment and the Director shall thereupon correct the assessment to the adjusted amount established by the Board.
3. Review the methods by which the Director of Finance has established the assessments and the results thereof as reflected by the assessment roll. Should the Board find that the procedures used by the Director of Finance require improvement in order to make more equitable and effective the assessment procedure, the Board shall make such recommendations as it deems proper to the County Administrator and file a copy thereof with the Clerk of the County Council.

g. Compensation of Board of Assessment Review

The members of the Board shall receive such per diem compensation for days that the Board is in session as the County Council shall determine.

h. Judicial Review

Nothing herein shall be construed as limiting the right of a property owner to appeal to the courts in connection with the assessment of his property for taxation as provided by law.

i. General Provisions Relating to Assessment, Levy, Billing, and Collection of Taxes

It is the intent of this subchapter that in Sussex County, the Department of Finance shall perform all of the functions heretofore assigned to the Board of Assessment, the Receiver of Taxes and the County Treasurer, the Comptroller, and the Collector of Delinquent Taxes under the Delaware Law, except for the functions herein specifically assigned to the Board of Assessment Review.

j. Assessment of Property

In the performance of the functions relating to the assessment of property, the Department of Finance shall exercise the assessment functions heretofore assigned to the Board of Assessment. To this end, not later than February 15 of each year, the Department of Finance shall prepare and present to the Board of Assessment Review a copy of the assessment roll for the year. The Department shall determine the form of the assessment roll and shall not be bound by provisions of law heretofore in effect as to form. During the month of March, the Board of Assessment Review shall sit for not less than 15 days during which it shall review the assessment roll, hear appeals from property owners who believe that their property is improperly assessed, and make determinations of corrections or additions to the assessment roll that may be necessary.

Not later than April of each year, the Board of Assessment Review shall certify to the Department of Finance a true and correct assessment roll for the year. Not later than May of each year, the Director of Finance shall certify to the County Council

the total value of all property in the County and the total value of all property which has been assessed and is subject to taxation.

The Department of Finance shall determine by rule, the form, number of copies, and other details concerning the keeping of records relating to assessment of real property and improvements thereupon. The Department of Finance shall develop a suitable system for the identification of all real property within the County, both that which is subject to taxation and that which is exempt from taxation. Such system shall be in a form which readily permits the subdivision of property or the reassembly of property without loss of control thereof for purposes of assessment.

k. Obligations and Rights of Property Owners

The adoption of this act shall in no manner relieve any property owner of any obligation theretofore imposed upon him with respect to the rendition of assessment of any property or the payment of any tax, nor shall it in any manner increase the responsibilities of such property owner, nor deny him of any right heretofore possessed except to the extent specifically provided in this subchapter.

l. Collection of Taxes

The Department of Finance shall be responsible for the collection of all taxes, whether current or delinquent, and to that end shall perform all of the responsibilities with respect to collection and enforcement of collection vested prior to the enactment of this act in the Receiver of Taxes and County Treasurer. To this end, the Department of Finance shall be entitled to the use of and shall be responsible for the application of all processes of law available prior to the enactment of this act to the Receiver of Taxes and County Treasurer, provided that the Department shall not be required to make any routine reports to the County Council concerning the collection of taxes other than a monthly statement in appropriate summary form and the annual report.

m. Records of Tax Delinquencies

The Department of Finance shall maintain a suitable record of the payment or nonpayment of taxes with respect to each parcel of real property in the County. Not later than 60 days

after the close of each fiscal year, the Department shall prepare a summary of the outstanding taxes which have been levied and not collected for each of the preceding two years or for such longer period as the County Council shall prescribe. Such summary shall be fully supported by detailed records of delinquent taxes.

n. Collection of Taxes Other Than Those Upon Real Estate

The Department of Finance shall perform all responsibilities heretofore assigned to any office, department or board of Sussex County in the assessment and collection and enforcement of capitation taxes and any other taxes heretofore levied in Sussex County.

§ 7005. Department of Law

a. Functions

There shall be a Department of Law, headed by a County Attorney which shall perform the following functions:

1. Provide legal advice to the County Council, County Administrator, and all County departments, boards, offices and agencies.
2. Represent the County in all legal proceedings.
3. Perform any other duties prescribed by the title or by ordinance of the County Council.

b. Appointment

The County Attorney shall be appointed by the County Council. The County Attorney shall serve at the pleasure of the County Council.

c. Assistant County Attorneys

The County Council shall appoint such Assistant County Attorneys as may be necessary from time to time. The Assistant County Attorneys shall serve at the pleasure of the County Council.

d. Compensation

The annual salary of the County Attorney and each assistant County Attorney shall be determined by the County Council.

e. Other Employees

The County Council may provide for such employees as may be necessary to perform the functions required by this title. Such employees shall serve at the pleasure of the County Attorney.

§ 7006. Personnel System***a. Personnel System***

The County Administrator is responsible for administering the personnel system of Sussex County.

All appointments and promotions of County officers and employees under the direction of the County Administrator shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

b. Personnel Board

There shall be a personnel board consisting of three (3) members appointed by the County Council for terms of three years from among the qualified voters of the county. Members of the Board shall hold no other county office. The County Administrator shall provide necessary staff assistance for the personnel board.

c. Personnel Rules

The County Administrator shall prepare personnel rules and amendments thereto. He shall refer such proposed rules to the personnel board which shall report to the administrator its recommendations thereon. When approved by the administrator, the rules shall be proposed to the County Council, and the County Council may by ordinance adopt them with or without amendment. These rules shall provide for:

1. The classification of all county positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position, whenever warranted by changed circumstances.

2. A pay plan for all county positions.

3. Methods for determining the merit and fitness of candidates for appointment or promotion.

4. The policies and procedures regulating reduction in force and removal of employees.

5. The hours of work, attendance regulations and provisions for sick and vacation leave.

6. The policies and procedures governing persons holding provisional appointments.

7. The policies and procedures governing relationships with employee organizations.

8. Grievance procedures, including procedures for the hearing of grievances by the personnel board, which may render advisory opinions based on its findings to the County Administrator with a copy to the aggrieved employee, and

9. Other practices and procedures necessary to the administration of the county personnel system.

10. Employment or dismissal of county employees shall be subject to the approval of the County Council, in its discretion.

§ 7007. County Advisory Retirement Board

There shall be an Advisory Retirement Board for the County which shall consist of five members. Three of the members shall be appointed by the County Council for terms of four years and two of the members shall be elected by the members of the County Employees Pension Plan for terms of four years. The members of the Board shall serve without compensation.

a. Duties of Advisory Retirement Board

The Advisory Retirement Board shall:

1. Review each application for benefits under the retirement system and render an opinion thereon to the Director of Finance as to whether the applicant is qualified for the benefits sought in the application.

2. From time to time, make such recommendations to the County Council regarding proposed changes in the retirement system and the administration of provisions of the retirement system as the Board shall deem appropriate.

Section 2. Chapter 3, Title 9, Delaware Code, is amended as follows:

A. §302 is amended by striking from subsection (a) the words, "There shall be a Levy Court in Kent and Sussex Counties, each of which . . .", and inserting in lieu thereof the words, "There shall be a Levy Court in Kent County which shall consist of not less than three members."

B. §302 is further amended by adding thereto new subsections (e) and (f), to read as follows:

(e) The Levy Court of Sussex County and the offices of the Levy Court Commissioner of Sussex County, including the offices of the incumbents, are abolished as of the first Tuesday in January following the election of the first County Councilman as provided for in Chapter 70 of this Title. No election for the office of Levy Court Commissioner of Sussex County shall take place at the general election in which the first County Councilmen are elected as provided for in Section 7002 of this Title.

(f) The Levy Court Commissioners of Sussex County whose terms of office would not have expired at the time of the effective date of this act but for the provisions of this act, shall become County Councilman (at large) and each shall serve as a County Councilman, with all the powers, duties and emoluments of that office, until the expiration of the term for which he was originally elected to the office of Levy Court Commissioner i.e., until the first Tuesday in January, 1973, in the case of the Commissioner who took office in January, 1967. In the case of the death or resignation of the said incumbent members, or their successors, prior to the expiration of the terms aforesaid, the Governor shall appoint some suitable person of the same political party having the qualifications previously required of a Levy Court Commissioner, pursuant to the provisions of §9, Article III, of the Constitution of this State.

C. §305 is hereby repealed.

D. §306, 307, 308, 309 (b), 309 (c), 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 341, 342, 344, 372, 373 and 374, insofar as they refer to or contemplate a Levy Court of Sussex County or a Levy Court Commissioner of Sussex County are amended to the extent that they shall henceforth only refer to or contemplate a Levy Court or a Levy Court Commissioner in Kent County.

E. §306 is further amended by adding thereto a new subsection (d) which shall read as follows:

(d) No officer or employee of the Sussex County government shall hold more than one position of County office or employment from which he derives compensation.

F. §345 (a) is amended by striking the words "the Levy Court of Sussex County" and by inserting in lieu thereof the words, "the County Council of Sussex County".

G. §345 (b) is amended by striking the words . . ." and in Sussex County such capitation tax shall in no case exceed the sum of \$1.25 nor be less than \$1.00, . . ." and in Sussex County such capitation tax shall in no case exceed the sum of \$10.00, nor be less than the sum of \$3.00, . . .". §345 (b), as amended, will therefore read as follows:

(b) in Kent County such capitation tax shall in no case exceed the sum of \$5.00, nor be less than \$1.00, and in Sussex County, such capitation tax shall exceed the sum of \$10.00, nor be less than \$3.00, and shall be uniform throughout the County in which the same is levied and assessed.

H. §349 is amended by striking the words, "the Levy Courts of the several counties, or the County Council of New Castle County," in the first sentence thereof and by inserting in lieu thereof the words, "the Levy Court of Kent County, or the County Councils of New Castle County and Sussex County."

I. §343, 347 (a), and 350 are amended by striking from the first sentence of each section the words, "the Levy Courts of the several counties", and inserting in lieu thereof, "the Levy Court of Kent County and County Councils of New Castle County and Sussex County."

J. §346 is amended by striking the words from the first sentence thereof, "the Levy Court of each of the counties, or the County Council of New Castle County" and inserting in lieu thereof, the words "the Levy Court of Kent County, or the County Councils of New Castle County and Sussex County".

K. §347 (b) is amended by striking from the first sentence thereof, "the respective Levy Courts, and the County Council of New Castle County", and inserting in lieu thereof the words "the

Levy Court of Kent County and the County Councils of New Castle County and Sussex County," this subsection is further amended by striking from the second sentence of that subsection the words, "the respective Levy Courts and the County Council of New Castle County," and inserting in lieu thereof the words, "the Levy Court of Kent County and the County Councils of New Castle County and Sussex county, . . .".

L. §348 is amended by striking from the first sentence thereof the words "the Levy Court of each county, or the County Council of New Castle County," and inserting in lieu thereof the words "the Levy Court of Kent County, or the County Councils of New Castle County and Sussex County."

M. §350 is amended by striking the words "the Levy Courts of the several counties, or the County Council of New Castle County," and inserting in lieu thereof the words "the Levy Court of Kent County, or the County Councils of New Castle County and Sussex County."

N. §351 (a) and (b) are amended by striking from the first sentence of each section the words, "the Levy Courts or the New Castle County Government," and inserting in lieu thereof the words, "the Levy Court of Kent County, or the New Castle County or Sussex County Governments."

O. §352 is amended by designating the existing language of §352 as subparagraph (a) of said section and adding thereto a second section, to be designated as subsection (b) which will read as follows:

(b) Any reference to County Council in subsection (a) shall be deemed to include the County Councils of both New Castle County and Sussex County.

P. §371 is amended by adding thereto a new subsection (d) to read as follows:

(d) any reference in this section to "County Councilman" or County Council, shall be deemed to include the County Councilman and County Councils of both New Castle County and Sussex County.

Q. §379 is amended to read as follows:

§379. Legal Proceedings

All suits, actions or proceedings brought by the Levy Court of Kent County, in and about the administration of the government of its County, shall be in the name of the Levy Court of Kent County. All such suits, actions or proceedings brought by the government of New Castle County or the government of Sussex County shall be brought in the name of the County in which such suit, action or proceedings arise.

Section 3. Chapter 5, Title 9 of the Delaware Code, is amended as follows:

A. The words or "County Council" wherever they may appear in Chapter 5 shall be deemed to include the County Councils of both New Castle County and Sussex County.

B. §501 is amended by adding the following definitions:

(4) "County Council" shall mean the County of New Castle County or Sussex County, as the case may be.

(5) All references to "Receiver of Taxes" and "County Treasurer" and "Board of Assessment" shall be construed to mean the "Department of Finance" insofar as New Castle County or Sussex County is concerned.

Section 4. Chapter 6, Title 9 of the Delaware Code, is amended as follows:

A. §602 is amended by adding the following paragraph to the definitions "County Council" means the County Council of Sussex County.

B. All references to "Levy Court" wherever they appear in this chapter shall be construed to read "Levy Court or County Council".

Section 5. Chapter 61, Title 9, Delaware Code, is amended as follows:

A. §6101 (1) is amended to read as follows:

(1) The words "Sussex County Government" or words of similar import, means the government of Sussex County as established in Chapter 70 of this Title.

B. §6111 is amended as follows :

(1) By striking the words "Levy Court" in subsection (a), and by inserting in lieu thereof the words, "County Council".

C. §6112 is amended by striking from the first sentence the words, "the Levy Court", and inserting in lieu thereof the words, "the County Council". The second sentence is amended by striking the words "the Levy Court of Sussex County", and inserting in lieu thereof the words, "the Sussex County Council".

D. §6113 is amended by striking from the first sentence the words, "Levy Court", and inserting in lieu thereof, "County Council".

E. §6114 is repealed.

F. §6115 is repealed.

G. §6166 is repealed.

H. §6131 is amended by striking the words, "Levy Court", and inserting in lieu thereof the words, "County Council".

I. §6131 is amended by striking therefrom the words, "Levy Court", and inserting in lieu thereof, wherever they appear in said section or subsection, the words, "County Council".

J. §6134 is amended by striking the words, "Levy Court", and inserting in lieu thereof, the words, "County Council".

K. §6151 is amended by striking the words, "Levy Court", wherever they appear and inserting in lieu thereof the words, "County Council".

Section 6. Chapter 61, Title 9, Delaware Code, is amended as follows:

A. §6301 (a) is repealed.

B. All references to "Sussex County Board of Assessment", or "Board", wherever such word or phrase may appear in Chapter 63, shall be construed to mean, "Department of Finance".

C. §6311 is repealed.

Section 7. Chapter 64, Title 9, Delaware Code, is amended as follows:

A. All references in Chapter 64 to the "Levy Court" shall be construed to refer to and mean the Sussex County Council.

B. All references in Sub-Chapter 64 to "Receiver of Taxes and County Treasurer" shall be construed to mean the "Department of Finance".

Section 8. Chapter 65, Title 9, Delaware Code, is amended as follows:

A. All references in Chapter 65 to "Levy Court" shall be construed to mean "County Council".

B. All references to "Clerk of the Peace" shall be construed to mean "Clerk of the County Council".

Section 9. Chapter 66, Title 9, Delaware Code, is amended as follows:

A. All references in Chapter 66 to "Levy Court" shall be construed to mean "County Council".

Section 10. Chapter 67, Title 9, Delaware Code, is amended as follows:

A. All references to "Levy Court" shall be construed to mean "County Council".

Section 11. Chapter 68, Title 9, Delaware Code, is amended as follows:

A. §6801 (e) is amended by striking the definition therein stated and inserting in lieu thereof, the following subsection:

§6801 (e) "County Council" means "County Council of Sussex County".

B. All references in Chapter 68 to "Levy Court" shall be construed to mean "County Council".

Section 12. Chapter 69, Title 9, Delaware Code, is amended as follows:

All references in Chapter 69, to "Levy Court" shall be construed to mean "County Council".

Section 13. Chapter 80, Title 9, Delaware Code, is amended as follows:

A. §8001 is amended to read as follows:

§8001. Budget of estimated expenditures

(a) The Levy Court of Sussex County shall, after due inquiry and investigation, prepare and adopt a budget or estimate of the amount of money which will be required by the County during the next fiscal year to discharge demands upon the County both those which have accrued and those for which it is deemed expedient to make provision.

B. The government of New Castle County shall prepare and adopt the budget as provided in Chapter II of this Title.

C. The government of Sussex County shall prepare and adopt the budget as provided for in Chapter 70 of this Title.

D. In New Castle County, the budget shall be adopted not later than the first day of June, in each year and in Kent and Sussex Counties not later than the 30th day of April in each year.

§8002 (a) is amended to read as follows:

§8002. Tax Rate

(a) As soon as convenient as possible after the budget has been adopted, the Levy Court of Kent County or the County Council of New Castle County or the County Council of Sussex County shall fix the County Tax Rate based upon the most recent assessment made by the Board of Assessment or the Department of Finance for New Castle County and Sussex County. The County Tax Rate shall be stated in terms of a certain rate on every \$100.00 of assessed evaluation. Subject to the limitations of subsection (b) of this Section, the County Tax Rate shall be such as will produce sufficient tax revenues to meet the budget requirement of the County for all purposes other than those that are not to be paid for out of the general County Tax Revenues. The County Tax Rate shall not include special assessments, tax specially levied to pay principal of and interest on bonds, or taxes levied for the benefit of local districts established in accordance with statutes authorizing such special taxation.

(b) The tax rate for Kent County shall not exceed the sum of \$.50 on each \$100.00 of assessed evaluation; except that, until

June 30, 1966, the Tax Rate for Kent County may exceed 50 cents, but it shall not exceed 65 cents on each \$100.00 of assessed evaluation.

E. §8003 is amended to read as follows:

§8003. Levy of County Tax: How and When

(a) As soon as the County Tax Rate has been fixed by the Levy Court of Kent County, the County Council of New Castle County, or the County Council of Sussex County shall levy the County Tax for the next fiscal year according to such tax rate applied to the most recent assessment list of the Board of Assessment or the Department of Finance for the County.

(b) The Levy Court of Kent County or the County Councils of New Castle County or Sussex County shall levy the County tax not later than the following dates: In New Castle County, June 1st; in Kent County, June 30; and in Sussex County, the last Tuesday in April.

F. §8004 is amended to read as follows:

§8004. Duplicate Assessment lists; delivery to Receiver of Taxes and County Treasurer

Promptly after levying the County tax, the Levy Court of Kent County shall deliver to the Receiver of Taxes and County Treasurer, for his use in collecting the taxes, the duplicate assessment list as prepared and furnishd to the Levy Court by the Board of Assessment.

G. §8005 is amended by striking the words "The Levy Courts of Kent and Sussex Counties" and by inserting in lieu thereof the words, "The Levy Court of Kent County".

Section 20. Chapter 8, Title 9, Delaware Code, is amended by repealing §8203 and §8205 (3).

Section 21. Chapter 83, Title 9, Delaware Code, is amended as follows:

A. §8301 is amended by striking the words "each Board of Assessment" and by inserting in lieu thereof the words "the Board of Assessment of Kent County", and by further striking the word "Boards", wherever it appears in said section and by inserting in lieu thereof the word "Board".

B. §8301 is further amended by adding the following sentence: The procedure in Sussex County shall be as provided for in Chapter 70 of this Title.

C. §8304 is amended by striking from subsection (b) the words, "and in the case of Sussex County, the statements required by this section shall be according to representative districts."

D. §8306 is amended by striking from the first sentence thereof the word "each", and inserting in lieu thereof the word "Kent".

E. §8312 (c) is repealed.

F. §8314 is amended by striking the words "Sussex Counties", and inserting in lieu of the word "Counties" the word "County".

G. §8314 is further amended by adding, after the words, "Board of Assessment Review of New Castle County", the words, "or Sussex County".

H. §8315 (a) is amended in the second sentence by adding, after the words, "New Castle County", the words, "or Sussex County".

I. §8315 (b) is amended to read as follows: "The certification in Kent County shall be by May 1".

J. §8316 is amended by striking from the second paragraph the words, "and, in Sussex County, by May 1".

K. §8318 is amended by striking therefrom the last sentence and by inserting in lieu thereof the following sentence: "The powers granted in this section may be exercised by the Department of Finance in New Castle County, and the Department of Finance in Sussex County."

L. §8323 is amended by adding, after the words "Department of Finance," the words, "of New Castle and Sussex Counties".

M. §8326 is amended by adding a new sentence to read as follows: "In Sussex County, the Department of Finance shall ascertain and report to the County Council the number of persons liable to capitation tax."

N. §8328 is amended by adding, at the end of the first sentence thereof, the phrase "and Sussex County." In the second sentence of §8328 the words, "and Sussex County" shall be added after the words, "New Castle County", wherever they appear.

Section 22. Chapter 84, Title 9, Delaware Code, is amended as follows:

A. §8401 (a) is amended by striking the words "and Sussex Counties" in the first sentence of that subsection, and inserting in lieu thereof the word, "County". The second sentence of that subsection is amended by striking from the first phrase the words, "Sussex Counties", and inserting in lieu thereof the word "County".

B. §8401 (b) is amended by striking the first sentence thereof.

C. §8401 (c) is repealed.

D. §8402 (a) is amended by striking the words, "or Sussex County."

E. §8402 (c) is amended by striking the words, "or Sussex County."

F. §8405 (3) is repealed.

G. §8406 (a) (3) is repealed.

H. Subchapter 11 is repealed in its entirety insofar as it relates to Sussex County.

Section 23. Chapter 86, Title 9, Delaware Code, is amended as follows:

A. All references in §8602, §8603, §8605, §8615 and §8616 shall hereafter be deemed to apply to the Directors of Finance of both New Castle and Sussex Counties.

Section 24. Chapter 87, Title 9, Delaware Code, is amended as follows:

A. §8704 is amended by striking the words in the first sentence, "and Sussex County", and inserting in lieu thereof the words, "the Department of Finance of Sussex County".

B. §8705 (b) is amended by striking the words, "or Sussex County", and inserting thereof the words, "Sussex County Council".

C. §8706 is amended by adding after the words, "County Treasurer," as such words appear in the first sentence of said section the words "of Sussex County".

D. §8710 (a) is amended by adding after the words in the first sentence, "County Treasurer", the words, "Director of Finance".

E. §8710 (a) is further amended by adding the following sentence to the end of that section: In Sussex County, the action should be brought in the name of "Director of Finance for Sussex County".

F. §8711 is amended by adding the words, "New Castle County and Sussex County," after the words, "Department of Finance," wherever those words appear in the said section.

G. Subchapter IV of Chapter 87 is amended by adding the words, "Director of Finance", after the words, "Receiver of Taxes and County Treasurer", wherever they appear in said Subchapter.

Section 25. Chapter 91, Title 9, Delaware Code, is amended as follows:

A. By striking the words "Levy Court of Sussex County," wherever they appear and substitute in lieu thereof the words, "Sussex County Council".

B. By striking the words, "Receiver of Taxes and County Treasurer" whenever they apply to Sussex County alone, and substituting in lieu thereof the words, "Department of Finance".

Section 26. Chapter 92, Title 9, Delaware Code, is amended as follows:

A. §9203 (b) is repealed.

B. A new section is added to read as follows:

§9207. The provisions of this Chapter shall not apply to Sussex County. In Sussex County the provisions of Subchapter of Chapter 70 of this Title shall apply.

Section 27. Chapter 93, Title 9, Delaware Code, shall be amended as follows:

A. By adding the following new section:

1. §9312. Construction

In the construction of the provisions of this Chapter, the powers and duties assigned to the Comptroller shall not be applicable to Sussex County and to such extent are repealed. This section shall take effect at the expiration of the term of the person presently holding the office of the Comptroller of Sussex County. Prior to the expiration of that term, the County Comptroller shall continue to hold office and perform, under the direction and control of the Department of Finance, the functions assigned to him by law prior to the enactment of this statute.

Section 29. Chapter 95, Title 9, Delaware Code, is amended as follows:

A. By adding a new section which shall read as follows:

§9533. Any reference in this chapter to "County Council" shall be deemed to include the County Councils of both New Castle and Sussex Counties.

Section 30. Chapter 96, Title 9, Delaware Code, is amended as follows:

A. By adding a new section which shall read as follows:

(1) §9622. Any reference to "Department of Finance" shall be deemed to mean and include the Departments of Finance of New Castle and Sussex Counties.

Section 31. Title 10, Delaware Code, is amended as follows:

All references in Title 10 to the County Council or "Department of Finance" shall include and mean the County Councils and Departments of Finance of both New Castle and Sussex Counties when such sections of Title 10 shall refer to Sussex County".

A. §2302 (2) is amended by inserting the words "or County Council" after the words "Levy Court" wherever they appear.

B. §2503 (2) is amended by inserting the words "or County Council" after the words "Levy Court" wherever they appear.

Section 32. Title 11, Delaware Code, is amended as follows:

A. The words, "County Council" or "Department of Finance" shall be deemed to mean the County Councils and Departments of Finance of both New Castle and Sussex Counties whenever such reference is applicable to Sussex County.

Section 33. Title 15, Delaware Code, is amended as follows:

A. Any reference to "County Council" in Title 15 shall be deemed to include the County Councils of New Castle County and Sussex County whenever any such section in Title 15 shall refer to Sussex County.

B. §5705 (b) is amended by adding at the end therein the following:

"County Councilman of Sussex County, one for each Councilman".

C. §5706 (a) in its reference, "of County Councilman," shall be deemed to include and refer to Sussex County in the form of certificate for elections in Sussex County.

D. §5706 (b) is amended by striking the said paragraph reading:

"In case of Levy Court Commissioners for Sussex County, was duly elected Levy Court Commissioner for said County," and inserting in lieu thereof the following:

"In case of County Councilmen for Sussex County, was duly elected councilman for the Councilmanic District in Sussex County; and so on, giving a certificate for each Councilman elected in each councilmanic district in Sussex County."

E. §5708 in its reference to "County Councilman" shall be deemed to apply to either New Castle or Sussex County as the case may be.

Section 34. Title 16 of the Delaware Code, is amended as follows:

A. All references in Title 16 to "County Council" shall be deemed to apply to New Castle and Sussex Counties, whenever such section shall apply to Sussex County.

§3112 (b) Title 20, Delaware Code, is amended by striking the words "of each county" in the first sentence thereof and substituting in lieu thereof the words "of Kent County", and adding, following the new words, "of Kent County," the words "Sussex County Council".

Section 35. §1303 (e) Title 25, Delaware Code, in its reference to "County Council" shall be deemed to include the County Councils of both New Castle County and Sussex County.

Section 36. Title 31, Delaware Code, is amended as follows:

Any reference in the Delaware Code or in any other law of this State to the office of the Receiver of Taxes and County Treasurer of Sussex County or the collector of delinquent county taxes in Sussex County or the County Comptroller of Sussex County which is not specifically referred to in this act shall be construed to mean the Department of Finance of Sussex County.

Section 37. Any reference in the Delaware Code or any other law of this State to the Levy Court of Sussex County or to the Levy Court Commissioners of Sussex County which is not specifically referred to in this act shall be construed to mean the County Government of Sussex County as created by Sections 1 and 2 of this act.

Section 38. As far as the Constitution of the State permits, this act shall occupy the entire field of County self-government for Sussex County and all laws relating to or affecting Sussex County, its agencies, officials or employees and all county ordinances, resolutions, orders and regulations which are in force when this act becomes fully effective or repealed to the extent that they are inconsistent with or interfere with the effective operation of this act or ordinances or resolutions adopted by the County under the provisions of this act. All lawful obligations to Sussex County existing on the effective date of this act and all fines, taxes, penalties, forfeitures, obligations and rights due, owing or accruing to the County of Sussex and all writs, prosecutions, actions and proceedings by or against the County of Sussex shall continue and remain unaffected by the adoption of this act. All prosecutions instituted prior to the effective date of this act and all offenses committed prior thereto may be prosecuted as theretofore.

Section 39. If any provision of this act is held invalid, the other provisions of this act shall not be affected thereby. If the application of this act or any of its provisions to any person or circumstance is held invalid, the application of the act and its provisions to the other persons or circumstances shall not be effected thereby.

Section 40. All officers, departments, boards, commissions and committees, including all bureaus, divisions, sections, units or other organizational units heretofore performing functions in respect to the government of the County of Sussex are hereby abolished except those required to be continued by the provisions of the Constitution of the State of Delaware.

Section 41. If a County Department office or agency is abolished by this act, the powers and duties given it by law shall be transferred to the County Department office or agency designated in this act, or if this act makes no provision as designated by the Sussex County Council.

Section 42. All property, records and equipment of any department, office or agency of Sussex County existing when this act is adopted shall be transferred to the department, office or agency assuming its powers and duties. In the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or board designated by the County Council.

Section 43. All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this act and each case shall be maintained, carried on or dealt with by the county department, office or board appropriate under the provisions of this act.

Section 44. At the time of its adoption this act shall be in effect to the extent necessary in order that the first election of the members of the County Council may be conducted in accordance with the provisions of this act. The first election shall be held at the next general election after November, 1970, which follows the enactment of this act. The effective date of this act inso-

far as it relates to the Receiver of Taxes and County Treasurer shall be the date on which the term of the present Receiver of Taxes and County Treasurer expires, or on the occasion of his death or removal of office for cause, whichever situation may first occur. The effective date of the balance of the act shall be January 1, 1971.

Approved July 23, 1970.

CHAPTER 763

AN ACT TO AMEND TITLE 29, SECTION 2506, DELAWARE CODE, RELATING TO THE ATTORNEY GENERAL.

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

Section 1. Title 29, Delaware Code, Section 2506 (a), is hereby amended by striking said subsection in its entirety and substituting in lieu thereof the following:

(a) The salary of the Attorney General shall be \$30,000 per annum. He shall devote full time to the office and shall not practice law for the term to which he is elected. The Attorney General shall fix the salaries of all of the members of the Department of Justice within the limits set forth in this Section.

Section 2. Title 29, Delaware Code, Section 2506 (d), is hereby amended by striking said subsection in its entirety and substituting in lieu thereof the following:

(d) The salaries of the full-time Deputy Attorneys General who have not attained tenure shall be not less than \$10,000 nor more than \$15,000 per annum. All other Deputy Attorneys General who have not attained tenure shall receive the salary as established by the Attorney General but not to exceed \$10,000 per annum.

Section 3. The first two sentences of subsection (a) of Section 2506 as set forth above in Section 1 hereof shall become effective on January 7, 1975. The Attorney General who serves from 1971 through 1974 shall receive a salary of \$20,000 per annum unless during said period he shall declare in writing to the Secretary of State his intention to thereafter perform the duties of the Office of the Attorney General full time, in which case he shall receive the salary of \$30,000 per annum. If such declaration is filed with the Secretary of State, the Attorney General shall not practice law during the balance of the term to which he is elected.

Approved July 24, 1970.

CHAPTER 764

**AN ACT TO AMEND TITLES 3, 6, 16 AND 29 PROVIDING
FOR OMNIBUS AMENDMENTS AND CORRECTIONS
RELATING TO THE DEPARTMENT OF AGRICULTURE
AS PROVIDED IN TITLE 29, DELAWARE CODE, CHAP-
TER 81.**

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

Section 1. Chapter 1, Title 3, Delaware Code, is amended as follows:

A. §§101, 102, 104 and 107 are repealed.

B. §§103, 105, 106 and 108 are amended by striking the word "Board" wherever it appears and inserting in lieu thereof the words "Department of Agriculture".

C. §109 is amended by striking the words "State Board" wherever they appear and inserting in lieu thereof the words "Department", and by striking from the first sentence the words "President and".

Section 2. Chapter 3, Title 3, Delaware Code, is amended as follows:

A. §§301 and 311 (a) are repealed.

B. §§302, 303 and 304 are amended by striking the word "Bureau" wherever it appears and inserting in lieu thereof the words "Department of Agriculture".

C. §303 is further amended by striking the words "Bureau of Markets" wherever they appear and inserting in lieu thereof the words "Department of Agriculture's", and by striking from the first sentence the words "president or chairman and".

D. §§303, 304, 311, 312, 313 and 314 are amended by striking the word "Board" and words "State Board" wherever they appear and inserting in lieu thereof the words "Department".

Section 3. §§501 and 502, Title 3, Delaware Code, are amended by striking the words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 4. §§1101, 1102, 1103, 1104, 1105, 1106 and 1107, Title 3, Delaware Code, are amended by striking the word "Board" and words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 5. §§1301, 1304, 1306, 1307 and 1308, Title 3, Delaware Code, are amended by striking the word "Board" wherever it appears and inserting in lieu thereof the word "Department".

Section 6. §§1502, 1503, 1504, 1504A, 1506, 1508, 1509, 1510, 1511 and 1512, Title 3, Delaware Code, are amended by striking the word "Board" and words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 7. §§1601, 1602, 1603, 1604 and 1606, Title 3, Delaware Code, are amended by striking the word "Board" and words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 8. §§1702, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712 and 1713, Title 3, Delaware Code, are amended by striking the word "Board" and words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 9. §§1903, 1904, 1905, 1906, 1907, 1908, 1910 and 1911, Title 3, Delaware Code, are amended by striking the word "Board" and words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 10. §§2101, 2102, 2104, 2105, 2106, 2108, 2109, 2110, 2111, 2112, 2113 and 2115, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the words "Department".

Section 11. §§2501, 2502, 2503, 2505, 2507, 2508, 2509, 2510, and 2511, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 12. §§3103, 3108, 3109, 3113, 3114, 3115, 3119, 3122, 3131, 3133, 3161, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170,

3171, 3172, 3173 and 3174, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 13. Chapter 33, Title 3, Delaware Code, is amended as follows:

A. §§3304, 3306 and 3307 are amended by striking the words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

B. §3304 is further amended by striking the words "its Bureau of Markets and".

Section 14. §§3502, 3508, 3511, 3512 and 3513, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 15. §3702, Title 3, Delaware Code, is amended by striking the words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 16. Chapter 39, Title 3, Delaware Code, is amended as follows:

A. §§3906 and 3908 are amended by striking the words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

B. §3906 is further amended by striking the words "its Bureau of Markets and".

Section 17. Chapter 51, Title 3, Delaware Code, is amended as follows:

A. The chapter heading is amended by striking the words "Delaware State Apple Commission" and inserting in lieu thereof the words "Promotion of Apples".

B. §5101 is amended by striking the word "Commission" and inserting in lieu thereof the word "Department", and by striking the words "Delaware State Apple Commission" and inserting in lieu thereof the words "Department of Agriculture".

C. §§5102, 5104 and 5105 are repealed.

D. §5103 is amended as follows:

1. By striking the word "Commission" in the section heading and wherever it appears elsewhere and inserting in lieu thereof the word "Department".

2. By striking the word "; employees" from the section heading.

3. By striking subsections (a) and (d).

Section 18. Chapter 53, Title 3, Delaware Code, is amended as follows:

A. §§5301, 5303, 5304, 5305 and 5306 are amended by striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

B. §5303 is further amended as follows:

1. By striking from the second sentence the words "State Apple Commission" and inserting in lieu thereof the words "State Apple Promotion Fund".

2. By striking from the second sentence the words "upon proper vouchers signed by the Chairman and Secretary of the Commission" and inserting in lieu thereof the words "for the promotion of apples".

C. §5309 is repealed.

Section 19. §§5506, 5510, 5511, 5512 and 5514, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the words "Department".

Section 20. Chapter 61, Title 3, Delaware Code, is amended as follows:

A. §§6101 and 6102 are repealed.

B. §6103 is amended as follows:

1. By striking the word "Commission" wherever it appears and inserting in lieu thereof the word "Department".

2. By striking the third and fourth sentences as follows: "However, the Commission shall not spend more than one-third of the monies at its disposal on disease control or other regulatory activities and all monies so expended shall be in cooperation with the State Board of Agriculture. Similarly the Commission shall not spend more than one-third of the monies at its disposal for experimental and extension activities and all money so expended shall be in cooperation with the Agriculture Experimental Station and Extension Service of the University of Delaware," and inserting in lieu thereof the following sentence: "All money expended for experimental and extension activities shall be in cooperation with the Agricultural Experimental Station and Extension Service of the University of Delaware."

Section 21. §§6301, 6302, 6303, 6304, 6306 and 6307, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 22. §§6501, 6503, 6504, 6505, 6506, 6508, 6509, 6510 and 6511, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 23. §§6701, 6702, 6703 and 6704, Title 3, Delaware Code, amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 24. §§7101, 7102, 7103, 7104, 7105, 7106 and 7107, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 25. §§7301, 7302, 7306, 7307, 7308, 7309, 7321, 7322, 7323, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336 and 7337, Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 26. §§7501, 7502, 7503 and 7512, Title 3, Delaware Code, are amended by striking the words "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 27. §8538, Title 3, Delaware Code, is amended by striking the words "State Board" and inserting in lieu thereof the word "Department".

Section 28. §§8703, 8705, 8707, 8708, 8709, 8710, 8711, 8712, 8713, 8715, 8716, 8720, 8721, 8724, 8726, 8727, 8729, 8730, 8731, 8740 and 8741 Title 3, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 29. §9024, Title 3, Delaware Code, is amended by striking the words "State Board" and inserting in lieu thereof the word "Department".

Section 30. §§4102 and 4109, Title 16, Delaware Code, are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

Section 31. Chapter 51, Title 6, Delaware Code, is amended as follows:

A. §5104 is amended by striking the words "State Division of Weights and Measures" and inserting in lieu thereof the words "Department of Agriculture".

B. §§5106 and 5107 are repealed.

C. §§5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5120, 5131, 5133, 5136, 5137, 5138, 5139 and 5140 are amended by striking the word "Director" wherever it appears and inserting in lieu thereof the words "Secretary of Agriculture".

D. §5108 is further amended by striking the last sentence in its entirety.

E. §5109 is further amended by striking from the first sentence the words ", subject to the approval of the State Board of Agriculture,".

F. §§5109, 5119 and 5136 are amended by striking the words "Board" and "State Board" wherever they appear and inserting in lieu thereof the word "Department".

G. §5131 is further amended by striking from the third sentence the words "or the deputy director".

Section 32. Chapter 81, Title 29, Delaware Code, is amended as follows:

A. Add a new subsection (f) as follows:

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.

B. Add a new § 8118 as follows:

§ 8118. Supremacy

All other laws or parts of laws now in effect inconsistent with the provisions of this Chapter are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full force and effect to the provisions of this Chapter.

Section 33. Section 8106 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than three (3), at least one member of the Council shall be affiliated with one of the major political parties and at least one member shall be affiliated with the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Board.

Section 34. Section 8107 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) When the number of members of the Council has been reduced to less than seven (7), at least three (3), but no more than four (4), of the newly appointed members shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 35. Section 8108 (d), Title 29, Delaware Code, is amended by striking said subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) At least three (3), but no more than four (4) of the newly appointed members of the Council shall be affiliated with one of the major political parties and at least two (2), but no more than three (3), of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

Section 36. If any provisions of this Act, 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 Act and the application of such provisions of the Act 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.

Approved July 24, 1970,

CHAPTER 765

AN ACT RELATING TO A PENSION FOR HELEN LOATMAN, A FORMER EMPLOYEE OF THE BOARD OF PUBLIC EDUCATION IN WILMINGTON.

WHEREAS, Helen Loatman was employed by the Board of Public Education in Wilmington and in the New Castle School District as a school teacher for a sufficient period to qualify her for a pension; and

WHEREAS, Helen Loatman presently is not receiving a State pension due to unusual circumstances; and

WHEREAS, Helen Loatman is on welfare and 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 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 Helen Loatman 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 Helen Loatman 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, 1970 and shall not be awarded retroactively.

Approved July 24, 1970.

CHAPTER 766

AN ACT TO AMEND TITLE 11, CHAPTER 3, SUBCHAPTER XXXVI, RELATING TO MALICIOUS MISCHIEF.

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. Amend Title 11, Chapter 3, Subchapter XXXVI, by adding thereto a new section to be designated as Section 693, to read as follows:

§ 693. Breaking or entering, destroying or injuring automatic machines; penalty

Whoever unlawfully and wilfully breaks, injures, destroys or detaches any internal or external part of, or inserts any part of his body, key, instrument or device of any kind, into any vending machines, coin telephone, or any instrument, machine, apparatus, meter or device which is operated or intended to be operated by the use or insertion therein of any coin with the intent to remove any money or items therefrom shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

Approved July 24, 1970.

CHAPTER 767

AN ACT TO AMEND CHAPTER 299, VOLUME 57, LAWS OF DELAWARE, BY REDESIGNATING THE USE OF CERTAIN FUNDS APPROPRIATED TO THE WATER AND AIR RESOURCES COMMISSION SO AS TO PROVIDE FINANCIAL ASSISTANCE TO KENT COUNTY SEWAGE DISPOSAL DISTRICT NO. 1.

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 7, paragraph (r) of Chapter 299, Volume 57, Laws of Delaware, is hereby amended by striking the words:

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 of Mohawk Slew (60 feet in depth).

as the same appear in said paragraph (r), and by substituting in lieu thereof the words:

Department of Natural Resources and Environmental Control for assistance to Kent County Sewage Disposal District No. 1 for site acquisition for a sewage treatment plant and for construction costs of a sewage treatment plant.

Approved July 24, 1970.

CHAPTER 768

AN ACT TO AMEND TITLE 9, DELAWARE CODE, SECTIONS 1101 AND 9617, RELATING TO GENERAL POWERS OF THE GOVERNMENT OF NEW CASTLE COUNTY AND FEES OF THE RECORDER OF DEEDS OF NEW CASTLE COUNTY.

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

Section 1. Amend Title 9, Section 1101, Delaware Code, by adding thereto after the sentence "This grant of power includes the power to fix the tax rate upon the assessed valuation of all real property in New Castle County subject to assessment by the County." the following sentence:

This grant of power further includes the power to fix the fees of the Recorder of Deeds in New Castle County for services, any statute denying such right to the contrary notwithstanding.

Section 2. Amend Title 9, Section 9617, Delaware Code, by striking said Section in its entirety and substituting in lieu thereof a new Section 9617 to read as follows:

§ 9617. Fees in New Castle County

The fees of the Recorder of Deeds in New Castle County for services rendered by the Recorder in New Castle County shall be established by the Government of New Castle County by ordinance thereof specifically designed therefor.

Section 3. The provisions of this Act shall become effective on January 1, 1971.

Approved July 24, 1970.

CHAPTER 769

AN ACT TO AMEND VOLUME 43, CHAPTER 189, LAWS OF DELAWARE RELATING TO THE CHARTER FOR THE TOWN OF WYOMING.

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 3, Volume 43, Chapter 189, Laws of Delaware, is hereby amended by striking the words "and non-delinquent taxables" as the same appear on lines 5 and 6 of said section.

Section 2. Section 3, Volume 43, Chapter 189, Laws of Delaware, is further amended by adding the words "or woman" after the words "married man" as the same appear on line 9 of said section, and the words "or husband" after the words "whose wife" as the same appear on line 10 of said section.

Section 3. Section 3, Volume 43, Chapter 189, Laws of Delaware, is further amended by adding the words "or she" after the words "although he" as the same appear on line 12 of said section and the words "or her" after the word "his" as the same appears on line 13 of said section.

Section 4. Section 3, Volume 43, Chapter 189, Laws of Delaware, is further amended by deleting from said section the last sentence thereof which reads as follows: "No compensation shall be paid to councilmen."

Section 5. Section 5, Volume 43, Chapter 189, Laws of Delaware, is hereby amended by striking the last sentence from "(B)" thereof which sentence begins with the word "Voters" and ends with the word "aforesaid."

Section 6. Section 5, Volume 43, Chapter 189, Laws of Delaware, is hereby amended by striking "(D)" in its entirety and substituting in lieu thereof the following:

(D) Every qualified citizen of the said Town of the age of twenty-one (21) years or upwards on the day of the election shall have a right to vote. A qualified citizen must have been a resident of the State and County for at least ninety days and of the said Town for at least thirty days. The voter shall not vote for more candidates than are to be elected and shall mark the ballots with an "X" beside the name of each candidate which he or she desires to vote for.

Section 7. Section 5, Volume 43, Chapter 189, Laws of Delaware, is hereby amended by adding thereto a new subsection to be designated as "(G)" and to read as follows:

(G) If there is no contest for the election, the qualified nominees shall be declared duly elected for the full term for which he or she filed, and no election need be held. The Election Board shall accordingly record the result in the Book containing the records of the said election.

Approved July 24, 1970.

CHAPTER 770

**AN ACT PROPOSING THE REPEAL OF ARTICLE XII OF
THE CONSTITUTION OF THE STATE OF DELAWARE,
RELATING TO PUBLIC HEALTH.**

WHEREAS, a cabinet form of government is deemed advisable which shall include only those agencies as the General Assembly shall create or continue by statute; and

WHEREAS, it is deemed inadvisable that the existence and certain features of particular State boards continue to be set forth in the Constitution of the State of Delaware; and

WHEREAS, the State Board of Health is one such agency which should be governed solely by statute rather than partially by the Constitution in Article XII;

NOW, THEREFORE,

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

Section 1. Article XII of the Constitution of the State of Delaware is hereby stricken and repealed in its entirety.

CHAPTER 771

AN ACT PROPOSING AN AMENDMENT TO 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 thereof concurring therein):

Section 1. Section 4, Article V of the Constitution of the State of Delaware is amended by striking the second paragraph in its entirety and in lieu thereof inserting the following:

"There shall be at least two (2) registration days in each election district in a period commencing not more than one hundred and twenty (120) days and ending not less than thirty (30) days before each general election. On each registration day, persons whose names are not on the list of registered voters may apply for registration."

CHAPTER 772

AN ACT PROPOSING AN AMENDMENT TO 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 thereof concurring therein):

Section 1. The Constitution of the State of Delaware of 1897, as amended, is amended to read as follows:

PREAMBLE

We, the people of the State of Delaware, grateful to our Divine Creator, for our civil and religious freedom, and recognizing that all political power is inherent in the people and that all government is instituted with our consent to secure for ourselves and our posterity the right to life, liberty, and the pursuit of happiness, and preservation of our natural resources and aesthetic values of our environment, do establish and ordain this Constitution.

ARTICLE 1. BILL OF RIGHTS

§ 1.01. Freedom of religion

No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

§ 1.02. Trial by jury; civil action; special jury

Every person shall have the right of trial by jury as heretofore of issues of fact in civil actions at law. Trial by special jury shall be discretionary with the trial court.

§ 1.03. Trial by jury; criminal actions

Every person charged with a criminal offense shall have the right of trial by jury as heretofore, except as to such misdemeanors as the General Assembly may by law adopt with the concurrence of two-thirds of the members elected to each house.

§ 1.04. Freedom of speech and press

Freedom of speech and freedom of the press shall not be abridged, each person remaining responsible for abuse of those rights.

§ 1.05. Searches and seizures; interceptions of communications and other invasions of privacy

The right of the people to be secure in their persons, houses, papers and possessions against unreasonable searches, seizures and interceptions of communications, or other invasions of their privacy, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing persons, houses, and other property to be searched or the communications sought to be intercepted, and the persons, papers, or things to be seized.

§ 1.06. Due process; privilege against self-incrimination; double jeopardy; compensation for private property taken for public use; equal protection; civil rights; non-discrimination

Every person shall have the right to lawfully acquire real property. No person shall be deprived of life, liberty, or property without due process of law; nor be denied the equal protection of the law; nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, national origin, religion, ancestry, or sex. No person shall be compelled to give evidence against himself, or twice be put in jeopardy of criminal punishment for the same offense. Private property shall not be taken or damaged for public use or purposes without just compensation, except that the allowance of compensation for property damaged but not taken for public use or purposes shall be subject to any reasonable limitations and restrictions that the General Assembly may prescribe by law.

§ 1.07. Rights of accused in criminal prosecutions

(a) In all criminal prosecutions the accused shall have: the right to be plainly and timely informed of the charge against him; the right to have the assistance of counsel in his defense;

the right to a speedy and public trial before an impartial jury; the right to be heard and to be confronted with the witnesses against him; the right to have compulsory process for obtaining witnesses in his favor.

(b) An accused shall not be held to answer for a felony unless by indictment of a grand jury except in cases arising in the military while in actual service in time of war or public danger.

(c) The accused shall be subject to reasonable bail by sufficient surety for all except capital offenses or offenses punishable by life imprisonment when proof is positive or the presumption great.

(d) Excessive fines shall not be imposed nor cruel or unusual punishment inflicted.

(e) Court costs shall not be assessed against the accused unless convicted.

§ 1.08. Court proceedings to be conducted in public; remedy for injury; waiver of sovereign immunity

Court proceedings shall be conducted in public and without unreasonable delay or expense. No person shall be without a remedy for injury or damage to a legal right. The sovereign immunity of the State and its political subdivision may be waived by the General Assembly by legislation of general application only, and not for individual benefit.

§ 1.09. Suspension of laws by General Assembly; suspension of habeas corpus

The laws of this State shall not be suspended except by authority of the General Assembly. The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

§1.10. Limitation on legislation; consequence of conviction of crime

No bill of attainder or ex post facto law or law impairing the obligation of contracts shall be enacted. Conviction of any crime or death regardless of cause shall not result in corruption

of blood or forfeiture of estate or affect the inheritance or devolution or property not resulting from wrongful act.

§ 1.11. Right to petition and to assemble

The citizens shall have a right peaceably to assemble, and a right to apply to persons entrusted with the powers of government for redress of grievances or other proper purposes by petition, remonstrance or address.

§ 1.12. Standing army; necessity for legislative consent; subordination of military

No standing army shall be established or maintained without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

§ 1.13. Reserved rights

This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE 2. LEGISLATIVE BRANCH

§ 2.01. Legislative power

The legislative power of this State shall be vested in the General Assembly which shall consist of a Senate and a House of Representatives.

§ 2.02. Qualifications of members

(a) Any qualified voter may be elected to the Senate who shall have attained the age of twenty-seven years and have been a citizen and inhabitant of this State three years next preceding the day of his election, unless he shall have been absent on the public business of the United States or of this State, except that no person having been convicted of a felony within fifteen years prior to such election, shall be permitted to stand for election, be nominated, elected or seated in the Senate.

(b) Any qualified voter may be elected to the House who shall have attained the age of twenty-four years and have been a citizen and inhabitant of this State three years next preceding the day of his election, unless he shall have been absent on the public business of the United States or of this State, except that no person having been convicted of a felony within fifteen years prior to such election, shall be permitted to stand for election, be nominated, elected or seated in the House.

(c) Each member of the General Assembly shall have resided for at least one year in the legislative district from which he is elected and shall continue to reside in that legislative district for his term of office.

(d) In those cases where legislative district lines have been changed, a person may be eligible to be elected a member if he shall have resided in that legislative district for at least one year or shall have resided in an area that is included in that legislative district for at least one year.

§ 2.03. Terms of office

(a) The members of the Senate shall be elected for terms of four years, except that at the general election following each federal decennial census, the even-numbered senatorial districts shall carry two-year terms; and at the general election eight years after a decennial census, the odd-numbered senatorial districts shall carry two-year terms.

(b) The members of the House shall be elected for terms of two years.

§ 2.04. Legislative districts

(a) For the purpose of electing members of the Senate, the State shall be divided into as many districts as there shall be members of the Senate; provided, however, that the number of Senators shall not be less than 17 nor more than 21; provided further, that such number shall always be uneven. At the time of any apportionment, each district shall consist of compact and contiguous territory and shall be as nearly equal in population as possible.

(b) For the purpose of electing members of the House, the State shall be divided into as many districts as there shall be members of the House; provided, however, that the number of members of the House shall not be less than 35 nor more than 41; provided further, that such number shall always be uneven. At the time of any apportionment, each district shall consist of compact and contiguous territory and shall be as nearly equal in population as possible.

§ 2.05. Redistricting

(a) Within thirty days following the official reporting of each federal decennial census, the Governor shall appoint a redistricting commission of nine members consisting of four people who are, and who have been for the immediate past three years, registered members of one major political party; four people who are, and who have been for the immediate past three years, registered members of the other major political party; and one person who is, and who has been for the immediate past three years, a registered voter of neither major political party. No member of the redistricting commission shall hold any elected public office.

(b) The commission shall determine whether redistricting of the General Assembly is required, and if so, within ninety days of its appointment, shall submit to the General Assembly, and file with the Secretary of State, a redistricting plan in accordance with this article.

(c) The plan of the commission shall have the force and effect of law, unless within thirty days after the plan is submitted, the General Assembly shall enact another redistricting plan which plan shall not be subject to veto by the Governor. The plan of the commission or the plan of the General Assembly, as the case may be, shall be applicable at the next general election.

§ 2.06. Place of meeting

The General Assembly shall meet and sit in Dover, the capital of the State, but in case of emergency for any cause the General Assembly may determine temporarily to meet and sit elsewhere.

§ 2.07. Time and frequency of sessions

The General Assembly shall convene on the second Tuesday of January of each calendar year and it may continue in sessions so long as, in its judgment, the public interest may require; however, each session shall not extend beyond the last day of June. Either house of the General Assembly may be recalled into special session by its presiding officer. If a majority of the members elected to either House of the General Assembly, petition its presiding officer in writing to be recalled into special session, then said presiding officer shall recall said House of the General Assembly into special session within seven (7) days after receipt of the petition for a period not to exceed thirty (30) days; said written petition shall set forth therein the matters to be considered at the special session and only such matters as are mentioned in the petition shall be considered at the special session.

§ 2.08. Seating

Each house shall be the judge of the elections, returns, and qualifications of its own members.

§ 2.09. Officers

(a) The Lieutenant Governor shall preside over the Senate. At the commencement of the session following each general election, unless convened earlier by the Governor, the Senate shall choose one of its members President Pro Tempore, who shall preside in the absence of the Lieutenant Governor, or in case the latter shall become Governor, or while he continues in the exercise of the office of Governor by reason of disability of the Governor. In the absence of the President Pro Tempore, the Senate may appoint one of its members to preside. The Senate shall choose such other officers as may be necessary.

(b) At the commencement of the session following each general election, unless convened earlier by the Governor, the House shall choose one of its members Speaker who shall preside. In the absence of the Speaker, the House may appoint one of its members to preside. The House shall choose such other officers as may be necessary.

§ 2.10. Writs of election

Whenever, for any reason, a vacancy shall exist in either house, a writ of election shall be issued by the presiding officer of that house as provided by law.

§ 2.11. Rules

(a) A majority of the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members, in such manner and under such penalties, as shall be deemed expedient.

(b) Each house may determine the rules of its proceedings, and, upon the concurrence of two-thirds of all the members elected thereto, punish or expel any of its members for disorderly behavior or other just cause.

§ 2.12. Passage of bills and resolutions

(a) No bill, or joint or concurrent resolution, except in relation to adjournment, shall pass either house unless by roll call and, unless a greater number is provided herein, upon the concurrence of a majority of all the members elected to each house.

(b) No bill, or joint or concurrent resolution, except to appropriate money for public purposes, shall embrace more than one subject, and that subject shall be expressed in its title.

(c) Every statute shall be a public law unless otherwise provided herein.

§ 2.13. Disclosure of personal or private interest

Any member of either house who has a personal or private interest in any bill or resolution shall disclose that fact to the house of which he is a member and shall not vote thereon.

§ 2.14. Immunity from arrest; questioning of speeches

(a) The members of the General Assembly shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same.

(b) For any speech or debate in any proceedings of the General Assembly, no member shall be questioned in any other place.

§ 2.15. Proceedings to be public; journal

(a) All proceedings of the General Assembly shall be public. Executive sessions by the Senate are expressly prohibited.

(b) Each house shall cause to be kept a journal of its proceedings and cause it to be published immediately after every session, except such parts as each house deems to require exclusion.

§ 2.16. Compensation

The members of the General Assembly shall receive an annual salary as may be enacted by statute requiring the concurrence of two-thirds of the members elected to each House, provided that any increases in such salaries shall not apply until after the next general election. The members of the General Assembly shall receive such allowances and reimbursements for expenses as may be appropriate to properly discharge their duties as provided by statute.

§ 2.17. Limitation of local or special law

The General Assembly shall not pass any local or special law relating to fences; the straying of livestock; ditches; the creation or changing the boundaries of school districts; or the laying out, opening, alteration, maintenance or traffic control, in whole or in part, of any road, highway, street, lane or alley; provided, that the General Assembly may, upon the concurrence of two-thirds of the members elected to each house, pass any law relating to the laying out, opening, alteration, or maintenance or traffic control of any road or highway which forms a continuous road or highway extending through at least a portion of the three counties of this State.

§ 2.18. Impeachment

(a) The House shall have the sole power of impeachment. No person shall be impeached without the concurrence of two-thirds of all the members elected to the House. The Senate shall

try all impeachments, and, when sitting for the purpose, the members thereof shall be under oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected to the Senate.

(b) On the trial of an impeachment against the Governor or Lieutenant Governor, the Chief Justice, or, in case of his absence or disability, the Chancellor, shall preside. On the trial of all other impeachments, the President of the Senate shall preside.

(c) Any public officer of this State shall be liable to impeachment for any crime in office. Judgment in such cases shall not extend further than to removal from and disqualification to hold any public office of this State; but the person convicted shall be subject to other processes at law.

ARTICLE 3. EXECUTIVE BRANCH

§ 3.01. Executive power

The executive power of this State shall be vested in the Governor, who shall faithfully execute the law.

§ 3.02. Governor

(a) The Governor shall be elected for a term of four years commencing on the third Tuesday in January following his election.

(b) The Governor at the time of his election shall have attained the age of thirty years and shall have been a citizen and inhabitant of the United States twelve years next before the day of his election, and the last six years thereof an inhabitant of this State, unless he shall have been absent on public business of the United States or of this State. No person elected Governor for two full consecutive terms shall hold that office again until one full term has intervened.

(c) If the Governor-elect fails to assume office for any reason, the Lieutenant Governor-elect shall serve as acting Governor until the Governor-elect qualifies and assumes the office of Governor. If the Governor-elect does not assume office within six months, the Lieutenant Governor shall become Governor for the full term.

§ 3.03. Lieutenant Governor

(a) There shall be a Lieutenant Governor, who shall be elected for a term of four years commencing on the third Tuesday in January following his election. The Lieutenant Governor shall have such duties as may be delegated to him by the Governor.

(b) The Lieutenant Governor shall have the same qualifications for office as the Governor. No person elected Governor for two full consecutive terms shall hold the office of Lieutenant Governor until one full term has intervened.

(c) The election of a Governor shall constitute the election for the same term of the Lieutenant Governor who shall be listed on the ballot with him.

§ 3.04. Vacancy in offices

(a) In case of vacancy in the office of Governor, the Lieutenant Governor shall become Governor.

(b) In case of a vacancy in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon concurrence of a majority of all the members elected to each house of the General Assembly.

(c) In case of a vacancy in the office of Governor and Lieutenant Governor, or the disability thereof, the Speaker of the House or, if there be none, or there is a vacancy therein, the President of the Senate, shall act as Governor until the disability of the Governor or Lieutenant Governor is removed or a Governor shall be duly elected.

(d) Whenever the Governor transmits to the President of the Senate and Speaker of the House a written declaration that the Governor 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.

(e) Whenever the Lieutenant Governor and a majority of either the principal officers of the executive departments or of such other body as the General Assembly may provide, transmit

to the President of the Senate and the Speaker of the House a written declaration that the Governor is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor. If the Governor transmits to the President and the Speaker a written declaration that no disability exists, the Governor shall resume the powers and duties of his office at the end of four days, unless the Lieutenant Governor and a majority of either the principal officers of the executive department or of such other body as the General Assembly may provide, transmit within that four days to the President and the Speaker a written declaration that the Governor is unable to discharge the powers and duties of his office. The General Assembly shall meet within two days to decide the issue. If within fourteen days the General Assembly determines with the concurrence of two-thirds of the members elected to each house that the Governor is unable to discharge the powers and duties of his office, such powers and duties shall continue to be discharged by the Lieutenant Governor as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

§ 3.05. Compensation

The Governor and Lieutenant Governor shall receive a salary fixed by law, which shall be neither increased nor diminished during the period for which each shall have been elected.

§ 3.06. Structure of the executive branch

All functions, powers, and duties of the offices, agencies, and instrumentalities of the executive branch shall be as provided by law.

§ 3.07. Power of appointment and confirmation

(a) The Governor shall have the power to appoint, with the consent of a majority of the members elected to the Senate, the head of each executive department who shall serve at his pleasure. The Governor may also appoint such other officers as he may be authorized by this Constitution or by law to appoint.

(b) The Governor shall have, as provided by law, the power to fill all vacancies in elective offices, except the Lieutenant

Governor, members of the General Assembly, the county, municipal and school board officers, until their successor shall be duly qualified.

(c) When the consent of the Senate is required for any appointment by the Governor, the appointment must be acted upon within thirty days after the Senate receives the appointment.

§ 3.08. Information from executive departments

The Governor may require information from the officers of any executive department upon any subject relating thereto.

§ 3.09. Messages to General Assembly

The Governor shall, from time to time, provide to the General Assembly information regarding the affairs of the State and recommend such measures as he considers necessary or desirable.

§ 3.10. Special sessions

(a) The Governor may convene the General Assembly by proclamation for a stated purpose for not longer than thirty days. The General Assembly shall consider only those matters for which it is convened.

(b) The Governor may convene the Senate by proclamation for the transaction of executive business. The Senate shall consider only those matters for which it is convened.

§ 3.11. Approval; veto and repassage of bills or resolutions

(a) The Governor may veto any bill or joint resolution.

(b) The Governor may reduce or strike out any monetary item in any appropriation bill. Each item or portion of an item not disapproved shall become law, and each item or portion of an item disapproved shall be subject to the same procedure as a bill or joint resolution vetoed by the Governor.

(c) A bill or joint resolution subject to veto shall become law if the Governor signs or fails to veto it within twenty days after presentation.

(d) If the Governor vetoes a bill or joint resolution, he shall return it forthwith, to the presiding officer of the house wherein the bill or joint resolution originated, and the Governor shall make the veto public. A bill or joint resolution shall become law if passed over the veto by the affirmative vote of three-fifths of all the members elected to each house.

§ 3.12. Commissions and great seal

All commissions shall be in the name of this State and shall be sealed with the great seal and signed by the Governor.

§ 3.13. Commander in chief

The Governor shall be the commander in chief of the armed forces of this State, except when they shall be called into the service of the United States.

§ 3.14. Secretary of State

The Governor shall appoint, with the consent of a majority of the members elected to the Senate, a Secretary of State who shall serve at the pleasure of the Governor. The Secretary of State shall be the keeper of the Great Seal, shall maintain a register of the official acts of the Governor, and shall perform such other duties as shall be prescribed by law.

§ 3.15. Pardons and executive clemency

(a) The Governor shall have the power to remit fines and forfeitures and to grant reprieves, commutations of sentence, and pardons, except in cases of impeachment; but no pardon, or reprieve for more than six months, shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after full hearing; and such recommendation, with reasons therefor at length, shall be filed and recorded in the office of the Secretary of State, who shall forthwith notify the Governor thereof. The Governor shall fully set forth in writing the grounds of all reprieves, pardons, and remissions, to be entered in the register of his official acts and laid before the General Assembly at its next session.

(b) The Board of Pardons shall be composed of the Chancellor or if he is disqualified or incapacitated, or if there is a vacancy in that office, the Vice Chancellor next in seniority, Lieutenant Governor, Secretary of State, and two other citizens of this State to be appointed as prescribed by law.

(c) The Board of Pardons may require information from any public officer upon any subject relating to the board's duties.

§ 3.16. Election and term of office of certain state officers

The Attorney General and Auditor of Accounts shall be elected for terms of four years at the general election other than when the Governor is elected.

ARTICLE 4. JUDICIAL BRANCH

§ 4.01. Judicial power

The judicial power of this State shall be vested in three Constitutional Courts, a Supreme Court, a Court of Chancery, and a Superior Court, and such statutory Courts as the General Assembly, upon the concurrence of two-thirds of all the members elected to each house, shall establish.

§ 4.02. Jurisdiction of Supreme Court

The Supreme Court shall have jurisdiction:

(a) To receive appeals from the Superior Court in civil causes and to determine finally all matters of appeal in the interlocutory or final judgments and other proceedings of the Superior Court in civil causes; provided that on appeal from a verdict of a jury, the findings of the jury, if supported by evidence, shall be conclusive; and provided that on appeal from a judgment or order entered by a court, sitting without a jury, findings of fact shall not be set aside unless clearly erroneous.

(b) To receive appeals from the Superior Court in criminal causes, upon application of the accused in all cases and to determine finally all matters of appeal on the judgments or proceedings of the Superior Court in criminal causes.

(c) To receive appeals from the Court of Chancery and to determine finally all matters of appeal in the interlocutory or final decrees and other proceedings in chancery; provided that on appeal, findings of fact shall not be set aside unless clearly erroneous.

(d) To issue writs of prohibition, quo warranto, certiorari, mandamus, and all other extraordinary writs to all Constitutional and Statutory Courts and to any judge thereof and to issue all orders, rules, and processes proper to give effect to the same.

(e) To issue such temporary writs or orders in causes pending on appeal as may be necessary to protect the rights of the parties, and any Justice of the Supreme Court may exercise this power when the Court is not in session.

(f) To hear and determine questions of law certified to it by any Court which it by rule designates and where it appears to the Supreme Court that there are important and urgent reasons for an immediate determination of such questions by it. The Supreme Court may, by rule, define generally the condition under which questions may be certified to it and prescribe methods of certification.

(g) At its discretion to accept, hear and determine questions of law certified to it by a Federal Court of Appeals or District Court under such terms, conditions, and limitations as shall be prescribed by rule of the Supreme Court.

(h) To exercise such other jurisdiction by way of an appeal or writ of certiorari as may, from time to time, be prescribed by law.

§ 4.03. Justices of Supreme Court

(a) There shall be at least three Justices of the Supreme Court and such additional Justices as may be prescribed by law, provided that the total number of Justices of the Court shall always be odd. They shall be citizens of this State and be admitted to practice before the highest Court of this State.

(b) One of the Justices shall be designated Chief Justice by his appointment and, when present, shall preside at all sittings of the court. The remainder of the Justices shall be designated

Associate Justices. In the absence of the Chief Justice, the Justice present who is senior in length of service shall preside. If it is otherwise impossible to determine seniority of service among the Justices, they shall determine it by lot and certify accordingly to the Governor.

§ 4.04. Quorum of Supreme Court

A quorum of the Supreme Court shall consist of all the Justices. In case of a lack of quorum by reason of vacancies in their number, incapacity, or disqualification to sit by reason of interest, the Chief Justice of the Supreme Court, or if he is disqualified or incapacitated or if there is a vacancy in that office, the Justice who by seniority is next in rank to the Chief Justice, shall have the power to designate Judges from among the Judges of the Constitutional Courts to sit in the Supreme Court temporarily to fill up the number of that Court to three Justices. It shall be the duty of the Judges of the Constitutional Courts so designated to sit accordingly. No Judge shall be so designated to sit in the Supreme Court in any cause in which he sat below. Any one of the Justices of the Supreme Court may open and adjourn court.

§ 4.05. Jurisdiction and powers of Court of Chancery

The Court of Chancery shall have general equity jurisdiction and powers as heretofore and such other jurisdiction and powers as prescribed by law.

§ 4.06. Chancellor and vice chancellors of Court of Chancery

(a) There shall be a Chancellor and at least two Vice Chancellors and such additional Vice Chancellors as may be prescribed by law. They shall be citizens of this State and be admitted to practice before the highest Court of this State. The Chancellor shall be designated as such by his appointment and shall be administrative head of the Court of Chancery. If it is otherwise impossible to determine seniority of service among the Vice Chancellors, they shall determine it by lot and certify accordingly to the Governor.

(b) A quorum of the Court of Chancery shall consist of the Chancellor or one Vice Chancellor.

§ 4.07. Jurisdiction and powers of Superior Court

(a) The Superior Court shall have jurisdiction of all civil causes at common law and such other jurisdiction and powers as prescribed by law.

(b) The Superior Court shall have jurisdiction of all criminal causes including felonies as heretofore.

(c) The Judges of the Superior Court shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

(d) The Judges of the Superior Court shall, pursuant to the rules and practices of the Court of Chancery, have power, in the absence of the Chancellor and all the Vice Chancellors from the county where any suit in equity may be instituted or during the temporary disability of the Chancellor and all the Vice Chancellors, to grant restraining orders; and all such Judges shall have power, during the absence of the Chancellor and all the Vice Chancellors from the State or during his and their disability, to grant preliminary injunctions; provided that nothing herein shall be construed to confer general jurisdiction over the case.

§ 4.08. President Judge and associate judges of Superior Court

(a) There shall be at least nine Judges of the Superior Court and such additional Judges as may be prescribed by law. They shall be citizens of the State and be admitted to practice before the highest Court of this State.

(b) One of the Judges shall be designated as President Judge by his appointment and who shall be administrative head of the Superior Court and, when present, shall preside. The remainder of the Judges shall be designated Associate Judges and three of the Associate Judges shall be resident Judges and one of them shall, after appointment, reside in each county of this State. In the absence of the President Judge, the Judge present who is senior in length of service shall preside. If it is otherwise impossible to determine seniority of service among the Judges, they shall determine it by lot and certify accordingly to the Governor.

(c) A quorum of the Superior Court shall consist of one Judge.

§ 4.09. Appointment of judges to constitutional courts

(a) The Governor, with the consent of a majority of the members elected to the Senate, shall appoint all Judges of Constitutional Courts for terms of twelve years.

(b) The Constitutional Courts singularly or collectively shall not be composed of more than a majority of one of the same political party.

§ 4.10. Jurisdiction of statutory courts; appeal

(a) The General Assembly may regulate special and civil jurisdiction of Statutory Courts provided that there shall be a right of appeal in all cases.

(b) The General Assembly may regulate the jurisdiction of misdemeanors in Statutory Courts provided that there shall be a right of appeal in all cases.

§ 4.11. Appointment of judges to statutory courts

The Governor, with the consent of a majority of the members elected to the Senate, shall appoint all Judges of Statutory Courts. The General Assembly, upon the concurrence of two-thirds of all the members elected to each house, shall establish the number, qualifications and terms, but in no event shall the terms be less than four years nor more than twelve years.

§ 4.12. Public notice of judicial appointments

The Governor, not less than ten days before sending the name of any person to the Senate for confirmation, as his appointment to any judicial office shall address a public letter to the President of the Senate informing him that he intends to appoint such person.

§ 4.13. Restrictions on nonjudicial activities

(a) No judge shall practice law or perform any nonjudicial governmental functions.

(b) The General Assembly upon the concurrence of two-thirds of the members elected to each house, may restrict the business activities of judges.

§ 4.14. Court on the judiciary

(a) The Court on the Judiciary shall consist of the Chief Justice and the two senior Associate Justices of the Supreme Court, and the Chancellor and the President Judge of the Superior Court. In the event of absence, incapacity, or disqualification of a member of the Court on the Judiciary, the Chief Justice or in his absence, incapacity, or disqualification, the next Senior Associate Justice in rank shall appoint a member from among the Judges of the Constitutional Courts to serve pro tempore.

(b) The Court on the Judiciary shall have jurisdiction and power:

(1) To censure or remove any Judge for willful misconduct in office, willful and persistent failure to perform his duties, the commission of an offense involving moral turpitude, or other persistent misconduct in violation of the canons of judicial ethics as adopted by the Supreme Court.

(2) To retire any Judge for permanent mental or physical disability interfering with the proper performance of the duties of his office.

(3) To summon witnesses to appear and testify under oath and to compel the production of books, papers, and documents and to adopt rules establishing procedures for investigation and trial.

(c) No Judge shall be censured, removed, or retired by the Court of the Judiciary unless he has been served with a written statement of the charges against him, or of the grounds for his retirement, and shall have had an opportunity to be heard in accordance with due process of law. No judge shall be censured, removed or retired without the concurrence of two-thirds of the members of the Court on the Judiciary. The Court on the Judiciary shall be convened upon the order of the Chief Justice or any three members thereof. All hearings and other proceedings shall be private, and all records, except a final order of removal or retirement shall be confidential, unless the Judge involved shall otherwise request.

(d) Upon an order of removal, all authority, rights, and privileges of the Judge involved shall cease, and a vacancy shall be deemed to exist.

(e) Upon an order of retirement, the Judge involved shall be retired with such rights and privileges as prescribed by law for the disability retirement of a Judge, and a vacancy shall be deemed to exist.

§ 4.15. Administration of judicial system

The Chief Justice of the Supreme Court, or in case of his absence from this State or incapacity, the senior Associate Justice within the State and not incapacitated, shall have general administrative and supervisory powers over the courts. Such powers shall include the following:

(a) Upon approval of a majority of the Justices of the Supreme Court, to adopt rules for the courts of this State, provided that the courts, subject to the exercise of the power conferred upon the Chief Justice, may adopt rules of pleading, practice, and procedure applicable to such courts.

(b) To assign one or more Judges of any Constitutional Court to sit in the Court of Chancery or Superior Court to hear and decide such causes as may be designated.

(c) To assign one or more Judges of any Constitutional or Statutory Court to sit in any Statutory Court to hear and decide such causes as may be designated.

§ 4.16. Compensation

Members of the Judiciary shall receive a salary fixed by law, which shall not be diminished during the period for which each shall have been appointed.

§ 4.17. Style of process and public acts

The style in all process and public acts shall be "THE STATE OF DELAWARE". Prosecutions shall be in the name of the State.

ARTICLE 5. ELECTIONS

§ 5.01. Time and manner of holding general election

(a) The general election shall be held on the Tuesday next after the first Monday of November in each even-numbered year and shall be by secret ballot.

(b) The General Assembly shall prescribe the means, methods, and instruments of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections, and prevent fraud, corruption, and intimidation.

§ 5.02. Qualifications for voting

Every citizen of this State who shall have attained the age of nineteen (19) years, who shall have been a resident thereof three months next preceding any general election, and who has been duly registered, shall be entitled to vote at such election in the election district in which he shall at the time be a resident, and be registered, for all public offices and upon all questions which may be submitted to the people, provided that:

(a) No person in the armed forces of the United States shall be considered as acquiring a residence in this State solely by being stationed in any place within this state.

(b) The General Assembly may deny the right to vote to persons convicted of a felony and to mentally incompetent persons.

§ 5.03. Registration of voters

(a) The General Assembly shall provide, by general law, for the registration and removal thereof of voters.

(b) The General Assembly may provide, by general law, for the registration or removal thereof of persons eligible to register to vote which shall be conclusive evidence of the right of that person to vote at any general election, who are physically disabled, or who are absent from this State because of service with the United States government or persons accompanying them.

(c) There shall be at least two registration days in each election district in a period commencing not more than one hundred and twenty days and ending not less than thirty days before each general election. On each registration day, persons whose names are not on the list of registered voters may apply for registration.

§ 5.04. Absentee voting

The General Assembly shall provide, by general law, for the voting of persons entitled to vote who are absent from this State or who are sick or physically disabled.

§ 5.05. Persons entitled to vote privileged from arrest; exceptions

Persons entitled to vote shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from them.

§ 5.06. Canvass of elections

(a) The Superior Court shall review the results of every general election and shall publicly ascertain the state of the election throughout each county by determining the total of all the votes for each office that shall be given in all the election districts of each county for every person voted for office.

(b) If two or more persons for any office shall have an equal number of votes in any general election, the person who shall be deemed to have received the greater number of votes shall be determined by lot by the court conducting the review of the election.

(c) The Superior Court shall, by rule, provide the method for the conduct and certification of the review, unless otherwise prescribed by law.

ARTICLE 6. FINANCE

§ 6.01. Uniformity of taxes; exemption for property tax

(a) 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 law.

(b) The General Assembly, by general law, upon the concurrence of three-quarters of all members elected to each house, shall have the sole power to exempt from any and all real property taxes such real property of the same class of subjects as will best promote the public welfare.

(c) All real or personal property used for school purposes by nonprofit institutions, shall be exempt from taxation and assessment for public purposes.

§ 6.02. Revenue bills

(a) All bills for raising revenue, other than bills which do so incidentally shall originate in the House, but the Senate may propose amendments. No bill for raising revenue shall contain any matter or cause not related and necessary thereto.

(b) No law shall have the effect of increasing the rates of taxation on personal income for the year in which said increase is enacted or for any year prior to the year in which the said increase is enacted.

§ 6.03. Operating budget

Prior to the third Tuesday of January in each year, unless such time shall be extended by the General Assembly, the Governor shall submit to the General Assembly an operating budget and the bill for the appropriations therefor for the ensuing fiscal year in such form and detail as the Governor shall determine. The operating budget shall state the estimated surplus or deficit of revenues at the end of the preceding year and shall contain, for the ensuing fiscal year, an estimate of revenues, a plan of proposed expenditures including appropriations required by this Constitution or any other information as required by law. The total proposed expenditures shall be limited to funds available as stated in the operating budget.

§ 6.04. Operating budget bill

(a) The General Assembly shall not reduce or strike out the appropriation of sufficient funds to provide for the timely payment of interest upon and installments on principal of all state indebtedness.

(b) No budget bill shall be subject to veto by the Governor except as provided in Article 3, Section 3.11 (b).

§ 6.05. Capital budget

Not later than March 1 in each year the Governor shall deliver to the presiding officer of each house of the General Assembly a capital budget and a bill for the authorizations of the capital budget, and in such form and detail as the Governor shall determine, or as may be required by law.

§ 6.06. Borrowing money; specification of purpose; surplus borrowed money

No money shall be borrowed or debt created by or on behalf of this State except pursuant to an act of the General Assembly passed upon the concurrence of three-fourths of all the members elected to each house, except to supply casual deficiencies of revenue, or pay existing debt. Any law authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but any money remaining shall be disposed of according to law.

§ 6.07. Limitations on loan of public money on bonds

(a) No appropriation shall be made, and no bonds of this State issued or loaned, to any county, municipality, or corporation, except pursuant to an act of the General Assembly, passed upon the concurrence of three-fourths of all the members elected to each house.

(b) The credit of the State, by the guarantee or the endorsement of the bonds or other undertakings of any county, municipality, corporation, individual, firm, or association, shall not be pledged except pursuant to an act of the General Assembly, passed upon the concurrence of three-fourths of all the members elected to each house.

(c) No county or municipality shall pledge its credit or appropriate money to, or assume the debt of, or become a shareholder or joint owner in, or with, any private corporation or any

individual or private association whatever, except pursuant to an act of the General Assembly, passed upon the concurrence of three-fourths of all the members elected to each house.

§ 6.08. Procedure in withdrawal and payment of public moneys

No money shall be drawn from the treasury other than pursuant to an act of the General Assembly; provided that the compensation of the members of the General Assembly and all expenses connected with its session may be paid out of the treasury pursuant to a resolution in that behalf. A regular account of the receipts and expenditures of all public money shall be published annually.

ARTICLE 7. EDUCATION

§ 7.01. Public education

(a) The General Assembly shall provide for the establishment and maintenance of a general system of free public schools open to all children in this State.

(b) The General Assembly may provide for such other public educational institutions and services as may be necessary or desirable.

§ 7.02. Attendance and assignment

(a) The General Assembly may require that every child not physically or mentally disabled shall attend public schools unless educated by other means.

(b) The assignments of pupils to public schools shall be determined without regard to race, creed, sex, or national origin.

§ 7.03. Prohibition against the use of public funds by certain schools

No public funds shall be appropriated to, or used by, or in aid of any private, sectarian, church or denominational school.

ARTICLE 8. CORPORATIONS

§ 8.01. General corporation law

No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations, banks or corporations for charitable, penal, reformatory, or educational purposes, sustained in whole or in part by the State. No general incorporation law, nor any special act of incorporation, shall be enacted or amended without the concurrence of two-thirds of all members elected to each house of the General Assembly.

§ 8.02. Taxation of securities owned by persons or corporations outside this State

Shares of the capital stock or other securities of corporations created under the laws of this State, when owned by persons or corporations outside this State, shall not be subject to taxation by any law now existing or hereafter to be made.

ARTICLE 9. GENERAL PROVISIONS

§ 9.01. Dual office holding

No person shall at any one time hold more than one public elected office except as otherwise provided by law.

§ 9.02. Prohibition against extending term of office or diminishing salary or emoluments

(a) No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment.

(b) Any public officer having a fixed term shall hold office until his successor shall be duly qualified.

§ 9.03. Forfeiture of office

Any public officer convicted of misfeasance, malfeasance, or nonfeasance in the performance of his public office or of any felony, shall forfeit his office.

§ 9.04. Interest in public contracts

No employee, officer, or member of any department of the government of this State shall be in any way interested in any contract when awarded to, or by, any such employee, officer, member, or department.

§ 9.05. Oath or affirmation of office

(a) Members of the General Assembly and other public officers, executive and judicial, except such officers as shall be exempted by law, shall, before they enter upon the duties of their office, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of according to the best of my ability. So help me God.

(b) No other oath or affirmation shall be required as a qualification for any public office.

§ 9.06. Continuity of governmental operations

(a) The General Assembly, in order to insure continuity of State and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty:

(1) To provide for prompt and temporary succession to the powers and duties of public offices, where succession is not otherwise provided for in this Constitution, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and

(2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations.

(b) In the exercise of the powers hereby conferred, the General Assembly, shall in all respects, conform to the requirements of this Constitution, except to the extent that in the judgment of the General Assembly to do so would be impracticable or would cause undue delay.

§ 9.07. Transportation of students

The General Assembly, notwithstanding any other provisions of this Constitution, may provide by law for the transportation of students of nonpublic, elementary and secondary schools.

ARTICLE 10. CONSTITUTIONAL REVISION

§ 10.01. Revision by amendment

Amendments to this Constitution may be proposed in the House or Senate. If initially adopted by an affirmative vote of two-thirds of all the members elected to each house, the proposed amendment shall be entered in the journal of each house showing the roll call vote taken thereon. If, in the General Assembly after the next general election, the proposed amendment shall be finally adopted in the same manner, the same amendment shall become part of this Constitution.

§ 10.02. Revision by constitutional convention

(a) The General Assembly may by law, adopted by a two-thirds vote of all the members elected to each house, submit to the qualified voters of this State at the next general election the question of calling a constitutional convention. If a majority of those voting on the question favor the calling of a constitutional convention, the General Assembly, at its next session, shall provide for the election of delegates to such convention at a special election to be held on a date other than a general election day and within eight months after submission of the question to the voters.

(b) The constitutional convention shall be composed of one delegate elected from each representative district and eight dele-

gates elected at large throughout this State. The delegates shall be registered voters of this State, and the delegates elected from each representative district shall reside therein.

(c) The General Assembly shall appropriate sufficient funds for the work of the constitutional convention and shall enact such laws as shall be necessary and appropriate to carry out the provisions hereof.

(d) The delegates to the constitutional convention shall meet and sit in Dover, the capital of the State, on the thirtieth day after their election, unless the date is a Saturday, Sunday, or holiday, in which event it shall convene on the next business day.

(e) A majority of the delegates elected to the constitutional convention shall constitute a quorum, but an affirmative vote of three-fifths of all the delegates elected to such convention shall be required for any revision of this Constitution.

§ 10.03. Approval of bills or resolutions under this Article; exemptions from Article 3, Section 3.11

No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article shall require for its validity the approval of the Governor and the same shall be exempt from the provisions of Article 3, Section 3.11.

Section 2. This Constitution shall take effect July 1, 1973.

CHAPTER 773

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

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 15, Article 2, 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 15 to read as follows:

§ 15. Compensation, expenses, and allowances of members

Section 15. The President of the Senate and the members of the General Assembly shall receive an annual salary and an annual expense allowance for transportation and such other necessary and proper purposes as the General Assembly shall by law provide. Funds appropriated hereunder shall be paid out of the Treasury of the State.

CHAPTER 774

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

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

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

Section 29. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four (4) years. The qualifications of all Justices of the Peace who shall be appointed after the effective date of this amended section, shall be as directed by law.

Resolutions

CHAPTER 775

SENATE JOINT RESOLUTION No. 2

TO COMMEND SENATORS JOHN J. WILLIAMS AND J. CALEB BOGGS, AND CONGRESSMAN WILLIAM V. ROTH, JR. FOR THEIR INTRODUCTION OF JOINT RESOLUTIONS IN THE CONGRESS OF THE UNITED STATES WITH RESPECT TO THE OFFERING OF VOLUNTARY PRAYER IN PUBLIC BUILDINGS.

WHEREAS, Senators John J. Williams and J. Caleb Boggs on January 15, 1969 in the First Session of the 91st Congress co-sponsored the introduction of a Joint Resolution denoted as Senate Joint Resolution No. 6, proposing to amend the Constitution of the United States with respect to the offering of prayer in public buildings; and

WHEREAS, Congressman William V. Roth, Jr. on February 5, 1969, introduced in the First Session of the 91st Congress of the United States a Joint Resolution denoted as Joint Resolution No. 407, proposing to amend the Constitution of the United States with respect to the offering of prayer in public buildings; and

WHEREAS, said resolutions provided that nothing contained in the Constitution of the United States of America "shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer"; and

WHEREAS, it is the desire of the General Assembly of the State of Delaware to commend the Delaware Congressional Delegation for the introduction of said resolutions; and

WHEREAS, it is the sense of the General Assembly of the State of Delaware that said resolutions proposing an amendment to the Constitution of the United States should be supported by

the Congressional Delegations of the other several States of the Union.

NOW, THEREFORE,

BE IT RESOLVED by the Senate and the House of Representatives of the State of Delaware assembled that it hereby commends Senators John J. Williams and J. Caleb Boggs and Congressman William V. Roth, Jr. for proposing for adoption Joint Resolutions with respect to the offering of voluntary prayer in public buildings and urges the adoption thereof by the Congress of the United States; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the respective Secretary of the Senate and the Clerk of the House of Representatives of each of the several States of the Union urging those Houses to take appropriate action in recommending to their respective Congressional Delegations in Congress that Senate Joint Resolution No. 6 and House Joint Resolution No. 407 of the 91st Congress of the United States be supported and adopted.

Approved March 31, 1969.

CHAPTER 776

SENATE JOINT RESOLUTION No. 1

TO DIRECT THAT A COPY OF THE AGENDA FOR ALL STATED MEETINGS OF THE STATE HIGHWAY DEPARTMENT BE SENT TO THE MEMBERS OF THE GENERAL ASSEMBLY.

WHEREAS, the members of the 125th General Assembly of the State of Delaware are the duly elected representatives of their constituents; and

WHEREAS, from time to time members of the General Assembly of State of Delaware are called upon by their constituents to advise and explain various proposals and projects contemplated by the State Highway Department of the State of Delaware; and

WHEREAS, the members should be fully informed of the agenda of proposed and contemplated projects to be considered at the stated meetings of the State Highway Department.

NOW, THEREFORE,

BE IT RESOLVED that the members of the Senate of the 125th General Assembly of the State of Delaware and the members of the House of Representatives concurring therein hereby request and direct that a copy of the agenda of all stated meetings of the State Highway Department of the State of Delaware be forwarded to the members of the General Assembly at least 5 days prior to said meeting.

Approved April 17, 1969.

CHAPTER 777

HOUSE JOINT RESOLUTION No. 5

**REQUIRING ALL STATE AGENCIES AND DEPARTMENTS
TO RECEIVE REIMBURSEMENT FOR THE FULL COST
OF GOODS AND SERVICES PROVIDED.**

WHEREAS, it has come to the attention of the members of the 125th General Assembly that various State agencies and departments have not been reimbursed for the full cost of providing goods and services; and

WHEREAS, it is the desire of the members of the 125th General Assembly that all State agencies and departments receive reimbursement for the full cost of goods and services provided, when it is in the best interest of the State of Delaware.

NOW, THEREFORE,

BE IT RESOLVED, by the members of the 125th General Assembly of the State of Delaware, that all State agencies and departments which provide goods and services to any State agency, State department, subdivision of the State, or to any corporation, partnership or similar business organization, shall be reimbursed a sum which shall be not less than the full cost of such goods and services provided.

"Full cost" is defined as purchase or "out-of-pocket" cost plus overhead cost plus capital investment cost computed in accordance with accepted business practice.

This Resolution shall not be construed to require any State agency or department to be reimbursed for the full cost of any goods or services provided if the Governor shall indicate to the said agency or department that such reimbursement for the full cost of goods and services provided is not in the best interest of the State of Delaware.

Approved May 15, 1969.

CHAPTER 778

SENATE JOINT RESOLUTION No. 8

URGING SENATOR JOHN J. WILLIAMS TO RUN FOR RE-ELECTION TO THE UNITED STATES SENATE IN 1970.

WHEREAS, Senator John J. Williams was first elected as a United States Senator in 1946; and

WHEREAS, Senator John J. Williams was subsequently re-elected to the United States Senate in 1952, 1958 and 1964; and

WHEREAS, Senator John J. Williams has served his Country and State in an exemplary manner as a United States Senator since 1947; and

WHEREAS, Senator John J. Williams has during said period become known as the Watchdog of the Senate; and

WHEREAS, Senator John J. Williams has achieved a position of Seniority and respect in the United States Senate; and

WHEREAS, during said period of time, Senator John J. Williams has brought national and world-wide attention to the State of Delaware, and

WHEREAS, Senator John J. Williams has announced his intention not to run for re-election in 1970.

NOW, THEREFORE,

BE IT RESOLVED that the Senate of the 125th General Assembly, the House of Representatives concurring therein, respectfully requests His Excellency, the Governor, to try to persuade Senator John J. Williams to run for re-election to the United States Senate in 1970.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Journal of the Senate.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Senator John J. Williams.

Approved June 19, 1969.

CHAPTER 779

SENATE JOINT RESOLUTION No. 9

PROVIDING FOR A JOINT COMMITTEE OF THE GENERAL ASSEMBLY TO ASSIST IN THE REORGANIZATION OF THE EXECUTIVE BRANCH AND PROVIDING FOR PAYMENT OF EXPENSES INCURRED BY SAID COMMITTEE.

WHEREAS, HOUSE BILL No. 91 of the 125th General Assembly, has been enacted into law as Chapter 33, Volume 57, Laws of Delaware, 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; and

WHEREAS, The Governor's Task Force has been functioning and has begun to select the precise form for implementing executive reorganization; and

WHEREAS, it is anticipated that said Task Force will begin submitting its recommendations later this year; and

WHEREAS, the General Assembly has a special interest in executive reorganization and the recommendations of said Task Force; and

WHEREAS, it is considered desirable to form a special committee of legislators to study said Task Force's recommendations.

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring therein, that a Joint Executive Reorganization Study Committee be and the same is hereby created, to consist of ten (10) members, five (5) of whom shall be Members of the Senate and appointed by the President Pro Tempore and five (5) of whom shall be Members of the House of Representatives and appointed by the Speaker of the House. Any vacancy shall be filled by the appointing authority. The members of said committee shall elect one member to serve as its Chairman.

BE IT FURTHER RESOLVED that the Governor shall submit all reports and recommendations prepared by the Governor's Task Force on Government Reorganization requiring legislative approval to the Joint Executive Reorganization Study Committee for said Committee's study.

BE IT FURTHER RESOLVED that the Joint Executive Reorganization Study Committee shall be empowered to study said Task Force's reports and recommendations, conduct hearings, review and draft legislation, submit suggestions and do whatever else it deems desirable to assist the General Assembly.

BE IT FURTHER RESOLVED that said Joint Committee is authorized to employ such advisors, attorneys and clerical assistants as are reasonably required and to reimburse its legislative members for actual expenses incurred in attending the meetings of the Committee. Payment of such necessary expenses of the Committee shall be approved by Concurrent Resolution.

Approved July 2, 1969.

CHAPTER 780

SENATE JOINT RESOLUTION No. 10

PROVIDING FOR A JOINT COMMITTEE OF THE GENERAL ASSEMBLY TO PROCESS THE REPORT OF THE CONSTITUTION REVISION COMMISSION.

WHEREAS, the Constitution Revision Commission is expected to submit its final report to the General Assembly in the fall of 1969; and

WHEREAS, the 125th General Assembly is desirous of giving its attention to said report; and

WHEREAS, the magnitude and uniqueness of the project would be better dealt with by an Ad-Hoc Committee.

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring therein, that a Joint Constitution Revision Committee be and the same is hereby created to consist of ten (10) members, five (5) of whom shall be members of the Senate, and appointed by the President Pro-Tem, and five (5) of whom shall be members of the House of Representatives appointed by the Speaker of the House. Any vacancy shall be filled by the appointing authority. The members of said Committee shall elect one (1) member to serve as its Chairman. The membership of the Committee shall, as nearly as possible, reflect the bi-partisan impetus and state-wide impact of this project in its membership.

BE IT FURTHER RESOLVED that said Constitution Revision Legislative Committee shall be authorized to receive the report of the Commission; to expedite the introduction of legislation based on this report; to hold hearings on said legislation; and to act as a legislative committee in their respective Houses on such legislation.

BE IT FURTHER RESOLVED that said Committee is authorized to employ such advisors, attorneys and clerical assist-

ants as are reasonably required and to reimburse its legislative members for actual expenses incurred in attending the meetings of the Committee. Payment of such necessary expenses of the Committee shall be approved by Concurrent Resolution.

Approved July 10, 1969.

CHAPTER 781

HOUSE CONCURRENT RESOLUTION No. 16

PROVIDING FOR A JOINT COMMITTEE TO INVESTIGATE COMPLAINTS PERTAINING TO THE OPERATION OF FACILITIES OF THE DELAWARE RIVER AND BAY AUTHORITY AND PROVIDING FUNDS THEREFOR.

WHEREAS, it has come to the attention of the members of the 125th General Assembly of the State of Delaware that methods and procedures of the Delaware members of the Delaware River and Bay Authority may not be serving the best interest of the State of Delaware; and

WHEREAS, members of the 125th General Assembly have received complaints of unfair labor practices as they pertain to Delaware Employees of the Delaware River and Bay Authority; and

WHEREAS, it is recognized that the Delaware General Assembly has little control over the actions of other members of the Authority, only the Delaware members are subject to the provisions of this Resolution;

NOW, THEREFORE,

BE IT RESOLVED by the members of the 125th General Assembly of the State of Delaware that there is hereby established a Joint Committee of the House of Representatives and Senate to investigate the operation of the facilities of the Delaware River and Bay Authority.

A. *Composition.* The Committee shall be composed of three members of the House of Representatives and three members of the Senate. The Speaker shall appoint three members; no more than two of the same political party. The President Pro Tempore of the Senate shall appoint three members; no more than two of the same political party. The Chairman shall be elected by the members of the Committee.

B. *Duties.* It shall be the duty of the Committee to make a complete study of any charges of unfair labor practices as they pertain to Delawareans.

C. *Powers.* The Committee or any duly authorized subcommittee thereof is authorized to hold such hearings as necessary, to sit and act at such times and places, to employ the necessary clerical aides, to require by subpoena or otherwise the attendance of such witnesses and the production of such books and documents as necessary, to administer oaths, to take testimony, and to make expenditures as it deems advisable.

The provisions of Section 705, Title 29, Delaware Code, shall apply in case of failure of any witness to comply.

The Committee is authorized to utilize the services, information, facilities and personnel of the State of Delaware.

BE IT FURTHER RESOLVED, that there is hereby authorized the sum of \$2,000 or so much thereof as necessary to carry out the provisions of this Resolution, and that the State Treasurer be, and hereby is, directed to pay the Committee said sums.

Approved July 10, 1969.

CHAPTER 782

HOUSE CONCURRENT RESOLUTION No. 25
EXPRESSING SYMPATHY OVER THE DEATH OF THE
HONORABLE CHARLES L. TERRY, JR.

WHEREAS, the Members of the 125th General Assembly of the State of Delaware wish to express their sadness over the untimely death on February 6, 1970, of the Honorable Charles Laymen Terry, Jr.; and

WHEREAS, the Honorable Charles L. Terry, Jr., born on September 17, 1900 in Camden, Delaware, served the State that he loved for a total of thirty-eight years after receiving a degree in Law from Washington and Lee University; and

WHEREAS, the Honorable Charles L. Terry, Jr., during his days at Washington and Lee was a member of the baseball and football teams and later was a devoted fan of these and other sports; and

WHEREAS, the Honorable Charles L. Terry, Jr., during his distinguished career in public service attained the positions of Secretary of State of Delaware, President Judge of the Superior Court of Delaware, Justice and later, Chief Justice of the Supreme Court of Delaware, and finally, Governor of Delaware; and

WHEREAS, the Honorable Charles L. Terry, Jr., during his four-year reign as Governor of Delaware was instrumental in having a wide range of legislative reforms passed into law; and

WHEREAS, the Honorable Charles L. Terry, Jr. was a warm, friendly, dedicated public servant during his sixty-nine years of life on this earth;

NOW, THEREFORE,

BE IT RESOLVED by the Members of the House of Representatives of the 125th General Assembly of the State of Delaware, the Senate concurring therein, that they extend their warm-

est and deepest sympathies to Jessica, the beloved wife of the Honorable Charles L. Terry, Jr. and to other members of the Terry family; and

BE IT FURTHER RESOLVED that a copy of this Resolution be entered upon the Journals of the House and Senate, and a copy forwarded to Mrs. Charles L. Terry, Jr., and her family.

Approved March 23, 1970.

CHAPTER 783**SENATE JOINT RESOLUTION No. 12****RELATING TO THE CLOSING OF THE ST. GEORGES
BRIDGE OVER THE CHESAPEAKE AND DELAWARE
CANAL.**

WHEREAS, the U.S. Corps of Engineers has announced the closing of the St. Georges Bridge over the Chesapeake and Delaware Canal; and

WHEREAS, the Bridge traffic will be cut to two lanes during the summer of 1970; and

WHEREAS, the Bridge will be entirely closed, according to the Corps, for a period of six weeks in the Fall, for the purpose of pouring concrete for a new roadbed; and

WHEREAS, the Bridge carries an average of over 16,000 vehicles per day, with a summertime load of 23,000 per day; and

WHEREAS, the closing of this bridge will create a serious inconvenience to the commuters of the State of Delaware; and

WHEREAS, past experience has shown that work on the Bridge by the Corps has been monumentally slow; and

WHEREAS, the Members of the 125th General Assembly of the State of Delaware are desirous of maintaining traffic across this Bridge as soon as possible and without undue delay.

NOW, THEREFORE,

BE IT RESOLVED that the Senate of the 125th General Assembly, the House of Representatives concurring therein, respectfully requests His Excellency, the Governor, the Honorable Senator John J. Williams, the Honorable Senator J. Caleb Boggs, and Representative William V. Roth, Jr., to request the U.S. Corps of Engineers to complete their work on the St. Georges Bridge at the earliest possible time, using workmen on the job

twenty-four hours a day, seven days a week, so as not to inconvenience Delaware's commuters.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to His Excellency, the Governor, the Honorable Senator John J. Williams, the Honorable Senator J. Caleb Boggs, and Representative William V. Roth, Jr. urging them to communicate their desire for speedy repair of the Bridge to the U.S. Corps of Engineers.

Approved March 23, 1970.

CHAPTER 784

HOUSE CONCURRENT RESOLUTION No. 26

As Amended by

HOUSE AMENDMENT No. 1

ESTABLISHING APRIL 22ND AS EARTH DAY AND THE
WEEK OF APRIL 22ND AS EARTH WEEK.

WHEREAS, our natural environment is being threatened by our advancing technology and expanding world population; and

WHEREAS, millions will be trapped in our urban and rural areas by massive air, water, land and noise pollution; and

WHEREAS, we have too little understanding of ecological problems — while the crisis becomes steadily, perhaps irretrievably, worse; and

WHEREAS, there is a need to arouse public opinion concerning necessary steps to protect our environment and establish quality on a par with quantity as a goal of American life; and

WHEREAS, the new generation now in school, the generation which will soon inherit the world environment, will bear the brunt of the tragic responsibility that is causing the deterioration of our environment; and

WHEREAS, all people must become more aware of the problems faced in combating misuses of our natural resources; and

WHEREAS, there is an urgent need to protect our youth from pollution of mind and body; and

WHEREAS, all citizens must become more aware of ways in which they, as individuals, can use to halt the ravages of pollution;

NOW, THEREFORE,

BE IT RESOLVED by the members of the House of Representatives of the 125th General Assembly of the State of Dela-

ware, the Senate concurring therein, that from this day forward the week of April 22nd is designated as "Earth Week" and April 22nd as "Earth Day", to give all people, young and old alike, the opportunity to explore together man's relationship with his environment.

Approved April 9, 1970.

CHAPTER 785

**SENATE JOINT RESOLUTION No. 13
PERTAINING TO PROPOSED TERMINAL FACILITIES IN
THE DELAWARE BAY.**

WHEREAS, the State of Delaware owns certain lands located in the Delaware Bay, approximately four (4) miles off shore from Big Stone Beach; and

WHEREAS, the State of Delaware has entered into a compact with the State of New Jersey, being 17 Delaware Code § 1701, etc., which may have granted control and responsibility, inter alia, over "terminal facilities" in the Delaware River and Delaware Bay to the Delaware River and Bay Authority; and

WHEREAS, it has been proposed that a "terminal facility" be constructed approximately four (4) miles off shore from Big Stone Beach to permit oil tankers to transfer their cargo at that point; and

WHEREAS, a leak or a malfunctioning of the equipment at said facility "could not only damage our shoreline and environment, but endanger the livelihood of thousands of our citizens"; and

WHEREAS, the citizens of the State of Delaware are cognizant of the oil catastrophes that have plagued the shoreline of California, Louisiana, Puerto Rico and Great Britain; and

WHEREAS, Governor Peterson has placed a moratorium on all development in the Delaware Bay area pending the completion of a master plan for the region.

NOW, THEREFORE,

BE IT RESOLVED that the Senate of the 125th General Assembly, the House of Representatives concurring therein, respectfully requests His Excellency, the Governor, to exercise restraint and thoroughly review the situation and problem be-

fore making any decision concerning the location of terminal facilities in the Delaware Bay.

BE IT FURTHER RESOLVED that the Governor request studies to be made of all aspects of the terminal facilities, navigational problems, loading and unloading operations, and economic impact on the State of Delaware.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Journal of the Senate.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to each member of the Congress of the United States elected from the State of Delaware, the Governor of the State of New Jersey, and to the District Engineer of the United States Army Corps of Engineers in Philadelphia, Pennsylvania.

Approved May 7, 1970.

CHAPTER 786

SENATE JOINT RESOLUTION No. 19

RELATING TO PROCLAIMING THE MONTH OF MAY 1970
AS OLDER AMERICANS MONTH.

WHEREAS, under our traditional American concepts, all our citizens, including our older Americans, are entitled to inherent dignity as individuals in our democratic society; and

WHEREAS, it is the duty and responsibility of the United States and of the several states to assist our older Americans to receive equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(4) Full restorative services for those who require institutional care.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor dignity — after years of contribution to the economy.

(7) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

(8) Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

WHEREAS, in recognition of this belief the United States as well as several states have proclaimed the month of May 1970 as "Older Americans Month";

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring therein, that in recognition of the beliefs recited herein the month of May 1970 be proclaimed "Older Americans Month."

Approved May 25, 1970.

CHAPTER 787

HOUSE CONCURRENT RESOLUTION No. 36

**RELATING TO THE GOVERNOR REQUESTING THE
BOARD OF TRUSTEES OF THE DELAWARE TECH-
NICAL AND COMMUNITY COLLEGE TO CONDUCT A
STUDY FOR THE PURPOSE OF ESTABLISHING A
CENTRAL BRANCH OF THE COMMUNITY COLLEGE
IN KENT COUNTY.**

WHEREAS, in 1966 the General Assembly of Delaware authorized the creation of the Delaware Technical and Community College as a two-year system of post secondary institutions to help meet the State's expanding need for higher education; and

WHEREAS, this comprehensive Community College program plays a special role in making higher education available to people who might not otherwise be able, for financial or other reasons, to attend college and additionally offers both occupational education attuned to Delaware's economy and transfer programs enabling students to go on for a baccalaureate at a four-year college; and

WHEREAS, two branches of the Delaware Technical and Community College have been established, the Northern Branch in Wilmington and the Southern Branch in Georgetown; and

WHEREAS, the fields of finance, real estate, insurance, manufacturing, etc. all need more college-trained people; and

WHEREAS, Kent County is experiencing the same pattern of change that is seen in other parts of the State with reference to population increases and the shift in occupational needs from the unskilled to the highly skilled and semi-professional; and

WHEREAS, many persons in Kent County are unable to obtain this type of post secondary education in a Community College because they live beyond a reasonable commuting distance; and

WHEREAS, the educational approach (versus the recruitment approach) would expand the pool of highly trained citizens and strengthen the economic base of Kent County,

NOW, THEREFORE,

BE IT RESOLVED by the members of the House of Representatives of the State of Delaware, the Senate concurring therein, that the Governor of Delaware request the Board of Trustees of the Delaware Technical and Community College to conduct a study for the purpose of determining the feasibility of establishing a Central Branch of the Delaware Technical and Community College in Kent County by September of 1971.

Approved June 1, 1970.

CHAPTER 788

HOUSE JOINT RESOLUTION No. 19

RELATING TO REQUESTING THE GOVERNORS OF THE STATES THROUGH WHICH THE NEW "METRO-LINER" TRAIN AND OTHER HIGH-SPEED TRAINS PASS TO INVESTIGATE THE POSSIBILITY OF ERECTING AND MAINTAINING SAFETY FENCES ALONGSIDE THE TRACKS ON WHICH SUCH TRAINS OPERATE.

WHEREAS, the new "Metro-liner" train and other high-speed trains are potentially dangerous to the general public because of their speed; and

WHEREAS, the high speeds at which such trains operate greatly reduce the advance audible warning of their coming; and

WHEREAS, the high-speed at which such trains operate render them susceptible of creating severe damage from collision; and

WHEREAS, the protection and safety of the general public is of paramount importance,

NOW, THEREFORE,

BE IT RESOLVED by the members of the 125th General Assembly of the State of Delaware that the governors of the states through which the new "Metro-liner" train and other high-speed trains pass be requested to investigate the possibility of erecting and maintaining safety fences along both sides of any tracks in densely populated areas along which such trains operate at high speeds; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent, under the Great Seal of Delaware, to the Governors of Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and the Mayor of Washington, D.C.

Approved June 3, 1970.

CHAPTER 789

SENATE JOINT RESOLUTION No. 18
RELATIVE TO THE ESTABLISHMENT OF A COMMITTEE
TO REVIEW THE "RULES OF THE ROAD".

WHEREAS, in 1963 a study group was formed in Delaware to recommend to the General Assembly provisions for a new chapter in the Motor Vehicle Code to be known as the "Rules of the Road"; and

WHEREAS, this study led to adoption of uniform "Rules of the Road"; and

WHEREAS, it is desireable that we maintain continued comparisons of all state and local laws, statutes and ordinances with comparable provisions of the "Rules of the Road" section of the Uniform Vehicle Code, and with laws in other states;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the General Assembly of the State of Delaware, the House of Representatives concurring therein, that a committee be established to review the "Rules of the Road", to compare it with provisions effective in other states, and to recommend changes to the General Assembly; and

BE IT FURTHER RESOLVED that this committee consist of the Federal-State Highway Safety Coordinator, who shall act as Chairman; a representative of the Delaware Safety Council; a representative of the Motor Vehicle Department; a representative of the Delaware State Police; a member of the Senate appointed by the President Pro Tem; and a member of the House appointed by the Speaker; and

BE IT FURTHER RESOLVED that this effort will be funded through monies available from the Federal government.

Approved June 8, 1970.

CHAPTER 790

HOUSE CONCURRENT RESOLUTION No. 40
CONGRATULATING CLAYMONT HIGH SCHOOL BAND ON
BEING INVITED TO THE "FESTIVAL OF STATES"
PAGEANT.

WHEREAS, the members of the 125th General Assembly of the State of Delaware have learned that the Claymont High School Flaming Arrow Marching Band has been accorded the high honor of having been invited to participate in the St. Petersburg, Florida, "Festival of States" Pageant; and

WHEREAS, the Sun Coasters, sponsors of the aforementioned pageant, have singled out the Claymont High School Marching Band to represent the State of Delaware in the pageant during April, 1971; and

WHEREAS, the Claymont School Board has happily given its permission for the colorful — purple and gold — Marching Band to participate in the pageant; and

WHEREAS, the Marching Band — 146 proficient musicians — has accepted the invitation to perform on behalf of the great "Diamond State"; and

WHEREAS, Mr. E. R. Steiner has performed nobly as director of the Claymont High School Band; and

WHEREAS, the community of Claymont at the top of our State geographically has given its whole-hearted support to the efforts of the Claymont High School Band at the top of our State musically;

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware, the Senate concurring therein, that the 125th General Assembly of the State of Delaware hereby extends warm congratulations and best wishes to the Claymont High School Marching Band and to its director,

E. R. Steiner, and to the Band's multitude of supporters upon the Band's receiving the invitation to participate in the St. Petersburg pageant next year.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives of the 125th General Assembly of the State of Delaware be hereby directed to transmit a copy of this Resolution to Dr. Furgele, Superintendent of the Claymont School District and sufficient copies for distribution to Band Director Steiner and members of the Claymont High School Flaming Arrow Marching Band.

Approved June 9, 1970.

CHAPTER 791

SENATE JOINT RESOLUTION No. 15

REQUESTING THE GOVERNOR TO DIRECT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO HOLD HEARINGS AND CONDUCT A STUDY INTO THE PROBLEMS OF HOUSING, TREATING AND REHABILITATING CERTAIN 16 TO 20 YEAR OLD PERSONS CONVICTED OF CRIMES AND REPORT TO THE GOVERNOR AND MEMBERS OF THE GENERAL ASSEMBLY ITS FINDINGS AND RECOMMENDATIONS.

WHEREAS, there presently does not seem to be adequate facilities to properly house, treat and rehabilitate certain persons convicted of crime who are between the ages of sixteen (16) and twenty (20) years; and

WHEREAS, there seems to be an increase in the number of serious crimes being committed by both men and women who are between the ages of sixteen (16) and twenty (20) years; and

WHEREAS, a study would be made into the area of adequately providing the facilities to house, treat and rehabilitate those persons between the ages of sixteen (16) and twenty (20) years who are convicted of crimes.

NOW, THEREFORE,

BE IT RESOLVED that the Senate of the 125th General Assembly, the House of Representatives concurring therein, respectfully request His Excellency, the Governor, to direct the Department of Health and Social Services to hold hearings and conduct a full study into the problems of providing adequate facilities to house, treat, and rehabilitate certain sixteen (16) to twenty (20) year old persons who are convicted of crimes.

BE IT FURTHER RESOLVED that the Department of Health and Social Services shall report periodically its findings to the Members of the General Assembly and to the Governor and shall submit its final report to the Members of the General Assembly and the Governor not later than October 31, 1970.

BE IT FURTHER RESOLVED that Five Thousand Dollars (\$5,000) is hereby appropriated for the work of the said Department and any funds hereby appropriated that remain uncommitted on November 1, 1970, shall revert to the State.

Approved June 29, 1970.

CHAPTER 792

SENATE JOINT RESOLUTION No. 17

As Amended by
HOUSE AMENDMENT No. 2**PROVIDING FOR A JOINT COMMITTEE OF THE GENERAL ASSEMBLY TO STUDY AND RECOMMEND LEGISLATION PROVIDING FOR GROUP LIFE INSURANCE FOR STATE EMPLOYEES.**

WHEREAS, Government and industry have long recognized the concept of "fringe benefits" to their employees with respect to retirement, health and life insurance programs; and

WHEREAS, the State of Delaware recently made a tremendous stride forward in its passage of a health care insurance program for its employees; and

WHEREAS, members of the 125th General Assembly wish to study, evaluate and recommend legislation with respect to group life insurance, the fees of which are to be on a matching basis;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring therein, that a joint committee be established to study and recommend legislation relating to group life insurance for state employees to be composed of the Budget Director, State Insurance Commissioner, two members of the Senate to be appointed by the President Pro Tem, two members of the House of Representatives to be appointed by the Speaker. The chairman shall be elected by a majority of the members of the committee.

BE IT FURTHER RESOLVED that the committee shall report its findings to the General Assembly not later than April 30, 1971.

Approved July 14, 1970.

CHAPTER 793

HOUSE JOINT RESOLUTION No. 23

TO EXPRESS THANKS TO THE CONSTITUTION REVISION COMMISSION FOR ITS INVALUABLE CONTRIBUTION IN STUDYING AND RECOMMENDING PROPOSED CHANGES IN THE DELAWARE CONSTITUTION.

WHEREAS, the 124th General Assembly recognized the need for modification and updating of the Delaware Constitution adopted by Convention in 1897 and subsequently amended; and

WHEREAS, it was the consensus of the membership of the 124th General Assembly that in order to expedite long overdue change in the Delaware Constitution the most efficient method would be to create a Constitution Revision Commission in lieu of calling a Constitution Convention; and

WHEREAS, the 124th General Assembly created the Constitution Revision Commission in December, 1967 by authority of 56 Laws of Delaware, Chapter 189; and

WHEREAS, the fifteen members of the Constitution Revision Commission served the State of Delaware in a distinguished manner without compensation; and

WHEREAS, the magnitude of their assignment warranted literally hundreds of hours of their invaluable time, talents and energies; and

WHEREAS, the House and Senate of the 125th General Assembly, the body to whom the Commission submitted its final report, are cognizant of the truly outstanding performance, particularly the Commission's dedication to the high concept of public service to the State of Delaware,

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 125th General Assembly of the State of Delaware, the Senate con-

curing therein, that the members hereby commend and profoundly thank the Constitution Revision Commission for its indefatigable performance in rendering in behalf of all Delawareans their service, their talents and their energy.

BE IT FURTHER RESOLVED that the 125th General Assembly, hereby assembled, express in behalf of the 124th General Assembly, from which this Commission had its inception, its gratitude for the service rendered by this Commission.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered upon the Journals of the House and Senate, and that copies be forwarded to each member of the Constitution Revision Commission.

Approved July 19, 1970.

Executive Orders

CHAPTER 794

STATE OF DELAWARE EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER THIRTY-EIGHT

TO: Heads of State Departments and Agencies

SUBJECT: Rescission of Executive Order No. Nine dated
July 17, 1962

WHEREAS, the Delinquency Prevention Sub-Committee of the Governor's Coordinating Committee in its report of December 8, 1967, recommended that Executive Order No. 9 dated July 17, 1962, giving the responsibility for the development of programs and services for the prevention of delinquency to the Commission on Children and Youth be rescinded as the Youth Services Commission has also had responsibility for the development of program and services for the prevention of juvenile delinquency; and

WHEREAS, it is recognized that unnecessary duplication and overlapping is undesirable:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby order that Executive Order No. 9, dated July 17, 1962, be rescinded and be of no further effect.

Approved this 16th day of December, 1968.

(GREAT SEAL)

CHARLES L. TERRY JR.
Governor

Attest:

ELISHA C. DUKES
Secretary of State

CHAPTER 795
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER ONE

In compliance with provisions of Section 122, Title 20, Delaware Code, and by virtue of the authority vested in me as Governor of the State of Delaware, I do hereby appoint:

Colonel Clarence E. Atkinson,
of the Delaware Air National Guard,

as the Adjutant General of the State of Delaware with the rank of Brigadier General.

Approved this 21st day of January, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 796
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER TWO

TO: Governor's Inter-Agency Coordinating Committee on Mental Retardation, Department of Mental Health, Governor's Coordinating Committee for Health, Education and Welfare, and United States Department of Health, Education and Welfare.

SUBJECT: Disbanding of the Governor's Inter-Agency Coordinating Committee on Mental Retardation and Transfer of Its Functions to the Department of Mental Health.

WHEREAS, by Executive Order No. 21, dated April 14, 1966, the Governor's Inter-Agency Coordinating Committee on Mental Retardation was established; and

WHEREAS, it has been recommended by the Delaware Association for Retarded Children, Inc., that said Committee be disbanded and its functions transferred elsewhere; and

WHEREAS, the Department of Mental Health has agreed to be the designated "State Agency" to receive any federal assistance and grants directed to mental retardation and to in general assume the functions of said Committee; and

WHEREAS, it is anticipated that the Governor's Coordinating Committee for Health, Education and Welfare will hereafter assist such designated State Agency with the coordinating aspects of its functions in the mental retardation field.

NOW, THEREFORE, I, Russell W. Peterson, by virtue of the authority vested in me as Governor of the State of Delaware

hereby revoke and rescind Executive Order No. 21, dated April 15, 1966, and disband the Governor's Inter-Agency Coordinating Committee on Mental Retardation.

The Department of Mental Health is hereby officially designated the State Agency to receive any and all federal grants directed to mental retardation, including grants pursuant to Public Law 88-156, entitled "Maternal and Child Health and Mental Retardation Planning Amendments of 1963", and the Department of Mental Health shall otherwise assume the functions and responsibilities of the Committee hereby disbanded.

The Department of Mental Health shall hereafter be assisted in coordinating State mental retardation programs and activities by the Governor's Coordinating Committee for Health, Education and Welfare.

Approved this 31st day of March, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 797
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THREE

TO: Heads of all State Departments and Agencies

SUBJECT: Establishment of a Delaware State Arts Council

WHEREAS, there is a growing public demand for the practice and enjoyment of the arts throughout the State of Delaware; and

WHEREAS, with increasing leisure time, Delaware's citizens need improved opportunities to view, enjoy, and participate in theatrical performances, art exhibits, musical concerts, operas, dance and ballet recitals, examples of fine architecture and the performing and fine arts generally; and

WHEREAS, the general welfare of the people of the State will be promoted by giving further recognition to the arts as a vital part of our cultural heritage and a valued means of expanding and improving our educational programs and the quality of our life; and

WHEREAS, exposure to excellence in the arts will inspire our children and our schools to reach for excellence not only in such areas as music, art, drama and ballet but in other fields of personal endeavor as well; and

WHEREAS, it is anticipated that the joining in an arts council of private patrons with representatives of institutions and professional organizations concerned with the arts will assist in assuring that the role of the arts in the life of the Delaware community will continue to grow:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That there is hereby created and established a Delaware State Arts Council to consist of at least 15 members broadly representative of all fields of the performing and fine arts from among Delaware's citizens known for their competence in this area.

2. Members of the Council shall be appointed by the Governor and shall serve three years, with the exception of the Chairman who shall be designated from among the members by the Governor and shall serve during the pleasure of the Governor.

3. The duties of the Council shall be :

(a) to promote and encourage public interest in the cultural heritage of our State and to expand the State's cultural resources, and to promote public education in all fields of artistic and cultural activities, including but not limited to, music, theater, dance, painting, sculpture, architecture, and allied arts and crafts;

(b) to encourage and assist freedom of artistic expression;

(c) to encourage, promote and provide technical and professional assistance to arts programs of individuals, organizations and institutions in the State;

(d) to make such surveys as may be deemed advisable of public and private institutions engaged in artistic and cultural activities, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the needs and aspirations of persons in all parts of the State;

(e) to cooperate with and assist public and private institutions and organizations with a view toward mutual promotion and improvement of the performing and fine arts;

(f) to study and make recommendations to the Governor concerning legislation establishing a permanent Delaware State Arts Council.

4. The Council is authorized and empowered to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the objectives of the Council's programs. The Council may request and shall receive from

any department, division, bureau, commission, or agency of the State of Delaware such reasonable assistance and data as will enable it properly to carry out its functions hereunder.

5. The Council shall be the official State Agency to receive and disburse any funds made available by the National Endowment for the Arts.

6. The Council shall make periodic reports to the Governor at such times and in such form as the Governor shall direct.

Approved this 31st day of March, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 798

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER FOUR

TO: Heads of all State Departments and Agencies

SUBJECT: Establishment of a State of Delaware Management Task Force

WHEREAS, it is vital to the economic health and prosperity of the State of Delaware that its governmental services be conducted on a sound, efficient and economical basis and that the people of the State be assured of wise expenditures of their tax dollars; and

WHEREAS, on the 7th day of March, 1969, the Governor and leaders of Delaware business and industry convened at Buena Vista to discuss the formation of a State Government management study to be conducted by the private sector of the community without cost to the State; and

WHEREAS, at such conference said leaders of business and industry of the State agreed to undertake a detailed examination of the administration of State services with a view to making recommendations for greater efficiency and economy; and

WHEREAS, said leaders further agreed that Delaware business and industry would provide both expert personnel and financing for this effort for a period of up to six months:

NOW, THEREFORE, I, RUSSELL W. PETERSON, Governor of the State of Delaware, do hereby establish the State of Delaware Management Task Force, and I hereby appoint and constitute Eugene Perry, President of NVF, Co., as Chairman of said Task Force; the Chairman in consultation with the Governor shall select additional members of the Task Force.

The Task Force is authorized and empowered to make such studies and investigations as may be considered necessary to ascertain the means and manner by which the governmental services of the State of Delaware may be afforded to its citizens in the most efficient, expeditious and economical manner. To assist in this undertaking, Warren King and Associates is appointed consultant to the Task Force.

In furtherance of the work of the Task Force I order and direct every State Agency and its employees to furnish the Task Force and its representatives and consultant complete information concerning their respective agency and to give the Task Force complete cooperation and assistance in the project hereby outlined.

Upon completion of its work the Task Force shall render to the Governor a full Report of its findings and recommendations. Unless hereafter extended, the Report of the Task Force shall be completed within six months of the date of this order.

Approved this third day of April, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 799
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FIVE

TO: Heads of all State Departments and Agencies
RE: Moratorium on Hiring of Personnel

WHEREAS, there is currently being conducted a study of the State Departments and Agencies which will soon result in reports and recommendations with regard to increasing the efficiency of State government; and

WHEREAS, the implementation of these recommendations may result in changes in the number of personnel employed by the Departments and Agencies; and

WHEREAS, to the extent practicable it is desirable to fill vacancies created by the implementation of the recommendations with persons whose jobs have been eliminated by the same:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Until further notice, there shall be no further hiring of personnel without approval of my Office.
2. Applications for permission for hiring of personnel should be referred to the Director of the State Personnel Commission.

Approved this 15th day of April, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 800
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER SIX

TO: Heads of all State Departments and Agencies

SUBJECT: Delaware Agency to Reduce Crime (formerly the Delaware Law Enforcement Planning Agency)

WHEREAS, by his Executive Order Number 37, of August 20, 1968, Governor Charles L. Terry created the Delaware Law Enforcement Planning Agency; and

WHEREAS, it is desirable that said Agency continue to qualify under the federal "Omnibus Crime Control and Safe Streets Act of 1968", in accordance with the original conception of said Agency, and that it further qualify and be the State planning agency for purposes of the federal "Juvenile Delinquency Prevention and Control Act of 1968"; and

WHEREAS, it is desirable that both the membership and responsibilities of said Agency be expanded in order to better provide the comprehensive plans required by such federal legislation and to administer the planning and action grants available thereunder; and

WHEREAS, it is the Governor's intention that this Agency be the planning agency for and administer not only federal programs and federal funds, but also State programs and State funds provided in aid of local law enforcement agencies; and

WHEREAS, it is anticipated that sufficient funds will be appropriated to the Governor for the use of said Agency in aiding local law enforcement agencies, to be accomplished after such local entities have submitted applications for and obtained approval of specific action plans for the use of such funds, and upon

receiving proof on the part of the local entity of ability to provide additional funds for accomplishing the purposes of the grant in an amount equal to at least one-half of the grant itself; and

WHEREAS, because of the expanded functions of the Agency beyond mere "planning", a more appropriate name for the Agency is considered to be: "Delaware Agency to Reduce Crime"; and

WHEREAS, it is expected that the expansion and upgrading of the role of the Delaware Agency To Reduce Crime as part of a broad crime reduction effort, and the providing of both federal and State funds to be administered by it, will lead to greatly enhancing the quality of law enforcement exhibited by Delaware's local agencies in this field which are not regularly financed by the Annual Budget Act of the State.

NOW, THEREFORE, I, Russell W. Peterson, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby amend the Executive Order of August 20, 1968, designated Executive Order Number 37, and expand its contents in the following particulars:

1. The name "Delaware Law Enforcement Planning Agency" is changed to "Delaware Agency to Reduce Crime", wherever it appears, and shall henceforth be the name of the Agency.

2. Paragraph 2 of the prior order, listing the ex officio members of the Agency, is augmented by adding the "City Solicitor of the City of Wilmington" and the "United States Attorney for the District of Delaware". This paragraph is further amended by striking reference to "President of the Delaware Mayors Association" and substituting in lieu thereof "President of the Delaware League of Local Governments". Further amend paragraph 2 of the prior order by striking the word "President" of the Levy Court of Kent County and the Levy Court of Sussex County, respectively, and substituting the word "Representative", in both instances. In all other respects the list of ex officio members is reaffirmed and adopted.

3. Paragraph 3 of the prior order is stricken and in lieu thereof is substituted the following:

"In addition the Agency shall include up to 12 members representing the public at large who shall be appointed by the Governor and serve at his pleasure."

With respect to the six public members presently serving, this provision shall take effect upon their resignation or the expiration of their respective terms, whichever first occurs.

4. The designation of this Agency as the "State Planning Agency" within the meaning of the Omnibus Crime Control and Safe Streets Act of 1968 is reaffirmed and adopted and the Agency shall also carry out such State planning functions as may be required under the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

5. At the direction of the Governor, and in addition to any duties and responsibilities invested in the Agency heretofore, the Agency shall perform such other duties with respect to, and shall administrate, coordinate and implement, any federal or State program in the area of law enforcement planning and crime prevention as the Governor shall assign to it. Such powers and duties to act at the direction of the Governor in the area of law enforcement planning and crime prevention shall include authority to receive and administer federal and/or State funds, including both monies for direct grants and monies provided for matching purposes.

6. All State funds provided to the Agency at the direction of the Governor for the purpose of aiding local law enforcement agencies shall be administered and distributed according to the following guidelines and directions:

(a) The Agency is authorized to make grants of such funds at direction of the Governor to political subdivisions of this State, and law enforcement agencies thereof, which make application for the same, after it shall be satisfied that such grant and the local matching funds hereinafter described shall be used for any one of the following purposes, which shall be additional to the law enforcement program or functions of the local entity at the time of such grant:

(i) Public protection, including the development, evaluation, implementation and purchase of methods, devices, facilities and equipment designed to improve or strengthen law enforcement and reduce crime in public and private places.

(ii) The recruiting and hiring of law enforcement personnel and the training of personnel in law enforcement.

(iii) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding and cooperation with law enforcement agencies.

(iv) Purchase, lease, renovation or construction of buildings or other physical facilities designed to facilitate, improve and strengthen law enforcement, including, but not limited to, police stations, substations or precinct police facilities, located in decentralized areas of a political subdivision where particular need exists, crime prevention, limitation or potential civil disorders and the enhancement of police-community relations.

(v) The organization, education and training of regular law enforcement officers, special law enforcement units and law enforcement reserve units for the prevention, detection and control of riots and other civil disorders, including acquisition of riot control equipment.

(vi) The augmentation or supplementation of salaries and other compensation of law enforcement personnel.

(b) Grants of State funds hereunder may also be made for the planning and preliminary staffing and administrative expenses associated with projects and programs in the categories set forth in subsection (a) of this Section. Such funds may be used by the local entities as part of the local matching share required by Federal Act if the Federal-local project or program is within the categories set forth in subsection (a) of this Section.

(c) All applications made by political subdivision shall be made on behalf of and signed by the chief executive officer of such subdivision. The Agency by rule and regulation shall prescribe the form and manner of applications and the method of accounting to the Agency for funds received hereunder and the results of all projects and programs.

(d) All grants made by the Agency shall be upon the condition that the political subdivision involved shall provide additional locally-raised funds for accomplishing the purposes of the grant amounting to at least one-half of the grant made by the Agency.

(e) All grants shall be made with a view to the comprehensive plan developed by the Agency pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 and to the extent deemed advisable by the Agency, with approval of the Governor, such grants shall be in accordance with the priorities established by such plan.

7. In all other respects prior Executive Order Number 37, dated August 20, 1968, is reaffirmed and continued in effect.

Approved this 22nd day of May, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 801
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVEN

TO: Heads of all State Departments and Agencies

SUBJECT: Implementation of the Governor's Task Force On
Government Reorganization

WHEREAS, House Bill No. 91 of the 125th General Assembly (hereinafter "the Act"), approved April 25, 1969, created the Governor's Task Force on Government Reorganization (hereinafter "Task Force"); and

WHEREAS, it is desirable to appoint the members of such Task Force and prescribe its duties and responsibilities and set guidelines for its operation in the work or reorganizing the Executive Branch of the State Government:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Task Force shall consist of the following persons:

E. Norman Veasey, Chairman
Mrs. Morton H. Golby, Secretary
Dr. Harold C. Brown
Honorable William L. Frederick
Honorable Everette Hale
Charles K. Keil, Esquire
Halsey G. Knapp
Dr. Robert H. Parker
Ben P. Young

2. The Task Force shall study the appropriate methods for implementing the consolidation of the existing agencies of the

executive branch of the government and the establishment of a cabinet form of government, in accordance with the public policy stated in the Act.

3. The Task Force shall keep records of its proceedings and make the same available at all times to the Governor and his staff.

4. The Task Force shall make reports and recommendations, including drafts of required legislation on the implementation of the purposes of the Act and this Executive Order at such times and in such form as the Governor may request; provided, however, that in any event, the chairman of the Task Force shall submit to the Governor the following progress reports in such form as the chairman shall determine on or before the following dates:

(a) Preliminary report, no later than July 1, 1969.

(b) Completed recommendation, including draft enabling legislation for the creation of at least two Cabinet Departments, no later than October 15, 1969.

(c) Preliminary plan for total implementation of the purposes of the Act and this Executive Order, no later than December 1, 1969.

5. The Task Force shall work with the appropriate committee of the General Assembly once its recommendations are in final form and approved by the Governor. This shall include especially any committee or joint committee that may be established by the General Assembly to deal with this specific subject.

6. The chairman of the Task Force is hereby authorized to employ such personnel, staff and consultants, upon such terms and conditions, within the appropriations authorized by law, as he shall determine in his discretion.

7. All State agencies, boards, commissions, and departments shall make available to any member of the Task Force or any other person duly authorized by the chairman of the Task Force, all records, books, accounts, documents or any other information thereof, except to the extent that disclosure of any such information shall be otherwise prohibited by law and the personnel of all such agencies, boards, commissions, and departments are

directed to cooperate with the members of the Task Force and its authorized personnel in providing the Task Force with the information which it shall require.

8. The existence of the Task Force shall cease on December 31, 1970, unless extended by act of the General Assembly.

Approved this 23rd day of June, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 802
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHT

TO: Heads of all State Departments and Agencies

SUBJECT: Implementation of Legislation Regarding State Agencies Dealing with Businesses Which Have not Paid Their State Taxes

WHEREAS, House Bill 304, which is now Section 307, Title 30 of the Delaware Code, provides that no State agency may make, pay or authorize any payments or orders in excess of \$2,000 to any business association or corporation which has not paid its State taxes; and

WHEREAS, House Bill 304 does not provide for the definition of tax clearance and the administrative handling of the provisions of the bill:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Tax clearance as used in House Bill 304 means a form prepared and executed by the Tax Department certifying that the person seeking payment (a) has in effect a valid state license required for the transaction involved; and (b) that there is not pending and unpaid any assessment or determination of tax liability by the Tax Department; and (c) that the Tax Department has no knowledge or reason to believe that there are any other taxes unpaid and owing.

2. In those cases where a business association or corporation is unable to obtain tax clearance, such association or corporation may obtain tax clearance by adhering to the following procedure:

If the Tax Department indicates that a person seeking payment has not paid all taxes due, the Tax Department shall specify the amount that is unpaid. If the person pays that amount to the Tax Department under protest and seeks a refund, the Tax Department shall repay such portion of such amount as shall be determined not to be subject to tax liability as a result of a negotiated settlement or a final determination by the State Tax Board and/or the Court. In the event of such payment under protest, the State Tax Department shall indicate for purposes of House Bill 304 that such person has paid all taxes due.

Approved this 7th day of July, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 803
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER NINE

TO: Heads of all State Departments and Agencies

RE: Prohibition Against Discriminatory Practices

WHEREAS, it is the law of the State of Delaware and the firm policy of this administration to insure that discriminatory practices based on race, religion, color, sex, age or national origin not be allowed to exist in any State Department or Agency.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. No State Department or Agency shall practice or tolerate the existence of such discriminatory practices with regard to any aspect of employment, treatment of employees, services rendered, or facilities supplied by such Department or Agency.

2. The Boards or chief administrator of each State Department or Agency shall adopt, prior to September 1, 1969, resolutions affirming scrupulous compliance with the above-stated policies. All such resolutions should be forwarded to the State Human Relations Commission.

3. The attached document entitled "Executive Order" shall be posted in such conspicuous place or places so that its contents may be readily read by all employees. Each Department or Agency shall take additional steps as necessary to insure that all its employees are made aware of the contents of this order and comply with its mandate.

4. All complaints concerning discriminatory practices shall be filed with the State Human Relations Commission, 2407 Lancaster Avenue, Wilmington, Delaware 19805.

Approved this 15th day of July, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 804
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TEN

TO: Governor's Inter-Agency Coordinating Committee on Mental Retardation; Governor's Coordinating Committee for Health, Education and Welfare; and United States Department of Health, Education and Welfare.

SUBJECT: Clarifying Executive Order Number Two, which disbanded the Governor's Inter-Agency Coordinating Committee on Mental Retardation and transferred its functions.

WHEREAS, mental retardation directly affects the lives of many thousands of Delaware citizens and constitutes a major concern of this State; and

WHEREAS, by Executive Order No. 21, dated April 14, 1966, the Governor's Inter-Agency Coordinating Committee on Mental Retardation was established; and

WHEREAS, by Executive Order No. 2, dated March 31, 1969, that Committee was disbanded and its functions transferred to the Department of Mental Health; and

WHEREAS, questions have arisen concerning Executive Order No. 2 and it is deemed advisable to clarify its contents.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, hereby revoke and rescind Executive Order No. 21 dated April 14, 1966, and disband the Governor's Inter-Agency Coordinating Committee on Mental Retardation; and

I further revoke and rescind Executive Order No. 2 dated March 31, 1969.

The Governor's Coordinating Committee on Health, Education and Welfare is hereby declared to perform the tasks heretofore performed by the Governor's Inter-Agency Coordinating Committee on Mental Retardation as an interim measure until the reorganization of the Executive Branch of Government takes place.

The Department of Mental Health shall employ a professional to direct community mental retardation programs within the Department.

Approved this 21st day of July, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 805
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER ELEVEN

TO: Heads of all State Departments and Agencies

RE: Designation of the University of Delaware as the State Agency in Delaware to Carry Out the Provisions of Title VIII of the National Housing Act of 1964 (P.L. 88-560)

WHEREAS, Title VIII of the National Housing Act of 1964 (P.L. 88-560, 20 U.S.C. 801) establishes a program to assist states and the instrumentalities of their political subdivisions through training of elected officials, community development and policy making groups, and employees of local governments as well as professional planners and those desiring formal training in planning and related fields; and

WHEREAS, Section 802, subsection (b) of the National Housing Act of 1964 requires formal designation by the Governor of the State agency as the applicant State agency to receive Federal grants for programs.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That the University of Delaware is hereby named and designated for the purposes of carrying out the provisions of Title VIII of the National Housing Act of 1964 (P.L. 88-560), as the State agency in Delaware to administer educational programs dealing with urban problems to lay and professional persons as designated under the law.

2. That the University of Delaware shall serve as the State agency in Delaware to effectuate the purposes of Title VIII as

set forth in Sections 802, subsection (b) and 804 and to receive grants authorized under Section 802, subsections (a) and (c).

Approved this 1st day of August, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 806
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWELVE

TO: Heads of all State Departments and Agencies

RE: Designation of the Delaware State Planning Office as the State Agency in Delaware to Carry Out the Provisions of Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 (P.L. 754).

WHEREAS, the rapid urbanization of our State is causing heavier and heavier demands to be placed upon local governments for improved and expanded public facilities and services necessary to the solution of critical physical, social and economic problems in our urban areas; and

WHEREAS, there is great need in our State for information and data on urban needs and assistance programs and activities and for technical assistance to small communities for the solution of urban problems; and

WHEREAS, the increasing number and magnitude of Federal, State and local assistance programs that affect urban development require considerable technical information and statistical data not readily available to local communities; and

WHEREAS, the Demonstration Cities and Metropolitan Development Act of 1966 (P.L. 754) establishes a program to assist states and the instrumentalities of their political subdivisions to make available information and data on urban needs and assistance programs and activities and to provide technical assistance to small communities with respect to solving urban problems; and

WHEREAS, Section 905 of the Demonstration Cities and Metropolitan Development Act requires formal designation by the Governor of the State agency as the applicant State agency to receive Federal grants for programs.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That the Delaware State Planning Office is hereby named and designated for the purposes of carrying out the provisions of Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 (P.L. 754) in Delaware to make available information and data on urban needs and assistance programs and activities, to provide technical assistance to small communities as designated under the law.

2. That the Delaware State Planning Office shall serve as the State agency in Delaware to effectuate the purposes of Title IX as specifically set forth in Section 901 and to receive grants authorized under Sections 902 and 903 of the Demonstration Cities and Metropolitan Development Act of 1966.

Approved this 1st day of August, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 807
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTEEN

TO: Heads of all State Departments and Agencies
RE: Modification of Executive Order Number Eight
regarding State Agencies Dealing with Businesses
Which Have Not Paid Their State Taxes.

WHEREAS, the administration of House Bill 304, now Section 307, Title 30 of the Delaware Code, in conjunction with Executive Order Number Eight, signed July 7, 1969, has created some minor technical problems; and

WHEREAS, it has become desirable to amend Executive Order Number Eight to alleviate these technical problems:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The paragraph numbered "1" in Executive Order Number Eight is stricken and is amended to read as follows:

1. Tax clearance as used in House Bill 304 means a form prepared and executed by the Tax Department certifying that there is not pending and unpaid any assessment or fees or determination of tax liability by the Tax Department against the person seeking such payment or order.

2. The second paragraph of the section of Executive Order Number Eight which is designated "2" is amended to include the words "or order" following the words "seeking payment".

Approved this 19th day of August, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 808
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FOURTEEN

TO: Heads of all State Departments and Agencies

RE: Establishment of a Governor's Council on Science
and Technology

WHEREAS, it is of paramount importance that the Governor and officials of all State agencies be kept informed regarding the latest scientific and technological advances so that they can benefit from their adaptation, if desirable, to State government and the solution of problems; and

WHEREAS, such information is extremely complex and its utilization demands involvement by persons trained in the disciplines concerned; and

WHEREAS, the State of Delaware's economic future and well-being require the best use of all available information; and

WHEREAS, it is essential that the State government be in the position to work with governmental and private programs that offer benefits to the people of Delaware:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That there is hereby created and established the Governor's Council on Science and Technology. The Governor will appoint a chairman and members to serve on this Council, selecting them from among qualified persons living or working within the State, with extensive experience in the disciplines most pertinent to the responsibilities of the government of the State of Delaware. They shall meet periodically at the call of the Governor.

2. The Governor's Council on Science and Technology shall have as its primary mission advising the Governor, and the Executive Branch of State government, on the role of science and technology in promoting the economic growth of Delaware and enhancing the well-being of its citizens.

3. More specifically, the Council shall consult with designated departments of the government of the State of Delaware on specific technical problems of concern to them. Further, the Council shall provide guidance on linkages and cooperation between State and federal governments relating to important scientific and technological development programs.

4. To ensure adequate coordination between the Council and activities involving the State government, liaison members will be designated for appropriate agencies.

Approved this 11th day of September, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 809
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FIFTEEN

TO: Heads of all State Departments and Agencies

RE: Continuation of the Office of Federal-State Highway Safety Coordinator

WHEREAS, the burden, grief and costs of deaths, personal injuries and property damage resulting from motor vehicle accidents upon our Nation's and State's highways have reached intolerable proportions; and

WHEREAS, it is recognized by the State of Delaware that positive State action is required to meet this serious problem; and

WHEREAS, the previous administration established the Office of Federal-State Highway Safety Coordinator and issued Executive Order Number 35, which provided for a program of unification and coordination of State and local efforts to reduce highway deaths, personal injuries and property damage; and

WHEREAS, it is desirable to continue the office of Federal-State Highway Safety Coordinator and to continue, and where possible, expand the program of improved highway safety:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That the office of Federal-State Highway Safety Coordinator be continued under the guidance of the Governor, this program to provide for the unification and coordination of State and local efforts in the ongoing effort to reduce highway deaths, personal injuries and property damage.

2. That the Governor shall appoint the Federal-State Highway Safety Coordinator, who shall serve as administrator of the State Highway Safety Office.

Approved this 11th day of September, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 810
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SIXTEEN

TO: Heads of all State Departments and Agencies
RE: Establishment of Governor's Economic Advisory Council

WHEREAS, the State of Delaware each year collects and disburses millions of dollars in order to provide the programs and services desired by its citizens; and

WHEREAS, in the past it has been customary to appoint short-term committees to undertake specific assignments when revenue problems developed; and

WHEREAS, the most recent of those committees, one headed by Robert W. Tunnell, Esquire has completed its work and no longer exists; and

WHEREAS, there is a need for a group of knowledgeable persons to conduct fiscal studies on a long-range and continuing basis and to advise the Governor and other state agencies on economic questions; and

WHEREAS, nowhere in the State of Delaware does there exist an official estimate of revenues that can be used by all concerned as a guide:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That there is established the Governor's Economic Advisory Council, to consist of a Chairman and other members appointed by the Governor and to serve at his pleasure.

2. That this Council include among its functions the following:

(a) Carry on a continuing long-range study of the State's revenue sources, making suggestions when necessary for increases or reductions in taxation.

(b) Oversee the collection of revenues under existing statutes, serving in an advisory capacity to the State Tax Department and its Commissioner.

(c) Issue each year, during the first week of January, an estimate of anticipated revenue for the upcoming fiscal year. This estimate shall be made public.

(d) Act in a general advisory capacity to the Governor, State Tax Department, and other State fiscal agencies.

(e) Monitor the input from the most recently enacted tax programs so that information will be available upon which future decisions can be based.

(f) From time to time undertake special assignments as requested by the Governor.

Approved this 2nd day of October, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 811
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTEEN

TO: Heads of all State Departments and Agencies
RE: Preparation and Distribution of Annual Reports

WHEREAS, most agencies are required by law to submit annual reports and others do so voluntarily; and

WHEREAS, there are no guidelines to serve the agencies in the preparation of these reports, resulting in a wide variety of quality and usefulness as well as a wide range of costs involved; and

WHEREAS, the Governor's Economy Committee has pointed out that annual reports prepared according to specific guidelines can be of considerable value to the Governor, Budget Director, and the General Assembly, among others; and

WHEREAS, the Governor's Economy Committee has made specific recommendations on guidelines which agencies might follow in preparing and distributing annual reports:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That State agencies are urged to issue annual reports and to adhere to the following guidelines in their preparation and distribution:

(a) The objective of the annual report is to inform the Governor, the General Assembly, other State agencies and the public of the costs and benefits, goals, accomplishments and problems

of the reporting agency or office. The report should be brief, factual, and to the point, and it should be designed to transmit information rather than serve the purpose of a promotional publication.

(b) A statistical summary should show the agency's budget, supplemental appropriations (if any), actual expenditures, revenues (if any), and number of employees by year for the past three years as well as a forecast of expenditures, revenues (if any), and employees for the next five years. Explanations should be provided for supplemental appropriations.

(c) The written portion of the report should state briefly the statutory responsibility of the agency plus its major programs, accomplishments, goals, and problems. The emphasis should be on the future rather than on the past, and any forecast of substantial growth or decline in expenditures should be explained.

(d) The report should be submitted not later than three months after the close of the fiscal year so that it will be of value in preparation of the next year's budget.

(e) All members of the General Assembly, the Governor, Lieutenant Governor, Budget Director, Auditor of Accounts, and other interested agency officials should receive copies. A limited number of copies for additional distribution should be prepared, and requests for such reports by the public and/or press should be honored.

(f) The report should be typewritten on standard sized paper and reproduced by the most economical means, considering the number of copies needed for distribution to all related functions and interested parties.

Approved this 23rd day of October, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 812
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTEEN

TO: Heads of all State Departments and Agencies
RE: Establishment of Uniform Leave Rules For Ex-
empt Employees

WHEREAS, there has been a lack of uniformity in leave rules applied by State agencies; and

WHEREAS, no statutory or other guidelines exist to assist agencies in achieving uniformity among all State agencies of leave rules for exempt employees; and

WHEREAS, it is desirable to establish uniform leave rules for all State agencies and exempt employees; and

WHEREAS, it is desirable to make these leave rules similar to the rules which apply to senior merit system or non-exempt employees:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. That State agencies are urged to follow the following guidelines for non-exempt employees in establishing leave rules for those employees.

VACATION LEAVE

(A) $1\frac{3}{4}$ work days per month (21 days per year) with maximum accumulation of 42 days.

SICK LEAVE

(B) $1\frac{1}{4}$ work days per month (15 days per year) with maximum accumulation of 90 days.

TERMINAL PAY

(C) (i) All unused vacation pay.

(ii) Sick leave:

- (i) At retirement under the State Pension Law at the rate of one day's pay for each two days of unused leave.
- (ii) If laid off without prejudice for lack of work, at the rate of one day's pay for each two days of unused leave.
- (iii) In the event of death of the employee, payment shall be made to his estate at the rate of one day's pay for each day of unused leave.

Approved this 31st day of December, 1969.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 813
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER NINETEEN

TO: Heads of all State Departments and Agencies
RE: Notification of Intent to Apply for Federal Grant-in-Aid Assistance

WHEREAS, the Intergovernmental Cooperation Act of 1968 (P.L. 90-577) establishes procedures whereby applicants for some Federal aid programs are required to notify the appropriate Clearing-house of their intent to apply for Federal grants-in-aid; and

WHEREAS, the intent of the Act is to take into account all viewpoints — national, regional, State and local — “in planning Federal or Federally assisted development programs and projects;” and

WHEREAS, not all Federal assistance programs are covered by this Act, thus diminishing the efficacy of the Act; and

WHEREAS, requiring all State agencies and departments in Delaware to give notification of intent to apply for financial assistance under any Federal program would result in increased assurance that Federal grants-in-aid are consistent with State comprehensive planning efforts:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

That *all* State departments and agencies shall, before making formal application for any Federal funds, notify in writing the Office of the Governor, the Delaware State Planning Office, and the State Budget Director's Office.

Approved this 7th day of January, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 814
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of Health and
Social Services

WHEREAS, Volume 57, Laws of Delaware, Chapter 301, creates the Department of Health and Social Services; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date the Governor signs an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 301, on the date that the Secretary of this Department will take his oath of office, said date being March 16, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 301, shall henceforth be considered to be in full force and effect as of March 16, 1970.

Approved this 19th day of February, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 815
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY-ONE

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of Natural Resources and Environmental Control

WHEREAS, Volume 57, Laws of Delaware, Chapter 302, creates the Department of Natural Resources and Environmental Control; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date the Governor signs an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 302, on the date that the Secretary of this Department will take his oath of office, said date being March 2, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 302, shall henceforth be considered to be in full force and effect as of March 2, 1970.

Approved this 19th day of February, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 816
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY-TWO

TO: Heads of all State Departments and Agencies
RE: Uniform Hours of Work

WHEREAS, Senate Bill No. 455, recently signed into law, and which provided salary increases for employees in the classified service, also provided that the standard work week for such employees shall be 37½ hours, *effective as of April 1, 1970*; and

WHEREAS, the primary purpose of government is to serve the public, and the public can best be served by the maintenance of uniform hours of work to the extent that this is administratively feasible, and by insuring that State government personnel can be readily reached during working hours:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. As of April 1, 1970, the standard work week for employees of the Executive Branch of the State of Delaware shall be 37½ hours.
2. The standard hours of work for such employees shall be from 8:00 a.m. to 4:30 p.m., with a one hour lunch period. These standard work hours shall become effective May 1, 1970, to allow time for gradual implementation.
3. Lunch periods shall be so scheduled that there shall be no interruption in service to the public. In no case shall any agency's central telephone be unmanned during the standard operating hours of the agency.

4. Exceptions to this schedule may be made upon express approval of the Governor, based upon a finding that service to the public would better be served by such exception.

5. Requests for exception shall be in letter form, addressed to the Governor, setting forth the conditions and services that motivate the request, the nature of the institution or agency and/or type of function and personnel for whom exception is requested.

6. Requests for exception will be reviewed by a special work committee consisting of the Executive Assistant to the Governor, serving as Chairman, the Budget Director, and the Director, State Personnel Commission. Upon review of their recommendations, the Governor will make a finding and notify the agency of approval, modification, or disapproval of each such request.

7. Except for approved exceptions, the uniform hours of work promulgated in this order shall be observed by all employees of all State agencies.

8. This order shall not apply to the University of Delaware, Delaware State College, Delaware Technical and Community College, local school districts or the uniformed members of the Delaware State Police. Other exceptions may be granted by the Governor, as spelled out above, if in his judgment the best interest of the State would be served thereby.

Approved this 23rd day of March, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 817
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY-THREE

TO: Heads of all State Departments and Agencies
RE: Summer Employment

WHEREAS, the administration of the special program of jobs for youth is vested in the Jobs Development Division of the State Development Department; and

WHEREAS, State employment of less than 90 days duration is exempt from the classified service of the State Merit System; and

WHEREAS, it is in the best interests of the people of the State that opportunity for summer employment be shared by all of its citizens:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. All openings in State agencies for summer employment shall be placed by such agencies at the earliest possible date with the Jobs Development Division, State Development Department, 701 Shipley Street, Wilmington.
2. Applicants for summer jobs will be requested to register at the offices of the State Employment Security Commission in either Wilmington, Dover or Georgetown. For those under 22, in Wilmington only, registration will be handled by the Youth Opportunity Center.
3. Referrals to jobs will be made by the Jobs Development Division after appropriate consultation with the agencies in-

volved. Where commitments for employment have been made by State agencies prior to the issuance of this Order, this fact shall be considered by the Jobs Development Division in making referrals.

4. The Chairman-Executive Director, Employment Security Commission, and the Director, State Personnel Commission, are hereby directed to give all possible assistance to the Jobs Development Division in the implementation of this Order.

Approved this 25th day of March, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 818
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY-FOUR

TO: Heads of all State Departments and Agencies
RE: Limiting Expenditures for Remainder of Fiscal
Year Ending June 30, 1970.

WHEREAS, we must be constantly vigilant to assure wise and prudent expenditures of State funds; and

WHEREAS, sound fiscal management requires that we have an adequate cash balance in the General Fund on June 30, 1970;

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Hiring Moratorium stipulated in Executive Order Number Five dated April 15, 1969, shall be continued. Exceptions shall be granted only in cases of critical need.

2. For the period May 1, 1970 to June 30, 1970, total expenditures of General Fund non-salary appropriations shall be limited to 50 per cent of the total unencumbered balance available April 30, 1970. Any exceptions must be approved by the Budget Director.

Approved this 1st day of May, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 819
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER TWENTY-FIVE

TO: Heads of all State Departments and Agencies
RE: Delaware Agency to Reduce Crime

WHEREAS, by his Executive Order Number Six of May 22, 1969, Governor Russell W. Peterson, created the Delaware Agency to Reduce Crime; and

WHEREAS, it is the Governor's goal to cut in half the rate of violent crime by 1980 and to have an intermediate goal of cutting it by 25 per cent by 1976; and

WHEREAS, there is a need for one agency to coordinate the many functions of federal, state, local and private groups and agencies for the purposes of attaining those goals; and

WHEREAS, there is a need to retain the services of professional consultants and analysts, particularly to apply systems analysis methodically to reduce crime in Delaware; and

WHEREAS, it has become desirable to enlarge the membership of the agency; and

WHEREAS, it has become necessary to redefine the role of the U.S. Attorney in the agency.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby amend Executive Order of May 22, 1969, designated as Executive Order Number Six and expand its contents in the following particulars:

1. Paragraph 2 of Executive Order Number Six is amended by adding the following new ex officio members: 2 members shall be designated by the Secretary of the Department of Health and Social Services. One of these members shall work in the area of adult corrections and the other shall work in the area of youth corrections. The listing of ex officio members is further amended by adding thereto the Secretary of the Department of Public Safety.

2. Paragraph 3 of the prior Order is amended by striking the number 12 and substituting the number 14 therefor as it appears in that paragraph.

Paragraph 3 is further amended by adding the following new paragraph thereto:

"3A. All members shall have full voting rights on all questions brought before the Agency with the exception of the United States Attorney who shall abstain from voting on questions involving the final disposition of Federal funds. The proxy vote of an absent ex officio member shall be counted if the substitute casting the vote is an associate or employee of the absent member. A substitute shall not cast more than one proxy vote."

3. Paragraph 5 of the prior Order is amended by adding thereto the following new sentences:

"The Agency shall be responsible for assisting the Governor in stimulating and coordinating the many functions of federal, state, local and private agencies and groups toward attaining a goal of cutting in half the rate of violent crimes in Delaware by 1980 and an intermediate goal of curtailing such violent crimes by 25 per cent by 1976. The Agency shall also establish the means of measuring the rate of the violent crime and report it semi-annually to the Governor. Such coordination shall involve a two pronged attack on crime; (1) improving the effectiveness of our police, courts and correctional agencies in dealing with offenders and (2) reducing the basic causes of crime and delinquency. In connection with this coordination, the Agency is empowered and directed to retain such professional help as is necessary for the attainment of these goals. The Agency shall endeavor to make

provision for the application of systems analysis to reduce crime in this State."

Approved this 27th day of April, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 820
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY-SIX

TO: Heads of all State Departments and Agencies

RE: Delaware Commission on Organized Crime

WHEREAS, Delaware appears to be comparatively free of organized crime; and

WHEREAS, law enforcement agencies in neighboring states are making it increasingly difficult for organized criminal activities to continue in their states; and

WHEREAS, Delaware does not wish to become a refuge or resting place for organized criminals or their activities; and

WHEREAS, there is a need for local law enforcement agencies, county, state and federal, to work together in the area of sharing information so as to prevent the intrusion of organized crime in Delaware; and

WHEREAS, such an agency may be helpful in developing new approaches for fighting organized crime.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

1. There is hereby established a Delaware Commission on Organized Crime.

2. The ex officio members of the Commission shall be as follows: the Superintendent of the Delaware State Police, the Commissioner of Public Safety of the City of Wilmington, the

Director of the New Castle County Police, the Attorney General of the State of Delaware, the United States Attorney for Delaware, the Chairman of the Delaware Agency to Reduce Crime, and the Counsel to the Governor.

3. In addition, the Commission shall include up to four (4) members concerned with activities in this area, representing various other agencies, governmental and private, who shall be appointed by the Governor and serve at his pleasure.

4. The Governor shall select from among the members of the Commission a Chairman, who shall serve at his pleasure.

5. The Commission shall meet as often as is necessary for it to share whatever information may be of interest or concern to the members of the Commission.

6. The Commission shall also consider possible projects for executive and legislative action designed to prevent the intrusion of organized crime and criminals into Delaware. The Commission shall also consider any other matters that the Governor may from time to time refer to it.

7. The Commission shall have the authority to receive and administer any state or other funds which may be appropriated or received to enable the Commission to operate.

Approved this 28th day of April, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 821
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY-SEVEN

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of Agriculture

WHEREAS, Volume 57, Laws of Delaware, Chapter 368, creates the Department of Agriculture; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date the Governor signs an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 368, on the date that the Secretary of this Department will take his oath of office, said date being May 6, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 368, shall henceforth be considered to be in full force and effect as of May 6, 1970.

Approved this 4th day of May, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 822

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER TWENTY-EIGHT

TO: Heads of all State Departments and Agencies

RE: Coordinating Committee for the Study of Education

WHEREAS, the State of Delaware has abolished its commission form of government and adopted a cabinet form of government; and

WHEREAS, this State has important executive responsibilities in the field of education which should be carefully studied in the context of executive reorganization;

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. A Coordinating Committee for the Study of Education is established for the purpose of preparing proposals as to how existing agencies in elementary, secondary and higher education might be related to a cabinet form of government;

2. The Coordinating Committee shall consist of the following persons:

E. A. Trabant, President, University of Delaware
James M. Tunnell, Jr., President of Board of Trustees, University of Delaware
Luna I. Mishoe, President, Delaware State College
John N. McDowell, President of Board of Trustees, Delaware State College
Paul K. Weatherly, Executive Director, Delaware Technical and Community College

William C. Kay, Chairman of Board of Trustees, Delaware
Technical and Community College

Joshua T. West, President of Delaware School Boards Asso-
ciation

Jack V. Irion, President of Chief School Officers

Robert H. McBride, President of State Board of Education

Kenneth C. Madden, Superintendent of Public Instruction

Harry C. Stephan, Superintendent, New Castle County Vo-
cational-Technical School representing the Vocational-
Technical Districts

Senator Louise T. Conner, Chairman of Senate Education
Committee

Representative Clarice U. Heckert, Chairman of House Edu-
cation Committee

The following six members to represent the public at large:

Mrs. James L. Morgan

Mrs. R. H. Greenwell

The Reverend E. Felton May

Ernst Dannemann

Mrs. John Farquhar

Bruce O. Kallos

3. The Committee which shall be called together by Dr. Rob-
ert H. McBride shall select its own chairman and secretary from
among its members.

4. The Committee shall prepare an interim report and a
final report and submit them to the Chairman of the Governor's
Task Force on Government Reorganization. The interim report
shall be due on or before September 1, 1970, and the final report
shall be due on or before November 16, 1970. The Committee shall
submit such other reports and may consult with the Task Force
and such other persons or agencies as it deems necessary or de-
sirable.

Approved this 10th day of June, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 823
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWENTY-NINE

TO: Heads of all State Departments and Agencies
RE: Governor's Youth Council

WHEREAS, there is a need to more fully involve young people in the orderly processes of government; and

WHEREAS, it is vital that the Governor and officials of State government be well-informed about the opinions, concerns, and suggestions of the young people of Delaware; and

WHEREAS, opportunities which will prepare them for the important responsibilities of citizenship should be encouraged; and

WHEREAS, an understanding of the functions and goals of State government can best be obtained through direct contact and participation; and

WHEREAS, many young people in Delaware have already expressed their desire and willingness to be of service to this State.

NOW, THEREFORE, I, Russell W. Peterson, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. There is hereby created and established a Governor's Youth Council composed of one person appointed from each representative district of the General Assembly and not more than eleven (11) at-large members.

2. The members shall be appointed by the Governor and shall be residents of the State of Delaware and between the ages of fourteen (14) and twenty-five (25) years.

3. The terms of the members shall be staggered. Those appointees from the odd-numbered representative districts and the first five (5) at-large members appointed shall initially serve for a term of one (1) year. Appointees from the even-numbered representative districts and the remaining at-large members appointed shall serve for a term of two (2) years. Thereafter, all new appointees shall serve for a term of two (2) years. Any appointment 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.

4. The chairman shall be selected by the Governor from among three (3) persons nominated by vote of the Council and shall serve for a term of one (1) year.

5. All other offices shall be determined and filled by the Council according to its Constitution and By-Laws.

6. The duties of the Council shall be:

(a) to meet with the Governor at least twice each year to advise him of those matters and issues of concern to young Delawareans.

(b) to promote and encourage public and state interest in the problems and views of young people.

(c) to encourage young Delawareans to actively participate and become informed in the affairs of State and local government.

(d) to represent the youth of Delaware upon the request of the Governor or officials of his administration at appropriate meetings and events.

(e) to undertake those projects upon the request of the Governor or officials of his administration which the Council feels will be of service and interest to the people of Delaware.

(f) to initiate those programs and studies which the Council feels will broaden its own understanding of State government

and/or which will be of service to the people and government of Delaware.

7. The Council shall make periodic reports to the Governor at such time and in such form as the Governor shall direct.

Approved this 14th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 824
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of Public Safety

WHEREAS, Volume 57, Laws of Delaware, Chapter 382, creates the Department of Public Safety; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date the Governor signs an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 382, on the date that the Secretary of this Department will take his oath of office, said date being August 5, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 382, shall henceforth be considered to be in full force and effect as of August 5, 1970.

Approved this 20th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 825
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY-ONE

TO: Heads of all State Departments and Agencies

RE: Effectuation of the Department of Finance

WHEREAS, Volume 57, Laws of Delaware, Chapter 549, creates the Department of Finance; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date which the Governor designates in an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 549, on the date that the Secretary of this Department will take his oath of office, said date being August 5, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 549, shall henceforth be considered to be in full force and effect as of August 5, 1970.

Approved this 20th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 826
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY-TWO

TO: Heads of all State Departments and Agencies

RE: Effectuation of the Department of Labor

WHEREAS, Volume 57, Laws of Delaware, Chapter 571, creates the Department of Labor; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date which the Governor designates in an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 571, on the date that the Secretary of this Department will take his oath of office, said date being August 5, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 571, shall henceforth be considered to be in full force and effect as of August 5, 1970.

Approved this 20th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 827
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY-THREE

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of Highways and
Transportation

WHEREAS, Volume 57, Laws of Delaware, Chapter 514, creates the Department of Highways and Transportation; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date which the Governor designates in an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 514, on the date that the Secretary of this Department will take his oath of office, said date being August 5, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 514, shall henceforth be considered to be in full force and effect as of August 5, 1970.

Approved this 20th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 828
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER

NUMBER THIRTY-FOUR

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of Administrative Services

WHEREAS, Volume 57, Laws of Delaware, Chapter 581, creates the Department of Administrative Services; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date which the Governor designates in an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 581, on the date that the Secretary of this Department will take his oath of office, said date being August 5, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 581, shall henceforth be considered to be in full force and effect as of August 5, 1970.

Approved this 20th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 829
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY-FIVE

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of Community
Affairs and Economic Development

WHEREAS, Volume 57, Laws of Delaware, Chapter 583, creates the Department of Community Affairs and Economic Development; and

WHEREAS, Section 2 of that Act states that the provisions of the said Act "shall become effective on the date which the Governor designates in an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 583, on the date that the Secretary of this Department will take his oath of office, said date being August 5, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 583, shall henceforth be considered to be in full force and effect as of August 5, 1970.

Approved this 20th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 830
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY-SIX

TO: Heads of all State Departments and Agencies
RE: Effectuation of the Department of State

WHEREAS, Volume 57, Laws of Delaware, Chapter 623, creates the Department of State; and

WHEREAS, Section 2 of that Act states that the provisions of said Act "shall become effective on the date which the Governor designates in an Executive Order stating that he has found it administratively feasible to implement" the provisions of that Act; and

WHEREAS, the Secretary of the Department of State is the Secretary of State who already has been appointed and confirmed and is presently holding office; and

WHEREAS, there is consequently no need for the present Secretary of State to repeat the oath of office; and

WHEREAS, it is necessary to specify a date on which the new powers of the Department of State shall begin; and

WHEREAS, I find it will be administratively feasible to implement the provisions of 57 Delaware Laws, Chapter 623, on August 5, 1970.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

That all the provisions of 57 Delaware Laws, Chapter 623, shall henceforth be considered to be in full force and effect as of August 5, 1970.

Approved this 20th day of July, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 831
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER THIRTY-SEVEN

TO: Heads of all State Departments and Agencies

RE: Recision of Executive Order Number Five Declaring a Moratorium on Hiring of Personnel

WHEREAS, Executive Order Number Five, approved on April 15, 1969, established a moratorium on the hiring of personnel; and

WHEREAS, this step was taken to slow down state hiring and to reduce costs; and

WHEREAS, with the cabinet form of government it is possible for secretaries to keep track of hiring within their departments and to establish any ground rules they find necessary:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The moratorium on hiring (or "job freeze") contained in Executive Order Number Five is hereby ended.

2. Cabinet secretaries are instructed to take appropriate steps to insure that new employees are hired only as necessary.

Approved this 5th day of August, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 832
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY-EIGHT

TO: Heads of all State Departments and Agencies
RE: Governor's Council on Manpower Affairs

WHEREAS, programs affecting manpower development, are the direct and indirect responsibility of several departments; and

WHEREAS, it is necessary to coordinate these programs in order to increase their effectiveness:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Governor's Council on Manpower Affairs is established as an interdepartmental advisory council for the purpose of coordinating programs affecting manpower development in the State.

2. The Council shall consist of the following persons in their ex-officio capacities:

- (a) Secretary of Labor, chairman
- (b) Director of Employment Services, Department of Labor
- (c) Director of Vocational Rehabilitation, Department of Labor
- (d) Chief of Planning, Research, and Evaluation, Department of Labor
- (e) Director of Economic Development, Department of Community Affairs and Economic Development

(f) Director of Economic Opportunity, Department of Community Affairs and Economic Development

(g) Director of Vocational Education, Department of Public Instruction

3. The Council shall study, research, plan, and advise the Governor, the Secretary of Labor, the Secretary of Community Affairs and Economic Development, and the Superintendent of Public Instruction on methods for improving the coordination and effectiveness of the State's manpower and training programs and shall consider such other matters as may be referred to it by the Governor, the Secretary of Labor, the Secretary of Community Affairs and Economic Development, or the Superintendent of Public Instruction. The Chairman of the Council shall make an annual report to the Governor on the activities of the Council.

Approved this 5th day of August, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 833
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER THIRTY-NINE

TO: Heads of all State Departments and Agencies

RE: Transfer of Delaware Office of Economic Opportunity to the Department of Community Affairs and Economic Development

WHEREAS, by Executive Order Number 46 of December 22, 1964, Governor Elbert N. Carvel created the Office of Economic Opportunity under the Department of Labor and Industrial Relations; and

WHEREAS, the Office of Economic Opportunity has directly administered various programs and has acted as a coordinating office with state, federal, and local agencies; and

WHEREAS, it is desirable to broaden the range of its activities and programs in the interests of furthering greater economic opportunities for economically disadvantaged citizens as expressed in state and federal laws and regulations:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby amend Executive Order Number 46 of December 22, 1964, and declare and order as follows:

1. The Office of Economic Opportunity is continued and its powers, duties, and functions are transferred to and vested in the Department of Community Affairs and Economic Development.

2. Subject to applicable federal laws and regulations, the Secretary of Community Affairs and Economic Development shall appoint and fix the salary of, with the written approval of the

Governor, the Director of the Office of Economic Opportunity, who shall have such powers, duties, and functions as may be assigned by the Secretary of the Department of Community Affairs and Economic Development and such other responsibilities as may be provided by federal laws and regulations.

3. All actions of departments and agencies of the state relating to the federal or state Office of Economic Opportunity shall be coordinated with the Director of Economic Opportunity in the Department of Community Affairs and Economic Development.

Approved this 25th day of August, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 834
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FORTY

TO: Heads of all State Departments and Agencies

RE: Continuation of the Higher Education Loan Program, Established by Executive Order pursuant to the Higher Education Act of 1965, Title IV, Part B as amended and the National Vocational Student Loan Insurance Act of 1965, as amended, with all its powers, including power to enter into contracts on behalf of the Higher Educational Aid Advisory Commission with the U.S. Office of Education, and with private nonprofit agencies for administration of the Student Loan Program.

WHEREAS, by Executive Order Number Twenty-Six approved August 8, 1966, by Governor Charles L. Terry, there was established the Delaware Higher Education Loan Program under Part B, Title IV of the Higher Education Act of 1965, and authority was given it to contract for the guaranteeship of loans with any administering agencies such as the United Student Aid Funds, Incorporated, a nonprofit corporation; and

WHEREAS, by letter dated January 10, 1966, from Governor Terry to the U.S. Office of Education the University of Delaware was designated as the State's agent to receive Federal funds available in accordance with the Higher Education Act of 1965, as amended; and

WHEREAS, by Executive Order Number Twenty-Eight dated April 25, 1967, the Higher Educational Aid Advisory Commission of Delaware was designated as the State's official agent to receive Federal funds in place of the University of Delaware,

under the Higher Educational Act of 1965, as amended, and under the Vocational Student Loan Insurance Act of 1965; and

WHEREAS, by the said Executive Order Number Twenty-Eight, the Directors of the Delaware Higher Education Loan Program were given authority to negotiate and prepare all contracts and agreements including those to be signed with private nonprofit agencies or organizations, such as the United Student Aid Funds, Inc., such contract and agreement to be signed by the Director of the Higher Education Loan Program on behalf of the Higher Educational Aid Advisory Commission; and

WHEREAS, it is deemed desirable to continue the Delaware Higher Education Loan Program with all its present powers administered by the Director, and two Assistant Directors, appointed by the Governor, and to continue the authority of the Delaware Higher Educational Advisory Commission as the official agent to receive Federal funds under the Higher Educational Act of 1965, as amended, and the National Vocational Student Loan Insurance Act of 1965, as amended.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authroity vested in me, as Governor of the State of Delaware, do hereby order that the Delaware Higher Educational Aid Advisory Commission shall continue to act as the official agent to receive Federal funds under the provisions of the Higher Education Act of 1965, as amended, and that the Delaware Higher Education Loan Program shall continue to be administered by the Directors appointed as heretofore by the Governor and to be the State agency charged with the responsibility for generating and enacting all rules and regulations necessary for the proper operation and continuance of said Program, and vested with all the powers heretofore given it by the aforementioned Executive Orders, and

FURTHER, the Delaware Higher Education Loan Program through its Directors on behalf of the Higher Educational Aid Advisory Commission, and its successor Department or Agency, shall have authority to negotiate, prepare and sign all contracts with the United States Office of Education pertaining to the guaranteed student loan program as provided for in the Higher

Education Act of 1965, as amended, and the National Vocational Student Loan Insurance Act of 1965, as amended, and in particular reinsurance contracts, as provided in said Acts, and also shall have authority to negotiate, prepare and sign contracts with the United States Aid Funds, Inc., or other similar administering agency to perform, as agent of the State, the administering functions in connection with a program for the guaranty of student loans pursuant to the provisions of the aforesaid Acts.

Approved this 27th day of August, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 835
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FORTY-ONE

TO: Heads of all State Departments and Agencies
RE: Governor's Council on Manpower Affairs

WHEREAS, programs affecting manpower development are the direct and indirect responsibility of several departments; and

WHEREAS, it is necessary to coordinate these programs in order to increase their effectiveness:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Governor's Council on Manpower Affairs is established as an interdepartmental advisory council for the purpose of coordinating programs affecting manpower development in the State.

2. The Council shall consist of the following persons in their ex-officio capacities:

- (a) Secretary of Labor, chairman
- (b) Director of Employment Services, Department of Labor
- (c) Director of Vocational Rehabilitation, Department of Labor
- (d) Chief of Planning, Research, and Evaluation, Department of Labor
- (e) Director of Economic Development, Department of Community Affairs and Economic Development

- (f) Director of Economic Opportunity, Department of Community Affairs and Economic Development
- (g) Director of Vocational Education, Department of Public Instruction

3. The Council shall study, research, plan, and advise the Governor, the Secretary of Labor, the Secretary of Community Affairs and Economic Development, and the Superintendent of Public Instruction on methods for improving the coordination and effectiveness of the State's manpower and training programs and shall consider such other matters as may be referred to by the Governor, the Secretary of Labor, the Secretary of Community Affairs and Economic Development, or the Superintendent of Public Instruction. The Chairman of the Council shall make an annual report to the Governor on the activities of the Council.

Approved this 2nd day of September, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 836
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FORTY-TWO

TO: Heads of all State Departments and Agencies
RE: Transfer of Office of Federal-State Highway Safety Coordinator to Department of Public Safety

WHEREAS, it is desirable to continue the functions of the office of Federal-State Highway Safety Coordinator and to continue, and where possible, expand the program of improved highway safety; and

WHEREAS, the Governor of the State of Delaware being vitally interested and personally concerned with all aspects of the State's safety program will continue as the State official ultimately responsible to the Federal Government for the conduct of such program, he has seen fit to delegate the direction and administration of Federal-State Safety Programs to his new Cabinet level Department of Public Safety:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware do hereby amend Executive Order No. 15 dated September 11, 1969, by striking the paragraphs 1 and 2 and substituting the following new paragraphs:

1. The Office of the Federal-State Highway Safety Coordinator is continued in the Department of Public Safety.

2. That the Secretary of the Department of Public Safety, with the written approval of the Governor, shall appoint the Federal-State Highway Safety Coordinator who shall serve as the administrator of the office.

Approved this 24th day of September, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 837
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FORTY-THREE

TO: Heads of all State Departments and Agencies

RE: Effectuation of Legislation Dealing with the new
Board of Parole, its Powers, Duties and Functions

WHEREAS, the 125th General Assembly passed legislation relating to the reconstitution of the Board of Parole, its powers, duties and functions, and other legislation concerning the area of rehabilitation and treatment; and

WHEREAS, such legislation was to become effective on the date that the Governor designates by Executive Order that the five (5) members of the new Board of Parole, as constituted by 57 Delaware Laws, Chapter 597, have been selected and are ready to serve as members of the Board; and

WHEREAS, five (5) persons have been nominated and those nominations have been confirmed by the Senate and the said five (5) persons have taken their respective oaths of office; and

WHEREAS, they are, therefore, ready to serve as members of the new Board of Parole and to carry out the new functions assigned to them by law.

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. I hereby declare, announce and proclaim that the five (5) members of the new Board of Parole, as constituted by Senate

Bill 516 as amended by Senate Amendment 1 and 2 and House Amendment 1, have been selected and are ready to serve as members thereof.

2. I hereby declare, announce and proclaim that the following laws shall henceforth from this date forward be effective:

57 Delaware Laws, Chapter 593

57 Delaware Laws, Chapter 594

57 Delaware Laws, Chapter 595

57 Delaware Laws, Chapter 596

57 Delaware Laws, Chapter 597

Approved this 23rd day of October, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 838
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FORTY-FOUR

TO: Heds of all State Departments and Agencies

RE: State Community Coordinated Child Care (4-C)
 Committee

WHEREAS, research shows that training and experience in early childhood years play a major role in determining our ultimate capabilities and character; and

WHEREAS, the State of Delaware has need for more effective and efficient coordination of available resources serving young children; and

WHEREAS, a federally initiated concept, having certain federal advantages, and which is called, "Community Coordinated Child Care" (or "4-C"), is available to states; and

WHEREAS, interested and involved State Agencies, community groups, and parents have expressed their willingness to cooperate with and participate in the 4-C program:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Statewide Committee on Community Coordinated Child Care (4-C) be established for the purpose of:

- helping to provide the best use of the existing preschool and child care resources available in Delaware;
- helping to design and develop additional services for young children;

- helping to reach and maintain the highest standards possible for child care programs;
- guiding the development of local coordinating (4-C) groups.

2. The Committee shall be composed of 39 people, of which at least 13 must be parents of children in preschool services.

3. One-third of the members of the Committee shall be appointed for a term of one (1) year, another third shall be appointed for a term of two (2) years, and the other third shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for terms of three (3) years. In case of any vacancy, other than expiration of a term, a successor shall be appointed to fill the remainder of that term.

4. The Committee, which shall be called together for its initial meeting by the Governor, shall determine the procedures under which it will operate. The Governor shall select the Chairman of the Committee, who shall serve at his pleasure. One-third of the members of the Committee shall constitute a quorum.

5. The Committee shall submit an application for recognition to the federal regional office by December 1, 1970.

6. The Committee shall submit an annual report of its activities to the Governor and appropriate members of the Cabinet and General Assembly by December 15 of each year.

Approved this 27th day of October, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 839
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FORTY-FIVE

TO: Heads of all State Departments and Agencies

RE: Establishment of Uniform Leave Rules for all
 Exempt Employees

WHEREAS, there has been a lack of uniformity in leave rules applied by State agencies; and

WHEREAS, no statutory or other guidelines exist to assist agencies in achieving uniformity among all State agencies of leave rules for employees who are exempt, i.e. not covered by the Merit System; and

WHEREAS, certain language of the previous Executive Order, Executive Order Number Eighteen, relating to this subject has created some uncertainty; and

WHEREAS, it is desirable to establish uniform leave rules for all State agencies and exempt employees; and

WHEREAS, it is desirable to make these leave rules similar to the rules which apply to the senior "Classified Employees" under the Merit System:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Executive Order Number Eighteen is hereby revoked.
2. That State agencies are urged to follow the following guidelines for exempt employees:

VACATION LEAVE

(A) $1\frac{3}{4}$ work days per month (21 days per year) with maximum accumulation of 42 days.

SICK LEAVE

(B) $1\frac{1}{4}$ work days per month (15 days per year) with maximum accumulation of 90 days.

TERMINAL PAY

(C) (i) All unused vacation pay.

(ii) Sick Leave:

(i) At retirement under the State Pension Law at the rate of one day's pay for each two days of unused leave.

(ii) If laid off without prejudice for lack of work, at the rate of one day's pay for each two days of unused leave.

(iii) In the event of death of the employee, payment shall be made to his estate at the rate of one day's pay for each day of unused leave.

Approved this 2nd day of November, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:

EUGENE BUNTING
Secretary of State

CHAPTER 840
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER
NUMBER FORTY-SIX

TO: Heads of all State Departments and Agencies
RE: Delaware Commission on Organized Crime

WHEREAS, it is desirable to increase the membership of the Delaware Commission on Organized Crime; and

WHEREAS, the chairman of the Commission has requested such an enlargement:

NOW, THEREFORE, I, RUSSELL W. PETERSON, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare as follows:

Executive Order Number Twenty-Six is amended by striking Paragraph 2 and substituting in lieu thereof a new Paragraph 2 to read as follows:

2. The ex officio members of the Commission shall be as follows: the Superintendent of the Delaware State Police, the Commissioner of Public Safety of the City of Wilmington, the Director of the New Castle County Police, the Attorney General of the State of Delaware, the United States Attorney for Delaware, the Chairman of the Delaware Agency to Reduce Crime, the Counsel to the Governor, the Chief of Police of Dover, or his designee, and the Chief of Police of Newark, or his designee.

Approved this 6th day of November, 1970.

(GREAT SEAL)

RUSSELL W. PETERSON
Governor

Attest:
EUGENE BUNTING
Secretary of State

CHAPTER 841
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

Whereas, Elisha C. Dukes, Secretary of State on behalf of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State.

Now, therefore, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Section 511 and 512 of Title 8 of the Delaware Code of 1953, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid are repealed:

A B C Mobile Homes, Inc.; A. B. Dyes, Inc.; A. Earl Wilson, Inc.; A. F. Seabrook Associates; A & H Enterprises, Inc.; A-H Funds, Inc.; A & H Motors, Inc.; A. I. M. International, Inc.; A & M Building Supply, Inc.; A-I Ready Mix, Inc.; A. Z. Corporation; Aaron Corporation; Abbey Automation, Inc.; Abrams Hardwear Shores Inc.; Ace Container and Paper Corp.; Ace House and Window Cleaning Co., Inc.; Ad-Kap Corporation; Adel's, Inc.; Adgate A. Lipscomb & Son, Incorporated; Advance Loan Co.; Advance & Puxico Railroad Company; Advantage, Inc.; Aerosol Container Corporation; Afco Associates, Inc.; Affiliated Investment Corporation; Affiliated Services, Inc.; Afro-American Development Corporation (Delaware) Inc.; Aggregates Sales of Michigan, Inc.; Agri Construction Company; Agw Theatre Enterprises Inc.; Aiello Investment Co.; Air Transportation Services, Inc.; Airey Realty Corporation Airway Estates, Inc.; Akm, Inc.; Alarm Company of Delaware; Alasil Corporation; Alaska Oil & Mineral Co., Inc.; Aleutco Corporation; Alexander Film Co.; Alexander Industries, Inc.; Algonquin Petroleum Company, Incorporated; Alkon International Inc.; All-Around Service Co., Inc.; All City Pretzel Co. Inc.; All States Factors Corporation; Allegheny Petroleum Corporation; Allen Interna-

tional Automation, Inc.; Allied Automotive Appraisers, Inc.; Allied Mineral Products Company; Allied Technology and Capital, Inc.; Allied Underwriters Investment corporation; Am-Boy Productions, Incorporated; Amac, Incorporated; Amalgamated Development and Investment Corporation; Amasam Chemicals, Inc.; America-Israel Society; American Associates Car Rental, Inc.; American Automotive Units, Inc.; American Bancstock Corporation; American Club; American Education International, Inc.; American Franchise Corporation; American Girl Products, Ltd.; American Guest Plan Inc.; American Gulf Development Corp.; American Health Service, Inc.; American-Honeywell Corp.; American Income Properties, Inc.; American Notorist Guild, Inc.; American Oriental Far East Line, Inc.; American-Oriental Lines, Inc.; American Pay-TV Corporation; American Progress Association; American Realty and Investment Corporation; American Retirement Foundation; American Scale Mfg. Co.; American Seatraders, Inc.; American Union Chartering (California), Inc.; American Union Chartering, Inc.; American Waffles Inc.; Ami Enterprises, Inc.; Ammex Distributing Corporation; Amvet Electronics, Inc.; Amy Joy International Corp.; Anaconda Steel Corporation; Anchorage Supply Corporation; Ancient Order of Hibernians, Division No. 5, Incorporated; Andreeve Corporation; Angeles Financial Corporation; Anthony Construction Co.; Antilles Trading Ltd.; Anzac Petroleum & Minerals, Inc.; Apollo Plastics Corp.; Apalachian Resources Corporation; Apanel Merchandise, Inc.; Apell Petroleum Corporation; Arben Vending, Inc.; Arizona Magnetite Company; Armstrong Metals Co. of New York; Art & Als Auto Body, Inc.; Art Development Corporation of America; Art Grindle Loop 12 Chrysler Plymouth, Inc.; Artel Productions, Inc.; Artini & Consuelo, Inc.; Artists International, Inc.; Ascot, Inc.; Ash Restaurant Inc.; Asi Electronics Corporation; Askim Properties, Inc.; Aspen Mortgage & Investment Corp.; Associate Club, Inc. of Delaware; Associated Industries, Inc.; Associated Investors Management, Inc.; Astromotels Inc.; Central Division; Atelew Corporation; Atkins & Brittingham Realty, Inc.; Atkins Bros. Contracting Corporation; Atlantic Commission Company, Inc.; Atlantic Drive-In Development Corporation; Atlantic Equi-Lease Corporation; Atlantic Foods, Inc.; Atlantic Fruit Company of Nicaragua, Inc.; Atlantic Industrial Corporation; Atlantic Life Assurance Company; Atlantic Marine Trade Confer-

ence, Inc.; Atlantic Mortgage and Financing, Inc.; Atlantic Oceanic, Inc.; Atlantis Plastic Corporation; Atomic Shield Testing Alliance, Inc.; Attalla Spinning Mills, Inc.; Audiocation, Inc.; August W. Motycka & Son, Inc.; Auto-Equip Leasing Corporation; Auto-Lec, Inc.; Automatic Impulse Recording Co., Inc.; Automatic Washer Company; Automobile Map Holder, Incorporated; Automotive Electronics, Inc. of Delaware; Automotive Importers, Inc.; Automotive Products Company, Inc.; Autovisuals, Inc.; Autronic Industries of America, Inc.; Available Fund, Inc.; Availability of Scandinavia Inc.; Aviation Advisors, Inc.; Avila International, Inc.; Avwell Corporation, Inc.; Ayre Publishing Company.

B. C. A., Inc.; B. F. Gladding & Co., Inc.; B-G Corporation; Bahandros Developments, Inc.; Baierl Chevrolet, Inc.; Baker-Layton Machine Company; Ballina Industries, Inc.; Bama Store of Montgomery, Inc.; Bama Store of Tuscaloosa, Inc.; Bankers Development Corporation; Bankers Press Ltd.; Banner Construction Co.; Bar Harbor Estates, Inc.; Barbara Lane, Inc.; Barge Transfer Corporation; Barone, Inc.; Barry Enterprises, Inc.; Bartall Oil & Development Co.; Basic Avionics Corp.; Batavia Kritzer, Inc.; Battery Power Incorporated; Bauer and Associates, Inc.; Bauer, Darby Corporation; Baycrest Corporation; Beach View Package Store, Inc.; Beadenkopf Leather Company; Beaver Clearing, Inc.; Beaver Valley Builders, Inc.; Bedrock Builders, Inc.; Bel-Ami Knitwear Corp.; Belgrade Corporation; Bell Home Improvement, Inc.; Belok Inc.; Benefactor of Boise, Idaho, Inc.; Benefactor of Dupage County, Illinois, Inc.; Benefactor, Inc.; Benson & Benson, Inc.; Benton Trucking, Inc.; Bernard Darcy Co., A Delaware Corporation; Bernard J. Garber & Co., Inc.; Berry's Range, Inc.; Bi-State Construction Corp.; Bi-State Packing Corp.; Big Horn Oil Company, The; Binns Machine Works, Inc.; Blackwood Builders, Inc.; Bloomington Model-Paris Launderers & Cleaners, Inc.; Blue Crescent Nursing Society, The; Blue Hen State Incorporating Company; Blue Ridge Industries, Inc.; Board of Education of the Delaware Conference of the Methodist Church, Inc.; Bobb & Bobb, Inc.; Bom-Kote Corporation; Bonfor Corporation; Boni, Watkins, Jason & Co., Inc.; Bontel of Delaware, Inc.; Ambassador Homes, Inc.; Ambrosing Tours, Inc.; Booth Farms and Hatchery, Inc.; Boutique's, Inc.; Bowl-Mor Company, Inc.; Boyer Enterprises, Inc.; Brackin's Tractors Inc.;

Bradford-Prader Electric Contractors, Inc.; Brnaco-Op International, Inc.; Brandywine Sanitation Company, Inc.; Brandywine Valley Art Association, Inc.; Brandywine Volkswagen, Ltd.; Braston Construction Co.; Bristol Development Corporation; Broadrun Mushroom Farms, Inc.; Broadway Lunch of Washington, D. C. Inc.; Brookside Shopping Center Drug Corporation; Buckingham Livery, Inc.; Buena Vista Apartments, Inc.; Buffalo Creek Land Co.; Buffalo Turbine Sales Corp.; Building Specialties Incorporated; Bunnell-Crimmins Inc.; Burkardt Electronics, Inc.; Burnelli Avionics Corporation; Burnside Corporation; Business Associates, Inc.; Business Corners, Inc.; Buy-Best Corporation, Inc., The; Byron and Mary Johnson Foundation;

C. A. L., Inc.; C. & C. Inc.; C. D. Fleming & Son, Incorporated; C. F. L. Inc.; C. J. Carroll Auction Co.; C. K. Industries, Inc.; C. M. G. & S. Construction Company, Inc.; C. M. P. Corporation; C. S. M. Corporation; Cal Juice Corp.; California City Overseas Ltd.; Calorizing Company, The; Camco Mining Co.; Camden Industries Company, Inc.; Cane River Corporation; Canfalspal & Co., Inc.; Cantop Realty Corporation; Caps, Inc.; Capitol Baptist Church of Dover, Delaware, Inc.; Capitol Furniture & Novelty Co.; Capricorn Productions, Inc.; Car City, Inc.; Cardinal Dairy Products, Inc.; Career Training Institute; Caribbean Distributing Corp.; Caribotel Incorporated; Carilantic Real Estate Company; Carl-Dek, Inc.; Carmen's Pizza - Delicatessen & Sandwich Shops, Inc.; Carriage House Motors, Inc.; Carriage Houses, Inc.; Cartoon Circus, Inc.; Cass Associates, Inc.; Casserly Steel Construction Company; Castech Inc.; Castle Park Apartments, Inc.; Cavalier Productions, Inc.; Cavendish Company, Inc.; Caza Equipment Corporation; Cca-Publications, Inc.; Cecil Yacht Sales, Inc.; Cena Investment Co., Inc.; Center City Lanes Inc.; Centerville Properties, Inc.; Central Cafe, Inc.; Central City Redevelopment, Inc.; Central Towing & Transportation Corp.; Century Life Assurance Company; Century Planning Associates Incorporated; Certified Bankers Service Inc.; Chadeloid Corporation; Champion Mobile Homes, Inc.; Chargene, Inc.; Chat-ham Lanes, Inc.; Chemical and Industrial Corporation; Chemotherapy Research Institute, Inc.; Chemtel Corporation; Cherokee Woods Civic Association; Chessmen Home Decorators, Ltd.; Chester Litho Corp.; Cheswold Corporation; Chicago Israel Con-

structors Incorporated; China Garden, Inc.; Chiropractic Information Citizens Committee Inc.; Chiropractic Society of America, Inc.; Choral Arts Enterprises, Inc.; Christian Foundation, The; Christiana Concrete Co., Inc.; Cimarron Oils, Inc.; Cinema 141, Inc.; Cinema-Video International Corp.; Circle Partition Co. Inc.; Citizens Alliance Inc.; Citizens Conference on Planning, Zoning, and Housing, Inc.; Claire Apartments, Inc.; Claremont Machinery, Incorporated; Claymont Hardware & Supply Co. Inc.; Claymont Junior Chamber of Commerce, Inc.; Clifton D. Mayhew, Inc.; Clifton Private Brands, Inc.; Clifton Realty Corporation; Clinton L. Mellor, Inc.; Coastal Resort Properties, Inc.; Coins Incorporated; Collision Corporation; Colonial Builders, Inc.; Colonial Campers Sales Co., Inc.; Color Master Incorporated; Colortran Corporation; Comet Film Distributors, Inc.; Command Products, Inc.; Commerce Oil and Export Co., Inc.; Commerce Petroleum Corporation; Commercial Claims Service, Inc.; Commercial Equipment, Inc.; Commercial International Export Corporation; Commercial Plastics (U.S.) Inc.; Commercial Realty, Inc.; Commonwealth Engineering Corporation; Community Antenna Systems Incorporated; Community Progressive Club, Incorporated; Compact Agency, Inc.; Compagnie de Enchimec (USA) Inc.; Component Construction Corp.; Compunet - U.S.A., Inc.; Comtek, Inc.; Concord Corporation; Concord Duncan Company; Concord Tavern, Inc., The; Conestoga Airport Limousine Service, Inc.; Congress Corporation; Connelly Publishing Corporation, The; Consolidated Corporations, Inc.; Consolidated International Electric Company, Inc.; Consolidated Mortgage and Finance Company Inc.; Consolidated Resources Corporation; Consulting Engineers, Inc.; Contemporary Affairs Society, Inc.; Continental Bond & Mortgage Corp.; Continental Convalescent Operating Co.; Continental-Harrison Company; Continental School Interiors, Inc.; Cooper Oregon Corporation; Coprox Company, Inc., The; Copystatics, Inc.; Coral Investment Corp.; Cordelia Clay Foundation, Inc.; Cornelia Corporation; Cornelsen Development, Inc.; Corporate Plan Leasing, Inc.; Cosmic Engineering Corporation; Council of Civic Organizations of Mill Creek Hundred, Inc., The; Country Maid, Inc.; County Car Center, Inc.; County Mortgage Investors, Inc.; County Seat Motor Company, Incorporated; Courtesy Motors, Ltd.; Covered Bridge Farms Maintenance Corporation; Craft Manufacturing Corporation; Cragmere Development Co.; Crain-Rich, Inc.; Cranbrook Develop-

ment Co.; Creative Enterprises, Inc.; Creosote Forest Products, Inc.; Crestview Industries, Inc.; Cromwell Funding Corporation, The; Cross-Country Leasing Corp.; Crown Meadows Corporation; Cryolife, Inc.; Crystal Klear Process Corporation; Curriculum Materials Laboratories, Inc.; Cyclo-Shine of Delaware, Inc.; Cyclotherm Corporation; Cytran Incorporated.

D & D Masonry, Inc.; D. F. C. Enterprises, Inc.; D. Harper Corp.; D-S-J, Corporation; D. Sampson, Incorporated; Dal Wil, Inc.; Dante's Inferno, Inc.; Danton China Co. Inc.; Daric Realty Co.; Data Analyses Corporation; Data Processing Corporation of America; Data Systems Development Corporation of the Ryukyu Islands; Datamation Assistants Co., Inc.; Datcom, Inc.; Davan, Inc.; Davis of Delaware, Inc.; De Baca Land & Cattle Co.; de Monchy, Inc.; Deepwood Construction Co.; Deer Park Hotel, Inc.; Del Food Corporation; Del Jet Corporation; Del Mar Va Council of Square Dance Clubs, Inc.; Del-Vue, Inc.; Delaware Factors Corporation; Delaware Kennels, Inc.; Delaware Knitting Mills, Inc.; Delaware Mart, Inc.; Delaware & N.J. Properties, Inc.; Delaware Polyastics Coatings, Inc.; Delaware Realty Company; Delaware Restaurant Association; Delaware Retailers' Council, Inc.; Delaware Society For Conservation Practices, Inc.; Delaware Truck Rental, Inc.; Delaware Valley Builders, Inc.; Delta Development Corporation; Delmar Equities Corporation; Delmar Industries Corporation; Delmarva Litter Company; Delmarva Poultry Industries, Inc.; Delmarva Southern Express, Inc.; Delmarva Truck Brokers, Inc.; Delphi Corporation; Delta Claim Service, Inc.; Delta Leasing, Inc., of Delaware; Deluca & Sons, Inc.; Delwark Trucking Company; Delway Corporation; Dempsey & Durand, Inc.; Depth Projection Production Corporation; Desmond Investment Company, Inc.; Detco Corporation; Dev-Con Enterprises, Inc.; DeWitt County Pork Factory, Inc.; Dewitt Investing Company; Dial A Total, Inc.; Diamond "K" Vegetable Farms, Inc.; Diamond State Loan & Savings Association; Diane, Inc.; DiFebo's, Inc.; Direct Mail Associates, Inc.; Diversified Industrial Sales and Services, Inc.; Dr. A. W. Chase Company Inc., The; Dollar Fund Corporation; Dollarhide, Inc.; Don & Earl Auto Body Shop, Inc.; Donahue Color Service, Inc.; Doric Cosmetics, Inc.; Dorrell Ltd.; Dorvanco Corporation; Dover Homes, Inc.; Doverdel, Ltd.; Dow Investment Company; Drigelgold Corp.; Driv-a-lert Sales Corporation; Drysdale Com-

pany, Inc., The; DuBarry Builders, Inc.; DuBarry Corporation; Duerr Masonry, Inc.; Dugan Brothers, Inc.; Duke, Inc.; Dummond Metal Window.

Erection Corp.; E. A. Cochran & Son, Inc.; E. B. Steele Co., Inc.; E. & E. K. Enterprises, Inc.; E - Tai (U.S.A.) Ltd.; Earl's Auto Parts, Inc.; Earle Restaurant, Inc.; East Coast Electronics Corporation; East End Athletic Club; East-West Export Import Corporation; East Wilmington Associates Club, Incorporated; Eastco Leasing Corporation; Eastern Expositions, Inc.; Eastern Roofing Co.; Eastern Shore Associates, Inc.; Eastern Shore Installation Co.; Eastern Society of Electroencephalographic Technicians; Economic Timing Corporation; Edco, Inc.; Edlyn Holding Co.; Education Associates, Inc.; Eggert Charters, Inc.; Eight Ward Democratic Club, Inc.; Eileen Desmond, Inc.; El Sombrero, Inc.; El Venado Mining Co.; Elcom, Inc.; Electrolease Corporation; Electronic Science Services Co. of New York, Inc.; Elizabeth Storch Kraemer Memorial Foundation, Inc.; Elkton Developing Co.; Ellendale Corporation; Ellwood Agency, Inc.; Elsandan Realty Co.; Elsmere Pharmacy, Inc.; Elwood B. Evans & Son, Inc.; Empire Buying Service, Inc.; Empire Engineering, Inc.; Emson Aerosol Corporation; Encore Films, Ltd.; Endocrine and Metabolic Laboratories of Puerto Rico, Inc.; Energy Systems, Inc.; Engineered Installations, Inc.; Engineering Construction Corporation; Enterprise Aircraft Corporation; Episcopo Brothers, Inc.; Equipment Locator Corporation; Equitable Investors' Securities, Inc.; Equitable Reliance Corporation, The; Erectros, Incorporated; Eregina, Inc.; Errand Boy of Delaware, Inc.; Errand Boy of Oak Brook, Inc.; Escom, Inc.; Escott Plumbing & Heating Co.; Essem Realty, Inc.; Europak, Ltd.; Evans Aircraft Leasing, Ltd.; Excess Insurance Corporation; Exchange Furniture Store Inc.; Exchange Royalty Co. of Texas.

F & A Sales, Inc.; F & J Contractors, Inc.; F. Joseph Burke, Inc.; F. P. I., Limited; Fabrics, Incorporated; Fabrics Unlimited, Inc.; Fabulite Electric, Inc.; Fairbanks, Inc.; Fairfax Storage Company; Fairview of America, Inc.; Fairview Heights, Inc.; Falco and Son, Inc.; Family Court Association; Farnsworth Management Co., Inc.; Fashion Merchandise, Inc.; Faulk Road News Center, Inc.; Federal Excess Insurance Corporation; Federal Medicare Corporation; Ferndale Lumber and Supply, Inc.; Fidelity

fax, Inc.; Fidelity Security Corp.; Fireside Camps of America, Inc.; First Columbia Corporation; 1st Country Club Investment, Inc.; First Estate Corporation; First of Georgia, Inc.; First Greenwich Corp.; First Liberty Corporation; First Resources Corporation; Fisher Trucking Corporation; 512th Association, The; Flack Oil Corporation; Flattop, Inc.; Fleisher Contracting Corp.; Flo Time Ticket Printer, Inc.; Floral Creations Incorporated; Florex Enterprises Ltd.; Florida Bancorp, Inc.; Florida Showcase, Inc.; Florida Southern Oil Company; Flying Associates Incorporated; Foam Rubber City National of California, Inc.; Form-A-Pak Leasing Corporation; Form-A-Pak Sales Corporation; Form-A-Pakmatic Research & Development Corp.; Formco, Inc.; Formflex Caribe, Inc.; Fornaire of Delaware, Inc.; Forrest Holding, Inc.; Fort Davis Bowling Alleys, Inc.; Fountain Fresh of Chicago, Inc.; Fountain Fresh of Delaware, Inc.; Fountain Fresh of Frederick, Inc.; Fountain Fresh, Inc.; Fountain Fresh of Independence, Inc.; Fountain Fresh of Moorestown & Cherry Hill, Inc.; Fountain Fresh of Newport Beach, Inc.; Fountain Fresh of Santa Barbara, Inc.; Fountain Fresh of Ventura, Inc.; 4-D Marketing Company, Inc.; 414 South State Street, Inc.; Fourth Liberty Corporation; Fox Engineering & Mfg. Co.; Francis J. Dicriscio, Inc.; Francis W. Corridori, Incorporated; Frank's Beauty Salon, Inc.; Franklin Construction Company; Franz Chemical Corporation; Friendship Foundation; Frio Service Inc.; Frog Corporation, The; Frontier Oil & Gas Corp.; Frozen Food Marketing Institute, Inc.; Fuels Research Service Company; Future Gas & Oil Development Corporation.

G A C Construction Company; G.P.S.-Wood Products Corp.; G & R Automotive, Inc.; G. S. & G. Marine Service & Construction Corp.; G-T Auto Body, Inc.; Gabriel Corporation of Texas, The; Gaines Restaurant, Inc.; Galaxy Enterprises Inc.; Gallatin Equipment Co.; Galloway-Von Gruenigen Pibg. & Htg. Co., Inc.; Garden Spot Airpark, Inc.; Gardner Theatre Service, Inc.; Gatum Industrial Corporation; Gawel Enterprises, Inc.; Ge Ze, Inc.; Gelpi-Carter Corp.; Gem City Dorms, Inc.; Gemini, Inc.; Gemini Pictures Inc.; General Cosmetics, Inc.; General Medicare Centers, Inc.; General Newspapers Inc.; General Oil Processes Inc.; General Resources, Inc.; General Studios, Incorporated; General Transmissions Corporation of Wilmington; General U.S. Engineers Corporation; George H. Hartman Company; George T.

Kane Jr., Inc.; Geriatric Services, Inc.; GF Liquidating Corp.; Glandings, Inc.; Glasgow Glass Co.; Gmp Productions, Inc.; Gna Corporation; Goddard, Inc.; Gold Seal International A & C Inc.; Goldberg-Emerman Corp.; Golden Coast Capital Corporation; Goodell Monorail Systems, Inc.; Goodman Bros., Inc.; Goodwin-McElroy Co., Inc.; Gozo Internacional Ltd.; Graco Equipment Co.; Gradys, Incorporated; Graham Petroleum Co., Inc.; Grampp Builders, Inc.; Grand Hotel Corp.; Grand Service & Salvage Corporation; Great Atlantic Development Corp.; Great Lakes Gas Corporation; Great Lakes Outdoor Sales, Inc.; Great Southwest Petroleum Properties, Inc.; Greater Wilmington Associates, Inc.; Green Cross Toothbrush Company; Green Hill Corporation, The; Green Mountain Investment Corp.; Greencroft, Ltd.; Greenwood Builders, Inc.; Greenwood Printers Incorporated; Gregg Godwin, Incorporated; Grier Electronics, Inc.; Grigco, Inc.; Grocery Express, Inc.; Grove Dodge Sales, Inc.; Grow Chemical Corp.; Guaranteed Capital Corporation; Guild Hearing Aid Dispensers, Inc.; Gulf Stream Corporation; Gyno Medical Products, Incorporated; H. & H. Leasing Corp.; H. R. Weissberg Corporation; H. T. Medford Properties, Inc.; Hackathorn Australian Oil Ltd.; Hadore Corporation; Hallmac Construction Company; Hamel, Inc.; Hanover Togs, Inc.; Harco Enterprises, Inc.; Hardy Advertising, Inc.; Harjohco, Inc.; Harman Shoes, Inc.; Harmin Industries, Inc.; Harmony Pools, Inc.; Harnel Company, The; Harrel Blagg, Inc.; Harris Distributing Company; Hart & Co. Associates, Inc.; Hartley Corporation; Haslen Sales Corporation; Haven Lake Civic and Improvement Association, Inc.; Hawaiian Steamship Corporation; Hawk Rod and Gun Club; Hawthorne-Queensboro Dairies, Inc.; Haynes & Son Laboratories, Inc.; Haystack Ranchers, Inc.; He-Hi Developers, Inc.; Health Economics Association, Inc., The; Heather Valley Service Corp.; Heca Corporation; Henderson Company, The; Henry H. Bellamann Foundation; Hepinstall Hydraulics, Inc.; Hercules Publishing Company; Herman & Appley Inc.; Hess Family Stores, Inc., of Irvington; Hiawatha Swim Club; Hickory-Penn Gas Co.; Highlander Motors, Inc.; Highway Paving Company; Hill Land Co.; Historic Structures, Inc.; Hollenbeck Drywall, Inc.; Hollerich & Walgenbach Company; Holly Oak Supply Co.; Holly Restaurant Inc.; Hollywood-Kimball Bldg. Corp.; Home Arts, Inc.; Home Fashions, Inc.; Home Royalty Association, Inc.; Honeydale Farms Packing Co.; Horace Brown Social Club, Inc.; Horizon Broad-

casting Corp.; Horizon Inns of America, Inc.; Hornets Clubs, The; Horse and Hounds Lounge, Inc.; Hospital Equipment Research Corporation; Hotel New Yorker, Inc.; Howard L. Shockley & Sons, Inc.; Hrandt H. Norair Foundation; Hrc Associates, Inc.; Hugo J. Wunderlich Insurance Agency Inc.; Hunt Incorporated; Hunter Sales Co., Inc.; Hunting Hills Maintenance Corporation; Huntly Association, Inc.; Huss, Inc.; Hw-Winnetka Builders, Inc.; Hwijquinck Shooting Club; Hydro Chemical Co. Inc.; Hydrofoil Research Corporation; Hyman Schinfeld, Inc.;

Ice Cream Au Go Go, Inc.; Ice Sports, Inc.; Ideal Furnace Company; Ideal Home Heating & Modernization, Inc.; Illinois Limestone Company; Illinois Shade Cloth Company; Imagination Incorporated; Imago Inc.; Impex Inc.; Import-Export Inc.; Ina French Hair Styling, Inc.; Incentive Institute Income Protection Corporation; Independent Automotive Damage Appraisers Association; Independent Traders, Inc.; Indian Company, The; Indian River Oyster Rasin, Inc.; Indiana-Illinois Theatres, Inc.; Indmar International Corporation; Industrial Growth Fund of North America, Inc.; Industrial Polymer Corporation; Industrial Titanium Corporation; Information Investments Corporation; Inner Sanctum Foundation of Successful People, Inc.; Inner Space, Inc.; Institute For Dance Study, Inc.; Institute of Government, Inc.; Institute of Stockholder Opinion, Inc.; Institutional Design, Inc.; Instrument Research Institute, Incorporated; Insurance Developers, Inc.; Insurance Reporting Service, Inc.; Inter American Minerals Corporation; Inter-Continental Enterprises Corporation; Inter-american Life Insurance Company; Intercole, Incorporated; Intercontinental Container Corporation; International Bedaux Company, Incorporated; International Community Club Awards, Inc.; International Container Corp.; International Contract Service, Inc.; International Development and Engineering Corporation; International Entertainment Corporation; International Executive Consultants, Inc.; International Film Exchange, Inc.; International Financial Corporation, International Food Processing Corporation; International Food Services of Michigan, Inc.; International Industries Development Corporation; International Instrument & Machine Company; International King's Table, Inc.; International Magne-Tape Ltd.; International Management Associates, Inc.; International

Management Services, Inc.; International Plastics & Chemicals, Inc.; International Plywood & Lumber Company; International Technical Surveys Inc.; International Time Clock Mfg. Corp.; International Television Directory, Inc.; International Training Organization, Incorporated; International Underground Storage Corporation; Interocean Terminal Corp.; Interphase Corporation; Interstate Pizza, Inc.; Investment Management Associates, Inc.; Investment Property Builders, Inc.; Investors Acceptance Corporation; Ionia Corporation of Delaware, Inc.; Iranian Development Corporation; Iris, Inc.; Iron Hill Construction Company; Irua Navigation Company Limited.

J & C Engineering, Co.; J. C. Oil and Gas Company, The; J. C. Vaughn Leasing Co., Inc.; J. E. Hunt Petroleum Corp.; J & F, Inc.; J. J. Doherty Funeral Home, Inc.; J. Jones General Company, Inc.; J. P. Blair, Inc.; J. Pinky and Son, Inc.; J & R Fence Co.; J and S Waste Paper Company; Ja-Lee Corporation, The; Ja-Son Brokerage Company; Jack Buchanan Memorial Foundation, Inc, The; Jacobs Construction Co.; Jaddo Enterprises, Inc.; Jadeco, Inc.; James N. Picciotti, Inc.; Jan Restaurant Inc.; Jasper Promotions Inc.; Jefferson Farms Shopping Center, Inc.; Jefferson Properties, Incorporated; Jerret Resources, Inc.; Jewell Academy and Seminary, Inc.; Jlc Distributors, Inc.; John E. Campanelli Builders, Inc.; John F. Dolan Enterprises, Inc.; John Landers Corporation; John Minder & Son, Inc.; John T. Feeney, Incorporated; John W. Fuller, Jr., Inc.; Johnson Capital Corp.; Johnson Home Products, Inc.; Joliet Top-Value Homes, Inc.; Joseph L. Capano Builders, Inc.; Joseph L. Colvard Co.; Joseph Melchiorre, Inc.; Jos. T. Stryker Associates, Inc.; Jos. V. Palumbo & Son, Inc.; Judiciary Building, Inc.

K-Blend Corporation, The; K & H, Inc.; Kalico Kitchen, Inc.; Kanaranze Ore Milling Co.; Kane Broadcasting Corporation; Kay Atom, Inc.; Kbarb, Inc.; Keller & Voelker, Incorporated; Kelly Enterprises, Inc.; Ken M. Davis Enterprises, Inc.; Kent County Society for the Prevention of Cruelty to Animals; Kent Enterprises, Inc.; Kent Explorations, Inc.; Kent Rod and Gun Association of Kent County, Delaware; Kentwood Construction Inc.; Kenway Mills Inc.; Kevrick, Inc.; Keystone Corporation; Keystone Polymer, Inc.; Kiddie Towne of Wilmington, Inc.; King Building, Inc.; Kink Lincoln-Mercury, Inc.; King Liquors, Inc.;

Kirby Company of Delaware, Inc.; Kishwaukee Leasing, Inc.; Klueter Feed Store, Inc.; Knotty Pine Club, The; Kraft-Bronxville Corporation of Delaware; Kruff Corporation; Ksoc, Inc.; Kugel, Stone & Co., Incorporated; Kummelweck, Inc., The; Kuringwass Fruit Company.

L. B. J. Ranch, Inc.; L. Fortunato Associates, Inc.; L. J. H., Inc.; L/M Plumbing & Heating, Inc.; L. & S. Electric Company, Inc.; L & T Wholesale Jewelers, Inc.; L. Tena Gray, Inc.; La Corporacion De La Pandura; LaBrea Productions, Inc.; Lake Creek Corporation; Lake Lawn Inn, Inc.; Lamar, Inc.; Land Liquidators, Inc.; Land Planning, Incorporated; Laque Holding Company, Inc.; Larem, Inc.; Larmor, Inc.; Larry Dixon Development Corporation, Inc.; Laurel Foods, Inc.; Laurel Truck Brokers, Inc.; Lawco Corp.; Layton Clinic, Inc.; Lease Service Associates of Delaware, Inc.; Leather Life, Inc.; Lebhar, Incorporated; Lefcourt Foundation, Inc., The; Len Della Builders, Inc.; Land-Lease of Delaware, Inc.; Leonetti's Bakery, Inc.; Levering Coffee Company, The; Lewis J. Smith & Co., Inc.; Lewis, Levin & Lewis, Inc.; Lexington Park Pharmacy, Inc.; Liberty Bell Coffee Shops, Inc.; Liberty Freezer Meats Inc. of Wilmington, Delaware; Lichlyter & Root, Inc.; Lifestream Laboratories, Incorporated; Lighting Unlimited, Inc.; Likins-Foster Salina Corp.; Likins-Foster Topeka Corp.; Limestone Gardens Civic Association, Inc.; Lincoln International Limited; Lincoln Social Club, Inc.; Lincoln Street Sportsman's Club; Linden-Empire Co., The; Lisa Fashions, Inc.; Lithocorp, Inc.; Little Bear Gas Corporation; Little Egypt Investments, Inc.; Local 42 Building Corporation; Locked-Lattice Steel Company; Logar Steamship Corporation; Lok-In Products of Philadelphia, Inc.; Longfellow Associates, Inc.; Longhorn Beef Supply, Inc.; Longwood Construction Co.; Loptronics Corp. of America; Lo-Temp Corporation; Lotus Corp.; Lucky Stride Shoes, Inc.; Lwh Corporation; Lyngawl Builders, Inc.

M. Buschel & Son, Inc.; M. & H. Norge Laundry & Dry Cleaning Village Inc.; M. Livingstone Stores, Inc.; M. & M. Bakery, Inc.; M.V.A., Inc.; Machine Tool Manufacturers Affiliates, Inc.; Macon Professional Baseball Club, Ltd.; Macville Sales Co.; Magic Chef Frozen Foods, Inc.; Magic Minut Wash, Inc.; Maglie and Company; Magness & Staib Construction Co.; Ma-

jenta Dolphin, Inc.; Majestic Oil & Gas Co.; Management Systems Development Corporation; Manchester Shopping Center Drug Corporation; Manor Crest, Inc.; Manufacturers Distributors, Inc.; Mar-Cap Development Co., Inc.; Maraca Corporation; Marcook Corporation; Marianas Corp., The; Marilyn's Garment Fair, Incorporated; Marine Distributors Association; Marine Mill Properties, Inc.; Marken, Inc.; Markowitz Bros. (Delaware), Inc.; Mart Photo Shop, Inc.; Marta Builders, Inc.; Martax Corporation; Martindale Corporation; Marton Enterprises, Inc.; Marvel & Melson Sales, Inc.; Marvin Glass Creations Inc.; Massasoit Tribe No. 56 Improved Order of Red Men's Wigwam Company; Master Auto Service, Inc.; Matella Corporation, The; Material and Supply Trade Association, Inc.; Matlyn Delaware Corporation; Matthews Associates, Inc.; Matthews, Matthews & Corkery, Inc.; Maxam Akron, Inc.; Maxwell Cab Company, Inc.; May Products, Inc.; Mayfair of Delaware, Inc.; Maykut & Irelan, Inc.; McAliley Farm Supply, Inc.; McCann Insurance Agency Inc.; McCormick-Healy Construction Co.; McDonnell & Associates, Inc.; McAlwee Building Co.; McKee Auto Service, Inc.; McNary Corporation, The; McRodan Construction Corp.; Medallion Sports of Riviera Beach, Inc.; Medical Electronics Hospital Supply Company, Inc.; Medina Transmission Corporation; Memory Lane Paper Products Corp.; Mercury Investments, Inc.; Merit Construction, Inc.; Merriwether Corporation, The; Meta-Technical Institute of Christianity; Metal Skin Process Corporation; Metro Petroleum Shipping Company, Inc.; Metromark, Inc.; Metropolitan Cab Association, Inc.; Michael-Stephen, Inc.; Michcal, Inc.; Michigan Charolais Breeders, Inc.; Micro-Biological Laboratories, Inc.; Micro-Box, Inc.; Microwave Electronics Corporation; Mid America Oil & Gas Co., Inc.; Mid-Del Realty Co.; Midland Broadloom Inc.; Midway Plumbing and Heating Co.; Midway Professional Centre, Inc.; Midwestland Corporation; Mil-Jam Instrument Corporation; Milford Athletic Club, Inc.; Milford Post #3, American Legion Inc.; Mill Creek Realty, Inc.; Mill Run Theater Corporation; Millsboro Go-Kart Club, Inc.; Millwood Community Center, Inc.; Millwright and Machinery Erectors Association of Delaware; Milton H. Rossler, Inc.; Minera de Motilones, Inc.; Mineral Coal Development Corporation; Mineral King Development Co.; Miraclean, Inc.; Mississippi Apartments, Inc.; Mississippi Southern Oil Co.; Mista Kleen Systems, Inc.; Mister Pants of America, Inc.; Mr. Safety

Corporation; Mr. Travel, Inc.; Mobile Book Fair, Inc.; Mobile Telephone Corporation; Modern Machine Mfg. Co. Inc.; Modern Marketing Corporation; Modern Way Roofing & Improvement Co.; Modernizing Construction, Inc.; Moisant Bowl, Inc.; Moldex Designs, Inc.; Molecular Systems Corporation; Monarch Builders, Inc.; Montchanin Apartments, Inc.; Monticello Liquors, Inc.; Morgan's Auto Body Shop, Inc.; Morse Sewing Centers, Inc.; Mortgage and Guaranty Company; Mossell & Chambers, Inc.; Motive-Ads, Inc.; Motor Inns Operations Corporation; Motrac Parts, Inc.; Mt. Lebanon Motors, Inc.; Municipal Auto Sales, Inc.; Muscatine-Joliet Investment Corporation; Musselman Insurance Co., The.

N. P. Corporation, The; Naaman's Builders, Inc.; Nalana Corporation; Nan-Bec Company; Nanticoke Indian Association, The; Nanticoke Little League, Inc.; Naper Cleaners, Inc.; Naples Hardware Company Inc.; Napoleon Hill Academy Eastern Division, Inc.; Nassco, Inc.; National-American Steel Products Corporation; National Association of Scandinavian Furniture Importers; National Bellas Hess Processing Corp.; National Builders, Inc.; National Coin-Op Sales of N. Y., Inc.; National Convalescent Centers, Inc.; National Design Center Delaware, Inc.; National Encyclopedia of Los Angeles, Inc.; National Franchise Systems, Inc.; National Homeowners Association, Inc.; National Industrial Development Corporation; National Industrial Loan Corporation; National Insurance Underwriters, Inc.; National Investment Securities Incorporated; National Lift Parts Mfg. Corp.; National Mercury Corporation; National Office Management Association; National Penn Printing Company; National Service and Appraisal Company; National Telecable Corp.; National Theatre Society, Inc.; National Thriftway Leasing Company, Inc.; Nationwide Enterprises, Inc.; Nationwide Mortgage and Investment Co.; Navesink Publishing Co., Inc.; Navionics, Inc.; Nebraska-Iowa Bridge Corporation, The; Neighbors Pharmacy Inc.; Nelligan Boot Shop, Inc.; New Canton Realty Co.; New Castle Truck Rental Inc.; New England Dredge & Dock Corporation; New Markets International, Inc.; New Wrinkle, Inc.; New York Development Company, Inc.; Newark Fair, Inc.; Newco Enterprises Inc.; Newcraft Corporation; Newman's Dry Wall Applicators, Inc.; Newman Investment Co.; Newport Distributors, Inc.; Newport Siding and Sheet Metal Contractors,

Inc.; Newport Wholesale Company; News Transportation Company; Newspaper Industries, Inc.; Nibur Corporation; Nickey Used Cars, Inc.; Nile Social Club, Incorporated; Noisette-Young Agency, Inc.; Nort Fowler, Inc.; North American Exploration & Development Corporation; North American Grocery Sales, Inc.; North American Realty & Development Corporation; North Shore Club of Racine, Inc.; Northchester Corporation; Northeast Banchares, Inc.; Northeast Mining Corporation; Northeast Shippers Cooperative Association; Northeastern Creative Food Merchandising Service, Inc.; Northern Builders, Inc.; Northwest Mortgage Placement Corporation; Northwest Motors, Inc.; No-strip, Inc.; Nu-Desk Corporation; #2 Foam Rubber City of California, Inc.; Nursing Homes of America, Inc.

O. & G. P. M. Construction; O. & G. P. M. Oil Company, Inc.; O H M Realty, Inc.; Oakmont Civic Association; Oakridge Mausoleum Company, The; Oba Corporation; O'Boy Trailer Sales & Rental, Inc.; Ocean Agency, Inc.; Ocean Broadcasting Company, Inc.; Ocean Road, Inc.; Ockerlund Construction Company; O'Donnell Construction Company, Inc.; Ohio Southeastern Oil & Gas Company, The; Oil and Mineral Operations, Inc.; Oklahoma Adjustment Company, Inc.; Oklahoma Investment Association; Old Landing Golf Course, Inc.; Old Mill Coffee Service of the Bay Area, Inc.; Olentangy Corporation, The; Olympia Bakery, Inc.; Olympia Sporting Club; Olympic Paint & Chemical Corporation; Omar Laboratories, Inc.; Omar Productions, Inc.; Omnicraft Corporation; Omnistat Corporation; Omnitec Corporation; On-Site Total Utilities, Inc.; One-Hour Valet of Salem, Inc.; 1000 Figueroa Corp.; One Thousand One Corporation; Orion Metallurgical Corporation; Osterholt Chevrolet Corporation; Oteo, Inc.; Outcasts Incorporation, The; Overland Freight, Inc.; Overseas Trade Corporation.

P.A.L. Transportation Company, Inc.; P F C of Greater Cleveland, Inc.; P. F. Mack Enterprises, Inc.; P. M. Golf Corp.; Pace Realty Co., Inc.; Pacific Match Co.; Paddock, Inc., The; Palm Beach Swim Club; Pamas-Midwest, Inc.; Pan-African Industrial Corp.; Pan America Tours of Chicago, Inc.; Pan American Industries, Inc.; Pan-Carib, Inc.; Pan-Western Enterprises, Inc.; Pan-american Investment, Inc.; Pancake Equipment and Supply Co.; Paradise Yacht & Cabana Club, Inc.; Paramor Electronics, Inc.;

Parcom, Inc.; Park Colonial Optical Company; Parker-Van Hook, Inc.; Partake of Boise, Inc.; Partake of Hawaii, Inc.; Partake of South Jersey, Inc.; Particle Reduction Corp.; Parts Unlimited Electronic Centers, Inc.; Patchke Productions, Inc.; Patex, Inc.; Paulina Corporation; Pengreen "Econo" Clean, Inc.; Penham Corporation; Penn-Atlas Holding Co., Inc.; Penn Imperial Corporation; Penn-Oliver Coke Co., Inc.; Penn-Standard Sole Cementing Process, Inc.; Pennsylvania Storage Corporation; Pen-nytop, Inc.; Pension Planning Company Inc.; Penthouse Modern, Inc.; Perfume by Georges, Inc.; Perma-Cement Midwest, Inc.; Petro-Products Corporation; Petroleum Financial Corporation; Peuchen, Inc.; Phelco Leasing, Inc.; Phil Frates, Inc.; Philadelphia Companies Service Corporation; Philton Corporation; Pie-Cap Construction Co.; Pied Piper, Inc.; Piggybank Inc.; Pike Hardware, Inc.; Pioneer Medical Buildings, Inc.; Pitts Restaurant, Inc.; Pittsfield Lanes, Inc.; Pizza Papa, Inc.; Playchem Co.; Playgirl Enterprises, Inc.; Plumbing Fixture Manufacturing Company; Poca Poca, Inc.; Point Corporation; Polan's 5 To \$1.00 Store, Inc.; Polans, Inc.; Polaris Power Pole, Inc.; Policy-Matic of New England, Inc.; Pollution Abatement Corporation of America; Polydon Packaging Corporation; Polymer Engineering Corp.; Pomeroy-Beco-Zapata Drilling Corporation; Pon Tello, Inc.; Post Oak Square Corporation; Potomac Country Club, Incorporated; Potter Marine Products Inc.; Precise Mold Engineering, Inc.; Preferred Groups Association, Inc.; Premium Finance Corporation; Presidential Management Company; Presidential Services, Inc.; Price Industrial Corporation; Press Features, Inc.; Pressure Technology Corporation of America; Prestige Portraits, Inc.; Price's Corner Driver-In Theater, Inc.; Price Manufacturing Corp.; Price Realty Corporation; Printmanship, Inc.; Printz Grill, Inc.; Private Placements Corporation; Product Development International, Inc.; Professional Photographic, Inc.; Professional Research Products, Inc.; Programmed Leasing of Assets Nationwide, Inc.; Prolean International Corporation; Provident Publishing Company; Pruitt Petroleum Company, Inc.; Puerto Rico Management & Realty, Inc.; Pullman Couch Company of California, Inc.; Purwill, Inc.

Quaker State Foods Corporation; Quality Home Builders, Inc.; Quebec Molybdenum, Ltd.; Queen Fabricating Corporation, The; Quiett & Krueger Enterprises, Inc.

R. B. and Associates, Inc.; R & D Corporation; R. E. McConnell Co.; R. F. Allen, Inc.; R. F. Sedgley, Inc.; R. & M. Development Corporation; R. & M. Industrial Corporation; R & S Distributors, Inc.; R. Terry Blazier & Son, Inc.; Radiation Kinetics Corp.; Radion Corporation; Radium Emanation Corporation, The; Rados - De Vries Fishing Co.; Rableton Acres Civic Association; Randey Oil & Gas Corporation; Randhurst Investment Corporation; Rapuano-Fusco Iron Works, Inc.; Ray-Evy, Inc.; Ray H. Callaway, Inc.; Re:Cap of Delaware, Inc.; Re:Cap, Inc.; Ready T' Pour, Inc.; Realty Appraisal and Title Company; Realty Land Company; Reburn Radio Stores, Inc.; Recess Club, The; Recorder Corporation; Recreation Clubs of America, Inc.; Recreation Investments, Inc.; Redding and Company, Inc.; Refiners Pipeline Company; Regional Research, Inc.; Registered Exchange Fund, Inc.; Reid Research & Development Co., Inc.; Reliable Home Products, Inc.; Remington & Ross, Inc.; Rent-Lease Publications, Inc.; Republic Gas Pipeline Corporation; Research Press, Inc.; Research & Recovery, Inc.; Resource Utilization Consultants, Inc.; Retailers Discount Co., Inc.; Retirement Foundation, Inc.; Retreats, Inc.; Revell, Incorporated; Revere Recording Laboratories, Inc.; Rex Rotary America, Inc.; Reynoldson Company, Inc.; Ri-Mac, Co.; Richmar Frozen Food Center, Inc.; Riker Delaware Corporation; Rinaldi & Sons Custom Cleaners, Inc.; River-Del, Inc.; Riviera National Motor Inns, Inc.; Roaring 20's, Inc.; Rob-Nora, Inc.; Robert E. Johnson, Inc.; "Robert J. Darrah" Inc.; Robert Straile Fair Company, Inc.; Robin Oil Company; Rockwood Development Corp.; Rodney Court Apts., Inc.; Rodney Parking Service, Inc.; Romparlo Productions, Ltd.; Rooflon Corporation; Rosenbloom, Elias & Associates, Inc.; Rotary Telephone Dialer, Inc.; Rotokleen Systems, Inc.; Route 50 Development Corporation; Rowber Corp.; Roy Fruehauf Foundation, Inc.; Royal Car Wash Corp. #2; Royal Home Equipment Co., Inc.; Royal Investments, Inc.; Royal Social Club Inc.; Royale Kosher Poultry Ruddy Trucking Service, Inc.

S & A Corporation; S and B Construction Company; S. D. Wood Enterprises, Inc.; S. E. Nichols-Dover Concession Corp.; S. E. Nichols-Dover Corp.; S & H Enterprises, Inc.; S.I.M. Construction Corp.; S. & M. Foods, Inc.; S. and S., Inc.; S. T. O. P. Corporation; Sac Engineers Ltd.; Safeguard Business Machines Company; Safti-Vial Corporation; Sage Ventures, Incorporated;

Sail Oil Company, Inc.; St. Clair Foundry and Manufacturing Company; Salary Security, Inc.; Sales Training, Inc.; Samoan Airlines Limited; Samuel Adler Foundation, Inc., The; Samuel Gray Electric Co.; Samuel M. Fox, Inc.; San Juan Petroleum Corporation; Sand Mountain Produce Co.; Sandanona Convalescent, Inc.; Sanmar, Inc.; Sapphire Steamship Lines, Inc.; Sar-Jay, Inc.; Satana Farms, Inc.; Savanna Corporation; Saviour Corporation, The; Scanotronics, Inc.; Scenic Traveler Corp.; Scharres & Associates, Inc.; Scheib & Reiss, Inc.; Schenck & Van Haelen, Inc.; Scholfield Soil Service, Inc.; Schoonmaker-Scott Company; Scientific Communications Consultants, Inc.; Scotch-America, Ltd.; Scotch Water Importers, Ltd.; Scrooge & Marley, Ltd.; Scythian Fund, Inc.; Sea Chemical Corporation; Seafood Shanty, Incorporated; Seaford Automotive Specialists, Inc.; Seaford Centennial Incorporated; Seaford Chamber of Commerce, Inc.; Seaford Frozen Food, Inc.; Seaford Industrial Development Corporation, Inc.; Seaside, Inc.; Second Liberty Corporation; Security Agency of Family Income, Inc.; Security Reserve Corp.; See-Tee Mining Corp.; Sellit Corporation; Semf, Inc.; Sentinel Instruments, Inc.; Sepy Ventures, Inc.; Sgt. Steiner, Inc.; Service Machinery Co.; Seventh Realty Corporation; Shelleys Incorporated of Delaware; Shellys Operating Corporation, Inc.; Shoe Press Corporation; Shore Associates Corporation; Sid-Jer National Corp.; Siena Properties, Inc.; Silc Energy Systems, Inc.; Silver Mills Mining Corporation; Silver Service Corporation; Silver Tavern, Inc.; Silview Dry Cleaners, Inc.; Simpson Motors, Inc.; Sion Corp.; Sirloin Houses of America, Inc.; 6-B Ranch, Inc.; Skyview Corp.; Smith Golf Club, Inc.; Smith and Strevig Pharmacists, Incorporated; Smith Typewriter Exchange, Inc.; Soileide Corporation; Solar Cast Incorporated; Solway Decorating Company, Inc.; Sorbeau, Incorporated; Sorensen-Wink Corporation; South Atlantic Mines Corp.; South Main Corporation; Southern Area Developers, Inc.; Southern Associated Engineers, Inc.; Southern Cross Steel & Mining Company; Southern Gulf Utilities South Carolina Division, Inc.; Southern Hills Apartments Section 11, Inc.; Southern Hills Apartments Section 111, Inc.; Southern Hills Development Corporation; Southern National Theatre Company; Southgate Associates Incorporated; Southwest Leasing Co., Inc.; Space Aero Products Co., Inc.; Space Rental Corporation; Sparrows Limited; Speake, Incorporated; Speed-Wash, Inc.; Speedway Realty, Inc.; Sportsman's,

Inc.; Spring Valley Enterprises, Inc.; Springer Fashion Uniforms of N. Y., Inc.; Springfield Finance Company; Sprunger Rental of Delaware, Inc.; Sprunt Corporation, The; Standard Air Transport System, Inc.; Standard American Fire Escapes, Incorporated; Standard Feed Corporation; Standard Medical Co. of Delaware; Standard Rectifier Corporation; Standard Seismograph Company; Standard Supply and Construction Co.; Stanley Green Management Corp.; Stanley Investment Corporation; Stanphyle Corporation; Star - Glow, Inc.; States-Wide Products Unlimited, Inc.; Stats Hotel Corporation of Delaware; Stearns-Mishkin Construction Co., Inc.; Steiner-Massari Builders, Inc.; Sterling Boatbuilding Corporation; Sterling Boatworks, Inc.; Stewardship and Endowment Counseling Service, Inc.; Stewart Grain Co.; Stillman Bakery, Inc.; Stiltz, Inc.; Stonak Properties, Inc.; Stonewall Enterprises, Inc.; Stonybrook Developers, Inc.; Strategic Investors, Inc.; Structural Co.; Stump Pass Corporation; Style Merchandise, Inc.; Suakim Temple No. 60, A.E.A.O.N.M.S., Inc.; Suburban Youth Center, Inc.; Sugar Corporation of America; Summit Brokerage Corporation; Sunny Ayr Distributing Corporation; Sunnyfield Farm Inc.; Superior Commercial Corporation; Surface Chemical Company; Surface Seal, Inc.; Survival Research Corporation; Susquehanna Petroleum Corporation; Sussman Overseas Corporation; Sutton House, Inc.; Swiba Trading Corporation; Swope Jewelry Company, Inc., The; Swormco, Inc.; Sycamore Civic Association; Sycamore Social Club; Cynmar Corporation; Systems Engineering Institute; Systems Unlimited, Inc.

T. L. & C., Inc.; T. S. C. Materials Mfg., Inc.; T. V. & Radio News Inc.; Talache Mines Incorporated; Talleyville Motorcycle Rentals, Inc.; Taluy Corporation; Tan Top Cab Co.; Tang Industries, Inc.; Tanglewood Manor, Inc.; Taylor Ceilings, Inc.; Tech Industries, Incorporated; Techneering Associates, Inc.; Telegraphic Electronics Corporation; Telenews of Wisconsin, Inc.; Telethin Corporation; Telstar Air Freight, Inc.; Tem Corporation, The; Temple Bar, Inc.; Temple Beth El, Inc.; Tenney Broadway Realty Corporation; Tenney-Broff Corporation; Tenney Realty Corporation; Tenney Realty Corporation of Florida; Tenney Realty Corporation of New York; Tenney Realty Corporation of Ohio; Terry Industries, Inc.; Tex-La Financial Corporation; Thermal Materials, Inc.; Third Liberty Corporation; 3-D

Landscape, Inc.; 3E Eye Examinations and Eye-Glasses Plan, Inc.; Three Little Bakers, Inc.; Tiedlands Development Corporation; Tiderock Corporation; Tidewater Sales Co.; Tilmore Corporation; Timbers, Inc, The; Time Travel Organization, Inc.; Timely Events Inc.; Tioga Petroleum Corporation; Tipps Restaurant Inc.; Tommy Thomas Chevrolet, Inc.; Torres & Sons, Inc.; Total Energy Corporation; Tourist Industry for Latin America, Inc.; Tower Equipment Corporation; Town & Country Nursing Home, Inc.; Tradewind Charters, Inc.; Traffco Incorporated; Trans American Exporters, Inc.; Trans-American Truck Brokerage, Inc.; Transamerican Marketing Corp.; Transbar Pressurizing Corporation; Transcaribbean Products Corporation; Transcontinental Leasing Corporation; Transpermeate Chemical Corporation; Transunion, Inc.; Transworld Enterprises Marketing Corp.; Transworld Resources Corporation; Travel Clubs International Incorporated; Treet Industries, Inc.; Tremont Corporation; Trend Way, Inc.; Tri-Varieties, Inc.; Triad Swim Club, Inc.; Trio Electric Sales Co.; Troxel Co., Inc.; Truck Personnel, Inc.; Truck & Trailer Service Co. Inc.; Trustees of the Wilmington District of the Delaware Conference of the Methodist Church, Inc., The; Tschirn Oil Company; Tull Feed Company; Tunod, Inc.; Tupper Expositions, Inc.; Turvey House, Inc.; 12th Street Store Corporation, The; XXth Century Associates Inc.; 27th District Democratic Club of Kent County; Twinkie Shoe Company; Tyler Holding, Inc.;

U. H. Inc.; U. S. Modern Pentathlon Team, Inc.; U. S. Powder Corporation; U. S. Statewide Corp.; U.S. Transport Corp.; U. S. Vibrationless Pneumatic Power Tool Corporation; Ulrich Process Company International, Inc.; Under Seas Mining Co.; Uni-Copter Corporation, The; Union Contractors, Inc.; Union Gas Company; Union Prescription Service, Inc.; Union Street Enterprises, Inc.; United Association for Blind, Crippled & Retarded Children, Inc.; United Electronics, Inc.; United Global Corporation; United Service Associates, Inc.; United States Acceptance Corporation; United States Motors Corporation; United States Overseas Airlines, Inc.; United States Pipe Line Company; United States Projector Corporation; Universal Aviation, Inc.; Universal Capital Development Corporation; Universal Combustion Ltd.; Universal Development and Investment Corporation; Universal Export, Inc.; Universal Skytels, Inc.;

University Gulf Station, Inc.; University Inn, Incorporated; Utility Sales Corporation.

V. F. Zahodiakin Aircraft Ltd.; V. O. M. Corporation; V. S. & W. Inc.; Vailco, Inc.; Valentine Petroleum & Chemical Corporation; Valmy Estates Land Development Co., The; Vare Industries, Inc.; Vermont Avenue Associates, Inc.; Vican & Roe, Inc.; Videcor Inc.; Viking Chair of California Ltd.; Villa Development, Inc.; Villa D'Oro - Order of Brotherly Love, Inc.; Vine Creek Poultry Farms, Inc.; Vine, Inc.; Vision-Bilt Homes, Inc.; Vogt Realty Company; Vogue Merchandise, Inc.

W-A-M, Inc.; W. A. Stewart Company Inc.; W. & D. Associates, Inc.; W. Elbert Liden, Jr. Corporation; W. P. Dallett Company; W. T. Burton Oil & Gas Corporation of Delaware, The; Walk-in Supply Co., Inc.; Wallyn Corporation; Walnut Theatres, Inc.; Walter and Esther Florin Foundation; Washam Electric Company, Inc.; Washington-Lincoln Corporation; Washington Park Civic Association, Inc.; Washington Sightseeing Co., Inc.; Watchung Associates, Inc.; Waters of the World, Inc.; Waybus International, Inc.; Waydon, Inc.; Waymer Realty Co.; Wdcf Radio, Inc.; Weaver Laid Floors, Incorporated; Webber-Simpson & Company; Welco Food Corp.; Wenner-Gren B. C. Development, Inc.; West Chester Farm Equipment Co.; West's County Fair, Inc.; Western Foundation Corporation; Western Hemisphere Trading & Transportation Corp.; Western Holding Company, Inc.; Westfield Construction Company; Westgrove Corporation; Westheimer Dodge, Inc.; Westport Securities Corporation; Whirla-Whip, Inc.; Whit-Mar Corp.; White Chimney Inn, Inc.; Wig City, Inc.; Wilberding, Gompf, Urdahl, Simpson & Lample, Inc.; Wilco Speed Wash, Inc.; Wild Mouse, Inc.; Wildel Trading Corporation; William H. Hudson, Inc.; Wm. L. Quinlan Jr. Co.; William Matthews Builder, Inc.; Williams, Darnell & Company; Willow Run Civic Association; Wilmington Coal Stripping Company; Wilmington Jaycee Second Chance Scholarship Foundation, The; Wilmington Lodge, No. 184 International Association of Machinists; Wilmington Professional Football Club, Inc.; Wilshire Numismatics International Ltd.; Wilson Harrell and Company, Ltd.; Wilson Harrell and Company West Coast, Inc.; Wimcell, Inc.; Windyush Civic Association, Inc.; Winston Manufacturing Corporation; Wix Restaurant, Inc.; Wolf's Head Coal Company; Wood Office Furn-

iture Institute; Woodcrest Construction Corporation; Woolfur Company, Incorporated; World Mission Incorporated; World Oil and Gas Corporation of Delaware; World Resources, Inc.; World-Wide Chemicals, Ltd.; World-Wide Circus Enterprises, Inc.; World Youth Culture Incorporated; Worthy Bros.-Gallatin Pipeline Corp.; Wrangler Corporation, The; Wrightsman Real Estate & Insurance, Inc.; Writing Match U. S. A. Incorporated; Wrk Works, Inc.; Wynnewood Manor Co.; Wynnewood Sales Corporation.

Xchequer Inn, Inc.; Xerxes Life Insurance Company.

Y and M Sporting Goods Co.; Yanco Stores, Inc.; Yard, Incorporated, The; Yates Development Corporation; York Restaurant, Inc.; Yorklyn, Industries, Inc.; Young & Dutten, Inc.; Youth Education on Smoking Foundation, The; Youth Problems Anonymous, Inc.

Zimmer-Cherry, Inc.; Zuber Association, Inc., The; Zutz and Glantz, Inc.

IN TESTIMONY WHEREOF, I, Charles L. Terry, Jr.,
Governor of the State of Delaware, have hereunto
set my hand and caused the Great Seal to be here-
unto affixed this seventeenth day of January in the
(GREAT SEAL) year of our Lord one thousand nine hundred and
sixty-nine, and of the Independence of the United
States of America, the one hundred and ninety-
third.

By the Governor:

CHARLES L. TERRY, JR.

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 842
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

Whereas, on April 8, 1968, pursuant to the provisions of Section 3125, Title 20, Delaware Code, the then Governor proclaimed a State of Emergency to be in existence in the City of Wilmington, New Castle County, State of Delaware; and

Whereas, I find that such State of Emergency no longer exists in the City of Wilmington, New Castle County, State of Delaware and that there is no present public disorder, disaster or emergency, or imminent threat thereof, within said City which affects life, health, property or the public peace:

Now, therefore, pursuant to Section 3125 (d), Title 20, Delaware Code, I hereby proclaim the State of Emergency declared April 8, 1968, as aforesaid, to be terminated.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 23rd day of January, in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and eighty-seventh.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 843
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

Whereas, the Henry C. Conrad High School Band of Wilmington has been selected as one of the most outstanding high school bands in our State and has accepted an invitation to represent our State at the Festival of States to be held in St. Petersburg, March 31st through April 13th, 1969; and

Whereas, the Henry C. Conrad High School Band is the only such band from Delaware to receive an invitation for this year's event; and

Whereas, the Henry C. Conrad High School Band will represent our State and promote the many virtues of Delaware to hundreds of thousands of people from across the country; and

Whereas, the Henry C. Conrad High School Band has long been a symbol of superior performance in marching and concert and has gained for Delaware the reputation of developing, through its public school systems, superior musicians and youth of high character

Now, therefore, I, Russell W. Peterson, Governor of the great State of Delaware, do hereby declare the Henry C. Conrad High School Band of Wilmington, as

THE OFFICIAL BAND OF DELAWARE

for the Festival of States celebration in St. Petersburg, Florida, and my personal ambassadors of good will from the citizens of Delaware to the people of Florida.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 5th day of March in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-third.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 844

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, Saturday, March 29, 1969, will mark the three hundred and thirty-first anniversary of the settlement and establishment of the Colony of New Sweden in 1638 at "The Rocks," now enshrined at Fort Christina Monument in the City of Wilmington; and

Whereas, Fort Christina, founded under the leadership of the intrepid Peter Minuit, became the seat of the first permanent settlement in the State of Delaware, and in the Delaware River Valley as well, and marked the introduction of government, religion, education, agriculture, commerce, and industry to our State; and

Whereas, Title 29, Chapter 21, Section 2109, Delaware Code, directs the Governor to proclaim March 29th of each year as "Delaware Swedish Colonial Day" in cognizance of these contributions; and

Whereas, it is fitting and proper that this recurring anniversary of the founding of the first permanent settlement upon the soil of Delaware be commemorated by appropriate observances and exercises;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Saturday, March 29, 1969, as

DELAWARE SWEDISH COLONIAL DAY

and request that on this day, and in the days following, our schools, churches, patriotic and historical societies, and other institutions and organizations commemorate this historic occasion with appropriate ceremonies.

I further request State, county, city and town governments to display on such occasions, the flags of the United States and of

the State of Delaware; and that the flags of the United States and the Kingdom of Sweden be flown at Fort Christina Monument during the period of observance.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this nineteenth day
(GREAT SEAL) of March in the year of our Lord, one thousand nine
hundred and sixty-nine, and of the Independence of
the United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 845
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, Dwight David Eisenhower departed this life on March 28, 1969; and

Whereas, he served the people of this Nation with outstanding distinction as President; and

Whereas, he served the people of this Nation with outstanding distinction as a Soldier; and

Whereas, he was an inspiring Leader in Peace and in War, and;

Whereas, through his long career of public service his conduct was an inspiration and example to all Americans; and

Whereas, he was a great human being of warmth and integrity and honor;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, by authority vested in me by the Constitution of the said State in that behalf, do order that all Flags on State Buildings be flown at half-mast for a 30-day period ending Sunday, April 27; and that all State employees except those required for public safety be excused at noon on Monday, the day of National Mourning declared by President Nixon, and I urge that all Delawareans honor President Eisenhower's memory with appropriate Memorial services.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 28th day of March in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-third.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 846

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, Vacation Planning Week will be observed nationally from April 20 through April 26, 1969, to encourage residents of the United States to plan their vacation travels in advance; and

Whereas, well-planned carefree vacations afford rest, relaxation and pleasure and contribute both to the physical and mental well-being of the citizen; and

Whereas, Delaware is rich in historical sites and areas of great scenic beauty to interest and please vacationers; and

Whereas, there are within Delaware many modern and attractive facilities to accommodate vacationers and make their stay a delightful experience; and

WHEREAS, those businesses and industries serving the traveler in Delaware stand ready to assist all vacationers in making this year's vacation in the State a memorable and rewarding one; and

Whereas, the expenditures made by vacationers and tourists for goods and services and taxes within the State contribute substantially to the economic strength of Delaware and all its citizens:

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby declare the said period of April 20 through April 26, 1969, as Vacation Planning Week throughout this State and do urge all the people of Delaware to devote special time and attention during this period to planning their 1969 vacations. Further, I urge all individuals, companies, industries,

civic groups and other organizations to give the observance their fullest cooperation and support to the end that maximum benefits of this week may be realized.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this 31st day of March
(GREAT SEAL) in the year of our Lord, one thousand nine hundred
and sixty-nine, and of the Independence of the
United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 847
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, the need and value of conserving our natural resources must always be foremost in our minds and hearts; and

Whereas, many forests are harvested annually as a part of our economy thereby making it desirable to encourage every citizen to plant trees which in turn will replenish this most necessary resource; and

Whereas, our woodlands, in addition to providing an important source of revenue, also provide the beauty and shade which adds color to our countryside and serves as shelter for our birds and other wildlife; and

Whereas, our forefathers, in recognition of the benefits and influence of such bountiful gifts showered upon the lives and fortunes of future generations, sought to communicate to their successors and understanding and appreciation of our natural assets by providing for the observance of one day each year as Arbor and Bird Day; and

Whereas, Title 1, Section 501, of the Delaware Code, as amended, provides that the last Friday in April of each year shall be proclaimed as Arbor and Bird Day:

Now, therefore, I, Russell W. Peterson, Governor of Delaware, do hereby proclaim Friday, April 25, 1969, as

ARBOR AND BIRD DAY

in the State of Delaware, and urge schools, civic organizations and private citizens to hold appropriate exercises on that day to

stimulate widespread awareness and appreciation of the aesthetic, physical and economical values of forest, wildlife and every individual tree that blesses our landscape.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this 14th day of April
(GREAT SEAL) in the year of our Lord, one thousand nine hundred
and sixty-nine, and of the Independence of the
United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 848

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, by Public Law No. 85-529 of the 85th Congress (House Joint Resolution 479, July 18, 1958) May 1 of each year has been designated as Loyalty Day; and

Whereas, by Chapter 445, Laws of Delaware (Joint House Resolution 6, 121st General Assembly, April 28, 1961) May 1 has been designated as a special day for the annual observance of Loyalty Day in the State of Delaware; and

Whereas, responsibility to our Nation is the vital cornerstone of American democracy so this day is designed that all citizens may reaffirm publicly their loyalty to the United States of America in recognition of the principles on which our nation was founded; and

Whereas, the unity and security of our nation are today challenged by various influences seeking to undermine and destroy freedom throughout the world; and

Whereas, these threats are best counteracted by public displays of patriotic rededication to our inherited freedoms;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim May 1, 1969, as

LOYALTY DAY

in Delaware, and urge all residents of the First State to join with the Veterans of Foreign War and other civic groups in appropriate ceremonies to reaffirm their undivided allegiance to the ideals of democracy which the United States defends and preserves.

I further urge the proper display of the American Flag and the Delaware State Flag on all government buildings, public institutions, business establishments and private residences.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this 15th day of April
(GREAT SEAL) in the year of our Lord, one thousand nine hundred
and sixty-nine, and of the Independence of the
United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 849

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, the problem of drug use and abuse is becoming more acute among our youth; and

Whereas, education about the hazards of drugs is the most effective way to combat this problem; and

Whereas, planning should be initiated and carried forward as a sustained effort during the coming school year to reach all students regarding the use and abuse of drugs; and

Whereas, the youth of Delaware, together with their parents, should receive information before their summer vacation about the physiological, psychological, and social harm that might result from drug abuse;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim May 1969 to be

DRUG EDUCATION MONTH IN DELAWARE

and urge that during this month all schools throughout the First State devote a portion of instructional time to the topic of drugs and their effects.

I further urge that every effort be made during May to convey the full impact of drug abuse to the parents through newsletters; Parent-Teacher Association meetings, and whatever additional means the schools can utilize. I request, for this purpose, the full cooperation of the Department of Public Instruction, the Educational Television Network, and all other agencies having any connection with this problem.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 28th day of April in the year of our Lord one thousand nine hundred and sixty-nine, and of the independence of the United States of America, the one hundred and ninety-third.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 850

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, due to the untiring efforts of Miss Anna Jarvis, Mother's Day was officially observed for the first time on May 10, 1908; and

Whereas, in 1914 the President of the United States proclaimed the second Sunday in May of each year for the nationwide observance of Mother's Day; and

Whereas, Section 29, Paragraph 2107, Laws of Delaware, provides that the Governor of Delaware may issue a proclamation setting aside the second Sunday in May as Mother's Day; and

Whereas, it is appropriate that a specific day be set aside for the purpose of honoring our Mothers whose unselfish devotion, tenderness, patience, understanding, and loving discipline creates a benevolent influence which guides us throughout our lives; and

Whereas, we can best repay our debt to our Mothers by living such lives every day as to reflect only credit upon those who brought us into this world and carefully nurtured us to maturity.

Now, therefore, I, Russell W. Peterson, Governor of Delaware, do hereby proclaim Sunday, May 11, 1969, as

MOTHER'S DAY

in Delaware, and encourage all citizens to take this opportunity to publicly honor their Mothers by attending at least one service in the church of their choice in solemn recognition of the sacrifices, inspiration, and love given of so freely by all Mothers.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 7th day of May in the year of our Lord, one thousand nine hundred and sixty-nine, and of the independence of the United States of America, the one hundred and ninety-third.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor
Attest: EUGENE BUNTING, Secretary of State

CHAPTER 851
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

Whereas, it is highly fitting that Americans everywhere should pause on Memorial Day to venerate the memory of our war dead who have served the Nation's cause; and

Whereas, it is our solemn duty to perpetuate this custom, first established over one hundred years ago, by gathering in public places, before memorials and in cemeteries to pay tribute to those who have died in service of our country; and

Whereas, the President of the United States of America, by the authority of the Congress, has set aside May 30, 1969, as a day when we should honor the memory and deeds of our fallen heroes; and

WHEREAS, Paragraph 501, Chapter 5, Title 1 of the Delaware Code provides that the Governor may issue a proclamation setting aside the 30th day of May in each year as Memorial Day;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Friday, May 30, 1969, as

MEMORIAL DAY

and urge that the people of the First State on this day participate in exercises, graveside ceremonies and other appropriate memorials in remembrance of the sacrifices of our war dead;

Further, I request that the Flag of the United States of America and of the State of Delaware be properly displayed from all state buildings and institutions on this day, with the national and state colors to be flown at half-mast throughout the day as evidence that we Americans remain faithful to the memory of those who fought, suffered and died in defense of freedom; I further urge that all motorists drive with their headlights on from 8:00 p.m., Thursday, May 29, through Sunday, June 1,

using low beams during the daylight hours, to forcefully remind us of the mounting highway accidents leading to far too many fatalities.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this 15th day of May
(GREAT SEAL) in the year of our Lord, one thousand nine hundred
and sixty-nine, and of the Independence of the
United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 852
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

Whereas, the season of the year has arrived in which we have the opportunity to enjoy many forms of outdoor recreation and physical activity; and

Whereas, it is essential that all the people in Delaware be aware of the need to be physically fit; and

Whereas, the Delaware Physical Fitness Committee has formulated programs throughout the year which encourage the maintenance of physical fitness for all ages and both sexes, and advises that increased attention be given to physical fitness at this time;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim the week of May 26, 1969, as

PHYSICAL FITNESS WEEK

and challenge all residents of Delaware to join with all others in activities that sustain physical fitness throughout the year.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 15th day of May in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-third.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 853

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, since the Continental Congress, on June 14, 1777, officially adopted a Flag with thirteen alternate stripes of red and white, and a field of blue with one star for each state, to be our national emblem, the Stars and Stripes have been a symbol of our unity and determination to remain free; and

Whereas, to people the world over, the American Flag is an emblem of hope for all who are less free and more impoverished than we are; and

Whereas, the first star of the Flag represents Delaware, indicating our position as "The First State", and in early September 1777, this banner was first unfurled in land battle at Cooch's Bridge, Delaware; and

Whereas, in the succeeding years, thousands of Delawareans have fought, and many perished, to keep this symbol of freedom and strength flying high; and

Whereas, the annual celebration of National Flag Week affords us an opportunity to rededicate ourselves to the assurance that our Flag will wave forever as the emblem of "one nation, under God, indivisible, with liberty and justice for all."

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Saturday, June 14, 1969, as

NATIONAL FLAG DAY

and the week of June 8 through 14, 1969, as

NATIONAL FLAG WEEK

in Delaware and urge all residents of "The First State" to properly display the American Flag daily during National Flag Week.

This display of our national emblem, and the staging of appropriate ceremonies, gives visible evidence of our loyalty to this Republic and to all that "old Glory" represents.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
(GREAT SEAL) be hereunto affixed at Dover this 2nd day of June
in the year of our Lord, one thousand nine hundred
and sixty-nine, and of the Independence of the
United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 854
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, it is fitting we honor our fathers with a special day; and

Whereas, it is the fathers of our country who made essential contributions to this republic through their teachings and constant love of liberty; and

Whereas, it is the fathers who are, the year-around, concerned for our Nation and the challenges it faces, and it is they who are continually striving to find new methods for strengthening this country and its democratic institutions; and

Whereas, we have always venerated the father as the leader of the home; the builder of a good family life; the teacher for our children in the importance of morals, honesty, faith and peace;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Sunday, June 15, 1969, as

FATHER'S DAY

and urge all residents of the First State to observe the day in a house of worship by displaying the American Flag, and appropriately commemorating the Father in your homes. I further remind you that fathers are working for us every day; let us honor them as often.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this 2nd day of June
(GREAT SEAL) in the year of our Lord, one thousand nine hundred
and sixty-nine, and of the Independence of the
United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor
Attest: EUGENE BUNTING, Secretary of State

CHAPTER 855
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

Whereas, Delaware patriots performed vital roles in the adoption of a sacred document which served to pave the way for the founding of our nation in 1787 with Delaware as its first state; and

Whereas, on July 4, 1776, the Declaration of Independence did proclaim to the entire world that this new country, founded in the spirit of freedom under God, guaranteed to all men their inalienable rights of life, liberty and the pursuit of happiness; and

Whereas, our great country, and this Declaration, still endure as a source of hope and promise for the peoples of the world; and

Whereas, on this, the 193rd anniversary of the Declaration of Independence, Americans everywhere are being asked to participate in the old form of celebration with the ringing of bells from all edifices;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim that Friday, July 4, 1969, shall be observed as

INDEPENDENCE DAY

in Delaware, and I order that the flag of the United States of America and the flag of the State of Delaware shall be properly displayed from all public buildings on this day, and I urge that all residents of the First State join in this display of our national and state colors on this anniversary.

Further, I request that all edifices possessing bells arrange for the ringing of these bells for five minutes beginning at noon on this Independence Day so that everyone in this state may be made more fully aware of the historic significance of this occasion. I also request that all motorists drive with their headlights

on from 3:00 p.m. Thursday, July 3rd through Sunday, July 6th, using low beams during daylight hours, to forcefully remind us of the mounting highway accidents leading to far too many fatalities.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this 23rd day of June
(GREAT SEAL) in the year of our Lord, one thousand nine hundred
and sixty-nine, and of the Independence of the
United States of America, the one hundred and
ninety-third.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 856
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, the Delaware State Fair started in 1919 as the Kent & Sussex Fair; and

Whereas, Delawareans have observed with pride the progress and growth of this Fair held each July in Harrington; and

Whereas, the Delaware State Fair provides opportunities for our farm families, 4-H'ers, Grangers, Future Farmers and Future Homemakers, Farm Bureau members and others engaged in Agriculture to exhibit the fruits of their labor; and

Whereas, the Fair affords our urban population, and visitors to the First State, the chance to view these displays and recognize the vital role of our agrarian community in raising the standard of living in our State and Nation; and

Whereas, the year 1969 marks the 50th anniversary of the birth of the Delaware State Fair;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do proclaim the week of July 25-August 2, 1969, as

STATE FAIR WEEK

in Delaware, and urge all residents of and visitors to the First State to take advantage of fine educational, recreational and cultural facilities provided by the Golden Anniversary of the Delaware State Fair.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 7th day of July in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-third.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 857

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, the United States' astronauts are enroute to the Moon; and

Whereas, they will, God willing, on Monday, July 21, 1969, become the first human beings to land on the Moon; and

Whereas, President Nixon has requested a national celebration of this historic occasion;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, by authority vested in me, do order that all State employees except those required for maintenance of public health and safety be excused for the entire day of Monday, July 21, 1969, so that they can participate, by observation and prayer, in this historic event; and I call on all Delawareans to use this occasion to reflect on the great importance of man setting and striving for lofty goals, and to dedicate ourselves to "reach for the Moon" as we work to solve our major problems here at home.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 18th day of July in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-fourth.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 858

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, the first Monday in September is traditionally set aside to honor America's labor force; and

Whereas, the American worker is continually striving to raise his standard of living, not only for himself but for others as well; and

Whereas, Delaware is one of the Nation's highest per capita personal income states; and

Whereas, the existing labor-management relationship in our state is such that it assures continuing economic growth, as well as maintaining a high level of employment; and

Whereas, it is fitting that those persons who are of such vital importance to our State's economy be honored in a fitting manner.

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Monday, September 1, 1969, as

LABOR DAY

in Delaware and I urge that all residents of the First State join with me in saluting our labor force with appropriate ceremonies I order that the flag of the United States of America and the flag of the State of Delaware shall be properly displayed from all government and public buildings on this day.

Further, I urge that all motorists drive with their headlights on from 3:00 p.m., Friday, August 29 through Monday, Sep-

tember 1, using low beams during the daylight hours, to forcefully remind us of the mounting highway accidents leading to far too many fatalities.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State to
be hereunto affixed at Dover this fifteenth day of
(GREAT SEAL) August in the year of our Lord, one thousand nine
hundred and sixty-nine, and of the Independence of
the United States of America, the one hundred and
ninety-fourth.

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 859
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, October 24, 1969, marks the twenty-fourth anniversary of the signing of the United Nations Charter; and

Whereas, the foremost objective of the United Nations is the promotion of greater understanding among all nations through meaningful discussions of world problems at the conference table; and

Whereas, for more than two decades the United States has worked to help the United Nations maintain and improve its peacekeeping mission, expand its programs of economic development, and promote social progress with faith in fundamental human rights; and

Whereas, specialized agencies of the United Nations have been a major factor in improving the standards of and protecting the rights of the individual, thus bringing the peoples of the world closer together; and

Whereas, the very survival of peoples the world over demands that every path to peace be fully explored and discussed in a concerted effort to save succeeding generations from the scourge of war;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Friday, October 24, 1969, as

UNITED NATIONS DAY

in Delaware, and urge all residents of The First State to join in appropriate ceremonies to further demonstrate their faith in the ability of the United Nations to successfully maintain international law and order.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 1st day of October in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-fourth.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 860

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

Whereas, on October 12, 1492, Christopher Columbus first set foot on American soil thus opening a whole new world; and

Whereas, the search for further new worlds — on land, under the sea, and in outer space — is unending, carried on by both men and women; and

Whereas, by virtue of Title 1, Section 501, Delaware Code, Monday, October 13, is designated as the Legal Holiday for Columbus Day this year; and

Whereas, October 12 remains as the official date for celebrating Columbus Day; and

Whereas, this annual observance commemorates the bold exploits of Christopher Columbus and all other explorers; and also serves to remind us of the numerous benefits which are a part of our heritage derived by living in this fine Nation discovered 477 years ago;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Sunday, October 12, 1969, as
COLUMBUS DAY

in Delaware, and pursuant to Delaware Code, Title 1, Section 501, as amended, to hereby recognize Monday, October 13, 1969, as the legal holiday in the State of Delaware in observance of Columbus Day. I further request that the American Flag and the Flag of the State of Delaware be flown on all public buildings on both days.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this first day of October in the year of our Lord one thousand nine hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor
Attest: EUGENE BUNTING, Secretary of State

CHAPTER 861
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, the Delaware General Assembly has ended its regular sessions for the year 1969; and

Whereas, Article 3, Section 16 of the Constitution of the State of Delaware authorizes the Governor on extraordinary occasion to convene the General Assembly by Proclamation; and

Whereas, several urgent matters demand consideration by the General Assembly this year;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the General Assembly into Extraordinary Session on Tuesday, October 14, 1969, at 1 p.m. to consider the following matters:

1. Two bills involving Reorganization of the Executive Branch.

2. Senate Bill 351, 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.

3. Senate Substitute 1 for Senate Bill 228, 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. This has passed the Senate.

4. New Castle County reapportionment if such legislation is introduced at the request of New Castle County Council.

5. Appointments for Senate confirmation.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 1st day of October in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-fourth.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor
Attest: EUGENE BUNTING, Secretary of State

CHAPTER 862

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

Whereas, education is any process by which an individual gains knowledge or insight, or develops attitudes and skills; this process is both formal and informal, social and individual; and

Whereas, education is one of the cornerstones of our great nation and creates closer human relationships, improved earning power, and personal fulfillment which ultimately lead toward improved international relations, greater economic growth, and better communities; and

Whereas, Delaware has one of the finest educational systems in the Nation including seven institutions of higher learning, as well as an Adult High School Extension Program; and

Whereas, the government and people of Delaware place a high priority on education, witnessed by continually increasing educational appropriations to satisfy the necessity for more teachers, classrooms, and equipment;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim the week of November 2-8, 1969, as

AMERICAN EDUCATION WEEK

in Delaware, and urge all citizens of the First State to acquaint themselves with the advancements in education, and to pledge that they will support this never-ending process, not only for their children but for themselves as well, in order that our Nation remain the world leader it now is.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 15th day of October in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-fourth.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 863
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
PROCLAMATION

Whereas, November 11, the anniversary of the end of World War I, was long commemorated as Armistice Day to honor the courageous men of that struggle; and

Whereas, in the years since that time our great Nation has been engaged in several other military conflicts, adding millions of names to the list of men who so gallantly served; and

Whereas, Congress, by an Act approved June 1, 1954, expanded the significance of the November 11 observance by officially changing the name of the day to Veterans' Day, to ensure that our Nation pay tribute to all men and women who fought valiantly in our struggles to uphold the principles of freedom and justice on which the country was founded; and

Whereas, it is fitting that we publicly express our deepest gratitude to these Veterans who now, through various organizations continue their work for worldwide peace; and

Whereas, Title 1, Section 501 of the Delaware Code sets aside the eleventh of November as a legal holiday in the State of Delaware;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim November 11, 1969, as

VETERANS' DAY

in Delaware, and urge all residents of The First State to honor the sacrifices of all those who served to preserve our great heritage, and to rededicate ourselves to the cause of peace. I request that the American and Delaware flags be properly displayed on

all State buildings and institutions on this day; and urge all patriotic, veteran, and civic associations to observe the day with appropriate ceremonies.

Further, I encourage all Delawareans to attend the annual Veterans' Day exercises at the Delaware Memorial Bridge Plaza, Sunday afternoon, November 9, 1969, at 1:30 p.m.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 3rd day of November in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-fourth.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

CHAPTER 864

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

PROCLAMATION

Whereas, since the days of Plymouth Colony in the year 1621, it has been the custom to set aside one day each autumn to utter prayers in Thanksgiving for the multitude of blessings Almighty God has bestowed upon this nation; and

Whereas, although the United States has always been abundantly blessed in all things, we are continually being challenged to strive to maintain peace and goodwill among all men; and

Whereas, by a joint resolution of Congress, and Paragraph 501, Chapter 5, Title 1 of the Delaware Code, the fourth Thursday of each November shall be proclaimed as Thanksgiving Day and shall be observed as a legal holiday;

Now, therefore, I, Russell W. Peterson, Governor of the State of Delaware, do hereby proclaim Thursday, November 27, 1969, as

THANKSGIVING DAY

in Delaware, and urge that each resident, with his family and friends, raise hearts and voices in Thanksgiving for the plentitude and blessings of freedom which we enjoy in this country.

Further, I request that all citizens of The First State display the national and state flags, close their places of business, and pray to Almighty God for the day when no hunger or violence will exist in a peaceful world united in praise to a Supreme Being for his beneficence to all mankind.

IN WITNESS WHEREOF, I, Russell W. Peterson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 10th day of November in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States of America, the one hundred and ninety-fourth.

(GREAT SEAL)

RUSSELL W. PETERSON, Governor

Attest: EUGENE BUNTING, Secretary of State

AND WHEREAS, the said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such STATE TREASURER the result appears as follows, to wit:

Whole number of votes for Emily Womach	79,154
Whole number of votes for Daniel J. Ross	76,067

NOW, THEREFORE, I, Russell W. Peterson, Governor of the State of Delaware, do hereby declare that Emily Womach has received the highest vote at the election aforesaid, and therefore, has been and is duly and legally elected the STATE TREASURER of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the twenty-seventh day of November in the year of our Lord one thousand nine hundred and seventy and of the Independence of the said State the one hundred and ninety-fifth.

(GREAT SEAL)

By the Governor:

RUSSELL W. PETERSON

EUGENE BUNTING, Secretary of State.

Whole number of votes for David P. Hitchcock	2,148
Whole number of votes for Russell W. Peterson	1
Whole number of votes for Abbie Hoffman	1

CHAPTER 894

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

RUSSELL W. PETERSON
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, an election was held in the State of Delaware, on Tuesday, the third day of November, in the year of our Lord one thousand nine hundred and seventy, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a STATE AUDITOR of the State of Delaware.

AND WHEREAS, the official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such STATE AUDITOR were cast as follows, to wit:

NEW CASTLE COUNTY.

Lewis C. Wrightson	48,215
George W. Cripps	60,745

KENT COUNTY

Lewis C. Wrightson	8,849
George W. Cripps	10,940

SUSSEX COUNTY

Lewis C. Wrightson	12,350
George W. Cripps	13,045
Jerry Rubin	1

AND WHEREAS, the said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every

candidate or person voted for, for such State Auditor the result appears as follows, to wit:

AND WHEREAS, the said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such STATE AUDITOR the result appears as follows, to wit:

Whole number of votes for Lewis C. Wrightson	69,414
Whole number of votes for George W. Cripps	84,730

NOW, THEREFORE, I, Russell W. Peterson, Governor of the State of Delaware, do hereby declare that George W. Cripps has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the STATE AUDITOR of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the twenty-seventh day of November in the year of our Lord one thousand nine hundred and seventy and of the Independence of the said State the one hundred and ninety-fifth.

(GREAT SEAL)

By the Governor:

RUSSELL W. PETERSON

EUGENE BUNTING, Secretary of State.

Whole number of votes for Jerry Rubin	1
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STATE OF DELAWARE
DEPARTMENT OF STATE
DOVER

November 3, 1970

In compliance with the provisions of Section 907, Title 29, as Amended, Delaware Code, I have caused to be examined the original enrolled Bills and Resolutions and Proclamations of the Governor and other Orders of a public nature, and have collated the text of this Volume with the originals on file and corrected any discrepancies and have caused to be published this edition of the Laws of Delaware passed by the 125th General Assembly at its first regular Session which convened on Tuesday, the seventh day of January, A.D. 1969 and terminated without formal adjournment sine die at the beginning of the second regular Session of the 125th General Assembly and at its second regular Session which convened on Tuesday, the thirteenth day of January, A.D. 1970 and terminated without formal adjournment sine die with the election of the members of the 126th General Assembly.

EUGENE BUNTING
Secretary of State

CHANGES IN THE DELAWARE CODE

Listed below are the sections of the Delaware Code which have been amended, repealed or added by the 125th General Assembly.

Where a general amendment has been made which involves a change in many sections of the Delaware Code such change has been listed in this table under the sections most directly affected. In a few cases the session law cited purports to amend a different section of the Code than that later assigned by the Delaware Code Revision Committee. In such cases the session law is cited under both the Code section it purports to amend and under the Code section later assigned. When a law did not purport to amend a Code section but has been assigned a section number by the Commission such law is listed herein under the section assigned to it.

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	108(e)	177		542	1168
	108(f)	177		543(f) (3)	2000
	501	19		552	1168
3	Chapter 1	2312		555(cc)	1169, 1258
	Chapter 3	2312		561(c)	1189
	303	1782		581	370
	Chapter 15	415		701	1192
	Chapter 19	1964		717(c)	1077
	Chapter 24	1989		717(d)	1077
	3115	1375		718	1937
	3701	149		913	1169, 1265
	3702	149		914	1265
	7103-7104	1962	5	2108(b)	147
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	7108	1962		3102(b)	1876
	7201-7202	1527		3103(b) (c)	1877
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	Chapter 74	2031		3108	1877
	Chapter 87	488, 1341		3114	1877
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4	302	1168		2541-2543	1150
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	501	1070		6017	889
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	502(k)	1162		102	433
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	701	1274		141(e) (f) (g)	1194
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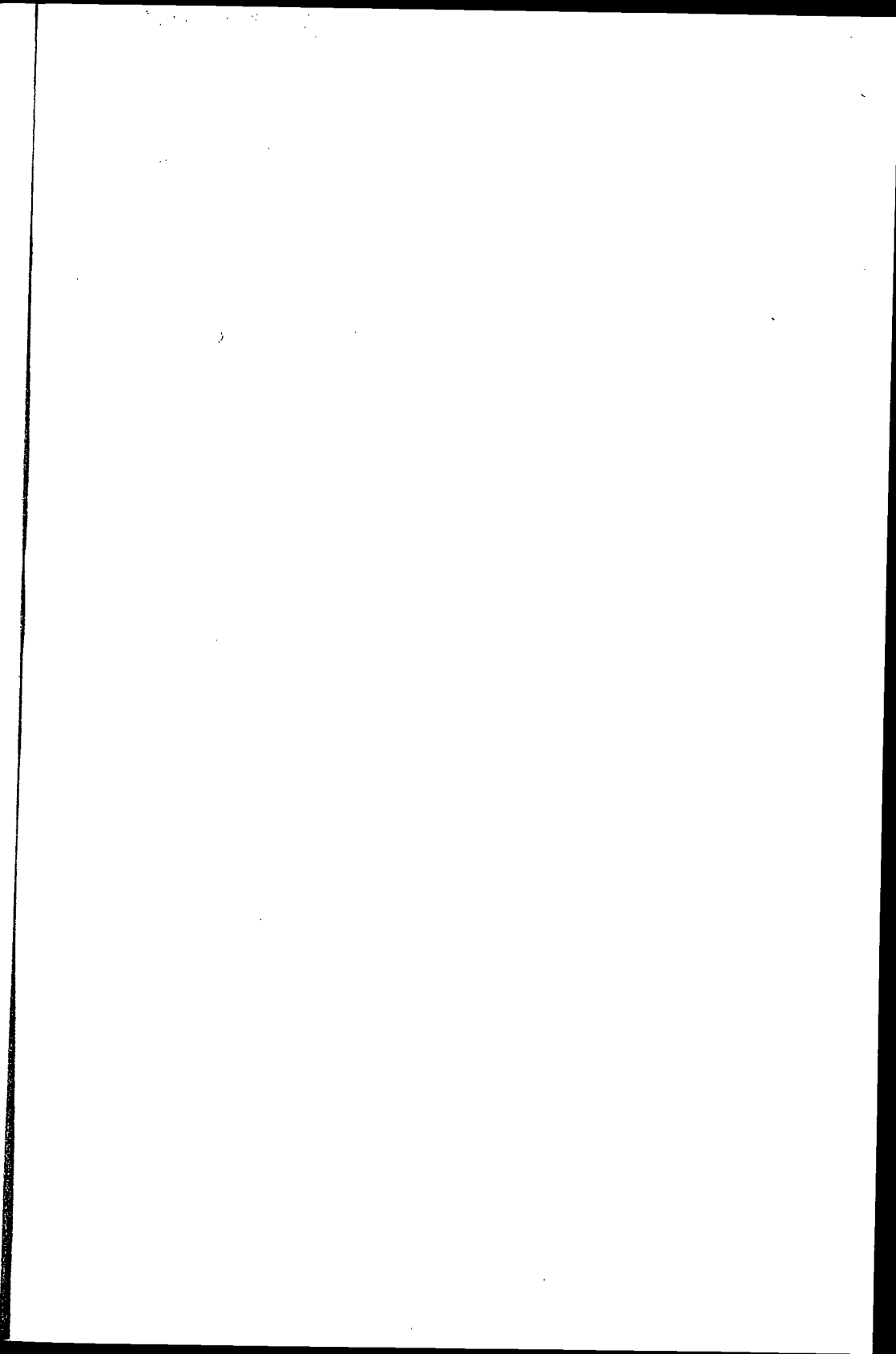
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